



THE URBAN COUNCIL



July 23, 2021

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: Civil Rights Investigation of the Kansas City Police Department

Dear Attorney General Garland:

The undersigned civil rights, community-based, faith-based, and civic organizations request that the Civil Rights Division of the Department of Justice (DOJ) investigate the disturbing patterns of misconduct, discrimination, and unconstitutional patterns and practices of violent policing targeting communities of color by the Kansas City Police Department (KCPD). Specifically, we request an investigation pursuant to the Violent Crime Control and Law Enforcement Act of 1994 and an assessment of KCPD practices under the First, Fourth, and Fourteenth Amendments to the U.S. Constitution, as well as the Safe Streets Act of 1968, Title VI of the Civil Rights Act of 1964 and Title II of the Americans with Disabilities Act.

We believe strongly that a DOJ investigation is warranted for the following reasons:

1. High rate of excessive and deadly force incidents against Black and Latinx Kansas Citizens.
2. Compelling evidence of constitutional violations, discriminatory patterns, and practices in policing, hiring and promotions, and the handling of community complaints.
3. Lack of accountability or an opportunity for redress because KCPD is governed by a state agency – not the citizens of Kansas City, Missouri, whose tax dollars fund the department.

Kansas City has experienced a consistent pattern of systemic violations including police-involved shootings with no accountability, biased and unreasonable searches and seizures, arrests without warrants, and abusive practices by plainclothes units. In the past 12 months KCPD officers have killed three unarmed Black men. The facts as detailed herein are emblematic of the scope and depth of the civil rights violations, including excessive and deadly force, discriminatory practices, and the failure of the system to correct due to the lack of local control of the KCPD.

1. HIGH RATE OF EXCESSIVE AND DEADLY FORCE INCIDENTS AGAINST BLACK AND LANTINX KANSAS CITIANS

KCPD constantly and continuously violates the individual rights of its residents targeting Blacks and other persons of color. The following victims, all persons of color, were subjected to excessive or deadly force and/or constitutional violations by KCPD officers:

DEADLY FORCE

Phillippe Lora¹

In November 2013, KCPD officers were investigating a carjacking when Phillippe Lora began to drive away in his SUV. KCPD officers opened fire, discharging at least 21 times, striking, and killing Lora. Lora had committed no crime, was unarmed, and had not threatened the officers or anyone else. KCPD officers claimed they heard gunshots which prompted them to open fire on Lora, but this was revealed to be false as no weapon was recovered. The incident resulted in a \$4.8 million settlement. Despite their killing of an unarmed man and the massive settlement, the discharging officers – Dakota Merrill and Shane Mellot – were not terminated and remain with the department.

Ryan Stokes (2013—shot and killed)

Ryan Stokes, age 24, was an unarmed Black man who was fatally shot from behind by a Kansas City police officer. The officers chased Ryan into a Power & Light District parking lot around 3 a.m., on July 28, 2013, after a drunk white man falsely accused Stokes of stealing his iPhone. After the shooting, KCPD published a false narrative that Ryan Stokes was a thief with a gun who had engaged in a standoff with police when he refused to drop his weapon. They delivered this statement to the press and to Ryan's family. Daniel Straub, an African American officer involved in the chase that night, later gave sworn testimony contradicting the department's initial false narrative. He revealed that in fact, Ryan Stokes did not have a gun and was complying with his orders. Daniel Straub was later forced out by KCPD after speaking on the matter. Ryan Stokes did not steal the phone. He was unarmed and was already surrendering to officer Daniel Straub when he was shot from behind by another KCPD officer. That officer, William Thompson, is still on the force.²

Dantae Franklin (2017—shot and killed)

Kansas City Police shot and killed Dantae Franklin, 24, of Leavenworth, Kansas, near 34th Street and Montgall Avenue on Sunday afternoon Aug. 6, 2017.³ As officers neared the scene, Franklin dropped a handgun on the ground. Officers allege Franklin picked it up and pointed at the officers. Both officers shot at Franklin, fatally injuring him. The family alleges the police used excessive force.

Terrance Bridges (Officer Dylan Pifer)⁴

On May of 2019, KCPD Officer Dylan Pifer shot and killed Terrance Bridges. Bridges was unarmed at the time of the killing. Unsurprisingly, KCPD found no issues with the killing and Pifer was returned to active duty a mere nine days after the shooting.

Cameron Lamb⁵

On or about, December 3, 2019, KCPD Officer DeValkenaere was on duty as a plainclothes detective. A police helicopter observed a red pickup truck driven by Cameron Lamb involved in a traffic incident. The helicopter observed Mr. Lamb drive to his home at 4154 College Avenue,

¹ Chazmine English, as p/n/g/ of C.L. and J.L., Brittany Lynch, as p/n/g/ of C.L., and Terra Aaron, as p/n/g/ of C.A.L. v. Eric J. Devalkenaere

² <https://www.change.org/p/mayor-quinton-lucas-justice-for-ryan-stokes>

³ <https://www.kansascity.com/news/local/article167176852.html>

⁴ Chazmine English, as p/n/g/ of C.L. and J.L., Brittany Lynch, as p/n/g/ of C.L., and Terra Aaron, as p/n/g/ of C.A.L. v. Eric J. Devalkenaere

⁵ Chazmine English, as p/n/g/ of C.L. and J.L., Brittany Lynch, as p/n/g/ of C.L., and Terra Aaron, as p/n/g/ of C.A.L. v. Eric J. Devalkenaere

Kansas City, Missouri. Mr. Lamb then drove down the driveway at the back of his home and began backing into his garage. Shortly thereafter, DeValkenaere and Detective Schwalm, in unmarked cars and plain clothes, arrived at the home to investigate the traffic incident. They did not have a warrant to enter the property. When the officers arrived at the house, a resident was sitting on the front porch.

