



JACKSON COUNTY PROSECUTOR'S OFFICE

Notable Event Review

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An Introduction by Jean Peters Baker

The Prosecutor's Office set out to critically review a fatal officer-involved shooting in a different way. Though the office had previously made a legal determination that this officer would not face criminal charges, we wanted to dig deeper. We sought to explore what else could be learned from more thoroughly analyzing the tragedy of the fatal shooting of Donnie Sanders near 51st and Wabash on March 12th, 2020, and our handling of the case.



The concept of reviewing and addressing an officer-involved shooting beyond criminal charges is novel. It is also necessary, however, if we are to effect change to processes and policies that govern these incidents. But the criminal justice system has inherent limitations. In reality, prosecutors and the Courts can only react to officer-involved shootings. All too often, that reaction does not repair the harm, even when evidence and the law support a charge and conviction. This review acknowledges that police officers face grave dangers in their duty. This reality is especially pronounced today given the influx of guns, some of which are manipulated to fire as automatic weapons. This high rate of gun violence also presents a grave danger for the community. With these realities, we undertook the difficult task of determining if or how this outcome could have been avoided.

I am grateful for the thoughtful interest and thorough work of the Prosecutor Office's Community Advisory Board in analyzing this shooting and informing us on what we can learn. Their recommendations for addressing core issues related to this shooting, such as pre-textual stops and foot pursuits, are insightful and should be strongly considered for implementation. Further, their exploration of who Donnie Sanders was in life is not only necessary to understanding his family's and the community's loss, but it is invaluable to understanding how many members of the community view interactions with law enforcement and the criminal justice system. Before this, no one

had looked at Sanders' life to see what more we could learn from his lived experiences. What if such a review could save a human life? We hoped to find potential changes that could save a future citizen from a similar tragic fate and prevent a police officer from making assumptions that have fatal consequences.

A safe community is tied to a strong police department. A strong police department is demonstrated not only by strong community support, but also by forward-thinking management who ensure that officers are well-trained and held accountable for both their misconduct and their mistakes. Predictably, when a fatality occurs by the hands of police, community support may erode. These incidents have declined dramatically in recent years, yet our community too often believes officer-involved shootings are unnecessary and largely unexamined – swept under the rug by law enforcement and endorsed by prosecutors. Such doubt permeates everything else law enforcement tries to do. This is why it is imperative that we find new ways to address these old problems.

My hope is that readers will review this report from the perspective of how we can collectively improve. Improvement should be sought by all system actors. And all actors should demonstrate a willingness to promote a police department that is less deadly and a prosecutor's office that is more just. The community must be assured that when deadly force is used, it's appropriate and necessary. This office must play an active and independent role, not only in determining when criminal charges are appropriate, but also in developing a system that breeds confidence and ensures fairness and transparency in reporting its decisions.

Acknowledgment: I would like to thank Police Chief Stacey Graves for her willingness to review and comment on this report's findings. She embraced some findings and directed us to key issues we had not considered. We were able to discuss this report's suggestions in a thoughtful and helpful way.

I also want to recognize those persons who contributed to this report's development and writing: Dr. Toya Like; the Crime Strategies Unit, including Assistant Prosecutor Claire Wyatt; Investigator Tony Sanders; Chief Deputy Dion Sankar; Communications Director Michael Mansur; and interns Kate Ellis, Bella Barraza, and Harper Moothart.

THE JACKSON COUNTY PROSECUTOR'S OFFICE NOTABLE EVENT REVIEW OF THE FATAL SHOOTING OF DONNIE SANDERS

Executive Summary

On a March 2020 evening, a Kansas City (MO) Police Department (KCPD) officer patrolling Prospect Avenue followed a 47-year-old Kansas City man named Donnie Sanders into an alley after he observed a traffic violation near 51st and Wabash.¹

What happens next is the focus of this report, initiated in the summer of 2023 by the Jackson County Prosecutor's Office and its third Community Advisory Board (CAB).² The prosecutor's office and its CAB members wanted to explore this particular officer-involved shooting for a variety of significant factors:³ the incident stemmed from a pretextual stop and concluded after a foot pursuit; the officer who fatally shot Sanders stated he believed Sanders was pointing a gun at him, but Sanders was an unarmed Black man; and the prosecutor's office concluded in [March of 2021](#) that it would not file charges against the officer.

These circumstances disturbed the prosecutor's office and community members, who expressed great concern about the incident's impact on the precariously frayed mutual trust between law enforcement and Kansas City's minority community. That trust requires a system of checks and balances that ensures the community that each

¹ We use Sanders' name because it was widely released by police and others, including our office. We do not use the name of the police officer because this office does not publish the names of suspects who have not been charged. As such, the officer's name will not be published in this report.

² Prosecutor Baker initiated the formation of the office's first [Community Advisory Board \(CAB\)](#) in 2020 and held the first CAB meeting in the summer of 2020. The first CAB's initial focus was to deeply examine the outcomes of [drug possession prosecutions in Kansas City](#). The analysis was completed by the office's new Crime Strategies Unit (CSU), which was created in 2018 with the hiring of a crime analyst. CSU was established to help the office improve its basic functions by analyzing the office's own data. Such units have since grown increasingly popular in prosecutor's offices around the country. The second Community Advisory Board addressed local crime data and prosecution statistics, and it recommended the implementation of an online dashboard to provide such meaningful data to the public in an accessible way. [The Jackson County Prosecutor's Office dashboard](#) was launched on its website in 2021.

³ It must be noted that this event review was initiated just days before the officer who shot and killed Donnie Sanders was involved in another officer-involved shooting in Kansas City while he was driving alone.

incident of an officer's use of force against a citizen is carefully weighed, evaluated and acted upon, if necessary, in a fair and open manner.

The CAB members that examined the Donnie Sanders shooting are a dedicated and diverse group of community members—from business owners to returning citizens to neighborhood leaders and law enforcement (See [Appendix G](#)). The board was facilitated by staff from the Jackson County Prosecutor's Office and was guided by an academic advisor, a renowned professor in the Criminal Justice and Criminology Department, and an Associate Dean at the University of Missouri-Kansas City (UMKC). This report represents the culmination of the board members' findings and recommendations, enriched by their unique lived experiences and dedicated community engagement and by the hours they spent collaborating with each other to listen, empathize, digest, understand, grieve, rebut, and above all, to envision a better relationship between KCPD and the community they are bound to serve and protect.

The CAB members and Jackson County Prosecutor's Office staff explored the Sanders shooting by examining the details of the shooting itself as well as its investigation, reviewing information about other fatal officer-involved shootings, gathering details about the history of both Sanders and the officer involved, learning about KCPD policies and procedures, discussing with each other and with guest speakers the impact of these events on the community, consulting with a local criminal justice expert and the executive director of the Kansas City Board of Police Commissioners' Office of Community Complaints, and hearing the statements of the Sanders family members. They also examined data on the number of officer-involved shootings in Kansas City and shared the report's findings and recommendations with KCPD Chief Stacey Graves.

Among this review's key recommendations is that KCPD reorganize its practices and procedures in handling officer-involved shootings, discourage pretextual stops that can quickly escalate to violent encounters, promote advanced de-escalation training and implicit bias training for officers, and implement a policy on foot pursuits similar to the existing policies that govern vehicle pursuits. Finally, KCPD should reconsider the

employment status of the officer who fatally shot Donnie Sanders to ensure that this officer no longer poses a risk to public safety.

The Process of This Exploration

In the summer of 2023, the Jackson County Prosecutor's Office convened its third CAB to collaboratively review this event, identify its causes, consider whether any lessons might be learned from this review, and publish a report of its findings and recommendations. The board members learned how it is common in other industries, such as healthcare and aviation, to review seemingly routine situations which occasionally result in catastrophic outcomes. The intent is not to lay blame on any involved agency or individual. The intent is to collectively explore, investigate, understand, and improve performance and safety.

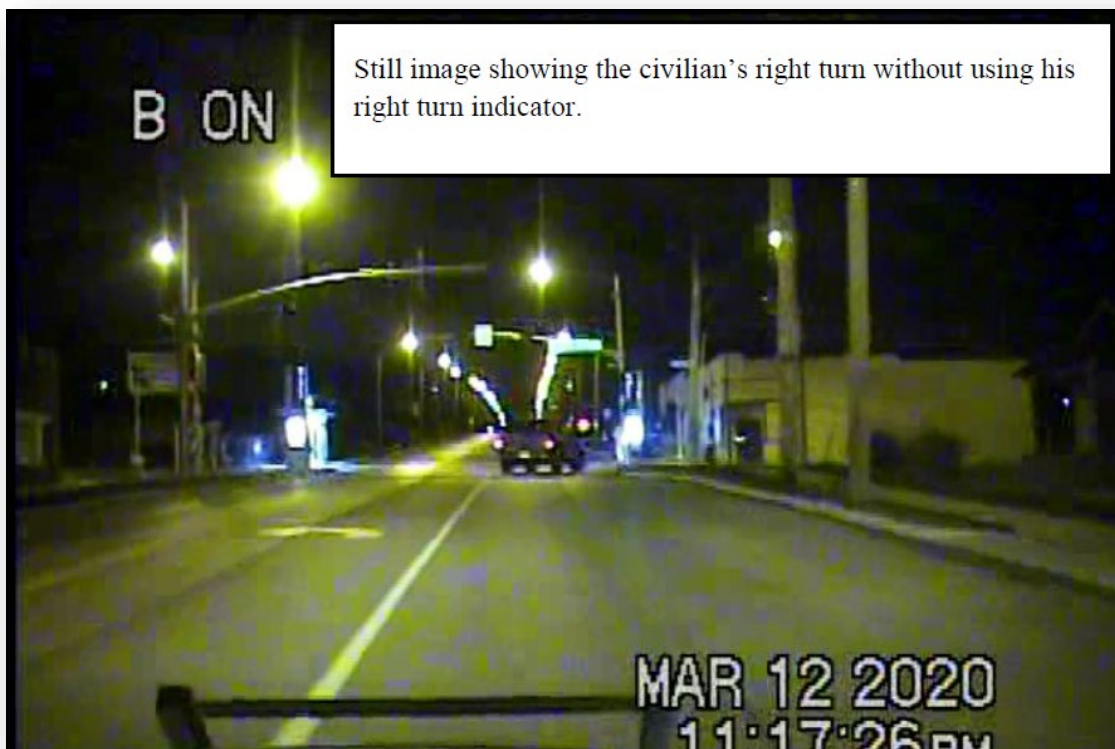
The board members moved ahead with a review of available resources and an examination of the legal issues, including relevant state statutes and jury instructions. They also considered data and testimony related to the shooting of Donnie Sanders. Prosecutors briefed them on self-defense law and the law applicable to an officer's use of force in the line of duty. The board members also engaged in discussions, sharing their unique perspectives and lived experiences while ultimately focusing on solutions. This dialogue resulted in a number of recommendations to improve the relationship between KCPD and local community members, particularly in parts of the city like the Prospect Corridor, where Donnie lived for most of his 47-year life and was ultimately killed.

The Incident: The Fatal Shooting of Donnie Sanders

On the evening of March 12, 2020, about 11:17 p.m., a KCPD officer patrolling Prospect Avenue by himself was traveling northbound when he observed a car passing in the southbound lane of traffic near 51st Street. The officer said he suspected Sanders was speeding, so the officer made a "U-turn" on Prospect Avenue and quickly caught up to Sanders's vehicle. Though speeding was suspected, the officer had no radar. There is no evidence that he was specifically trained in assessing speed. Further, he only briefly spotted Sanders as he was passing him traveling the opposite direction. A review of the

dashcam is far from dispositive that Sanders was speeding, yet the officer guessed that Sanders was driving roughly 10 mph over the limit. It should be noted that, without additional evidence such as a read from a radar gun, the officer could not even have issued Sanders a citation for unlawfully speeding. And yet the officer turned around and followed him.

