



KANSAS CITY, MO. POLICE DEPARTMENT

PROCEDURAL INSTRUCTION

DATE OF ISSUE

08-23-05

EFFECTIVE DATE

08-23-05

NO.

04-9A

SUBJECT

Community Complaint Policy and Procedure

AMENDS

Procedural Instruction 04-9

REFERENCE

PPBM – Disciplinary Action

RESCINDS

I. PURPOSE

To amend Procedural Instruction 04-9, entitled, “Community Complaint Policy and Procedure.”

II. PROCEDURE

Department members will remove and destroy Pages C-1 and C-2 and replace them with the attached pages.

James D. Corwin
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2005.

Angela Wasson-Hunt
President

DISTRIBUTION: Law Enforcement Personnel
Civilian Supervisory Positions
Department Element Manuals
Post on all bulletin boards for two weeks.

RECOMMENDATIONS INVOLVING COMPLAINTS

- A. Upon receipt of a completed investigative file, the analyst assigned to the file will review the file for purposes of making a determination of unfounded, exonerated, not sustained, or sustained.
- B. In making this finding, the analyst will determine the elements of the alleged complaint. The analyst will then determine what evidence exists to support or refute each of the elements of the alleged incident. Only the facts relevant to the complaint being made will be considered.
- * C. The analyst will then prepare a Summary of Analysis. The Director of OCC shall review the Summary of Analysis and either approve it or return it to the analyst for further action. After the Director's approval of the Summary of Analysis, the OCC supervisor shall prepare the final copy of the Summary of Analysis and letters for presentation to the Chief and/or Board. OCC shall have 45 calendar days to complete these tasks.
- D. When the summary is approved, a copy of the Summary of Analysis shall be forwarded to each member of the Board, to the Secretary/Attorney, and to the Business Manager. A copy of the Summary of Analysis and the original IAU investigative file will be forwarded to the Chief. If the Chief agrees, the recommendation shall become a final determination.
- * E. If the Chief disagrees with the recommendation of OCC, within twenty (20) calendar days of receipt of the summary, the Chief shall request reconsideration by OCC by forwarding to OCC written suggestions setting forth the basis for the disagreement. The Director of OCC will have ten (10) calendar days to determine whether he or she agrees with the suggestions and recommendation of the Chief. If the Director of OCC agrees, a revised recommendation will be prepared and forwarded to the Chief for his review. If the Chief agrees, the recommendation will become a final determination. If the Director does not agree with the recommendation of the Chief, a copy of the Chief's recommendation will be forwarded by OCC to the Business Manager who will convene a meeting with the Director and the Chief to determine whether reconsideration is appropriate. If the Director agrees that reconsideration is appropriate, the Director will have ten (10) calendar days after the meeting to complete and resubmit a revised recommendation to the Chief. If the Chief concurs with the Director, the recommendation will become a final determination. Disagreements not resolved by the Business Manager will be forwarded to the Board for its determination.
- F. Except in cases where the Board makes the final determination, OCC will:
 - 1. Provide the Chief and the Board with notice of the final determination.
 - 2. Notify the complainant of the determination. This notification will be in the form of a letter signed by either the Secretary/Attorney or the Director of OCC.

3. Notify all Department members involved in the investigation of the final determination.
 4. Return the original internal investigation file to IAU.
- G. Upon receipt of a final sustained complaint, the Chief will, using the disciplinary procedures of the Department, impose appropriate discipline or training upon any member against whom sustained findings are made.
- H. If new or previously undisclosed evidence becomes available after final disposition of a complaint, within thirty (30) days of the discovery of such evidence, either the member or the complainant may request the OCC Director to reconsider the decision of OCC. This request for reconsideration is limited to the findings of OCC and does not pertain to disciplinary actions imposed by the Chief.