One officer pulled his firearm and began shouting at the resident, demanding to know who was in the backyard. The officers did not ask for permission or consent to enter the premises. The resident never gave the officers permission to enter the property. Nonetheless, both officers stormed around the side of the house and into the backyard. One officer knocked over a barbecue grill and a car hood to gain access to the yard. As the detectives entered the backyard, Mr. Lamb was slowly backing his truck down the slope into his garage. Mr. Lamb had his left hand on the steering wheel and his right hand on his cellphone, which he was using to make a phone call. A voicemail left from his phone captures the moments immediately following the shooting. An officer, Detective Schwalm, confirmed to an investigating grand jury that he saw Mr. Lamb's left hand on the steering wheel and did not observe Mr. Lamb with a weapon. Nonetheless, DeValkenaere, without providing any warning, discharged his firearm four times, striking Cameron twice and killing him.

Donnie Sanders⁶

On March 12, 2020, Donnie Sanders was pulled over by a KCPD officer for a traffic violation. Sanders exited the vehicle and fled on foot. The KCPD officer followed and shot Sanders as he ran away from the officer, killing him. Sanders was unarmed at the time. The officers claimed Sanders had a gun. Charges were not filed due to lack of evidence. The officer was not wearing a body camera. The KCPD officer was neither disciplined nor reprimanded.

Malcolm Johnson (March 2021 shot and killed)⁷

In March 2021, Malcolm Johnson was shot execution style in the head while face down on the ground with several police officers on his back. Officers allege that Johnson had a gun and shot an officer in the leg. Video captured at the scene raises numerous questions.

SERIOUS BODILY INJURY

Manuel Palacio (Officer Shannon Hansen)⁸

In May of 2014, Officer Shannon Hansen arrested Manuel Palacio. When KCPD officers arrived on scene, Palacio immediately dropped to the ground and officers handcuffed him. Then, Officer Hansen viciously assaulted the handcuffed Palacio by repeatedly punching him in the head, verbally abusing and threatening him. A civil lawsuit was settled for \$300,000. This vicious assault also was caught on video. Officer Hansen was not charged or disciplined and remains on the force today.

⁶ Chazmine English, as p/n/g/ of C.L. and J.L., Brittany Lynch, as p/n/g/ of C.L., and Terra Aaron, as p/n/g/ of C.A.L. v. Eric J. Devalkenaere

⁷ <https://www.kansascity.com/news/local/article167176852.html>

⁸ Chazmine English, as p/n/g/ of C.L. and J.L., Brittany Lynch, as p/n/g/ of C.L., and Terra Aaron, as p/n/g/ of C.A.L. v. Eric J. Devalkenaere

Anthony Contreras⁹

In June of 2014, Anthony Contreras took off running after being approached by KCPD Officer Jacob Ramsey. Even though Contreras was unarmed, Ramsey shot him in the face. The department did not return a probable cause statement against the officer, again requiring a grand jury to be impaneled. The grand jury returned an indictment on felony assault and armed criminal action charges. The charges were dropped before trial. A civil lawsuit resulting from the incident subsequently was settled for \$425,000. Nonetheless, KCPD returned Ramsey to active duty, where he continues to work.

Brandon Finch (2016—shot 16 times)

On Oct. 8, 2016, KCPD officers killed Brandon Finch after saying that his car was lurching toward them. It was not. Dashcam footage showed the car moving slowly in reverse. Investigators did not interview the officers until three days after the shooting.

Troy Robertson

This excessive force claim involves the same officers that used excessive force on Breona Hill, Matthew Brummett and Charles Prichard. Two KCPD officers (Pritchard and Brummett) currently facing felony assault charges over a widely criticized arrest are not accused of excessive force during a separate encounter with Troy Robertson. The suit alleges the officers injured Robertson in 2019 to a point where he now suffers from seizures and post-traumatic stress, according to a complaint filed in Jackson County Court. The lawsuit seeks \$5 million in damages.¹⁰

Unidentified 15-year-old Boy (Officer Dylan Pifer)¹¹

Officer Dylan Pifer and his partner Sergeant Matthew Neal viciously assaulted an unidentified 15-year-old boy by restraining him and repeatedly slamming the boy's face into the ground, breaking his teeth, and causing him to need stitches in his forehead. A complaint was timely filed with KCPD and initially Pifer and Neal were found to have used excessive force. Chief Smith intervened and mandated that the complaint against Pifer be dropped. Further, KCPD refused to provide a probable cause statement against Pifer or Neal. As a result, a grand jury was impaneled, and Neal was indicted on third degree assault charges. Those charges are pending. A civil lawsuit stemming from the assault settled for nearly three-quarters of a million dollars. Pifer remains on the KCPD force.

EXCESSIVE FORCE

Josh Bills¹²

In December of 2013, Josh Bills was walking near his home when five KCPD officers responding to a call about a suspicious "Black man, black clothing" approached him. Without warning, one of the officers kicked Bills' legs out from under him, smashing his face into the

⁹ Chazmine English, as p/n/g/ of C.L. and J.L., Brittany Lynch, as p/n/g/ of C.L., and Terra Aaron, as p/n/g/ of C.A.L. v. Eric J. Devalkenaere

¹⁰ This excessive force claim involves the same officers that used excessive force on Brionna Hill, Matthew Brummett and Charles Prichard. 'Honk for Peace' activist accuses 2 KCPD officers of excessive force in civil lawsuit <https://www.kansascity.com/news/local/crime/article250324391.html> last accessed June 21, 2021.

