

² “Nearly sixty percent

force against him, than his same-aged white peers.⁵ Black males are 2.8 times as likely to die due to law enforcement action as white males, with Hispanic males 1.7 times as likely.⁶

to work with each other,” Mr. Bouie reported.¹⁴ Police officers and departments that harm and/or kill citizens must be held accountable to build community trust. They must commit to needed reform as outlined in the consent decrees entered in Baltimore, Cincinnati, and Chicago, each of which recognized a widespread injustice.¹⁵

Narene Stokes-

overwhelmed by the love for her son. Narene described that morning during testimony in front of the Missouri Advisory Committee to the United States Commission on Human Rights:

I dragged myself out of bed, slipped on the blue dress Ryan loved and went to the Zion Grove Baptist Church to say good bye to my only son I had devoted 24 years of my life to his growth and development. I was proud of the man Ryan had become. I knew my son was special, but I had no idea how many others had been touched by him, until I arrived at the church that day. The sanctuary was filled with family and friends, neighbors and customers, extended families and people Ryan had helped in some way or another. Those who could not get seats stood in the back, and those who could not get into the church, stood in the heat and listened through the open windows.

I spent 24 years watching over my son, teaching him, worrying about him, and loving him. I attended [hundreds] of ball games, teacher conferences, graduations and celebrations of his achievements. I worked side by side with mother's [sic] of his friends, so I knew where he was and what he was doing. Ryan made it easy because he loved to play basketball and he and his friends played every minute they could, wherever they found a court and a competitor. [His love of the game was contagious. He was never in the streets. He had always had goals and dreams. He loved us.] I had worked to [sic] hard to beat the streets and I had won. [And then a Kansas City Police officer shot and killed my son. That fact compounded my pain.]²⁰

The funeral was at the end of five exhausting and confusing days, which had begun when her son's best friend banged on Narene's front door shortly after 3 A.M. on July 28, 2013. She opened the door, and Lover Johnson stood on the step asking urgently, "Is Back here?" Lover had received a call from his sister, Frankie Dorch, who had witnessed the police shoot Ryan, minutes before she placed the call to her brother. Lover recalled that his sister had screamed into the phone, "The police shot Back." When Lover heard her voice, and the words about his best friend, he dropped to the floor in agony. Frankie cried into the phone, "Back is gone."

Ryan "*FatBack*" Stokes was Lover's best friend. He had seen Ryan nearly every day for ten years. They met in high school, and built a life-long friendship. Lover rushed to Ryan's house praying that Ryan would be in his

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Tosha prepared to go downtown to find Ryan, Lover called Ryan's cell phone.

Narene's collapse signaled to the crowd that Ryan was dead. There was crying, wailing, and yelling. Family and friends had gathered outside Ryan's home, to support the family. They were confused by the show of force by the police. As word travelled through the crowd that Ryan was gone and that he was accused of assault of a police officer, everyone was very confused by what the police were telling the family. Ryan's family and friends were immediately suspicious of the police narrative. Their suspicion and confusion wasp1onfusi8(t)5.3enTJ 030.4(au)-1(1)49

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community, intelligence-led policing can support community improvements and leave some residents feeling safer. However, if instituted without the involvement and support of the community, it may also create distance between the police and the people they serve. Dr. Novak explained that emphasizing the law enforcement function of police and “relegat[ing] citizens to ancillary positions within public safety activities” may exacerbate mistrust between officers and the communities they police. These strategies have also been criticized for contributing to high incarceration rates, especially among black and brown communities that are more heavily targeted; lessening the focus on relationships and causing people to be treated more like numbers; and threatening people’s civil liberties when these strategies are applied broadly.³¹

IV. JULY 28, 2013: THE CORNER OF 13TH AND GRAND

On July 27, 2013, Officer William Thompson and Officer Tamara Jones were assigned to the Research and Development Unit.³² They worked behind a desk five days a week.³³ Officer Thompson had been in this R&D assignment for seven years prior to this shift. On Saturday, July 27, 2013, the officers were on a “special assignment” as part of the hot spot policing program.³⁴ They reported to the Central Patrol Division at 6 p.m.³⁵ At the end of the shift, they volunteered for overtime and were sent to the KCP&L to assist with patrols as the entertainment district closed for the night.³⁶ The Power & Light district, which attracted a diverse population, was within a designated “hot spot.”³⁷ The police presence in the area was heavy.