Sanders stopped at the intersection of 51st and Prospect. He briefly displayed a left-turn blinker although he was in the right lane of traffic. Sanders turned right, and the patrol car followed him. Quickly, Sanders put on his left-turn blinker again and turned left into an alley that runs parallel to Wabash between 51st and 52nd. The officer told dispatch he had observed a traffic violation at 51st and Wabash. After the officer entered the alley behind Sanders, the officer's lights and sirens signaled he was making a stop. Sanders drove nearly to the end of the alley and parked his Tahoe perpendicular to the rear of a house on the east side of Wabash. Then, Sanders exited his vehicle and ran.



The officer reported on the radio informing KCPD dispatch that Sanders was “bailing on foot.” The dash camera shows the officer running past the front of his patrol vehicle in pursuit of Sanders. The officer’s gun is drawn. That is the last piece of video depicting Sanders and the officer, and no residential surveillance was recovered in the area. The subsequent audible sounds captured on the officer’s dashcam appear to be those of the officer giving chase. Seconds later, the officer can be heard yelling “[H]ey stop!” to Sanders.

The officer provided his general location to dispatch and a description of Sanders as “a Black male with jacket.” The officer again yelled “[S]top!” while still chasing Sanders and provided his location through his radio as “5-2 and Wabash.” Immediately after, the officer can be heard yelling additional commands, such as “[G]et on the ground,” “[D]rop!” and “[S]how me your hands!”

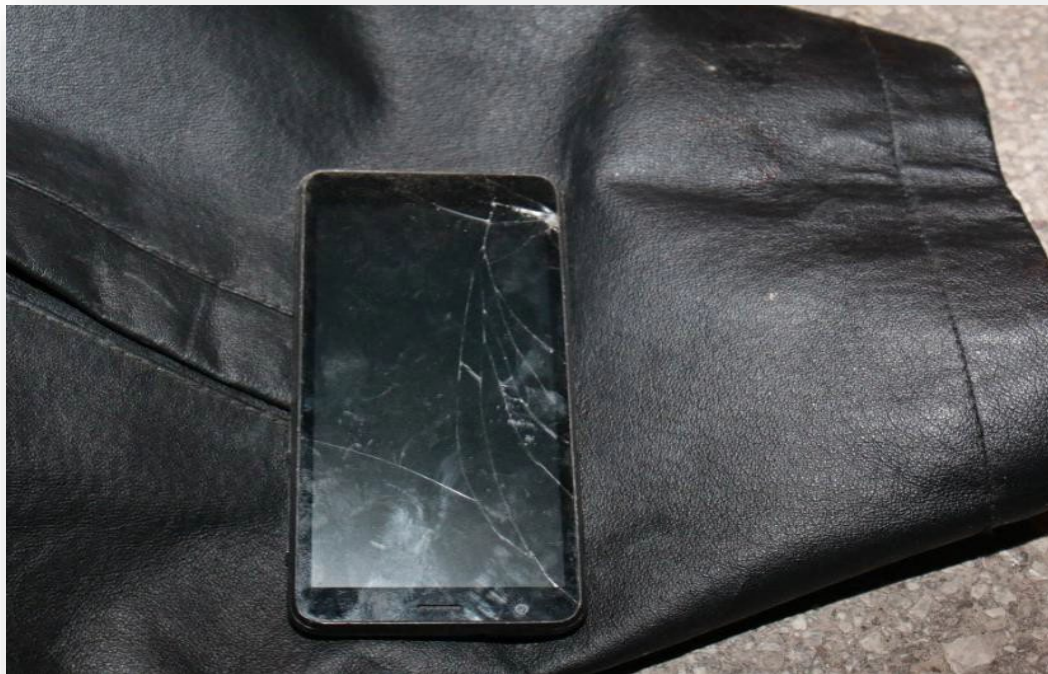
Sanders’s voice was also captured on the audio recording, but his words are inaudible—possibly due to the distance between Sanders and the pursuing officer, whose radio was audio recording through his patrol’s dash camera. Critically, it is unclear what Sanders said in response to the officer’s commands. After a short pause, the officer’s voice is captured yelling “Dude, drop it!” The officer then repeated “Drop!” four times before firing a series of shots in rapid succession. Once again, Sanders’ voice is captured but his words remain indiscernible on the audio recording.

After the shooting, the officer reported to other responding officers that the civilian (Sanders) had something “in his pocket” that he was trying to take out. After a thorough search at the scene, no weapon was found. Still, no witnesses that were located provided statements that countered the officer’s account of what happened, and no physical evidence recovered provided additional information for our legal analysis.

Three days after the shooting, the officer appeared for a voluntary interview with his lawyer. He stated he believed Sanders was speeding, and he believed Sanders was attempting to evade him by putting on a turn signal showing he was going left and then turning right. Further, the officer reported that after the foot chase, Sanders stopped at 52nd and Wabash and turned back, with his hands in his jacket pocket. The officer reported Sanders held up his hand toward the officer “as if he’s got a gun.” The

officer stated Sanders was saying things such as “I’m gonna shoot you! I’m gonna get you! Better kill me, I’m gonna kill you!” The officer also stated that right before the shooting, Sanders sprinted toward him as he backed up. The officer told KCPD investigators he did not render aid because Sanders was still moving, and the officer was still unsure about what Sanders had in his hand or in his pocket.

The investigation quickly determined that Sanders did not have a gun nor other weapon on him at the time he was killed by the officer. Crime scene technicians eventually recovered the black leather jacket Sanders was wearing and placed it into evidence. Inside the right pocket of that jacket was a black cell phone.



Sanders was taken from the scene to a local hospital. Despite resuscitative efforts and surgery, he passed away early on the morning of March 13, 2020.

Legal Analysis

Under [Missouri law](#), the officer who shot Donnie Sanders was entitled to a specific justification defense for law enforcement officers using force. The evidence shows that the officer did have a legal basis, i.e. the traffic violation, to initiate the stop.

Moreover, once the officer turned on his lights and sirens in the alley to stop Sanders, who exited his vehicle and fled on foot, the officer had a second basis, resisting a lawful stop, to pursue and arrest Sanders. Further, while there is room for debate regarding whether the officer *should* have pursued Sanders under those circumstances—i.e. the law violations observed by the officer were minor, no known threat to public safety existed, and the officer was alone and pursued Sanders through rough terrain at nighttime—such considerations are outside the legal analysis for determining whether criminal charges are appropriate.

As previously noted, the applicable legal standard requires us to determine how the facts reasonably appeared to the officer at the time of the shooting. While it is an undisputed fact that Sanders was unarmed at the time of the shooting, the law restricts prosecutors reviewing these cases to evaluate *only what was known or reasonably believed* prior to or at the time of the shooting. Thus, the fact that Sanders was found to be unarmed after the shooting is *not*, by itself, determinative of whether the officer's belief was reasonable at the time he decided to shoot.

The totality of the evidence failed to show that the officer's belief was unreasonable. As previously discussed, it was not clear what Sanders said to the officer from the dash cam audio recording. Clearly, Sanders was attempting to verbally communicate with the officer. Absent clear audio, video recordings, and substantive physical evidence, the witness statements and the officer's accounting were reviewed. Those statements did not establish that Sanders's words and actions conveyed he was *not* a threat—i.e. they could not disprove that the officer reasonably believed that Sanders posed a threat to the officer's safety at the time the officer shot him.

The Sanders family stated that Donnie did not carry guns and was likely clutching his side because he had just been released from the hospital after surgery for his stomach ulcers just hours before he fled from the officer. His body, they believe, was not capable of outrunning the young officer. The officer did not know those facts at the time of the shooting and therefore were not relevant to the legal analysis, which ultimately concluded that the facts and the law did not support filing criminal charges.

The Stop and Pursuit

The community has asked whether this killing could have been avoided. The focus of such inquiry often circled back to the chase. Was it wise and necessary for the officer to attempt to stop Sanders late in the evening for a minor traffic offense? Why did the officer immediately leave his car with his weapon drawn? Why not call for back-up?

Across the nation, there have been ongoing concerns regarding the exact type of stop that resulted in Sanders being shot. He was pulled over for something known as a “pretextual” stop, a minor violation that police conduct in the hopes of catching a wanted or felonious criminal who is a driver or passenger in the vehicle. This practice has been criticized for resulting in a disproportionate number of Black drivers being pulled over and searched.

As discussed more fully below, pretextual stops were made legal by the U.S. Supreme Court in its 1996 decision, [Whren v United States](#). Nonetheless, the impact of this practice must be examined. This is true especially in the harsh light of minority men being pulled over for minor violations and being shot by police, much like Donnie Sanders.

Moreover, there is the issue of the foot pursuit. Like pretextual stops, foot pursuits produce a net cost that rarely outweigh the net gain. Law enforcement agencies have recognized the inherent danger of foot pursuits.⁴ The high emotions, “adrenaline rush[,] and fatigue” experienced by officers directly involved can impair their perceptions and awareness.⁵ Thus, while foot pursuits in and of themselves are not a use of force, they are often the precursor to the use of force. Sanders is one such instance

⁴ Int’l Assoc. of Chiefs of Police, FOOT PURSUITS, CONSIDERATIONS DOCUMENT 1 (2023). Several departments and model policies prohibit or greatly discourage chasing people with guns drawn, particularly with their fingers on the trigger. See, e.g., Detroit Police Dept. Directive 202.7-5.9 (2018) (on file with author) (“Under no circumstances shall a member run or carry a handgun with their finger on the trigger. When a suspect appears unarmed and there is no other reliable information (e.g. witness, nature of offense, etc.) to determine the danger the suspect presents, it is generally best to keep the handgun securely holstered until or unless needed to effect the arrest.”); see also Stanford Law School, Model Use of Force Policy Beta Release 1.0, 5.300 Sec. F.1.b (2022), [see link](#) (requiring officers to “proceed with extreme caution” if they must run with unholstered firearms); Houston Police Dept., General Order No. 600-11, Sec. 2 (2020), [see link](#) (requiring “special caution” including a specific instruction that requires officers running with a firearm to keep their fingers off the trigger.)

⁵ [Foot Pursuits: To Chase or Not to Chase?](#) and [The Dangers of Police Foot Pursuits](#)

among many similar incidents across the United States in which a civilian was shot and killed at the conclusion of a foot pursuit.

We should also point out two other key practices that are different today than when Sanders was shot and killed. First, all KCPD officers are required to wear body cameras and activate them while interacting with suspects, victims, witnesses, and the public. Like many other police departments across the nation, the KCPD has deployed body worn cameras to record these critical events. If operational, body worn cameras allow for additional evidence and perspectives to be reviewed to determine if an officer's actions were appropriate and lawful.

In addition, KCPD no longer investigates when an officer is involved in a fatal officer-involved shooting. It should be noted that Sanders' fatal shooting occurred at a time when the KCPD was still investigating its own officers in officer-involved shootings, although later in the Sanders investigation the Missouri Highway Patrol was enlisted to help complete interviews and other investigatory work. Since then, KCPD has agreed to call in the [Highway Patrol](#) to conduct such investigations in fatal shootings from the outset. This is a change that should be commended.

The History of Sanders and the Officer who Shot Him

To complete its review, the board members attempted to learn about Donnie Sanders. The CAB also invited the Sanders family to one of its final meetings.

The Sanders family stated the following relevant information (see [Appendix F](#)):

- Donnie did not carry guns.⁶ The family did not know him to be violent.
- Donnie is believed to have run on foot from police on multiple occasions.
- Donnie, who grew up and lived in Kansas City his entire life, was scared of police.
- Donnie did not want to go to jail, and he did not trust the police.
- The family is concerned and frustrated that the officer who shot Donnie is still patrolling the streets.

⁶ This is supported by a review of his criminal history. (See [Appendix E](#))

- The family did not believe the police department treated them respectfully. As an example, they noted that KCPD never returned Donnie's property and sold his sister's car at a police auction.
- The family put up a memorial to Donnie at the crime scene and someone quickly took it down. The family believes the police removed it.
- The family explained that Donnie had just been released from the hospital on the morning he was killed. They believe that he was likely reaching or grabbing near his stomach or waist where he had surgery, after attempting to outrun the young officer.
- When asked if there was anything they would like answered by the Police Department's Board, they responded by raising the following question: "If the officer was in fear for his life, why did he chase their brother and not call for backup?"

