

**ORDINANCE 71430**

**BOARD BILL NUMBER 19 COMMITTEE SUBSTITUTE INTRODUCED BY:  
ALDERMAN JOSEPH VACCARO**

1 An ordinance establishing a detention facility oversight board comprised of nine City residents to  
2 serve as an advisory body to the Mayor, Commissioner of Corrections and the Director of Public  
3 Safety with regard to detention facility operations, conditions of detention, and Division of  
4 Corrections policies, that is authorized to receive and investigate complaints of alleged Corrections  
5 Misconduct and Detention Incidents and make findings and recommendations based thereon,  
6 including recommendations regarding Division of Correction’s policy and procedures, employee  
7 professional development, and employee disciplinary action.

8 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

9 **SECTION ONE. Definitions.**

10 “*Annual Oversight Report*” means the annual report prepared by the DFOB which describes  
11 the programs, activities and investigations undertaken by the DFOB during the preceding fiscal  
12 year, and covers matters and topics specified in this ordinance as well as those that the DFOB may  
13 deem relevant to its official activities and business operations.

14 “*Annual Oversight Work Plan*” means the DFOB plans for programs and activities for the  
15 coming fiscal year that are intended to promote transparency in detention facility operations, and  
16 improve conditions of detention, detainee health and safety, and employees’ work environment,  
17 employees’ health and safety, and professional development.

18 “*City*” means the City of St. Louis.

19 “*Commissioner*” means the head of the City’s Division of Corrections of the Department of  
20 Public Safety.

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1           “*Complainant*” means any person that submits a complaint to the to the DFOB or the Division  
2 of Corrections alleging a Detention Incident or Corrections Misconduct.

3           “*Complaint*” means an allegation of a Detention Incident or Corrections Miscoduct made by  
4 any person, including the Director, Commissioner, Director of Public Safety or Division  
5 employees, orally or in writing to the Division or the DFOB, which are reviewed by the DFOB to  
6 the extent permitted by federal and Missouri state statutes and regulations and the City’s Civil  
7 Service Rules and Regulations, and subject to the confidentiality and non-interference provisions  
8 of this Ordinance.

9           “*Corrections Misconduct*” means acts or omissions of employees that violate federal or  
10 Missouri state criminal statutes, federal and Missouri state statutes and regulations and City  
11 ordinances governing detention facilities and conditions of detention, Division policy or  
12 professional standards that may result in disciplinary action. Corrections Misconduct also  
13 includes, without limitation, employee acts or omissions that result in or contribute to detainees’  
14 unjustified denial of medical treatment for a physical injury or acute or chronic medical condition,  
15 death or serious physical injury of a detainee including those related to suicide or suicide attempt,  
16 use of excessive force, verbal or physical harassment, or failure to promptly intervene in or report  
17 occurrences of Corrections Misconduct or Detention Incidents.

18           “*Criminal Accountability Inquiry*” means investigations of complaints of alleged Detention  
19 Incidents or Corrections Misconduct conducted by the DFOB Criminal Inquiries Unit that are  
20 initiated the DFOB itself or by DFOB upon the request of the Director, Commissioner, or Director  
21 of Public Safety. Criminal Accountability Inquiries shall automatically be initiated for employee  
22 discharges of a firearm or use of force, and incidents of use of force by employees of outside law

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1 enforcement agencies or detention facilities that involves or directly relates to the actions of a  
2 detainee being housed for the City that results in serious injury or death.

3 “*Criminal Inquiries Unit*” means the DFOB Investigators, Assistant Circuit Attorney liaisons  
4 as may be assigned to a Criminal Accountability Inquiry by the Circuit Attorney in their discretion.  
5 To the extent that it is permitted by and consistent with accepted investigatory procedures and  
6 professional standards for criminal investigations and prosecutions, employees’ Constitutional  
7 rights and Garrity rights, and those rights established by federal and Missouri state statutes the  
8 Criminal Inquiries Unit shall share information about their investigations with the DFOB and the  
9 Professional Standards Unit.

10 “*Detainee*” means an individual who has been convicted of a crime and is awaiting sentencing,  
11 or serving a sentence for a conviction, or an individual who has been charged with a crime and  
12 awaiting trial, or and individual awaiting a determination of a or revocation of parole that is being  
13 held in a detention facility.