¹¹ Chazmine English, as p/n/g/ of C.L. and J.L., Brittany Lynch, as p/n/g/ of C.L., and Terra Aaron, as p/n/g/ of C.A.L. v. Eric J. Devalkenaere

¹² Chazmine English, as p/n/g/ of C.L. and J.L., Brittany Lynch, as p/n/g/ of C.L., and Terra Aaron, as p/n/g/ of C.A.L. v. Eric J. Devalkenaere

concrete. The officers faced no internal discipline, nor was a probable cause statement issued against any of them. The ACLU of Missouri filed a lawsuit on Mr. Bills' behalf.

Michael Simmons (Officer Shannon Hansen)¹³

In May of 2014, KCPD Officer Shannon Hansen pulled over Michael Simmons. In his police report, Hansen claimed that Simmons had to be forced from the car after ignoring officer commands. However, dashboard camera footage of the incident revealed that to be false. Hansen approached the car and pulled Simmons out without ever giving a command. Hansen then forced Simmons to the ground and threatened he would “take a knife and I’m going to cut your throat from ear to fucking ear.” A civil lawsuit from the incident was settled for \$75,000. Despite video evidence of Officer Hansen’s excessive force and unprofessional language, and indisputable evidence that he lied on a police report, Hansen was not charged or disciplined.

Breona Hill¹⁴ (Transgender Woman)

In May of 2019, Breona Hill, a transgender woman, was viciously assaulted and slammed to the sidewalk by KCPD officers Matthew Brummett and Charles Prichard. The involved officers reported that Ms. Hill was taken to the ground to take her into custody, but a video of the incident demonstrated that the officers repeatedly slammed Ms. Hill’s face into the sidewalk and kned her in the neck and torso. An internal KCPD investigation found no misconduct. However, an investigation by the Jackson County Prosecutor found that assault charges were warranted. Chief Smith refused to allow a probable cause statement to be issued against the officers. As a result, a grand jury had to be impaneled to consider the charges. The grand jury later indicted the officers.

Tarence Maddox and 15-year-old daughter (2020—excessive force)¹⁵

Maddox and his daughter were pepper sprayed by police during a protest against police brutality. The two officers that arrested Maddox were also involved in a shooting in 2016 that injured seven people, wrecked multiple vehicles, and spanned several blocks.

Deja Stallings (2020—excessive force used on a pregnant woman)¹⁶

Stallings, a Black, nine-months pregnant woman, was thrown to the ground and arrested face down, on the ground, with the police officer’s knee on her lower back.

¹³ Chazmine English, as p/n/g/ of C.L. and J.L., Brittany Lynch, as p/n/g/ of C.L., and Terra Aaron, as p/n/g/ of C.A.L. v. Eric J. Devalkenaere

¹⁴ Chazmine English, as p/n/g/ of C.L. and J.L., Brittany Lynch, as p/n/g/ of C.L., and Terra Aaron, as p/n/g/ of C.A.L. v. Eric J. Devalkenaere

¹⁵ Maddox and his daughter were pepper sprayed by police during a protest against police brutality. “Pepper-sprayed protester from viral video Tarence Maddox sues KCPD officers” <https://www.kshb.com/news/local-news/pepper-sprayed-protester-from-viral-video-tarence-maddox-sues-kcpd> last accessed June 21, 2021. The two officers that arrested Maddox were also involved in a shooting in 2016 that injured seven people, wrecked multiple vehicles, and spanned several blocks. “Two KC officers in viral pepper spray video had been in 2016 shooting that injured 7” <https://www.kansascity.com/news/local/crime/article244934677.html> last accessed June 22, 2021.

¹⁶ Stallings, a black, pregnant woman, was arrested face down, on the ground, with the police officer’s knee on her lower back. “Protestors want Kansas City police officer fired after kneeling on pregnant black woman” <https://www.usatoday.com/story/news/nation/2020/10/09/deja-stallings-video-protesters-want-kansas-city-police-officer-fired/5936881002/> last accessed June 21, 2021.

FALSE ARREST

Tyree Bell (2016—wrongfully arrested and detained for three weeks)¹⁷

Fifteen-year-old Tyree Bell was walking home from summer school on June 8, 2016, when he was stopped by an officer and arrested. According to the lawsuit, another KCPD officer had wrongly identified him as a suspect who had run from officers a few blocks away. Although footage from dashcams in the police vehicles showed that Bell was not the fleeing suspect, no one looked at the footage for three weeks. Bell was held in the Jackson County Juvenile Detention Center during that time. After the detective assigned to the case viewed the footage, the charges were dropped, and Bell was released. Bell and his family allege he was wrongfully arrested and detained without probable cause.

Clearly, KCPD is a department in crisis. Currently, five officers are under indictment for excessive force (historic number), including manslaughter and assault regarding a wide array of excessive force incidents.¹⁸ Additional officers are under active investigations. Though accountability should be sought through the criminal justice system, few cases lead to criminal charges. Moreover, departmental discipline is rarely assessed in cases of excessive force.

Distrust in the community is exacerbated by the lack of accountability, transparency, fairness, and the current Chief's handling of these pending felony indictments against KCPD officers. All officers maintain their employment, all cases were investigated internally, all investigations failed to produce a probable cause statement to the prosecutor, all indicted officers are white, and all victims were persons of color. Not even one of these issues is being addressed by the Chief, members of his staff or members of the police board.