Prior to this incident, Mr. Sanders had multiple contacts with law enforcement. Dr. Toya Like, Associate Dean of the UMKC School of Humanities & Social Sciences and a professor of Criminal Justice and Criminology, noted, "He suffered from drug addiction which equated to arrests for these non-violent offenses," Like continued. "Relatedly, he had prior arrests for larceny-theft which likely was also a byproduct of his substance abuse." Like further stated that, "[t]hese previous contacts may explain Mr. Sanders's decision to run or avoid apprehension." She also concluded:

"The criminal justice system is not equipped to address issues such as drug abuse and addiction, or a plethora of other social ills that are best served in therapeutic settings or via social services such as homelessness, housing insecurity, or mental illness to name a few. Yet the criminal justice system is commonly utilized and police officers deployed when issues, like those Mr. Sanders was facing, occur. It's very likely Mr. Sanders understood that jail or prison would equate not to drug treatment or rehabilitation, but instead to incapacitation (or punishment). So, it would not be surprising that Mr. Sanders or others similarly situated would evade contact with the police. It is important to point out, however, that drug use, theft, or evading apprehension (i.e., hiding from, running away from, driving away from the police)

should not result in a fatality. These are non-violent offenses which typically do not warrant the use of lethal force.”

The officer who fatally shot Sanders is known to the Kansas City community. The community board and staff debated whether to include the officer’s history for this report.⁷ While much of this history is publicly known, ultimately, we determined that heightened ethical rules for prosecutors limit our ability to outline the officer’s history, though we acknowledge its importance. We excluded that information pursuant to Missouri Rule of Professional Conduct 4-3.8. This rule limits public statements about the accused except for statements that are necessary to inform the public of the nature and extent of the prosecutor’s action. Further, we must refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused, and exercise reasonable care to prevent investigators, law enforcement personnel, employees, or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making.

Police Encounters with Civilians

A. Traffic Stops

Many communities have experienced the exact type of traffic stop that ultimately resulted in Sanders being shot. The officer who shot Sanders first attempted to contact him for traffic violations, namely potential speeding and, thereafter, the improper use of a turn signal. However, the efforts and vigor with which this officer pursued Sanders invite concern that his attempt to stop Sanders was pretextual. A “pretextual” stop occurs when police pull over a driver for a technical violation of a traffic ordinance—one that does not immediately impair public safety—when the officer’s true motivation is to investigate some other crime, despite lacking probable cause or even reasonable suspicion that the driver has committed another crime or offense.

⁷ The officer is still employed. It should be noted that the Police Chief does not have full control over the employment of officers, as the ultimate authority for KCPD is the Police Board of Commissioners, which appoints the KCPD Chief of Police. By statute, all complaints made against police officers must be heard by the Board of Commissioners, and the officers are represented at those hearings by the Fraternal Order of Police, the police union which wields considerable influence over the Board of Commissioners.

The U.S. Supreme Court made this practice legal in its 1996 decision, *Whren v. United States*, in which a driver in a “high drug area” of the District of Columbia was prosecuted for drug possession for drugs found during a search of his vehicle despite initially only being pulled over by police for speeding.⁸ The Supreme Court ruled that police did not violate the Fourth Amendment and held that “certain actions [can be] taken in certain circumstances [despite] the subjective intent.” This language has been interpreted to mean that the Fourth Amendment is not violated even when an officer’s decision to pull over a driver is based on that driver’s race so long as that driver committed a traffic violation.⁹ Following this decision, pretextual stops became more prominent. When *Whren* was decided in 1996, there were approximately 10.5 million traffic stops in the United States.¹⁰ By 2018, that number had swelled to over 27 million.¹¹

Pretextual stops impact Black drivers at a higher rate than White drivers. Black drivers are at least 20% more likely to be pulled over for a traffic stop, and in some jurisdictions, the discrepancy is even greater.¹² Here in Missouri, it is widely believed that Black drivers are stopped more frequently by police. The data has proven that belief to be correct. In 2020, the Missouri Attorney General’s Office report on police stops showed a definitive disparity in the number of Black drivers pulled over by police.¹³ The data submitted by state law enforcement agencies also showed that no other racial group, i.e. Whites or Hispanics, came close to the disparities reflected in the data for Black drivers. Two years later, in 2022, the Missouri Attorney General Office’s report showed the same disparity.¹⁴ Once again, Black drivers were stopped by a proportion greater than their share of the state population. By contrast, white drivers have been stopped every year at lower rates than their share of the population. The 2022 report marked the 23rd consecutive year in which Missouri law enforcement statistics showed “Black drivers are stopped at higher rates than their share of the population.”¹⁵

⁸ *Whren v. United States*, 517 U.S. 806, 814 (1996).

⁹ Bradley R. Haywood, *Ending Race-Based Pretextual Stops: Strategies for Eliminating America’s Most Egregious Police Practice*, 26 Rich. Pub. Int. L. Rev. 47, 59 (2023).

¹⁰ Haywood, *Ending Race-Based Pretextual Stops*, 26 Rich. Pub. Int. L. Rev. at 65.

¹¹ *Id.*

¹² Haywood, *Ending Race-Based Pretextual Stops*, 26 Rich. Pub. Int. L. Rev. at 66-67.

¹³ Missouri Vehicle Stops 2020 Annual Report ([See link](#))

¹⁴ Missouri Vehicle Stops 2022 Annual Report ([See link](#))

¹⁵ Rudi Keller, “Report shows Black drivers in Missouri more likely to be ticketed, arrested,” Missouri Independent.com, June 3, 2023. [See Link.](#)

Black drivers are also much more likely to be searched once they have been stopped.¹⁶ Such a disparity can create a “reservoir of resentment” in the community, which adversely affects crime rates. In addition, being stopped by police can result in arrests or even convictions which carry far-reaching collateral consequences. Unfortunately, an arrest or even a conviction is not the worst possible outcome for Black drivers.

Philando Castile was pulled over for having a broken taillight. So was Walter Scott. Daunte Wright was pulled over for having expired tags and/or for having an air freshener on his rearview mirror. During these traffic stops, all three men were shot and killed by law enforcement. Sandra Bland was pulled over on suspicion of an improper lane change. She later allegedly hanged herself in her jail cell. These cases attracted national attention as they demonstrated the influence of race in the persons being pulled over for minor violations and then being shot by police.

The baseline facts of the Donnie Sanders shooting are similar to all of these cases. Was this stop legal but too deadly? And might its deadly result be avoided, an outcome much greater than any threat to public safety averted by the officer’s enforcement of traffic laws?

B. Foot Pursuits

Instances exist in which pursuing a suspect on foot are not only warranted, but also imperative for public safety. Take for example a hot pursuit of a suspect fleeing from the commission of a dangerous felony, such as murder or assault with a deadly weapon. The risks, however, posed by foot pursuits include injuries—most commonly to officers themselves—as the parties physically exert themselves by running through unstable terrain, under poor lighting conditions, or jumping over fences. The greatest cost of these pursuits is death, as in the case of Donnie Sanders, Terrance Bridges, and Ryan Stokes.¹⁷ How is an officer under the effects of cortisol and adrenaline from his or

¹⁶ Haywood, *Ending Race-Based Pretextual Stops*, 26 Rich. Pub. Int. L. Rev. at 66-67.

¹⁷ In addition to Sanders, Terrence Bridges was shot and killed by police following a brief foot chase in 2019. While there were reports that he was armed and there was evidence that he was fleeing from the commission of a violent crime, at the time he was pursued and shot, he was unarmed. Likewise, Ryan Stokes was shot and killed after police pursued a claim of a suspected theft regarding Stokes and his friends. Stokes, like Sanders and Bridges, was shot and killed despite being unarmed. It would later be shown that the claims of a theft were unfounded.

her physical exertion supposed to ascertain the difference between a cell phone and a firearm, especially under poor lighting conditions?

In examining this issue, board members and staff reviewed policies from multiple large city police agencies, including Chicago,¹⁸ Houston,¹⁹ New Orleans,²⁰ and San Francisco,²¹ examined research and policy work produced by the International Association of Police Chiefs on foot pursuits, and reviewed literature authored by FBI trainers on the topic of foot pursuits. A review of these sources revealed the glaring need for a policy that provides officers with the tools to determine whether the circumstances require a foot pursuit and, if so, how to navigate the risks associated with the decision to initiate a pursuit.²² Some policies prohibit officers from chasing people when the justification for the pursuit is insufficient, such as when only a low-level, non-violent offense is involved, or when the primary justification for the pursuit is that a person is avoiding or fleeing police, with no other basis for reasonable suspicion that a crime is being committed.

From here, policies require an officer to then determine whether the apprehension of the civilian being pursued outweighs the risk of potential harm to the officer, the pursued civilian, and the other members of the public who are near the pursuit. Other risk factors to be weighed include the number of officers available and the alternatives to the pursuit, such as setting up a parameter or seeking to detain the person at another time if there are means available to determine their identification.²³ Even when the initial circumstances assessed by an officer result in a pursuit, many policies require officers to terminate chases when high-risk circumstances emerge—such as losing track of the person—absent an immediate threat to the lives of officers or the public. Likewise, many departments require supervisors to oversee pursuits as they occur and allow for supervisors, or others removed from the emotions of being involved in the pursuit, to order the termination of pursuits when the risk outweighs the benefit of immediate apprehension.

¹⁸ Chicago Police Dept., General Order G03-07 (2022) ([see link](#))

¹⁹ Houston Police Dept., General Order No. 600-11 (2020) ([see link](#))

²⁰ New Orleans Police Dept., Chapter 41.4 (2015) ([see link](#))

²¹ San Francisco Police Dept., General Order “Foot Pursuits” ([see link](#))

²² Int’l Assoc. of Chiefs of Police Law Enforcement Police Center, FOOT PURSUITS (2019)

²³ [IACP – Considerations Document: Foot Pursuits](#)

Finally, because of the risks involved, some law enforcement agencies require officers to report each foot pursuit, including documenting the factors that informed their reasonable suspicion that a crime had been or was being committed, and documenting the public safety justification for the pursuit. These policies have a clear goal. They are not designed to allow for suspects to escape. Rather, these policies are designed to ensure that officers do not move in hastily, but rather that they move purposefully and strategically to safely apprehend suspects and avoid unnecessary risks to themselves and others.²⁴

Was it wise and necessary for the officer to pull over Sanders for a minor traffic offense? Why did the officer immediately leave his car with his weapon drawn? Why not call for back-up? Discerning when the potential risks outweigh any reasonable, prospective gains from a foot chase is necessary for officer safety, department health and fiscal responsibility, and civilian lives.

On March 12th, 2020, the Kansas City, Missouri Police Department did not have a foot pursuit policy. If policies, like those discussed above, were in place, the officer who shot and killed Sanders would have been compelled to decide whether a foot pursuit should have been initiated based on the traffic violations he reported observing. Likewise, even if a policy allowed this officer the discretion to initiate a pursuit in those circumstances, the officer would have had to weigh the risk associated with such a decision, i.e. that he was alone, that Sanders was unknown to him and possibly armed, that he was in an unfamiliar area, and that it was dark.²⁵

A policy requiring the officer involved to weigh the risks could have changed the circumstances. Likewise, a policy with additional safe guards, such as one requiring the involved officer to confer with and/or seek the assistance of a supervisor to aid him in weighing factors, or perhaps one that would have required a discussion of whether to examine the vehicle that Sanders abandoned as a means to identify Sanders and perhaps later apprehend or make contact with him, could have also impacted the circumstances. At the very least, the application of even some of the safeguards in the

²⁴ [LEB - Officer Survival Spotlight, Foot Pursuits: Keeping Officers Safe.](#)

²⁵ [The Dangers of Police Foot Pursuits](#)

policies enacted by other departments could have created the possibility that a foot pursuit would either not have been initiated, abandoned, or pursued in a more thoughtful or strategic way. Put differently, applying such policies could have resulted in Donnie Sanders being alive today.