14 “*Detention facility*” means any jail, detention or correctional facility owned or operated by the  
15 City, or any jail, detention or correctional facility owned or operated by another party where  
16 detainees are housed for the City.

17 “*Detention Incident*” means Corrections Misconduct and any of the following: assault, sexual  
18 assault, and sexual harassment, as these terms are defined in Missouri state statute or City  
19 ordinance and are deemed reportable incidents pursuant to national best practices for reportable  
20 incidents, of detainee by an employee; the death or serious injury of a detainee; the death or serious  
21 injury of an employee; accidental injury of a detainee which requires medical treatment; arson or  
22 the occurrence of a fire in a detention facility; hostage situation; use of force by an employee the

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1 that results in injury to a detainee that requires medical care; actions by the City of St. Louis  
2 Sherriff's Office Emergency Response Team member that results in an injury to a detainee that  
3 requires medical treatment; a detainee medical emergency that requires a response from the  
4 detention facility's medical personnel, outside medical professional, or emergency responder; the  
5 emergency transport of a detainee to an outside medical facility; excessive or abusive use of  
6 solitary confinement.

7 "*DFOB*" means the Detention Facility Oversight Board established by this Ordinance with the  
8 specified mission, duties, and the authorities for their execution.

9 "*DFOB Investigators*" means the DFOB's professional investigative staff who are directly  
10 supervised by the Director and conduct Criminal Accountability Inquiries and Professional  
11 Standards Inquiries. DFOB Investigators, in addition to being civilian employees of the  
12 Department of Public Safety employed pursuant to Civil Service Rules and Regulations, may, at  
13 the discretion of the DFOB, be officers detached from the City's Division of Police and civilian  
14 employees detached from other City departments (*e.g.* the City's Information Technology Services  
15 Agency, the Health Depart and Civil Rights Enforcement Agency), and Assistant Circuit Attorneys  
16 assigned to a Criminal Accountability Inquiry by the Circuit Attorney, and other qualified persons  
17 employed by or officially affiliated with a federal, state or municipal government agency or higher  
18 education institution that serve pursuant to the terms of a services or secondment agreement  
19 between the City and the relevant agency or institution which shall require any such agency or  
20 institution comply with the City's Civil Service Rules and Regulations and the requirements of  
21 this Ordinance.

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1       “*Director*” means the individual responsible for the management of the DFOB’s day-to-day  
2 business activities, and the DFOB’s investigative and oversight activities including supervising  
3 DFOB Investigators and staff. The Director shall be an employee of the City of St. Louis in  
4 classified service and once appointed, and after completion of a working test period, shall serve  
5 for a single fixed term of ten (10) years, and may only be removed by the Mayor for good cause.

6       “*Division*” means the City of St. Louis Division of Corrections.

7       “*Employee*” means employees of the Division of Corrections.

8       “*Excessive force*” means the use of physical force applied by an employee that is beyond what  
9 is reasonably necessary under the circumstances to control, subdue, or restrain a detainee, or that  
10 which is reasonably necessary under the circumstances to control a detainee after they have been  
11 placed in restraints.

12       “*Oversight*” and “*oversee*” mean the DFOB’s authority to obtain and review complaints, initiate  
13 investigations and make findings and recommendations based there on including  
14 recommendations for employee discipline, to obtain reports and other information from DFOB  
15 Investigators apprising them of current inquiries, and to observe the activities of the Criminal  
16 Inquiry Unit and the Professional Standards Unit, and study and examine other matters within the  
17 scope of the DFOB’s mission and authorities.

18       “*Professional Standards Inquiries*” means administrative, disciplinary investigations of  
19 complaints that allege employees’ failures to meet prescribed professional standards for employees  
20 as provided in Civil Service Rules and Regulations, Division policy, and special orders.  
21 Professional Standards Inquiries shall include administrative reviews of employee-involved  
22 shootings and excessive use of force incidents. There shall be presumption that each Professional

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1 Standards Inquiry shall be led by a civilian member of the Professional Standards Unit provided,  
2 however if it is determined by the DFOB that the surrounding facts and circumstances of the  
3 incident dictate otherwise this presumption shall be overcome.

4 “*Professional Standards Unit*” means the unit of DFOB Investigators who conduct Professional  
5 Standards Inquiries.

6 “*Public Safety Committee*” means the standing Public Safety Committee of the Board of  
7 Aldermen.