2. COMPELLING EVIDENCE OF CONSTITUTIONAL VIOLATIONS, DISCRIMINATORY PATTERNS AND PRACTICES IN POLICING, HIRING AND PROMOTIONS, AND THE HANDLING OF COMMUNITY COMPLAINTS

The KCPD does not just police people of color differently, they treat people of color who work for the KCPD differently, as well. Recently, several Black KCPD officers have alleged a culture of racism and discrimination exists inside the KCPD.¹⁹ In 2016, the Missouri Advisory Committee to the U.S. Commission on Civil Rights completed a study on the impact of community and police interactions on individual civil rights in Missouri.²⁰ In that report, the committee concluded, "Testimony suggested that accountability to the community is undermined by the cultures that develop within police departments, commonly a culture in which protection of fellow officers is valued over protection of the community."²¹ That protection, however, does not extend to the Black officers. In 2017, KCPD officer Daniel Straub, who is Black, shot at a white man in a car,

¹⁷ "Kansas City Teen Wrongfully Arrested And Locked Up For Three Weeks Sues KCPD" <https://www.kcur.org/news/2017-08-22/kansas-city-teen-wrongfully-arrested-and-locked-up-for-three-weeks-sues-kcpd> last accessed June 22, 2021.

¹⁸ State v. Eric Devalkenaere (killing of Cameron Lamb pending); State v. Matthew Neal (assault of teenager male); State v. Matthew Brummet (assault of Breona Hill); State Charles Prichard (assault of Breona Hill); State v. Nicholas McQuillen (assault of a juvenile female).

¹⁹ "Clergy leaders address concern about racism within Kansas City Police Department" <https://www.kansascity.com/news/local/crime/article250973544.html> last accessed June 22, 2021.

²⁰ The Impact of Community/Police Interactions on Individual Civil Rights in Missouri (A Report of the Missouri Advisory Committee to the U.S. Commission on Civil Rights—July 2016) <https://www.hSDL.org/?view&did=800237> last accessed June 22, 2021.

²¹ Id.

who Straub believed to be running him down²². Straub did not hit anyone, and the man did not know Straub shot at him.²³ Yet, leadership of KCPD found this shooting to be unjustified and forced Straub to resign.²⁴ Thus, the test for whether the KCPD will protect and support its officers during an event of excessive force seems to hinge upon the officer's skin color.

Conversely, KCPD Police Chief Rick Smith takes a different approach when the officers are white. KCPD policy states, "The Chief of Police will ... [s]uspend a member without pay pending the outcome of criminal charges if the prosecutor files criminal charges or the grand jury returns a 'True Bill'".²⁵ Yet, five white KCPD officers are facing criminal charges and Chief Smith has unilaterally decided to override KCPD policy and keep all officers on the public payroll.²⁶

Lack of transparency, accountability, and racial profiling fosters wide distrust of KCPD

In a September 2020 interview, Kansas City, Missouri resident, Barbara J.K. Johnson said, "I don't trust them, and I'm not going to because I know they don't do right by us."²⁷ Ms. Johnson's sentiment is echoed by numerous Kansas City residents. In an analysis conducted by the *Kansas City Star* nearly 80% of the over 3,000 complaints filed against KCPD officers over the last 10 years involved officers from three of five patrol divisions, these patrol divisions—Metro, Central and East patrol—make up the urban core of Kansas City and comprise predominately Black neighborhoods.²⁸

Kansas Citians that wish to complain about the disparate treatment by KCPD are often shut down—even when they utilize the mandated process.²⁹ The Board of Police Commissioners is mandated to hear all citizen complaints³⁰ but it has been derelict in that duty and has excluded many citizens from participating in the process.³¹ This task has been outsourced to the Office of Community Complaints or "OCC." The OCC touts itself as:

"non-police, civilian oversight agency. The Office has been charged with the responsibility of protecting community members from the possibility of abuse or misconduct on the part of the Kansas City Missouri Police Department. The Office also is entrusted with protecting members of the police department from unjust and unfair accusations."³²

However, community members feel that OCC fulfills only one prong—protecting officers. In 2020 barriers to filing a complaint with OCC included requiring notarization, specific computer/internet

²² "Former Kansas City Police Officer Who Refuted Shooting Story Feels Forced Out, Apologizes to Victim's Mother" <https://www.kcur.org/news/2020-05-29/kansas-city-police-officer-who-refuted-shooting-story-feels-forced-out-apologizes-to-victims-mother> last accessed June 22, 2021.

²³ Id.

²⁴ Id.

²⁵ KCPD Policy No. 16-02.

²⁶ "KC police officers charged with crimes still on payroll, courtesy of Chief Rick Smith"

<https://www.kansascity.com/opinion/editorials/article247360619.html> last accessed June 22, 2021. (A fifth officer was indicted after this published article).

²⁷ "Kansas City residents: Lack of trust in police drives crimes."

<https://www.nwaonline.com/news/2020/oct/29/kansas-city-residents-lack-of-trust-in-police/> last accessed June 9, 2021.

²⁸ Id.

²⁹ Kansas City residents: Lack of trust in police drives crimes. <https://www.nwaonline.com/news/2020/oct/29/kansas-city-residents-lack-of-trust-in-police/> last accessed June 9, 2021.

³⁰ Rev. Stat. Mo § 84.430

³¹ City of Kansas City Auditor's Office. (2000) *Performance Audit Police Citizen Complaint Process* <https://www.kcmo.gov/Home/ShowDocument?id=2682> last accessed June 9, 2021.

³² <https://www.kcpd.org/transparency/office-of-community-complaints/> last accessed June 8, 2021.

software and requiring the complainant to sit in a room *alone* with two police officers to provide a formal statement that can be recorded by OCC staff but not the complainant.³³ These same issues have been known to the Board of Police Commissioners since at least 2000.