Many police departments, including the KCPD, recognize the danger of certain pursuits. A twenty-page policy governs vehicle pursuits for KCPD officers, which are limited to instances in which a suspect flees from a dangerous felony or constitute an articulable risk to public safety. More than four years have passed since the Sanders shooting. As of December 2024, the Kansas City, Missouri Police Department has not adopted a foot pursuit policy and, as such, officers are still free to use their discretion to initiate foot pursuits for minor traffic offenses irrespective of the risks associated with such incidents.²⁶

Use-of-Force Investigations

When officers use force on a civilian in the line of duty, like all suspects in a criminal investigation, they are entitled to due process. They are not, however, entitled to a special process. Throughout the course of the CAB members' review, the persistent themes surrounding investigations were trust, independence, accuracy, and transparency. At the core of those themes was the question: How can we trust the police to investigate themselves?

In the years leading up to the Sanders shooting, there were numerous public issues regarding how such investigations were conducted. Some of those issues concerned the treatment of civilian victims and their families, the publishing of false and/or negative information about the civilian victim, and the investigation of police shootings or misconduct by the other members of that same department—at times the

²⁶ According to the KCPD's twenty-page policy governing vehicle pursuits, officers must consider several factors, such as weather and road conditions, the speed of the vehicle, whether the area is residential or high traffic, and sufficient communication with dispatch and supervisors. This policy is tailored to balance net risks and net gains of vehicle pursuits, and it recognizes the difficulty of making such split-second decisions, such as whether to give chase, by removing some discretion from the officers. Despite similar risks to human safety, no policy governing KCPD foot policies exists.

lead investigator was a close and trusted friend and colleague of the individual under investigation.

Prosecutors are not investigators, and it is this office's policy that prosecutors should refrain from taking an active role in investigating crimes. Furthermore, prosecutors are not legally vested with the authority to select which police agency investigates a specific incident. Nonetheless, prosecutors can and should take affirmative steps to ensure that all parties to a case are treated fairly and that charging decisions are based on a thorough and neutral investigation.

But police, their supporters, community members, and others will need to guard against the proliferation of false narratives about these shootings, to build more trust in the system. The board members and staff discussed recent examples to highlight these issues. In 2013, Ryan Stokes was shot and killed by police. Some of the resulting issues in that case, in part, stem from the original communication with Stokes' family. They were treated more like suspects than victims and were almost immediately told a narrative about Stokes. Evidence would later show those early narratives were false. Hours after Stokes' killing, police did not attempt to visit the home of the victim as they would in other homicide next-of-kin notifications. Rather, they first sought to have Stokes's mother meet them somewhere. When she refused, they sent multiple officers to her home. Police vehicles lined her street and most of the officers wore tactical vests. One of those officers, a police commander, told Stokes' mother that Stokes had a gun, there was a standoff, officers asked him to put the gun down, and because he wouldn't, they had to shoot him five times in the chest. Equally problematic were media reports based on information from police that alleged that a person, Stokes, had been involved in a theft, fled from police, and then was involved in a standoff where police fired their weapons.

Stokes was shot from the rear, and the bullets that struck him entered the side of his body. He did not steal anything. He was not fleeing from police. Moreover, there was no standoff in which Stokes refused to drop a weapon. Rather, the evidence showed that the officer who shot Stokes stated he saw Stokes run to a car with a gun and he believed that Stokes was still armed with that gun as Stokes began to approach another set of officers, who were arresting one of Stokes's friends. Fearing that Stokes would shoot the other officers, the officer shot Stokes. While a weapon was in fact

found in the vehicle that Stokes was seen approaching, and while a grand jury determined that the officer should not be charged, the public's confidence in the investigation and the grand jury's decision, were understandably shaken due to the initial misinformation produced by police and published to the media.²⁷

The Stokes family should not have been treated in this manner. They were the victims, not the suspects. The information published about Stokes and his actions were inaccurate and should not have been published. Based, in part, on the treatment of victims like Stokes and his family and others, this office instituted specific procedures in use of force events. Today, to ensure that information concerning a police shooting is accurate and neutral, a prosecutor is assigned to go to the scene. That prosecutor is required to contact the victim and keep them apprised of the circumstances of the investigation, as is the case in any civilian-on-civilian matter. Had the current policies been in place, this office, as it did in Sanders' case, would have identified Stokes, as he was known and remembered: as a loving father, protective brother, and a beloved son who is dearly missed.

The false narratives of Stokes are not unique, and the issues in preventing the misinformation or negative information about the victim persist despite the efforts of this office.

Leona Hale provides an example of another form of false narrative. Ms. Hale was riding in a vehicle that matched the description of an earlier carjacking in Kansas City that was pulled over by police. Ms. Hale matched a description of one of the carjackers. She was ordered out of the vehicle, but she attempted to run from the officer. An officer fired at Ms. Hale, striking her. She was transported to an area hospital and recovered from her injuries. The resulting narrative was that Hale was unarmed with her hands in the air attempting to surrender when officers shot her. Other narratives reported that Hale was pregnant during this altercation with police. The community sentiment began to heighten with these narratives, so the office determined that it was critical to release accurate information regarding this encounter. Hale was armed and still photos captured her pointing the weapon, somewhat distractedly behind her in the direction of

²⁷ [See link](#) to Justice Sotomayor's dissenting opinion on the U.S. Supreme Court's denial of writ.

the officer, as she ran from police. This narrative was substantially different from the one being spread within the community.

Another example of a persistent false narrative is Eric DeValkenaere's killing of Cameron Lamb. Police, on their own and without consulting the prosecutor's office, provided the media with case materials and information purporting to show that Lamb was fleeing from police and a danger to the public that required immediate police attention and resources. This was calculated to lead the public to believe that Lamb was in the process of committing a crime; however, the reality is that the evidence known to police at the time showed the exact opposite. By the time DeValkenaere went to trial in 2021, every police witness, including DeValkenaere, would testify under oath that there was no police chase of Lamb and no officer, including DeValkenaere, could identify any crime, other than potential traffic violations, that Lamb was under investigation for or being sought for. In fact, the evidence would establish that Lamb was not fleeing or evading police at all and no one had called 911 for him. Rather, he was simply backing his vehicle into his basement driveway in his backyard when DeValkenaere and his partner, two plainly clothed officers, violated Missouri and Federal law by entering Lamb's property with their firearms out.

The false narrative, however, did not end with the myth of Lamb fleeing from police and actively committing a crime. Following the fatal shooting of Cameron Lamb, the Fraternal Order of Police issued a written statement, asserting "it is undisputed that the suspect (Cameron Lamb) pointed a gun at another officer." The support for this false narrative came from DeValkenaere's statement to investigators and pictures from the crime scene showing a gun under Lamb's outstretched left hand inside the garage. But this narrative was never true. In fact, it was never in dispute because it never happened.

DeValkenaere's partner testified he never saw a gun in Lamb's left hand and, because of that, he never raised his gun or fired a shot.²⁸ The evidence showed that Lamb was unarmed, and at the time he was shot, he was making a phone call with his right hand and opening his left hand to communicate that he was no threat to DeValkenaere's partner. There was ample support for this conclusion in the evidence.

²⁸ [See link](#) to Judge Chapman's opinion regarding further details on the case.

The phone call that Lamb made connected, and a voicemail recording seconds after the shooting captures DeValkenaere commanding Lamb to keep his hands up rather than to drop a gun. Moreover, the crime scene, coupled with witness testimony, showed that Lamb's gun was on the stairs inside the garage and not in his truck at the time he backed into the driveway, where he was confronted by DeValkenaere and his partner, and ultimately shot by DeValkenaere. Although police witnesses eventually identified seeing a gun under Lamb's extended hand after they entered the garage, the first police witness who entered the garage carrying a tactical shield testified that he did not see a gun under Lamb's hand. Another police witness testified that he recalled seeing the gun on the floor of the garage, but the gun's magazine was detached. Nonetheless, by the time crime scene staff took pictures to document the scene, the gun and magazine were no longer separated. No officer testified that they placed the magazine back into the gun and no report identified how the gun and magazine came to be attached. Moreover, the DNA testing on the gun found under Lamb's outstretched hand revealed Lamb's profile, but also revealed multiple unaccounted for and unknown profiles.²⁹

DeValkenaere was only on Lamb's property for 9 seconds before he shot him. The evidence shows that after the shooting, DeValkenaere would go on to tell investigators that Lamb's roommate told him when he arrived on the property that Lamb and others were involved in gun play. This was not true. In the end, despite DeValkenaere's conviction and the upholding of that conviction after review by multiple courts, the false narrative and negative view of Lamb as a criminal fleeing from police and attempting to shoot police persists in some pockets of our community.

There were also false allegations about the politicizing of this case by the prosecutor's office in the wake of George Floyd's murder and the summer 2020 protests against police misconduct. Like the other narratives, this is also false. In March 2020, months prior to Mr. Floyd's murder, this office sought to charge DeValkenaere by way of requesting a probable cause statement and filing a criminal complaint. Those attempts would be stymied by the police, who spun a further false narrative that they do not provide probable cause statements in police investigations. The refusal to provide a probable cause statement, coupled with the COVID-19

²⁹ Finally, despite a search of Lamb's pockets at the scene, documented by picture, which revealed no evidence of bullets, Lamb's body arrived at the medical examiner's office with bullets in his pockets.

pandemic bringing Courts to a halt, delayed the ability of this office to present the case to a grand jury to allow them to determine if charges should be filed. Once a grand jury could be convened, charges were ultimately issued in June 2020. As such, the timeline was not a product of this office attempting to capitalize on the tragedy of Mr. Floyd's murder, but rather a product of police's refusal to cooperate in providing the requisite probable cause statement.

These narratives were seared into the psychology of police officers' and their supporters' understanding of the events of that day. Pieces of these false narratives can still be found in mainstream media, even though the charges and conviction were vetted through a Grand Jury, a trial, and appeals up to the Missouri Supreme Court. DeValkenaere would thereafter abandon all legal claims by failing to seek review of his conviction by the U.S. Supreme Court and by not challenging the legality or fairness of the proceedings that led to his conviction or sentence. Nonetheless, those false narratives would soon be used by him and his supporters as the basis for political action outside of the law and in full defiance of the evidence.

On December 20th, 2024, DeValkenaere's prison sentence was commuted by the outgoing Missouri Governor and, unlike Lamb, he was able to return home to his family. The commutation came after a well-financed and orchestrated campaign by DeValkenaere's family, supporters, and the local and National Fraternal Order of Police to paint over the evidence upon which he was convicted with the old, false narratives that Lamb, and not DeValkenaere, was the true criminal on December 3rd, 2019. The dissemination of this false narrative provided political candidates for Missouri Governor during the 2024 election cycle the ability to "support police" by railing against a system that would wrongfully imprison DeValkenaere and make campaign promises to free him should they successfully gain office. However, the truth is clear. DeValkenaere was not chasing a violent criminal. There was no emergency. He was not forced into a difficult decision because of the choices of others. Rather, he disobeyed the law, disregarded Lamb's rights, and acted outside of his own training when he chose to enter Lamb's property. And after he shot Lamb, he helped create a false narrative that Lamb and others had been involved in gun play.

The outgoing Governor, no doubt aware of all the evidence, did not pardon DeValkenaere and did not vacate his conviction. As such, it remains to be seen how

much damage has been caused to the fragile trust that so many place in our system of criminal justice to apply the rules equally to all, without fear or favor.

But police agencies and their law enforcement partners are making improvements that hold promise to build more trust in their work, even around officer-involved shootings. By 2020, for example, the KCPD was no longer conducting its own investigations. Rather, the Missouri Highway Patrol was tasked with investigating the Sanders shooting. This small but important step should be commended. It separates investigators from the suspect officer and can strengthen the public's confidence in a thorough and neutral investigation. Moreover, since the fatal shooting of Sanders, KCPD has deployed body worn cameras, like many departments across the nation. If operational, body cameras allow for additional evidence and perspectives to be reviewed to determine if an officer's actions were appropriate.