8 “*Staff*” means those individuals employed by the City that provide administrative, technical and  
9 other support for official DFOB activities and its day to operations under the Director’s  
10 supervision.

### 11 **SECTION TWO. DFOB.**

12 A. DFOB Established. A Detention Facility Oversight Board is hereby established, constituted  
13 and organized as an independent citizen advisory board that reflects the City’s diverse  
14 communities and authorized to review complaints and initiate and oversee Criminal Accountability  
15 Investigations and Professional Standards Inquiries as provided herein and to the extent permitted  
16 by federal and Missouri state statutes and regulations, and the City’s Civil Service Rules and  
17 Regulations, and subject to the confidentiality and non-interference provisions of this Ordinance,  
18 and to make findings and recommendations based thereon, including recommendations for  
19 disciplinary action.

20 B. DFOB Membership. The DFOB shall be comprised of nine members who shall be nominated  
21 by the Mayor or Chairperson of the Public Safety Committee as provided in this Ordinance and  
22 appointed to the DFOB by a vote of the Board of Aldermen. Only individuals who can be fair,

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1 objective and act without bias or favor for complainants, detainees and employees should be  
2 nominated for appointment to the DFOB.

3 C. Nominating Authorities. Six of the members of the DFOB shall be nominated for  
4 appointment by the Mayor and three members shall be nominated for appointment by the  
5 Chairperson of the Public Safety Committee.

6 D. Member Qualifications. To be eligible to serve as a member of the DFOB individuals must  
7 possess the following qualifications and meet following requirements at the time of their  
8 nomination, and at all times during their service on the DFOB:

- 9 1) Must reside of the City of St. Louis.
- 10 2) Must be at least sixteen years of age as of the date of their nomination for appointment to  
11 the DFOB.
- 12 3) Must not hold or be a candidate for any elected public office.
- 13 4) Must not be an employee of the City of St. Louis or of the State of Missouri.
- 14 5) Must not have an immediate family member who is currently employed by the City of St.  
15 Louis Division of Police or the Division of Corrections.
- 16 6) Must not have been incarcerated in a state or federal correctional institution or penitentiary,  
17 or in a county or municipal detention facility following a criminal conviction in the two  
18 years immediately prior to their nomination to the DFOB or serving on parole or probation  
19 for a criminal conviction at the time of their nomination or at any time during their service  
20 on the DFOB.

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1           7) Must not be employed or have a member of their immediate family who is employed by  
2           any local, state or federal law enforcement or corrections agency or by any entity  
3           conducting business in the corrections field or providing services to detention facilities.

4           8) Must have demonstrable experience, knowledge, or expertise in one of more of the  
5           following fields: corrections, law enforcement, financial management, law, medicine,  
6           public health, mental or behavioral health, social work, civil liberties advocacy, education,  
7           or other field equally relevant to the DFOB’s purpose and duties.

8           E. Attorney Member. At least one member of the DFOB, who shall be nominated by the Mayor,  
9           shall be a retired or no longer practicing attorney who formerly practiced criminal law in the state  
10          of Missouri, or a judge who has retired from a Missouri state or municipal court, or federal court.

11          F. Corrections Member. At least one member of the DFOB, who shall be nominated by the  
12          Mayor, shall have experience in the management, operations, or oversight of detention facilities,  
13          or possess particular knowledge or expertise in the field of corrections or criminal justice,  
14          provided, however; experience or particular knowledge or expertise in law enforcement shall not  
15          constitute corrections experience.

16          G. Law Enforcement Member. At least one member of the DFOB, who shall be nominated by  
17          the Mayor, shall have professional experience in the field of law enforcement or possess  
18          knowledge or expertise in the field of law enforcement provided, however; military experience  
19          including military police experience, or particular knowledge or expertise in military law  
20          enforcement shall not constitute law enforcement experience.

21          H. Previously Incarcerated Member. At least one member of the DFOB, who shall be nominated  
22          by the Mayor, shall have served a period of incarceration in a state or federal correctional

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1 institution or penitentiary, or in a county or municipal detention facility following a criminal  
2 conviction provided, however; such member shall not have been incarcerated in a state or federal  
3 correctional institution or penitentiary, or in a county or municipal detention facility following a  
4 criminal conviction in the two years immediately prior to being nominated for appointment to the  
5 DFOB and shall not be serving on parole or probation at the time of their nomination or at any  
6 time during their service on the DFOB.