31. MO. ADVISORY COMM. TO THE U.S. COMM’N ON CIVIL RIGHTS, THE IMPACT OF CMTY./POLICE INTERACTIONS ON INDIVIDUAL CIVIL RIGHTS IN MO. 29 (June 2016), http://www.usccr.gov/pubs/MOPoliceRelationsReport_Publish.pdf [<https://perma.cc/SBV8-CMUB>] (citations omitted) (alterations in original).

32. Pl.’s Am. Compl. at ¶ 76, *Stokes v. K.C., Mo., Bd. of Police Commissioners*, No. 4:16-CV-00843-BCW (W.D. Mo. Sept. 9, 2016); *see also* Def.’s Answer to Pl.’s Am. Compl. at ¶ 76, *Stokes v. K.C., Mo., Bd. of Police Commissioners*, No. 4:16-CV-00843-BCW (W.D. Mo. Oct. 4, 2016); *see also* Statement of William Thompson 1, July 28, 2013 (on file with author).

33. Statement of William Thompson 1, July 28, 2013 (on file with author).

34. Pl.’s Am. Compl. at ¶ 76, *Stokes v. K.C., Mo., Bd. of Police Commissioners*, No. 4:16-CV-00843-BCW (W.D. Mo. Sept. 9, 2016).

35. *Id.*; *see also* Def.’s Answer to Pl.’s Am. Compl. at ¶ 76, *Stokes v. K.C., Mo., Bd. of Police Commissioners*, No. 4:16-CV-00843-BCW (W.D. Mo. Oct. 4, 2016); *see also* Statement of William Thompson 1, July 28, 2013 (on file with author).

36. Certificate of Commendation for Officers Tamara Jones & William Thompson (on file with author).

37. *See* Statement of William Thompson 1, July 28, 2013 (on file with author). For a discussion of how race, class, and sexuality have shaped policy at Kansas City’s Power and Light District, *see* Stefan Vogler, *Power and White: Race, Class, and Sexuality in Kansas City’s Urban Renewal*, UNIV. OF KAN. (2012), https://kuscholarworks.ku.edu/bitstream/handle/1808/10452/Vogler_ku_0099M_11974_DATA_1.pdf?sequence=1&isAllowed=y [<https://perma.cc/4Q7K-W2XA>].

response, Ryan, Kenny, Ollie and others jogged diagonally across Grand toward their original destination, the parking lot a block east.

V. DASH CAM VIDEO⁴³

| JULY 28, 2013 DASH CAM TIMES | PATROL VEHICLE FACING NORTH AT 13TH AND GRAND |
|--|--|
| 2:56:53 AM Ryan jogs across intersection | Several AA men jog diagonally across the intersection from the west corner to the northeast corner. Ryan Stokes is among the young men jogging across the intersection. He is wearing a white T-shirt and is heavy set. <i>Unarmed.</i> |
| 2:57:21 AM Ryan twenty-five seconds ahead | B.P.O. Villafain enters the frame from the west with Jordan Miller (blue shirt) and Brett Budke (multi-colored shirt). Villafain <i>walks</i> across the intersection from west to east with Miller & Budke. The men are pointing east up 13th St. |
| 2:57:32 AM Ryan is thirty-nine seconds ahead | B.P.O. Villafain <i>walks</i> east and out of the camera frame. |
| 2:58:27 AM Ryan is shot ninety-one seconds after he headed to Ollie's car | People on the northeast corner of 13th & Grand duck & move west (in response to gunfire). |

A patrol car sat empty at the corner of 13th and Grand looking north. The dash cam video was running. The video captures young people as they jog away from the pepper spray. Ryan is among the group jogging across the

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guns at her. In response to Ryan's friends who tried to reach him after he was shot, P.O.

The media officer turned the story over to the media who obliged him by printing false stories about the man the police shot and killed. In his recent book, Wesley Lowery helps us see how the police spin the narrative after an officer involved shooting:

We focus on personal details of the dead not only because readers want to know, but because we in the media do, too. We believe if we can somehow figure out the character and life of the person at the center of the story, we can somehow understand what happened that day. We fall into the fallacy of believing we can litigate the complicated story before us into black-and-white binary of good guys and bad guys. There are no isolated incidents, yet the media's focus on the victim and the officer inadvertently erases the context of the nation's history as it relates to race, policing, and training for law enforcement. And by focusing on the character of the victim, we inadvertently take the focus off the powerful and instead train our eyes and judgment on the

He recounted finding a Hispanic officer on a bike (the officer was on foot).⁸² He admitted that he went up 13th Street with his cousin in pursuit of the black guys, following the officers (they went up 13th Street first).⁸³ He heard six gunshots (there were three).⁸⁴ He did not hear any police commands before he heard gunfire.⁸⁵

When asked if any of the young men “who took the phone” displayed a weapon, Budke said “no.”⁸⁶ After Ryan was shot, the police looked for the “lost iPhone” and found that Ryan carried a flip phones and that Kenny’s iPhone belonged to Kenny. Later, they searched Ollie’s phone and the search revealed nothing which incriminated any of the young black men.