In the Donnie Sanders case, KCPD released information that Donnie was unarmed within hours of the shooting. It should be noted that investigators issued this additional fact though it was unfavorable for the department and had potential to inflame the public. But it was an important fact to provide to the community at large in the early stages of an investigation. At times, investigators may be rightly protective of information, especially if statements from the involved officer and any witnesses have yet to be taken. The best guidance may come from a recognized police organization, the International Association of Chiefs of Police, which describes itself as the world's largest and most influential professional association for police leaders:

"It is essential for police departments to demonstrate accountability to the community through an impartial, transparent, and systematic investigative process. Systematic investigations of officer-involved shootings may uncover deficiencies that lead to necessary changes in policy and training and avert civil lawsuits."

A renewed focus should be placed on maintaining an independent and neutral investigative team and identifying ways to enhance that process. It can be appropriate to provide an early briefing to the public about the officer-involved shooting in consultation with the prosecutor—similar to how these partners would manage the aftermath of a mass shooting in their communities. Only trusted and vetted information

can go out, and concern must be clearly and equally shared for both the officer and the victim of the shooting.

CAB's Findings and Recommendations

Recommendations for Police

Training and policy:

- Limit pretextual car stops. Train officers to avoid these situations, unless necessary, that will place them at risk. Whether through policy or strategy, officers should be prohibited from making minor traffic stops seeking to find much more serious crimes to warrant the stop.
- Implement KCPD training that discourages officers to chase subjects on foot, with weapons drawn, when suspect is under mere suspicion for violating a traffic offense. Encourage use of nonfatal weapons whenever possible.
- Consider requiring every officer who points a weapon at a civilian to write a report regarding the encounter, even if the officer did not fire, to review with a supervisor or training officer.
- Consider improving any cultural competency training, including the addition of implicit bias training. Allow community input so the training is done by experts outside of law enforcement.

Practices:

- Continue to implement body-worn cameras for every officer and message the community about efforts to ensure that officers are using the cameras at every appropriate moment.

- Assign a liaison officer in KCPD to assist the families of the injured or fatally wounded person in an officer-involved shooting.³⁰
- Continue to ensure that patrol cars are equipped with non-lethal weapons to lower rates of officers discharging lethal weapons.

Independent Investigation/Community Trust

- Clearly communicate to the community about recent improvements in the handling of officer-involved shootings, such as that body-worn cameras continue to be deployed and utilized, medals are no longer awarded to most officers involved in a shooting, and fatal officer-involved shootings are now being investigated by an outside police agency.
- Consider recommending or encouraging officers to give a statement within 24 hours in the aftermath of an officer-involved shooting, as citizens are required to do.
- Consider ways, including establishment of a citizen review board, to build new community confidence in the Office of Community Complaints, which is overseen by the Board of Police Commissioners. All efforts must be expended to assure our community that every complaint about a police officer is being faithfully reviewed and investigated.
- Consider making investigators for the Office of Community Complaints part of a body independent of KCPD or its state-appointed board of police commissioners.
- Create an OIS (Officer-Involved Shooting) online dashboard for the community. Consider adding excessive use of force cases to it in the future. (See [Appendix B](#) for a graph displaying OIS incidents in Kansas City since 2005. It shows a downward trend since 2020.)

³⁰ After hearing the family's testimony, the community board and prosecutor's office staff agreed that KCPD should designate neutral liaisons, functioning much like victim advocates in the prosecutor's office, who would help the families of deceased victims in an officer-involved shooting to cope with the aftermath of the shooting. Services might include facilitating counseling services for grieving family members, assisting with property disposition, and providing reports needed to keep the family informed. Commendably, the current KCPD Chief of Police agrees with this recommendation.

Other Actions

- Address the employment status of the officer who shot Donnie Sanders, pursuant to the Officer Bill of Rights. Consider the totality of his conduct – relating to this specific incident and what is known of the officer’s use of force in other incidents.

Recommendations for Prosecutors

- Designate specific senior prosecutors and experienced investigators to manage officer-involved cases. If needed, this staff should work exclusively on these cases to avoid conflicts with police officers on other cases.
- Designate victim advocates for the family members of those involved in an officer-involved shooting.
- Have an MOU with police on officer-involved shootings and misconduct claims. It must require timely notification; access for prosecutor’s office to view the scene; and timely providing other misconduct allegations by the same officers.
- Publicly disclose video and audio evidence when it does not impair an investigation or criminal proceeding.
- Use a Community Advisory Board to make recommendations for investigation and potential charges regarding officers. The board must include lawyers who have a specific understanding of the law.
- Make public statements about any law enforcement shooting in a timely fashion that counters information provided by law enforcement.
- Advocate for state law changes needed to ensure independent investigations of officer-involved shootings.
- Establish a protocol for maintaining and providing *Giglio* (police personnel files and disciplinary records) information regarding officers to appropriate parties in the criminal justice system. Clearly articulate to the public how the office manages this duty.
- Consider improving any cultural competency training. Allow community input so the training is done by experts outside of prosecution.

- Clearly communicate to the community any recent improvements in the handling of officer-involved shootings.
- Make timely decisions on criminal charges and make those findings publicly available.

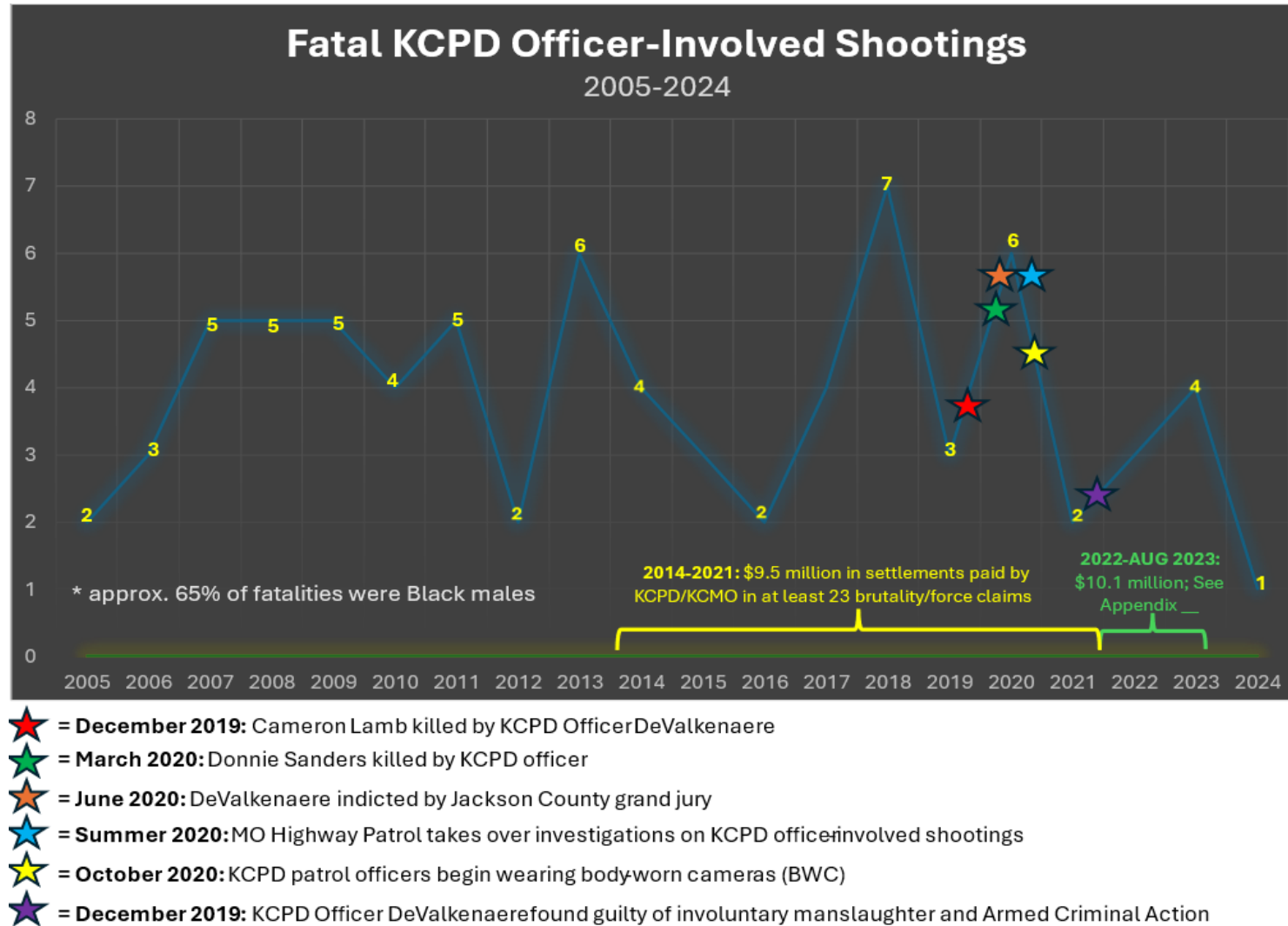
Inquiries and Materials Reviewed by the CAB

- Police dash camera footage of the shooting
- [JACO Prosecutor's letter declining charges](#), dated March 1st, 2021
- Presentation on [Use of Force law](#) in MO
- Visit to the scene ([the alley](#) where Donnie Sanders fled from his vehicle and the [intersection](#) where he was shot)
- Publicly available [KCPD policies and procedures](#)
- [Seattle, WA Sentinel Event Review](#), as example of a similar inquiry to this review
- [Department of Justice Report](#), dated March 4th, 2014, to discuss the "Ferguson Effect"
- Testimony from community members and law enforcement officers, comprising the CAB
- Donnie Sanders's criminal history (See [Appendix E](#))
- Review of involved officer's use of force history (omitted from report per ABA Rule 4-3.8)
- Office of Community Complaints ("O.C.C.") process and history, as presented by Executive Director Merril Bennekin (See [Appendix D](#))
- Statistics regarding frequency of KCPD officer-involved shootings since 2005 and the racial demographics of victims. (See [Appendix B](#))
- KCPD Civil Settlements Summary (2014-2023) (See [Appendix C](#))
- Testimony of Donnie Sanders's siblings (See [Appendix F](#))

APPENDIX A: Supplementary Reading

- [DOJ Report on its Investigation of the Ferguson, MO Police Department](#) after the killing of Michael Brown, published March 4th, 2015
- Geoffrey P. Alpert (2016) Toward a National Database of Officer-Involved Shootings, 15 *Criminology & Pub. Pol'y*, 237:15
- Robert J. Durán & Oralia Loza (2017) Exploring the two trigger fingers thesis: racial and ethnic differences in officer involved shootings, *Contemporary Justice Review*, 20:1, 71-94
- Robert J. Durán (2016) No Justice No Peace: Examining Controversial Officer Involved Shootings, *Du Bois Review*, 13:1, 61-83
- Tate Fegley (2020) Police Unions and Officer Privileges, *The Independent Review*, 25:2, 165-186
- Marcia L. McCormick (2015) Our Uneasiness with Police Unions: Power and Voice for the Powerful?, *Saint Louis University Public Law Review*, 35:1, 47-66
- Richard Rosenfeld (2016) Documenting and Explaining the 2015 Homicide Rise: Research Directions, *National Institute of Justice Report*, 1-29
- Stephen Wu (2021) Leadership Matters: Police Chief Race and Fatal Shootings by Police Officers, *Social Science Quarterly*, 102:1, 407-419

APPENDIX B: Fatal KCPD OIS Shootings (2005 – 2024)



APPENDIX C: KCPD Settlements (2014-2024)

SUMMARY:

<u>2014 – 2021</u>	\$9.5 million paid out in at least 23 brutality/force claims.
<u>Jan 2022 – Aug. 2023</u>	\$10.1 million paid in claims including excessive force, wrongful death, assault and battery, and false arrest (\$2.1 million for excessive force alone).
<u>Feb 2023 – Feb 2024</u> Note: 6-month overlap with previous time period	\$6.9 million paid in settlements including police chase, false imprisonment, and excessive force.