7 I. Medical Professional Member. At least one member of the DFOB, who shall be nominated by  
8 the Mayor, shall be a physician, physician's assistant, licensed practical nurse, registered nurse, or  
9 equally qualified medical professional licensed to practice in the State of Missouri, and preferably  
10 with experience working as a health care professional in a detention or corrections facility or  
11 similar institutional setting.

12 J. Civil Liberties Advocate Member. At least one member of the DFOB, who shall be nominated  
13 by the Mayor, shall be an employee or representative of a recognized civil liberties advocacy  
14 organization with a focus or significant experience in advocating for inmates' Constitutional and  
15 human rights.

16 K. Age Sixteen to Twenty-Four Member. At least one member of the DFOB shall be between the  
17 ages of sixteen and twenty-four years of age at the time of their nomination.

18 **SECTION THREE.** Member Nominations, Appointments, Terms, Vacancies and Removals.

19 A. Member Nominations. Within thirty days of the effective date of this Ordinance the Mayor  
20 and Chairperson of the Public Safety Committee shall submit in writing to the Clerk of the Board  
21 of Aldermen the names of their nominees for appointment to the DFOB. Thereafter, upon the  
22 occurrence of a vacancy on the DFOB the Director shall promptly send written notice of the

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1 vacancy to the Clerk of the Board of Aldermen, the Chairperson of the Public Safety Committee  
2 and the Mayor. Not less than thirty days following the date of their receipt of the notice of a  
3 vacancy the Mayor or the Chairperson of the Public Safety Committee (as the case may be) shall  
4 submit the name of their nominee in writing to the to the Clerk of the Board of Aldermen, the  
5 Chairperson of the Public Safety Committee or Mayor. The Clerk shall promptly notify the  
6 members of the Board of Aldermen of any vacancy and the members shall have thirty days  
7 following the date of the Clerk's receipt of the notice to recommend qualified persons for  
8 appointment to the DFOB to the Chairperson of the Public Safety Committee or the Mayor. Board  
9 of Aldermen members' recommendations must be submitted in writing. The Chairperson of the  
10 Public Safety Committee and Mayor may nominate any qualified person to serve on the DFOB  
11 provided, however, the Mayor and Chairperson of the Public Safety Committee shall consider  
12 those individuals recommended by the members of the Board of Aldermen.

13 B. Member Appointments. Within ninety days of the Clerk's receipt of the Mayor's or  
14 Chairperson of the Board of Aldermen Public Safety Committee's nominees to serve on the DFOB,  
15 the Public Safety Committee shall hold a public hearing and take public testimony regarding the  
16 nomination, and within one-hundred and eighty days following the Public Safety Committee  
17 meeting the Board of Aldermen shall vote on whether to confirm the nominees. If the Board of  
18 Aldermen votes to confirm the nominee, the nominee shall be appointed to the DFOB. In the event  
19 an individual is not confirmed by the Board of Aldermen, within thirty days of the Board of  
20 Aldermen's vote not to confirm the nominee, the Mayor or Chairperson of the Public Safety  
21 Committee (as the case may be) shall submit in writing to Clerk of the Board of Aldermen, the  
22 Chairperson of the Public Safety Committee or Mayor the name a new nominee.

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1 C. Term. Except as provided in this Section for the initial members of the DFOB, all DFOB  
2 members shall be appointed for three-year terms. No member shall serve on the DFOB for more  
3 than two consecutive three-year terms provided, however; an initial member appointed for a term  
4 of less than three years and members appointed to finish the unexpired term of another member  
5 shall be eligible to serve two consecutive, full three-year terms.

6 D. Initial Members' Terms. The initial members of the DFOB shall have staggered terms as  
7 follows: At the initial meeting of the DFOB each of the initial members' terms shall be determined  
8 by random drawing. Three of the initial members shall serve three-year terms, three shall serve  
9 two-year terms, and three shall serve one-year terms.