An audit conducted by the Auditor of the City of Kansas City in March 2000 yielded several recommendations including but not limited to 1) develop a process by which the Board of Police Commissioners adopts a policy to accept any and all complaints for initial review by OCC; 2) establish additional locations to take and receive complaints; and 3) regularly monitor/test the complaint process. In a response to the Auditor's 2000 recommendations, I. Pearl Fain, then director of OCC, agreed with the Auditor's recommendations but listed cost and staffing as a barrier to implementation of the majority 2000 Audit recommendations.³⁴

The City of Kansas City Auditor's office, in a 2005 follow-up, noted some improvements but also listed a litany of issues that persisted: incomplete information hampering investigations, lack of skilled interviewers and failure to meet deadlines.³⁵ The 2005 Audit noted a complainant that "complained to OCC staff that she was questioned too aggressively, as if she were guilty of a crime." The complaint process with OCC has many flaws along the way, less than 33% are investigated and even fewer complaints, approximately 3%, are sustained.³⁶ Most important, regardless of the decision made by OCC, the chief of police retains the power to overrule OCC and determine what, if any, discipline may be imposed.³⁷

Because of the persistent violations of citizens' rights, the City of Kansas City has paid out millions of dollars in settlements. In one settlement alone, Philippe Lora was awarded \$4.8 million after being shot by KCPD officers.³⁸ One of the same officers involved in the shooting of Lora was also involved in another shooting that settled out of court for \$1.5 million. The officer, Dakota Merrill, was absolved of wrongdoing after the incident with Lora. He remains on the force and subsequently fired his weapon at yet another Black man.³⁹ Many other cases of excessive use of force have been settled out of court: two incidents in one day by officer Shannon Hansen resulted in a \$375,000 settlement.⁴⁰ An incident involving officer Carl Conti resulted in a \$99,999 settlement.⁴¹

Kansas City streets are not safe for Black people whether they are walking or driving. According to Kansas City Municipal Court records, 123 jaywalking tickets were issued in the City of Kansas City between 2018 and 2020. Of those tickets, 65% were issued to Black people and 34% were

³³ Kansas City residents: Lack of trust in police drives crimes. <https://www.nwaonline.com/news/2020/oct/29/kansas-city-residents-lack-of-trust-in-police/> last accessed June 9, 2021.

³⁴ City of Kansas City Auditor's Office. (2000) *Performance Audit Police Citizen Complaint Process* <https://www.kcmo.gov/Home/ShowDocument?id=2682> last accessed June 9, 2021.

³⁵ City of Kansas City Auditor's Office (2005) <https://www.kcmo.gov/home/showpublisheddocument/2426/636970651418570000> last accessed June 10, 2021

³⁶ Kansas City residents: Lack of trust in police drives crimes. <https://www.nwaonline.com/news/2020/oct/29/kansas-city-residents-lack-of-trust-in-police/> last accessed June 9, 2021.

³⁷ KCPD Personnel Policy 312-5, [e](https://www.kcpd.com/policies/312-5) last accessed June 9, 2021. See also Kansas City residents: Lack of trust in police drives crimes. <https://www.nwaonline.com/news/2020/oct/29/kansas-city-residents-lack-of-trust-in-police/> last accessed June 9, 2021.

³⁸ <https://www.kansascity.com/news/local/crime/article242340476.html> last accessed June 8, 2021.

³⁹ <https://www.kansascity.com/news/local/crime/article242340476.html>

⁴⁰ <https://www.kshb.com/news/local-news/investigations/kcpd-settles-2nd-excessive-force-suit-involving-same-officer> last accessed June 10, 2021.

⁴¹ <https://www.kshb.com/longform/police-excessive-force-settlements-line-pockets-of-kc-criminals> last accessed June 9, 2021.

issued to white people.⁴² Records reflect that of those same tickets 83% were issued to men and 16% were issued to women.⁴³

Notably, Census records reflect that Black residents makeup 28.2% of the population of Kansas City, Missouri while whites make up 60.9%.⁴⁴ Furthermore, each year since 2000, the Missouri Attorney General Report on Vehicle Stops reflects an alarming disparity in the rate at which Black people are stopped compared to their white counterparts.⁴⁵ Despite the COVID-19 pandemic, in 2020 Black residents were 23% more likely to be stopped by KCPD and 65% more likely to be searched despite having a lower contraband hit rate.⁴⁶ Moreover, the report showed that in 2020, 1,521 traffic stops led to arrests in Kansas City; of those 1,521 arrests, 792 were Black drivers⁴⁷, even though Black people represent less than 30% of the population of Kansas City, Missouri⁴⁸. In a city that is over 60% white, the fact that Black residents are twice as likely to get pulled over and much more likely to be searched, arrested, and killed is compelling evidence that a DOJ investigation is warranted. Such statistics could hardly exist without the underbelly of discrimination.

Fourth Amendment Violation

The December 3, 2019, shooting death of Cameron Lamb presents multiple issues. Cameron was a Black father of three little boys and was a son and brother. His family even drew the attention of the Trump White House.⁴⁹ The first issue this case presents is a systematic violation of Mr. Lamb's Fourth Amendment rights against unreasonable search and seizures by the KCPD. Cameron was shot by officers within seconds of them entering his backyard and entering his basement garage without a warrant.

Another issue highlighted in this case is the department's use of plain-clothes tactical officers operating under a secret violence disrupter strategy, though Cameron's offense, which resulted in the loss of his life, was apparently driving too fast in his neighborhood. Although charges have been filed against the officer for this shooting, it is our understanding that he continues to receive full compensation and benefits pending his trial, maintains his Peace Officer Standards and Training (POST) certification and the support of the department. The police department supported this officer and refused to provide a probable cause statement in this case.