NOTEWORTHY SETTLEMENTS (PUBLICLY AVAILABLE*):

**Note: Some settlements occur after a demand letter is sent before a civil case is filed; those figures are largely unknown*

YEAR	INCIDENT DETAILS	OFFICER STATUS	SETTLEMENT AMOUNT
2014	<u>Incident Date:</u> 6/24/2014 <u>Location:</u> 6400 block of E. 15th Terr. <u>Description:</u> Tactical officers arrived to serve arrest warrant on Antony Contreras (H/M, 37y/o), as he fled the residence out the back door, a police officer shot Contreras in the face. <i>*Contreras now serving a 22-year prison sentence from an unrelated criminal case.</i>	Involved officer still works for KCPD in patrol	\$425,000 *JACO grand jury indicted charges against Ramsey but they were later dismissed.
2015 (JAN)	<u>Incident Date:</u> 11/18/2013 <u>Location:</u> Independence and Highland Ave <u>Description:</u> 2 officers shot unarmed man (Philippe Lora, B/M, 36y/o, left partially paralyzed) 20 times in a vehicle as he was backing up, the vehicle was allegedly taken in a carjacking. Recorded on dash camera.	Two involved officers; one joined KCPD in 2012 and left in 2019, disciplinary status unknown. That officer was involved in another shooting in 2016 (see 2018 below); the two incidents cost KCPD \$6.3 million in settlements	\$4.8 million *Cleared KCPD notable event review (found no fault in officer's training or use of force)

2016	<u>Incident Date:</u> 5/02/2014 <u>Location:</u> Independence & Cyprus Ave. <u>Description:</u> KCPD Officer responds to a reported robbery and suspect (Manuel Palacio, H/M, 25y/o) immediately drops to the ground, KCPD officer places him in handcuffs and begins punching and threatening him. Captured on dash camera. <i>*Palacio plead to stealing and was sentenced to 4 years in prison; was later shot to death by KCK police in 2018</i>	Involved officer left KCPD shortly after this incident for unknown reasons	\$300,000
2018	<u>Incident Date:</u> 10/08/2016 <u>Location:</u> 44th & Mersington <u>Description:</u> KCPD car chase after gunshots were detected; the driver (Brandon Finch, B/M, 23y/o) fled 12 blocks to a dead end, his Mercury began rolling backwards towards officers who shot at the Mercury and hit the driver at least 16 times, both officers had weapons drawn. Partially captured on dash-camera.	Two involved officers; one is the same officer from 2015 Philippe Lora shooting and left KCPD in 2019; other involved officer is now a KCPD detective	\$1.5 million *Charges declined by JACO PAO
2020 (NOV)	<u>Incident Date:</u> 11/14/2019 <u>Location:</u> 51st & Troost (Go-Chicken-Go parking lot) <u>Description:</u> Officers stopped a teenager (B/M) after a brief chase; when teen exited the vehicle, his teeth were broken by officers and the sergeant on scene kneeled on his neck until he stated	KCPD sergeant and police officer involved; Sgt was an 18-year veteran at KCPD; other officer was involved in 2019 Terrence Bridges shooting (see 2022 below)	\$725,000 *OCC sustained complaint, discipline unknown; Sgt was charged by JACO PAO with assault – received 4 year probation + written apology + surrendered peace officer license
2021 (OCT)	<u>Incident Date:</u> 8/28/2015 <u>Location:</u> Bruce R. Watkins Dr. <u>Description:</u> Officer fired 9 shots during a car chase at a fleeing suspect who allegedly drove his vehicle in the direction of the officer on his motorcycle (Pierre C. Hill-Williams, B/M, 21y/o) and struck a 1-year-old girl passenger in the foot. <i>*Pierre C. Hill-Williams charged with assault</i>	Police officer involved joined KCPD in 2009	\$100,000
2022 (NOV)	<u>Incident Date:</u> 5/26/2019 <u>Location:</u> 7000 Bellefontaine	Same officer that was involved in Bridges	\$5 million

	<u>Description:</u> Foot chase while police investigating DV/carjacking incident, a police officer shot Terrence Bridges (B/M, 30y/o) in the chest killing him. The officer claimed Bridges had a gun, based on victim statements, but he was unarmed.	shooting (mentioned above)	*JACO Grand Jury did not indict
2022 (OCT)	<u>Incident Date:</u> 9/02/2017 <u>Location:</u> Walmart @ 133rd & State Line Rd <u>Description:</u> Brian Prince (W/M, 45y/o) was suspected of stealing \$500 in merchandise from Walmart and was tackled by a police officer and slammed to the ground, hitting his head; Prince died after 29 days on life support. Captured on store surveillance video.	Officer involved later promoted to detective then to sergeant	\$500,000
2022 (SEPT)	<u>Incident Date:</u> 6/14/2018 <u>Location:</u> Barney Allis Plaza <u>Description:</u> A man named Timothy Mosley (B/M, 37y/o) took a golf cart occupied by a security officer and ordered the officer at gun-point to drive him to where a man named Ryan White (W/M, 38 y/o) was sitting at a table and began assaulting him for nearly 10 min with a weapon. When the security guard notified police and KCPD arrived, 2 officers approached Mosley who was using White as a “human shield” and the officers fired at least 17 rounds; 10 bullets were recovered from White’s body and 5 from Mosley’s.	Officers were never named	\$1.5 million
2022 (FEB)	<u>Incident Date:</u> 6/08/2016 <u>Location:</u> 91st and Marsh Ave. <u>Description:</u> Officers responded to a call regarding 3 B/M’s with guns on a corner, they observed a B/M who fled; 7 minutes later and a mile away, officers took teenager Tyree Bell (B/M, 15y/o) into custody, despite wearing different clothing and having a different hairstyle than the suspect, he was arrested and held for 3 weeks in jail (not charged, so likely on other holds) before KCPD realized they’d arrested the wrong person.	Both involved officers still work for KCPD, one is now a violent crimes detective and the other works in special operations	\$900,000 + KCPD apology to teen
2023 (JULY)	<u>Incident Date:</u> 8/08/2022 <u>Location:</u> 55th and Prospect	5 KCPD officers involved; 4 of them still work for KCPD	\$500,000

Description: Mack Nelson (B/M, 44 y/o) was recording the crime scene of a KCPD officer-involved shooting of a man outside of a gas station (determined to be justified b/c man was nearly hitting an officer with his vehicle) when police arrested Nelson for recording inside of the crime scene and an officer slammed Nelson to the ground, resulting in injuries and later arrested (plead guilty to disorderly conduct, resisting, and trespassing). Due to cellphone video from another bystander (Steve Young, co-founder of KC-LEAP), a civil claim was brought.

UNK.

Incident Date: 5/24/2019

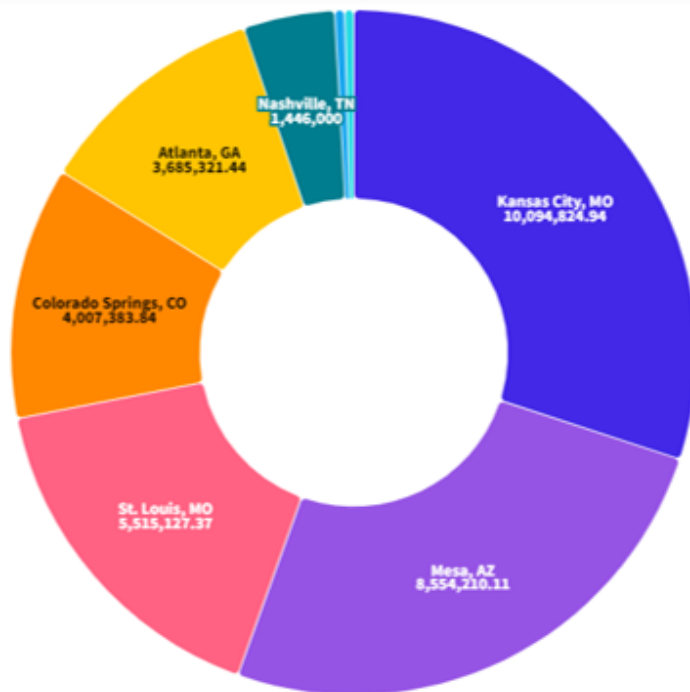
Location: 1319 Brush Creek Blvd.

Description: Officers were dispatched to a beauty store for reported trespass; outside they encountered Brianna Hill (B/F; 30 y/o) a transwoman who was killed in an unrelated homicide in October 2019. The officers decided to arrest Ms. Hill and while doing so, they slammed her face against the sidewalk, kneeled on her face and torso, and forced her arms over her head while she was cuffed, resulting in injuries. The officers also issued a ticket to bystander Roderick Reed, who recorded the encounter on his cell phone, for failing to move his car while recording. Reed was later pardoned by the mayor.

2 involved officers were charged by JACO Grand Jury with felony assault in 3rd Degree, pleaded guilty and received probation in 2022

\$200,000 to Hill's family and **\$500,000** to Roderick Reed for false imprisonment

Compared to other Mid-Sized Cities:



Additional context:

- Tucson reports no excessive force.
- Colorado Springs' excessive breakdown was unclear.
- KCMO reports \$9,680,000 covers excessive force plus wrongful death and false arrest.
- Mesa reports \$5,271,929.44 covers excessive force plus police shootings and employee misconduct.
- St. Louis reports \$5,234,000 covers excessive force plus civil rights and civil rights class action.

Source: Knute, Caitlin. "KCMO mayor, police chief agree KCPD's high settlement payouts are 'something we need to address,'" *KSHB Local News*. Pub. September 17, 2023.

APPENDIX D: Office of Community Complaints History (OCC)

Community Advisory Board Presentation

Merrell Bennekin - Executive Director of The Office of Community Complaints

Presented with guest, Tiara Watley, also from the OCC

April 18, 2024

- Mr. Bennekin has been with the OCC for 23 years
- The OCC was established in 1969 – longest continuously operating civilian review organization
- Employed by the Board of Police Commissioners (“not KCPD”)
 - Board of Police Commissioners directly hire 2 people: KCPD Chief & Exec. Dir. OCC
- The OCC does not exist “by statute” – no governing statute exists
- OCC is the “vehicle by which KCPD reviews complaints against sworn and civilian officers”
- OCC process can result in:
 - Investigation (interviews, crime scene, etc.,)
 - Investigated by KCPD Internal Affairs (I.A.)
 - OCC does not have own investigators
 - KCPD I.A. conducts the investigation and sends file back to OCC to make a recommendation to KCPD
 - Mediation and reconciliation
 - In lieu of an investigation
 - Citizen can choose to mediate with the officer, but no further investigation will result
- OCC complaint outcomes:
 - Sustained = violation of KCPD policy and procedure
 - Not sustained = not enough evidence to make a determination
 - Exonerated = incident occurred and enough evidence to determine that there was no violation of policy or procedure
- If the OCC recommendation is disputed by KCPD, it goes up through the chain of command

- Example: If complaint is against patrol officer, goes through patrol command staff up to the Chief
- Reconsideration Conference: If there is still a dispute after elevating up chain of command, Bd. Of Police Commissioners is the final arbitrator
 - Mr. Bennekin referred to this as “the hammer”
- Once the OCC’s decision is finalized, it’s in KCPD’s hands; OCC does not discipline KCPD personnel
- OCC doesn’t review officer-involved shootings or anything that could be considered “criminal”
 - CAB member: Who decides if conduct is criminal?
 - Mr. Bennekin stated that KCPD does, but did not know who at KCPD
- *Note: Historically the OCC has reviewed officer-involved shootings, according to the JACO Pros Office, who reviewed OCC data from 2014 – 2019 and found that only 2 excessive force cases were sustained during that period, out of 36 total filed*
- Sometimes, the OCC makes a recommendation to KCPD to perform a “miscellaneous investigation” handled by the Chief and I.A. (Internal Affairs)
 - Examples: Misuse of a computer system by employee, property damage by an officer, an officer receiving several community complaints in a short period of time
 - Recent example: an officer’s messy divorce
- Citizen/ community complaints can be filed online or at any KCPD station, also some satellite locations including Ad-Hoc
- Timeline Restrictions:
 - Community member has 180 days from incident to file a complaint with OCC
 - By statute, OCC has 90 days to investigate
 - KCPD has 90 days from the date of OCC’s recommendation to discipline
- Mr. Bennekin: OCC is a “myriad of wires,” like a church speaker system where systems are built on top of each other, but nothing defunct is ever removed

Q&A with the CAB:

- Is the OCC able to refer conduct to JACO Pros Office as a violation of criminal law?