10 E. Removal. For good cause the DFOB may vote to request the Board of Aldermen to act to  
11 remove a member. Within five days following a vote by the DFOB to remove one of its members  
12 the Director shall submit the DFOB's request in writing to the Clerk of the Board of Aldermen and  
13 at the same time shall submit copies of the request to the Mayor and Chairperson of the Public  
14 Safety Committee. Within sixty days following their receipt of the request, the Board of Alderman  
15 shall vote whether to approve the request, which approval shall require an affirmative vote of a  
16 majority of all of the members of the Board of Aldermen. If the request is approved by the Board  
17 of Aldermen, the DFOB member who is the subject of the request shall immediately be removed  
18 and their service on the DFOB terminated. If the Board of Aldermen does not act within sixty-  
19 days of the Clerk's receipt of the request, the request shall be deemed to be denied.

20 F. Vacancies. Vacancies on the DFOB occasioned by a member's resignation, removal,  
21 expiration of their term, disqualification, or death or inability to serve shall be reported in writing  
22 by the DFOB to the Mayor, the Clerk of the Board of Aldermen, and the Chairperson of the Board

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1 of Aldermen Public Safety Committee. Any vacancies shall be filled as provided in this Ordinance.  
2 Appointments to fill vacancies not occasioned by the expiration of a member's term shall be for  
3 the unexpired portion of the vacating member's term.

### 4 **SECTION FOUR.** DFOB Proceedings, Officers and Member Orientation.

5 A. Rules. At their initial meeting the DFOB shall adopt rules to govern their proceedings, and  
6 may thereafter amend, revise or otherwise modify their rules. The DFOB shall, with the advice of  
7 the City Counselor, prepare and adopt necessary rules, policies and procedures for the conduct of  
8 their business and shall conduct themselves in accordance therewith. Copies of said rules shall be  
9 available to the public and included in the DFOB's annual report.

10 B. Meetings. The DFOB shall meet as they deem necessary, but in no event shall the DFOB  
11 meet less than six-times per year with at least one meeting held during each fiscal quarter. The  
12 DFOB may vote to close a meeting as may be permitted by law, including section 610.021 of  
13 Missouri's Sunshine law provided, however; where the matters taken up by the DFOB concern the  
14 disciplining of an identified or potentially identifiable Division employee, personally identifiable  
15 healthcare records, a juvenile detainee, or where an individual detainee is personally identified or  
16 potentially identifiable the DFOB shall, as may be permitted by law, close the meeting or the  
17 portion of the meeting. The DFOB shall comply with the requirements for closed meetings in  
18 section 610.021 of Missouri's Sunshine law.

19 C. Officers. The DFOB shall elect a chairperson, vice chairperson, and secretary at their initial  
20 meeting and annually thereafter except when otherwise required. DFOB officers shall serve one-  
21 year terms and shall not serve for more than two consecutive one-year terms in the same position  
22 but may be reelected to the position after a break in service of not less than twelve months,

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1 provided, however; officers elected to fill a vacancy for the remainder of an officer's unexpired  
2 term shall be allowed complete two consecutive one-year terms.

3 E. Records. The DFOB shall maintain records of its proceedings, inquiries, reports and other  
4 materials that constitute records under the Missouri Sunshine Law. The Director shall be the  
5 DFOB's custodian of records for purposes of Missouri's Sunshine law.

6 5. Member Orientation. The DFOB, in cooperation with the Division, shall develop an  
7 orientation program for new DFOB members which shall cover detention facility operations and  
8 Division operational and administrative policies and procedures. The program shall also cover  
9 DFOB member responsibilities with respect to confidentiality, Missouri's Sunshine Law, the  
10 rights afforded citizens and detainees by the Constitution, federal and Missouri state statutes, and  
11 the rights afforded employees under the Constitution (including rights established under the  
12 Supreme Court's ruling in Garrity), federal and Missouri state statutes and regulations, and the  
13 City's Civil Service Rules and Regulations. Additionally, the orientation program shall cover  
14 federal and Missouri state statutes and regulations governing detention facility operations,  
15 conditions of detention and treatment of detainees.

### 16 **SECTION FIVE.** DFOB Authority.

17 A. Criminal Accountability and Professional Standards Inquiries. The DFOB shall receive copies  
18 of all complaints. In consultation with the Commissioner and the City Counselor's Office, the  
19 DFOB shall develop rules and procedures for receiving, reviewing and sharing complaints, and  
20 for conducting Criminal Accountability Inquiries and Professional Standards Inquiries that comply  
21 and are consistent with applicable laws and regulations, and the City's Civil Service Rules and  
22 Regulations and applicable written policies and regulations established by the Director of

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1 Personnel and Civil Service Division. The DFOB may order the Director to initiate Criminal  
2 Accountability or Professional Standards Inquiry based upon complaints and may make findings  
3 and recommendations based upon said inquiries including recommending disciplinary action for  
4 employees.

