

<b>Board of Police Commissioners of Kansas City, Missouri</b>		<b>Section: 500 Resolution</b>
<b>Subject: RESOLUTION OF THE BOARD OF POLICE COMMISSIONERS GOVERNING DISCIPLINARY HEARINGS</b>		<b>Number: 09-04</b>
<b>Rescinds: 02-06 and 08-01</b>	<b>Date Approved: 06/10/09</b>	<b>Page: 1 of 3</b>

**WHEREAS**, the Board of Police Commissioners of Kansas City, Missouri (Board) does from time-to-time hear disciplinary matters brought before it pursuant to the provisions of Sections 84.600 and 84.610 of the Revised Statutes of Missouri, and

**WHEREAS**, the Board believes that any officer or employee of the Police Department (“member”) facing discipline who is entitled to a public hearing under the law should receive a hearing as expeditiously as possible, and

**WHEREAS**, the Board has the authority to assign a disciplinary matter to a hearing officer when a member requesting review before the Board or being processed for review before Board under either of the two statutes referred to above waives his or her right to a hearing before the Board and requests a hearing before a hearing officer, as established in the case of *Coffer v. Wasson-Hunt*, 281 S.W.3d 308 (Mo. 2009).

**NOW THEREFORE**, the Board establishes the following procedures.

1. In any hearing before the Board under the provisions of Sections 84.600 or 84.610 of the Revised Statutes of Missouri, the affected member may sign a waiver of rights and request a hearing before a designated hearing officer. A copy of the waiver to be signed is attached hereto as Exhibit “A.”

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2. The Board will establish a panel of authorized hearing officers, which the Board may amend from time to time. A copy of the panel of authorized hearing officers is attached hereto as Exhibit "B."

3. From this list of authorized hearing officers, the member and the Chief of Police shall select a hearing officer to preside over the hearing. If the parties cannot agree on a hearing officer, they shall alternately and independently strike names from the list, and the last remaining name will be designated the hearing officer. The parties shall toss a coin to determine whether the member or the Chief shall strike the first name on the list of hearing officers.

4. The hearing officer shall be responsible for taking testimony and receiving other evidence at a hearing that shall be conducted in the Board's boardroom located on the Sixth Floor of Police Headquarters, 1125 Locust, Kansas City, Missouri at a time to be agreed upon by the parties. If the boardroom is unavailable, the hearing shall occur in an appropriate meeting room located on Police Department property. At the conclusion of the hearing, the hearing officer will prepare and submit to the Board proposed findings of fact and conclusions of law.

5. A transcript of all testimony, copies of all exhibits and the proposed findings of fact and conclusions of law prepared by the hearing officer will be submitted to the Board for review. The review by the Board will be de novo. The decision of the Board will set forth its findings of fact and conclusions of law, and, where appropriate, any punishment to be imposed upon the member.

6. The Board may make its determination without taking further evidence or conducting a hearing, however, it may request additional testimony or evidence. The Board may also request oral argument by counsel before issuing its decision.

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7. This hearing officer process will only be implemented if the affected member signs the attached waiver agreeing to this procedure. Otherwise, any member entitled to a public hearing under the law who requests such a hearing will be afforded a formal hearing before the Board as provided by statute.

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Board of Police Commissioners of Kansas City, Missouri

\_\_\_\_\_  
Mark C. Thompson  
President

\_\_\_\_\_  
James B. Wilson  
Treasurer

\_\_\_\_\_  
Karl Zobrist  
Vice President

\_\_\_\_\_  
Patrick A. McInerney  
Member

## BOARD HEARING WAIVER

The undersigned, a member of the Kansas City, Missouri Police Department, is either requesting or has pending before the Board of Police Commissioners of Kansas City, Missouri (Board) a public hearing pursuant to the provisions of Section 84.600 or Section 84.610 of the Revised Statutes of Missouri. The undersigned understands that he or she has a right to a full hearing before a quorum of said Board and that in such a hearing the undersigned has the right to cross-examine witnesses, call witnesses and present other evidence. The undersigned understands that the members of the Board will make a decision based on the evidence presented and that issues of credibility of witnesses will be a part of the decision of the Board.

The undersigned has also been fully informed of the provisions of Board Resolution 02-05 which allows a hearing before a hearing officer prior to the time a final decision is made by the Board. The undersigned understands that if a hearing officer is requested, the following rights are waived:

1. The right to a hearing before a quorum of the Board.
2. The right to have the testimony and evidence, including issues of credibility of witnesses, considered by a quorum of the Board at the time it is introduced.

The undersigned has had an opportunity to discuss this matter with his or her attorney before making a decision to sign this BOARD HEARING WAIVER.

Being fully advised, the undersigned does waive his or her right to a hearing before a quorum of the Board and does request that a hearing officer be selected to hear the pending matter as set out in Board Resolution 02-05.

Dated this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

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Member

STATE OF MISSOURI    )  
                                  )ss  
COUNTY OF JACKSON    )

Subscribed and sworn to before me, the undersigned Notary Public, this  
\_\_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

## **Authorized Hearing Officers**

- (a) Retired Circuit Judge Jack E. Gant
- (b) Retired Circuit Judge William F. Mauer
- (c) Retired Circuit Judge John I. Moran
- (d) Retired Circuit Judge Lee E. Wells
- (e) Michael Gordon
- (f) Mark Berger
- (g) Basil L. North, Jr.