- If OCC observes criminal conduct, recommend back to IA and notify KCPD Office of General Counsel, who may make a referral to JACO Pros Office
- Why can't you refer to JACO Pros Office directly?
 - OCC doesn't have contact with the prosecutor's office
 - It's a long-standing practice, though "not a directive from the Bd. Of Police Commissioners"
- Why doesn't the OCC have more autonomy? Especially if the current process is not recognized as effective by the community?
 - OCC works for the Board of Police Commissioners, so has to go through chain of command... Also have statutory authority governing what OCC can release to other entities
 - Cited § 590.502(14) RSMo. – restricting info that can be released regarding complaints against law enforcement personnel
- Under the current configuration, can the OCC adequately perform its job?
 - Yes. The problem is we can't talk about what we do.
- Does that hinder transparency?
 - In some ways; OCC releases as much info as possible without disclosing "identifiers" of the officer/civilian
 - Most OCC complaints listed on website, even if outcomes are unknown
- How often on average are allegations of misconduct referred to OCC?
 - Total around 300-400 per year, about half are investigated
- Of those cases, how many are founded/substantiated by OCC?
 - 7-8%
 - *Note: Based on the data reviewed by JACO Pros Office, that estimate seems high*
- How are these cases handled/mitigated by KCPD?
 - Unknown, OCC often makes recommendations to training and policy
- Is there any desire to see that all incidents of officer use of force (lethal/non-lethal) against a civilian be automatically reviewed by OCC (automatic review process)?
 - Discussed many times, as recently as 2020
 - Would need more training and more staff, ability to do own investigations
 - Estimated that 7 or 8 investigators would be required

- What objectives/goals do you hope the OCC can achieve in healing police-community relations?
 - “Statutorily, our hands are tied.”
 - New initiative: policy and procedure changes to be announced on OCC website (*note: unclear if this is a proposed or approved policy*)
 - Data sharing regarding negative contacts with law enforcement
- What trends have you noticed from recent OCC complaints?
 - Mental health issues are trending
 - Proposed idea to educate officers on recent trends or complaints (informed by OCC) during daily roll-call
- There appears to be an error on the website regarding improper procedure complaints made...
 - That was an error in the report resulting from switching databases and software, the numbers will be corrected and updated
- What is “improper procedure?”
 - A catch-all category, when a complaint doesn’t fit in other categories
- What is an example of excessive force?
 - One example is handcuffing too tightly
- But what is the policy recommendation for the excessive force complaints OCC receives?
 - Nothing, that’s the nature of policing.
- What about training recommendations for excessive force?
 - Sometimes those are made; also body-worn cameras help with the review process, can reach firmer determinations
- Why is no info on substantiated complaints publicly available?
 - KCPD considers that personnel records, protected by statute
- Of all the complaints that pass through the KCPD chain of command to get substantiated, how many are overturned?
 - 2 in the last month, but not often since Graves became Chief
 - Those 2 were overturned due to new information/ bad initial information
- What category do racial allegations fit in?

- Biased based policing
- Is there another city's model that works better?
 - I'm so biased...
- Why?
 - Governor's model works; the Bd. Of Police Commissioners functions like "a hammer" to get KCPD to agree with OCC's recommendation, other cities don't have that hammer
 - Ex: Atlanta has a civilian oversight board and they have dueling investigations with the police dept. who conduct their own investigations... nobody can agree
- You work for an office that works with a department that kept an officer employed for 2 weeks after he was convicted for voluntary manslaughter...
 - Not really, we don't handle officer involved shootings...
- Yes you do, and the public perception is that you work for KCPD, and that the Prosecutors Office does too...
 - If you can find a model with documentation that has been operating as long as ours (the OCC) then I'd listen...
- I don't know if operating longer or being "long-lasting" is a marker of success...
 - Yes it is, because other review processes [that include outside agencies] just end up disagreeing with each other, and we (the OCC) don't have that issue, also OCC has the most "tenured staff" in the Midwest
- Is it bad to have dueling opinions and conflict? KCPD has "like-think," isn't that a marker of an ineffective system? The court system, for example, is adversarial...
 - We (the OCC) get lumped into what the police department does; we aren't concerned with what KCPD does, but I (the OCC) can make recommendations and we get our job done
- There are 200 or so of these review systems in the U.S., and this one is the best?
 - Yes, for our set up.

APPENDIX E: Donnie Sanders' Criminal History

1. Arrested 01/02/1991 (18 years old) by IPD – stealing – referred to municipal court
2. Arrested 06/26/1991 (18 years old) by KCPD – stealing – “closed”
3. Arrested 07/15/1991 (18 years old) by KCPD – burglary – **charged by JACO Prosecuting Attorney's Office:**

a. Case No. 49100284900

- i. 2 counts of Burglary 2nd Degree (F/C); 2 counts of Stealing (F/C)
- ii. Outcome: 2 SES 2 on 1 Stealing (F/C) count; 2 SES 2 on 1 Burg 2 (F/C) count (probation); sentenced on 8/15/1991 *Probation later revoked

****Donnie Sanders becomes a felon at 18 years old***

4. Arrested 08/07/1991 (18 years old) by KCPD – failure to appear on a felony charge – “turned over” to JACO
5. Arrested 08/22/1991 (18 years old) by KCPD – felony stealing – “closed”
6. Arrested 05/20/1992 (19 years old) by KCPD – felony burglary – “closed”
7. Arrested 05/21/1992 (19 years old) by KCPD – felony probation violation
8. Arrested 08/06/1992 (19 years old) by KCPD - burglary & felony stealing – **charged by JACO Prosecuting Attorney's Office:**

a. Case No. CR922335

- i. 2 counts of Burglary 2nd Degree (F/C); 1 count of Stealing (F/C) x2; 1 count of Tampering with a Motor Vehicle 1st Degree (F/C)
- ii. Outcome: 6 years MDOC (state prison); pleaded guilty to all 5 felony counts

****At the end of his teens, Donnie Sanders had 7 state felony convictions (8 arrests)***

Prison Sentence #1: 08/06/1992 – 7/27/1994 at MO Dept. of Corrections (paroled)

9. Arrested 12/28/1994 (22 years old) by KCPD – stealing a motor vehicle & tampering with a motor vehicle – **charged by JACO Prosecuting Attorney's Office:**
- a. Case No. 49400652400

- i. Tampering with a Motor Vehicle 1st Degree (F/C)
- ii. Outcome: 2 years 9 months MDOC on 07/05/1995

Prison Sentence #2: 07/10/1995-05/29/1996 at MDOC (paroled; complete release 12/19/1998)

- 10. Arrested 09/30/1997 (24 years old) by IPD – robbery – “closed”
- 11. Possible arrest (gave name “[REDACTED]”) on 07/07/1998 (25 years old) by MO HWY Patrol Lee’s Summit – driving while intoxicated – **charged by JACO Prosecuting Attorney’s Office:**
 - a. Case No. 16T029808416
 - i. DWI (M/B)
 - ii. Outcome: dismissed by Court on 06/30/1999
- 12. Arrested 11/16/1998 (26 years old) by KCPD – burglary – **charged by JACO Prosecuting Attorney’s Office:**
 - a. Case No. CR199901377
 - i. 1 count Burglary 2nd Degree (F/C); 1 count Stealing (M/A)
 - ii. Outcome: 5 years MDOC on 07/07/1999
- 13. Arrested 01/10/1999 (26 years old) by KCPD – Tamp 1 – **charged by JACO Prosecuting Attorney’s Office:**
 - a. Case No. CR9900110
 - i. Tamp MV 1 (F/C)
 - ii. Outcome: 5 years MDOC on 07/07/1999

Prison sentence #3: 07/08/1999 – 01/29/2001 at MDOC (paroled)

- 14. Arrested 03/01/1999 (26 years old) by IPD – stealing – “closed”
- 15. Arrested 05/22/1999 (26 years old) by KCPD – stealing motor vehicle – “closed”
- 16. Arrested on 06/30/1999 (26 years old) by KCPD – FTA on felony – **charged by JACO Prosecuting Attorney’s Office:**
 - a. Case No. CR9901377
 - i. FTA for Felony
 - ii. Outcome: 5 years MDOC on 07/07/1999
- 17. Arrested 04/11/2002 (29 years old) by KCPD – burglary – “closed”

18. Arrested 05/08/2002 (29 years old) by KCPD – possession of controlled substance –
charged by JACO Prosecuting Attorney's Office:

a. Case No. 16CR02003884-01

i. Poss CS (F/C)

ii. Outcome: 6 years MDOC on 09/10/2002

Prison sentence #4: 09/11/2002 – 01/09/2003 at MDOC (paroled)

19. Arrested 06/09/2002 (29 years old) by KCPD – tampering – “closed”

****By the end of his twenties, Donnie Sanders had 12 state convictions and at least 19 arrests***

20. Arrested 03/01/2003 (30 years old) by KCPD – tampering – “closed”

21. Arrested 03/22/2003 (30 years old) by KCPD – tampering – “closed”

22. Arrested 03/30/2003 (30 years old) by KCPD – possession cont. substance and
 tampering – **charged by JACO Prosecuting Attorney's Office:**

a. Case No. 16CR03003493

i. Tampering 1st Degree (F/C) dismissed; Theft (F/C)

ii. Outcome: 2 years MDOC on 6/25/2003

23. Arrested 04/09/2003 (30 years old) by KCPD – possession CS – “closed”

24. Arrested 04/11/2003 (30 years old) by IPD – tampering – **JACO Prosecuting
 Attorney's Office declined to file charges**

25. Arrested 04/14/2003 (30 years old) by KCPD – tampering – “closed”

26. Arrested 6/30/2003 (30 years old) by KCPD – tampering – “closed”

Prison sentence #5: 07/11/2003 – 03/15/2006 at MDOC (paroled)

27. Possible arrest 8/10/2006 (33 years old) by KCPD (gave name “[REDACTED]”) –
 possession of a controlled substance & tampering – **charged by JACO Prosecuting
 Attorney's Office:**

a. Case No. 0716-CR00261-01

i. Possession CS (F/C)

ii. Outcome: 1 year MDOC on 04/25/2007

28. Arrested 09/14/2006 (33 years old) by KCPD – DWS – **charged by JACO Prosecuting**

Attorney's Office:

a. Case No. 0616-CR07409

i. Operating MV License Revoked/Suspended Point (F/D)

ii. Outcome: dismissed by State 01/04/2007

29. Arrested 09/20/2006 (33 years old) by KCPD – possession CS, tampering – “closed”

30. Arrested 09/28/2006 (33 years old) by KCPD – tampering – “closed”

31. Arrested 10/06/2006 (33 years old) by KCPD – tampering – “closed”

32. Arrested 11/01/2006 (34 years old) by KCPD – tampering, possession CS as persistent offender (F/A) – **charged by JACO Prosecuting Attorney's Office:**

a. Case No. 0816-CR04643-01

i. Possession of Controlled Substance (F/C)

ii. Outcome: 5 SES 3 (probation) on 01/25/2010

33. Arrested 11/10/2006 (34 years old) by KCPD – tampering, driving while revoked –

JACO Prosecuting Attorney's Office declined to file charges

34. Arrested 11/24/2006 (34 years old) by KCPD – tampering – “closed”

35. Arrested 12/31/2006 (34 years old) by KCPD – possession CS as persistent offender – **charged by JACO Prosecuting Attorney's Office:**

a. Case No. 0816-CR02109-01

i. Possession Controlled Substance (F/C)

ii. Outcome: 5 SES 2 (probation) on 12/02/2008

Prison Sentence #6: 01/08/2007 – 01/11/2008 at MDOC (parole; complete release 01/11/2008)

36. Arrested 05/10/2008 (35 years old) by KCPD – driving while revoked, tampering, stealing a motor vehicle – **charged by JACO Prosecuting Attorney's Office:**

a. Case No. 0816-CR00996-01

i. Tampering 1st Degree (F/C)

ii. Outcome: 5 SES 2 (probation) on 12/02/2008 (Treatment Court in Division 50 – successfully discharged 01/25/2010)