5 B. Access to Information. The Commissioner shall promptly provide or secure access for the  
6 DFOB to information it has requested related to its mission, duties and official activities to the  
7 extent permitted by federal and Missouri state statutes, the City's Civil Service Rules and  
8 Regulations, and City ordinance, and the written policies and regulations established by the  
9 authority of the Director of Personnel and Civil Service Division. The DFOB is authorized to be  
10 present at interviews of complainants and witnesses, including detainees and employees, that are  
11 part of a Criminal Accountability Inquiry or Professional Standards Inquiry provided, however the  
12 DFOB members present at the interview may not ask questions but may recommend questions to  
13 DFOB Investigator before an interview or during a break in an interview. If the Commissioner is  
14 unable to promptly provide or is prohibited from providing the DFOB with requested information  
15 the Commissioner upon gaining knowledge of such inability or prohibition shall notify the DFOB  
16 in writing of the reasons therefor and when or if the DFOB may obtain or access the requested  
17 information. Information that may be requested by the DFOB shall include, but shall not be limited  
18 to the following:

- 19 1) Complaints of Corrections Misconduct and Detention Incidents and related records and  
20 information.

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- 1           2) Information relating to possible patterns of complaints, bias, misconduct, Corrections  
2           Misconduct and Detention Incidents, violations of federal and Missouri state laws and  
3           regulations, and violations of professional standards and Division policies.
- 4           3) Information relating to the development, implementation and enforcement of Division  
5           policies and procedures.
- 6           4) Information relating to Division directives, policies and procedures including those that  
7           concern detention facility operations and maintenance, conditions of detention, and  
8           Division employees.
- 9           5) Information relating to the Division’s administrative, detention facility operations and  
10          maintenance activities.
- 11          6) Records and information relating to Criminal Accountability Inquiries and Professional  
12          Standards Inquiries.
- 13          7) Records, transcripts and recordings, regardless of the media on which they are maintained,  
14          of interviews of complainants, witnesses, and employees that relate to its oversight and  
15          investigative activities and duties.
- 16          8) Any Division or city directives or policies including, without limitation, those related to  
17          detention facility operations, administration, Division employees, detention facility  
18          conditions and maintenance, and detainees.
- 19          9) Records and information related to allegations of Corrections Misconduct, and Detention  
20          Incidents occurring prior the effective date of this Ordinance.
- 21          10) Access to the Regional Justice Information System files and data.

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1 C. Access to Detention Facilities. The DFOB shall be provided access to City detention facilities  
2 at any time upon notice to the Commissioner and without conditions or requirements as to the  
3 timing or form of such notice. When requested by the DFOB the Commissioner, and the Mayor  
4 and Director of Public Safety, shall promptly act and make every effort to secure access for the  
5 DFOB to detention facilities where detainees are housed for the City. City contracts for the  
6 housing of detainees at other detention facilities shall contain provisions to ensure DFOB access  
7 to the facilities to inspect conditions of detention and to interview complainants and witnesses.  
8 Where then present circumstances at a detention facility would temporarily preclude DFOB access  
9 to the detention facility, or where the DFOB is denied or prohibited from accessing a detention  
10 facility where detainees are housed for the City, the Commissioner shall upon gaining knowledge  
11 of such circumstances or prohibitions send written notice thereof to the DFOB with the reasons  
12 why the DFOB is temporarily precluded or prohibited from accessing the detention facility and  
13 when or if the DFOB may access the detention facility.

14 D. Information Sharing. The DFOB shall share information with the Criminal Inquiry and  
15 Professional Standards Unit, and the Criminal Inquiry Unit and Professional Standards Unit shall  
16 similarly share information, as permitted by law and consistent with best practices in criminal  
17 investigations and professional standards investigations.