Obstruction of Justice

From 2005 to 2015, the KCPD ranked as one of the three worst cities in America for police-involved shootings. In that time, KCPD officers shot and killed 47 people; of those killed, 60% were black and 86% of the officers involved were white.⁵⁰ Additionally, of all those police shootings and killings, NOT A SINGLE POLICE OFFICER WAS CHARGED OR INDICTED.⁵¹ The reason

⁴² "Kansas City Is Dumping Jaywalking Tickets Because They Mostly Go To Men And African Americans" <https://www.kcur.org/news/2021-05-06/kansas-city-is-dumping-jaywalking-tickets-because-they-mostly-go-to-men-and-african-americans>

⁴³ Id.

⁴⁴ <https://www.census.gov/quickfacts/kansascitycitymissouri>

⁴⁵ Missouri Attorney General Report on Vehicle Stops <https://ago.mo.gov/home/vehicle-stops-report#:~:text=Law%20enforcement%20agencies%20must%20provide,June%201%20of%20each%20year>. Last accessed June 8, 2021.

⁴⁶ Missouri Attorney General Report on Vehicle Stops 2020 https://ago.mo.gov/docs/default-source/vsr/2020-vsr-agency-report.pdf?sfvrsn=1136d659_2 last accessed June 8, 2021.

⁴⁷ Id.

⁴⁸ <https://worldpopulationreview.com/us-cities/kansas-city-mo-population> last accessed June 22, 2021.

⁴⁹ <https://abcnews.go.com/US/police-officer-killed-cameron-lamb-missouri-charged-manslaughter/story?id=71334700>

⁵⁰ "Putting Kansas City police shootings under the spotlight" <https://www.kansascity.com/news/local/article52534610.html> last accessed June 21, 2021.

⁵¹ Id.

no officer was charged or indicted is because KCPD investigates its own officer-involved shootings.⁵² Still today, the KCPD refuses to assist the Prosecutor's Office when it comes to one of their own and refuses to hand over charging documents.⁵³

KCPD has been investigating its own for years and has not even feigned impartiality. No matter the incident, or how egregious the conduct, it is always the KCPD's stance that the officer used reasonable force and that no officer ever violates anyone's civil rights (unless the officer is Black)—especially when the victim is Black. It is clear the KCPD cannot be impartial as to its investigations into KCPD officers as they have made it a practice to refuse to turn over documents to prosecutors.⁵⁴ Oddly, use of force cases are the ONLY CASES in which the KCPD does not turn over a probable cause statement.⁵⁵ The Prosecutor's Office's current prosecutor, Jean Peters Baker, has gone on record regarding use of force cases stating, "This department has demonstrated to me that it cannot be neutral on these cases."⁵⁶ Probable cause statements allow the prosecutor to call a preliminary hearing and put facts before a judge who then decides if probable cause exists for a formal charge. Withholding the probable cause statements makes it much harder to charge an officer with excessive force. Further, KCPD does not engage in this practice when the alleged crime involves only civilians. Withholding a probable cause statement only occurs when a KCPD officer is involved.

KCPD Failure to Execute Memorandum of Understanding with Jackson County Prosecutor, FBI, and DOJ

In 2015, the KCPD, the Prosecutor's Office, the Federal Bureau of Investigation (the "FBI") and DOJ entered into a Memorandum of Understanding for the Investigation and Potential Prosecution of Civil Rights Violations, whereby as soon as there is a notification of excessive force, the matter was to be immediately referred to the FBI for an unbiased assessment.⁵⁷ Again, the KCPD has refused to forward the requisite documents outside of the department and makes its own decisions whether excessive force and/or a civil rights violation has occurred.

In 2019, there were three high-profile instances of KCPD using excessive force, in violation of the individual's civil rights, and KCPD still refuses to provide probable cause statements. The point of the Memorandum of Understanding was to gain insight into KCPD conduct involving force and to be more transparent with the community. KCPD continuously proves they have no interest in transparency and it is obvious KCPD should be investigated.

If KCPD felt confident in their handling of potential violators of civil rights, they would have no problem notifying the other entities who are parties to the Memorandum of Understanding. This group rightfully fears that the problem is more widespread than KCPD is reporting. Again, because there is no local control of KCPD, Kansas City residents have no way to initiate any type of oversight proceeding.

⁵² Id.

⁵³ "Baker says KCPD 'cannot' investigate its own after refusals to hand over charging docs" <https://www.kansascity.com/news/local/crime/article249974184.html> last accessed June 21, 2021.

⁵⁴ "By withholding a probable cause statement for an officer involved incident, you are blocking the prosecutor's independent review of the facts under the law," Jackson County Prosecutor, Jean Peters Baker, wrote to KCPD Chief Smith. 'It looks like a cover-up': KC police chief is impeding investigations of officers <https://www.kansascity.com/opinion/editorials/article242985341.html> last accessed June 22, 2021.

⁵⁵ Id.

⁵⁶ Id.

⁵⁷ Press Conference Statement by U.S. Attorney Tammy Dickinson <https://www.justice.gov/usao-wdmo/pr/press-conference-statement-us-attorney-tammy-dickinson> last accessed June 21, 2021.

KCPD's Racist and Discriminatory Hiring Practices

According to the [US Census](#)⁵⁸, Kansas City, Missouri's population is 60.9% white, 28% black and 11% Hispanic. Ideally, the racial/ethnic composition of the Kansas City Police Department (KCPD) should reflect the demographics of the community it is sworn to protect and serve. Unfortunately, this is not the case for KCPD, which employs 1,253 law enforcement officers. As evidenced by the April 30, 2021, [KCPD Personnel Summary](#)⁵⁹, Blacks and Hispanics are significantly underrepresented in the department.