37. Arrested 11/14/2009 (37 years old) by KCPD – driving while revoked **charged by JACO Prosecuting Attorney's Office:**

a. Case No. 0916-CR0627701

i. DWR (F/D)

ii. Outcome: Dismissed by State on 12/20/2010

38. Arrested 12/19/2010 (38 years old) by KCPD - driving while revoked – **charged by JACO Prosecuting Attorney's Office:**

a. Case No. 1016-CR0123501

i. DWR (F/D)

ii. Outcome: 4 SES 2 (probation) on 03/14/2013

39. Arrested 07/19/2012 (39 years old) by KCPD – burglary – “closed”

40. Arrested 02/28/2013 (40 years old) by KCPD – driving while intoxicated – **charged by KC Municipal Prosecutor:**

a. Case No. 1110711073

i. “Excessive BAC” ordinance violation

ii. Outcome: 730 days probation on 06/28/2013

41. Arrested 04/13/2013 (39 years old) by KCPD – driving revoked/suspended – “closed”

****At the close of his 30s, Donnie Sanders had around 18 state felony convictions (41 arrests)***

42. Arrested 08/13/2013 (39 years old) by KCPD – driving while revoked/suspended – **charged by JACO Prosecuting Attorney's Office:**

a. Case No. 1316-CR03562

i. DWR/DWS (F/D), DWI (M/B)

ii. Provided officers false name, odor of alcohol

iii. Outcome: 3 years, 60 days MDOC on 09/09/2014

43. Arrested 09/24/2013 (39 years old) by KCPD – tampering – **charged by JACO Prosecuting Attorney's Office:**

a. Case No. 1316-CR03097

i. Tampering 1st Degree (F/C)

ii. Outcome: 3 years MDOC on 09/08/2014

44. Arrested 01/07/2014 (41 years old) by KCPD – tampering – **charged by JACO Prosecuting Attorney's Office:**

a. Case No. 1416-CR00731

i. Stealing Motor Vehicle (F/C)

ii. Outcome: 3 years MDOC on 09/08/2014

Prison Sentence #7: 09/10/2014 -10/14/2016 at MDOC (parole)

45. Arrested 12/11/2016 (44 years old) by KCPD – DWR/DWS – “closed”

Prison Sentence #8: 12/13/2016-12/21/2016 at MDOC (parole violation)

46. Arrested 08/29/2017 (44 years old) by KCPD – tampering – “closed”

47. Arrested 09/02/2017 (44 years old) by KCPD – Poss CS – “closed”

a. Asleep at wheel at 43rd and Tracy, had 2.5g crack; admitted to using crack for past 10 years; references 12 prior convictions for DWR

b. **JACO PAO declined to file** because it incorporated the charge into another case

48. Arrested 09/30/2017 (44 years old) by KCPD – burglary – “closed”

49. Arrested 10/03/2017 (44 years old) by KCPD – property damage – “closed”

50. Arrested 10/26/2017 (44 years old) by KCPD – burglary – **charged by JACO**

Prosecuting Attorney’s Office:

a. Case No. 1716-CR04508-01

i. 1 count of Burglary 1st (F/B); 1 count of Tampering 1st Degree (F/D); 1 count Resisting Arrest/Lawful Stop (F/E)

ii. Patrol at 35th and Prospect; vehicle matched description of stolen auto; followed vehicle south on Prospect to 39th; then to 29th and Wabash; Sanders ditched car at [REDACTED] Wabash in driveway and ran south behind houses on east side of Wabash; officers pursued but lost sight as Sanders jumped over fences; ultimately apprehended hiding on porch in fetal position at [REDACTED] Wabash

iii. Outcome: 6 years MDOC on 01/18/2018

Prison Sentence #9: 01/19/2018-05/19/2018 at MDOC (paroled)

51. Arrested 03/21/2019 (46 years old) by KCPD – possession CS – “closed”

52. Arrested 09/14/2019 (46 years old) by KCPD – driving while suspended – “closed”

****In total, Sanders had approx. 22 state felony convictions (52 arrests); he had done at least 9 short stints in prison.***

APPENDIX F: Summary of Meeting with Donnie's Family

Conversation between CAB and Sanders's Four Siblings

May 23, 2024

Descriptions of Donnie Sanders:

- Helpful to anyone
- Did not carry guns
- Character of the family, funny, non-violent
- Close with niece, fond memories of them kicking birthday balloons together
- Graduated high school – King/Central High
- Loved a can of beer and a shot of Amsterdam – always cost \$2.16
- Had struggled with addiction for much of his life, but was clean when he was killed
- Completed treatment at Amani House – outpatient drug treatment
- Siblings helped keep him on track with his recovery and progress
- Suffered from ulcers
- Had just been released from the hospital for surgery on his ulcers the morning of the same day he was killed
- Liked to cook, but wasn't the best at it
- One time during a snowstorm the power went out, so Donnie went outside and barbequed some Rotel and brown beef over a stick fire – tasted awful but was a good memory
- Loved the Chiefs, went to a game in 2020 right before he was killed, the same year they won their first Superbowl
- Majority of his life was spent at house where they grew up – 30th and Olive, which was next door to their grandparents' house
- When Donnie's mom died in 1997, Donnie stayed with one of his sisters, like an "adult son"
- On the night he was killed, Donnie had dropped his sister off at work and stopped by a girlfriend's house. He was on his way back home when he was pulled over by the officer.

Donnie's views of police and the criminal justice system:

- Donnie was scared of police
- Did not trust the police based on previous interactions
- Was on probation for Driving While Suspended, siblings believe that he ran because he didn't want to go to back to jail

Family views on police/criminal justice system and the aftermath of shooting:

- First murder victim of the family, shortly thereafter a nephew was killed (Patrick, 22 years-old, Donnie's younger sister's son)
- "We just want Donnie back"
- Also want to hold officers accountable
- Question for the officer: "If you were in fear for your life, why were you chasing him?"
- Family expressed pain that the officer who killed Donnie is still on the streets carrying a badge and a gun
- CAB's Academic Advisor explained how talking about who Donnie was can help correct the criminogenic image/ media narrative of Donnie and other Black males shot by police
- Donnie's older sister still has his ashes in his old bedroom, everything in the room is how he left it
- "Police don't come to protect us."
- Donnie's brother stated, "When I was a kid they'd pull up and hand out baseball cards, I used to look up to the police. Now it's just sad."
- Donnie's sister stated that she never had run ins with police, but after what happened to Donnie, she doesn't know how she'd act. She would be in fear for her life and angry.
- The family didn't get Donnie's property back; the car he was driving was his sister's (legally registered and titled) and that was sold at a police auction
- No headstone, no gravesite, no Crime Victims Compensation Fund
- Lawsuit still pending over 4 years later
- Want people to know the real story of Donnie

- Want people to know Donnie wasn't "out committing crimes" when he was shot; no guns, drugs, or alcohol were found in the car
- Family heard that potential witnesses did not tell police what they really saw that night because they were fearful of retaliation; referenced missing Ring doorbell footage
- The family had put up a memorial to Donnie at the crime scene and it was taken down – they believe by KCPD
- Hadn't been aware of police shootings before Donnie was killed; now, it's inescapable

Desired outcomes:

- Accountability
- Fairness
- Hopes:
 - Get the officer who killed Donnie off the streets;
 - That KCPD does not hire or retain other police officers with similar patterns
- Correct the false narrative
 - Want public to hear "community side" (narrative from those who knew the deceased) from the outset
- More Black KCPD officers
 - "We want to see more police that look like us"
 - CAB's Academic Advisor calls this "symbolic justice"
 - Some CAB members acknowledged data that Black officers use more force against Black members of the community than white officers, but still believed there is power in representation that can symbolize procedural justice (the appearance/perception of justice vs. justice itself)
- Questions family would ask Police Board:
 - Why didn't the officer call for backup?
 - Why did the officer chase Donnie on his own if he was in fear for his life?

- Academic Advisor on ensuing protests, “The anger of the unheard.” (quoting Dr. MLK)
- CAB member: “The root cause is the law; our grandkids will still be having this conversation.”

CAB impressions after meeting with family:

- Noted the love Donnie’s siblings still hold for him
- Family was angry and still in the thick of grief
- Observed the sibling’s instincts to defend their brother and posture defensively, despite his victimization in this case
- Academic Advisor discussed “reverberation effect” – the ongoing the collateral consequences which stem from homicides and violence, whether committed by police and/or justified or not
 - Examples:
 - Family divisions in pending civil litigation
 - Family suddenly hyper-aware of police violence
 - Family scared of police
 - Lost property and money (family) plus loss of Donnie to family and community
 - Hundreds of hours tied up in litigation
- Advisor referenced Tamir Rice shooting; evidence that police agencies are aware of problematic officers but ignore the problem due to the power of police unions
- “The FOP is growing as we sit here in this meeting”
- Those unions give police departments their “marching orders”
- Book recommendation: *They Can’t Kill Us All* by Welsey Lowery (2017)
- CAB member noted that at recent community meetings, KCPD has stopped sitting with community members at the tables; they sit at an isolated table by themselves
- Academic Advisor: The first big shift in police isolating from community was after Rodney King, which was only as sensational as it was because it was among the first captured on video (VHS, now people record incidents on cell phones)

- Advisor: the killing of Michael Brown was a lynching, police left his body exposed for hours on a public street.
- Took note of the new Officer Bill of Rights passed by MO Legislature (S.B. 26, 2021)
- Want to reframe narratives around LEOs and community – a symbiotic relationship – police need community and community need police

APPENDIX G: CAB Member Descriptions

CAB Members	Demographic Information	Affiliation/Career
Member 1	Middle aged Black male	Law Enforcement (Sgt.) Kansas City Missouri Police Department
Member 2	Black male in his 30s	Crime Intervention & Prevention/ Formerly Incarcerated Founder of non-profit for at-risk youth
Member 3	Retired white female	Public Service/Healthcare/Law Enforcement Retired nurse and civic activist in arenas of public safety and policy, experience on a police foundation
Member 4	Middle aged, Black female	Business/Education Retired corporate executive and business owner who developed education programs for at-risk students
Member 5	Retired white female	Business/Financial Retired executive and Eastside Community Activist, emphasis in arts
Member 6	Middle aged, mixed-race female	Activist Emphasis in disability rights and education
Member 7	Middle aged, Black male	Data Science/Entrepreneur Sr. Engineering Technical Specialist
Member 8	Middle aged, white female	Law Enforcement Independence, Missouri Police Department
Member 9	Senior Black female	Business/Community Local business owner and neighborhood association leader; experience in DEI training
Member 10	Middle aged, Black male	Business/ Entrepreneur/Heath Owner of fitness company and author
Member 11	Retired Black female	Business/Data Analysis Retired from Fortune 500 company
Member 12	Middle aged, Black male	Public Service/ Formerly Incarcerated Legislative aid
Member 13 (Academic Advisor)	Middle aged, Black female	Academia/Criminologist University of Missouri – Kansas City

APPENDIX H: Limitations of our Review

It must finally be noted that this review was potentially frustrated by a few empty seats at the table. Despite exhaustive efforts, the prosecutor's office was unable to find a younger member (in their late teens or twenties) to join the CAB for this review. The CAB agreed, once assembled, that a young voice – particularly from a young Person of Color – would benefit this review, since they would bring to the table a lived experience and fresh perspective from within the demographic of those who are most likely to be pulled over by police for a pretextual stop. Most declined invitations cited concern at potentially being tied to a prosecutor's office or police, by virtue of this report, or fear of backlash from their own communities for their involvement. This unfortunate limitation of our report represents the frayed relationship between young people, particularly those who are People of Color, and law enforcement, including the prosecutor's office, in our community.

Additionally, the two members of law enforcement on the CAB (from KCPD and Independence PD) ceased attending CAB meetings after the first few sessions. While an investigator who works for the prosecutor's office after nearly two decades at KCPD helped to provide some insight from a law enforcement perspective, these voices were missed on the CAB and this report surely would have benefited from more of their insights, perspectives, and lived experiences.