After the detectives questioned the complaining witnesses, they next turned their attention to Kenny Cann. Kenny came into the interrogation praying his friend had survived. Mid-way through his meeting with the detectives they callously told him they could not say who had died, but that there had been a death.⁸⁷

Despite the failure to establish that Mr. Miller’s phone had been stolen, the detectives tried to convince Kenny Cann, not only that there had been a theft at the corner of 13th and Grand, but that it had been at gun point.⁸⁸ They lied about video, in which they claim they saw the whole thing, and they lied about video which showed Ryan carrying a gun. Kenny conceded that if they had video of Ryan with a gun, then he must have had a gun, but Kenny also told the detectives repeatedly that Ryan simply did not carry a gun, ever.⁸⁹

Next the detectives turned their attention to Ollie Outley. Ollie was the target of the theft allegation, the owner of the red Monte Carlo, and the owner the gun found in his car.⁹⁰ Ryan had ridden with Ollie to Power & Light that night. In an effort to maintain the narrative that P.O. Thompson’s use of force was justified, they opened a felony murder investigation. Ollie Outley was the target. Felony murder can be charged if during the course of a felony (theft) someone is killed.⁹¹ Even if the killer was Thompson, they could hold the thieves responsible. Only, the investigation to date had failed to establish a felony. The objective was to put a gun in Ryan’s hand.

82. *Id.* at 8:01.

83. *Id.* at 8:11.

84. Police Interview, *supra* note 35, at 8:30.

85. *See id.* at 8:15.

86. *Id.* at 8:47.

87. Investigative Report 33, July 28, 2013 (on file with author).

88. *Id.* at 14, 30.

89. *Id.* at 47.

90. *Id.* at 37–38.

91. *Felony Murder Doctrine*, LEGAL DICTIONARY, <http://dictionary.law.com/Default.aspx?selected=741> [<https://perma.cc/Q29X-7DR5>].

Ollie came to the station voluntarily. He sat down with the detectives willingly. He did not know they had opened a murder investigation or that their intent was to charge him with his friend's murder. The detectives read Ollie his rights. The detectives then told him they "knew the truth" and wanted to see if he "would tell the truth."⁹² Again, they lied and told him that they had looked at hours of video footage and they knew he had stolen the iPhone. Ollie denied the accusation again and again. He told them if they had video, they should show him.⁹³ The detectives, of course, could not show him. When Ollie continued to deny the theft accusation they tried one last tactic. They told him he was under an investigative hold and could not leave.⁹⁴ They asked to search his phone, which he permitted.⁹⁵

There was one fact at issue. Did Ryan have a gun that night? Had Ryan carried Ollie's gun down to the Power & Light? Was Ryan carrying the gun when he entered the parking lot seconds before he was shot? It was Ollie's.8(H)-5.3(a)2(n1)(i)2.3(e)-2e472

reports were unsupported by the actual facts of the shooting. The media officer had wrongfully legitimized the false narrative, magically turning Ryan into a bad man, and Officer Thompson into a hero.

In August 2014, shortly after the one-year anniversary of Ryan's funeral at the Zion Grove Baptist Church, Officers William Thompson and Tamara Jones were honored by the Board of Police Commissioners for their work on July 28, 2013.¹⁰³ Thompson and Jones were notified that the Awards Committee had approved their nomination for the Certificate of Commendation, which "may be awarded for an exceptional police act which brings credit to the Department and the member, and is highly recognized by fellow officers and citizens as an outstanding accomplishment of police duty. The recipient will receive a certificate and a ribbon."¹⁰⁴

The minutes from the ceremony stated:

The Certificate of Commendation was presented to Officer Tamara Jones and Officer William Thompson for their dedication and commitment to the performance of their duties. While working in the Power & Light District

Sotomayor to ask, “[W]hen does the police officer pay the victim who is suffering when the victim had nothing to do with causing the loss?”¹¹²

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of “Restorative Justice” and explained the many ways that the criminal and civil justice systems were ill equipped to provide justice for Ryan. As you might imagine, there were many things the Stokes and Lee families needed. At the top of the list was the “*restoration of Ryan’s identity.*” We agreed that as

education from K-college; 7) provide compensation to Narene Stokes-James for her pain and suffering; and 8) rescind the medals given to Officers Thompson and Officer Jones.