As illustrated below, minorities are not equitably represented among the command staff or the rank and file. According to a story published by KCUR 89.3, on November 9, 2020, out of 36 homicide investigators in the Kansas City Police Department, only four are Black and none of the supervising sergeants on the homicide squad are Black.⁶⁰ Yet, the vast majority of the 158 homicide victims and witnesses have been African American. Furthermore, of the 24 investigators on the KCPD assault squads, only three are Black. Like the homicide squad, none of the supervising sergeants are Black. Moreover, the entire chain of command in the Violent Crimes division is white.⁶¹

Race/Ethnicity	Number	Percentage
White	963	76.84%
Black	147	11.73%
Hispanic	68	5.43%
American Indian or Alaska Native	4	0.32%
Asian	8	0.64%
Two or More Races	48	3.83%
Unknown	15	1.22%

Rank/Title	W	B	H	I	A	M	U
Chief of Police	1						
Lt. Cols	1	1					
Majors	18	2	1			1	
Captains	37	3	5	1		3	1
Sergeants	185	24	7		2	6	6
Police Officers	518	96	42	2	6	28	4
Detectives	192	21	13	1		10	3
Master Patrol Officers	9						
Master Detectives	3						

W – White
 B – Black
 H – Hispanic/Latino
 I – American Indian or Alaska Native
 A – Asian
 P – Native Hawaiian or Other Pacific Islander
 M – Two or more races
 U – Unknown

⁵⁸ US Census Bureau Quick Facts Kansas City, Missouri.

⁵⁹ <https://www.kcpd.org/transparency/kcpd-data/> last accessed June 21, 2021.

⁶⁰ <https://www.kcur.org/news/2020-11-09/dearth-of-black-detectives-on-kansas-city-police-force-hobbles-its-ability-to-solve-violent-crime> last accessed June 22, 2021.

⁶¹ Id.

Internal Culture of Racism and Discrimination

A culture of internal discrimination against Black officers has persisted for decades. The challenge before us, however, is identifying a critical mass of Black officers that are willing to speak on the record about their experiences because they fear retaliation. In recent private, off-the-record conversations with several African American officers, we have heard troubling allegations of racism in the department; the biased manner in which KCPD polices in predominately Black inner-city neighborhoods east of Troost (Kansas City's historical racial divide) versus how officers police in predominately white suburban communities west of Troost and north of the river; hostile work environments; racist tropes and micro-aggressions; uneven execution of personnel policies and procedures; lack of support or representation from the Fraternal Order of Police; and more.

A recent incident speaks volumes about the culture of discrimination and micro-aggressions inside KCPD. On May 9, 2021, the *Kansas City Star* reported that "Kansas City police made a racist challenge coin with image of pimp: 'It was repugnant'."⁶²

KCPD Vice Squad officers ordered and advertised for sale in the KCPD Department's newsletter a commemorative coin featuring a 1970's pimp on one side and a sexualized drawing of a woman, and a pair of brown hands in handcuffs on the other. The coin had been reviewed and approved by several unit supervisors within the vice squad. Although production of the coin was ceased after it was exposed, the racial insensitivity depicted by the coin is emblematic of the culture within the leadership of KCPD under Chief Rick Smith.

KCPD is Incompetent and Ineffective

For the last five years, only two of every 10 violent crimes in Kansas City are cleared; only one of 10 crimes, overall, is cleared. This is a very practical and deadly problem: the populace of Kansas City knows this high rate of failure. This also means that victims and witnesses know there's little chance that the suspect in their crime will be brought to justice. Consequently, they do not cooperate, often out of concern about their safety, and take matters into their own hands. In turn, a cycle of violence is fueled rather than disrupted by this lack of trust in the law enforcement system. KCPD has not proposed a solution to interrupt or end this cycle of violence—except to remove the data from its most public report, its annual report in 2020. Data provided by the Jackson County Prosecutor's Office paints an alarming picture:

- Homicide rate has increased in the past two years.
- Homicide clearance rate in 2019 was a paltry 33%.
- Of 612 non-fatal shootings in 2020 only 18% were cleared.
- Burglary solve-rate averages 7% to 8% annually.
- Of 3,000 stolen autos every year, the solve rate averages 2% to 6% per year.

According to a recently published independent study of police departments, the KCPD ranked as one of the worst performing in the nation. Kansas City police officers used deadly force more than 98% of similar sized districts, killing 36 people between 2012 and 2020 and a black person was 4.3 times more likely to be killed by police than a white person in Kansas City from 2013 to 2020. A paltry 3% of 1,059 citizen complaints against officers were substantiated over a three-year period commencing 2016. Of 132 use of force complaints 0% were ruled in favor of civilians. Nineteen complaints of police discrimination were filed, 0% ruled in favor of citizens.

⁶² Kansas City police made racist challenge coin with image of pimp.
<https://www.kansascity.com/news/local/crime/article251191919.html>

KCPD solved or cleared fewer homicides than 73% of police departments in the country. Of the 854 recorded homicides from 2013 to 2019, 399 remained unsolved. In the overall rankings Kansas City placed 495 out of 500 of the largest law enforcement agencies in the country. That is absurd. As set forth before, a DOJ investigation is our only recourse.

3. KANSAS CITY POLICE DEPARTMENT IS GOVERNED BY A STATE AGENCY – NOT THE CITIZENS OF KANSAS CITY, MISSOURI WHOSE TAX DOLLARS FUND THE DEPARTMENT

Kansas City's current system, under which the Police Department is controlled by a state agency rather than by the local government, traces its roots to 1861, the year that the Civil War began. In those days, liberal meant abolitionist and Union-leaning, and conservative meant pro-slavery and Confederate-leaning. In 1861, as today, St. Louis was significantly more liberal than Missouri as a whole. During the Civil War, Missouri never seceded, but it was mostly sympathetic to the Confederacy. St. Louis, however, was Union-leaning. Claiborne Jackson, Missouri's segregationist governor, did not want St. Louis to control its own arsenal, so in 1861, he encouraged the state legislature to pass the "Metropolitan Police Bill" that gave the state control of St. Louis's police department. This move was hotly debated in the state legislature, where one state representative called the bill "an effort to disenfranchise and oppress the people of St. Louis because they were not sound on the Negro question." One of Jackson's appointees to the first police board confirmed that it was "adopted to enable our people to control St. Louis."^{63 64 65}

Kansas City, like St. Louis, has always been significantly more liberal than Missouri as a whole, so, in 1874, it too had the state seize control of its police department. From 1874 to 1932, the Kansas City "Board of Police" system was modified on several occasions, but at all times the Governor appointed the majority of the Board. The Board was declared unconstitutional by the Missouri Supreme Court in 1932 but was re-instituted in 1939 at the behest of Lloyd Crow Stark, another segregationist Governor.

St. Louis took back control of its police force in 2013, but for Kansas City the same system from the Jim Crow era persists. Thus, Kansas City is currently the only city in the State of Missouri, and the only major city in the United States, without local control of its own police department. Instead, the Kansas City Police Department is controlled by a Board of five Police Commissioners. RSMO § 84.460. Four of these Commissioners are appointed by the Governor, and one, the mayor, is elected by residents of Kansas City, RSMO § § 84.350, 84.360. Although a state agency controls the KCMO Police Department, the city is required to fund the department. RSMO § 84.730.

African Americans make up only 11.8% of Missouri's population. There has never been an African American Governor of Missouri, and in fact no African American has ever won a statewide election in Missouri. Thus, the composition of 80% of the Board of Police Commissioners is dictated by a statewide gubernatorial election in which African American Kansas Citians have zero functional influence. Given this fact, as well as Missouri's history, it should come as no surprise that Missouri Governors are insensitive and unresponsive to the needs of African American Kansas Citians. This insensitivity and unresponsiveness are passed to and manifested in the Board of Police Commissioners.

⁶³ <https://www.npr.org/sections/thetwo-way/2013/08/28/216489820/after-152-years-st-louis-gains-control-of-its-police-force>

⁶⁴ https://www.stltoday.com/news/local/metro/petitions-are-filed-to-get-local-control-of-st-louis-police-on-ballot/article_3566e9c2-8374-11e1-8c9a-001a4bcf6878.html

⁶⁵ <https://www.stlmag.com/news/think-again/Think-Again-Don-039t-Know-Much-About-History/>

In contrast, African Americans make up nearly 30% of the population of Kansas City, Missouri, and have substantial influence in certain City Council districts, and in citywide elections. African Americans are routinely elected to the City Council, three have been elected Mayor (2 of the last 3), and city government is more diverse, more sensitive, and more responsive to the interests of African American Kansas Citizens than KCPD.

Of the past 17 appointees to the police board, the vast majority live in a racially isolated, predominantly white, and economically affluent area of our city. Only three have been African American men, one Latinx, three Caucasian women, and 10 white men. Not one African American woman. Routinely, a majority of the Governor's appointees are non-responsive to the African American community.

Governance of the KCPD is an atavistic vestige of slavery and Jim Crow that does not foster public confidence and trust. The stakeholders whose tax dollars fund the department lack the power to redress the KCPD's incompetence and deficiencies.

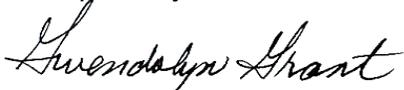
Despite the abysmal clearance rate, the BOPC maintains the status quo. As a result, the community is disillusioned by its disenfranchisement and the department's incompetence. Victims of violent crime who lack confidence that the perpetrators will be brought to justice take matters into their own hands contributing to an escalating cycle of violence.

There is a chasm between the African American community and the Kansas City Police Department. Excessive force incidents and misconduct allegations are not adequately investigated by the KCPD or adjudicated by the Office of Community Complaints (OCC) which is controlled by the BOPC. When there is probable cause for prosecution, KCPD refuses to provide the requisite probable cause statement necessary to initiate the filing of charges. When citizen complaints are substantiated by the OCC and disciplinary action recommended, the chief of police has the authority to overrule or vacate OCC's recommendation.

The KCPD under the "leadership" of Chief Rick Smith is a racist institution that governs and polices itself to the detriment of the Civil Rights of African Americans and other persons of color. A DOJ investigation and intervention are necessary to save lives and protect the constitutional rights of African Americans and other residents of Kansas City, Missouri.

We respectfully request that you initiate a pattern and practice investigation as soon as possible. For more information, please contact Gwen Grant, President & CEO of The Urban League of Greater Kansas City (ggrant@ulkc.org or (816) 679-8611).

Respectfully,



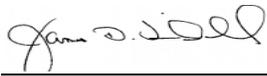
President & CEO, Urban League of Greater Kansas City



Rev. Dr. Vernon P. Howard, President, Southern Christian Leadership Conference – KC

Rodney E. Williams

Rev. Dr. Rodney Williams, President, NAACP-KC



Bishop James Tindall, Founder & Convenor, Urban Summit



Talib Ntwadumela Muwwakkil, Chair, National Black United Front-KC

Supporting Organizations:

- Metro Organization for Racial & Economic Equity (MORE2) (Faith Based)
- Black Leaders Advancing Quality Urban Education (BLAQUE-KC)
- Committee to Abolish Poverty, Inc.
- El Centro
- Spirit of Freedom Fountain
- National Association for Multicultural Education (NAME)

CC: Lisa Monaco, United States Deputy Attorney General
Kristen Clarke, Assistant Attorney General for Civil Rights Division
Vanita Gupta, United States Associate Attorney General

Attachment: Support Letters