18 E. Work Impeded. If the DFOB by majority vote determines it is not being provided or provided  
19 access to requested information and records such that they are being impeded in the furtherance of  
20 its mission and in carrying out its duties the DFOB shall send written notice thereof to the Mayor  
21 and the Director of Public Safety, with copies to the Clerk of the Board of Aldermen and the  
22 Chairperson of the Board of Aldermen Public Safety Committee. Within ten days thereafter the

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1 Mayor or Director of Public Safety shall obtain or secure access to the requested records and  
2 information or respond in writing with the reasons the records and information cannot be provided  
3 or cannot be provided within the ten-day period. If the records and information cannot be provided  
4 within the ten-day period, the Mayor or Director or Public Safety shall provide the DFOB an  
5 estimate of when the records and information will be available.

6 F. Independent Legal Counsel. Following a majority vote of the DFOB, the DFOB may send a  
7 written request to the City Counselor that the City Counselor procure and contract for independent  
8 legal counsel to advise the DFOB subject to budget appropriations and a showing of good cause  
9 by the DFOB.

10 G. Recommendations. The DFOB, after consulting with the Commissioner and with input  
11 from the public, may propose or recommend revisions to Division policies and practices and the  
12 adoption of new policies, and may, following consultation with the Commissioner, make  
13 disciplinary recommendations for employees.

14 H. Grant funding. The DFOB may apply for grants and seek outside funding opportunities that  
15 will support its mission and duties.

16 I. Subpoena Power. The DFOB shall have the power to administer oaths, to subpoena and  
17 require the attendance of witnesses located within the City and the production by them of books  
18 and papers pertinent to any matter of inquiry and to examine such witnesses under oath in relation  
19 to any matter properly within the scope of its mission and duties. The Director shall on the vote of  
20 the DFOB, exercise the power of subpoena as directed by the DFOB to require the attendance of  
21 witnesses located within the City and the production by them of books and papers pertinent to any  
22 such matter of inquiry and to examine such witnesses under oath. A vote to exercise subpoena

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1 power shall require a two-thirds vote of the DFOB members and such power shall be exercised  
2 through the Director. For such purposes, the DFOB may invoke the power of any court of record  
3 in the City, or judge thereof, in term, time or vacation, to compel the attendance and testimony of  
4 witnesses and the production of books and papers in compliance with such subpoenas. All  
5 witnesses so subpoenaed, who are not employees of the City, shall be entitled to the same fees as  
6 are allowed in civil cases in courts of record.

### 7 **SECTION SIX. DFOB Duties**

8 A. Semi-Annual Meetings. The DFOB shall meet with the Mayor and the Public Safety  
9 Committee on a semi-annual basis, or as may be requested by the Mayor or Chairperson of the  
10 Public Safety Committee. Public testimony shall be heard at such meetings and minutes of each  
11 meeting will be taken posted on the Mayor's, the Board of Aldermen's, and Division of  
12 Corrections' websites not later than ten days following the date of the meeting.

13 B. Complainant Status Reports. To the extent permitted by applicable federal and Missouri state  
14 statutes and regulations, in accordance with employees' Garrity rights, in compliance with those  
15 written policies and regulations established by the authority of the Director of Personnel and Civil  
16 Service Division, and the provisions of this Ordinance, specifically including those pertaining to  
17 confidential information, the DFOB shall provide complainants periodic updates on the status of  
18 the complaints and shall notify complainants in writing of the final disposition of their complaints.

19 C. Non-Interference. DFOB oversight and investigative activities shall not interfere with any  
20 criminal investigation or civil litigation. Where the DFOB is notified in writing by the City  
21 Counselor, Commissioner of Police, or Circuit Attorney that an investigation may interfere with a  
22 criminal investigation or civil litigation involving the City, the DFOB shall avoid such interference

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1 by, among other things, staying the potentially interfering activity until such time as it will not  
2 interfere with the investigations of authorities or courts with jurisdiction over the matter. As to  
3 civil litigation matters, not later than one-hundred and eighty days following such notice from the  
4 City Counselor, the City Counselor shall provide the DFOB a written update of the status of the  
5 request that potentially investigative activities continue to be stayed and the reasons supporting  
6 the continued stay.

7 D. Confidentiality. The Director, DFOB Investigators and staff shall, when required by federal  
8 or Missouri state statute, City ordinance, or the City's written policies and practices, maintain the  
9 confidentiality of any file, record, or data received pursuant to or in the course of official DFOB  
10 activities and shall be bound by rules of confidentiality specifically including those regarding City  
11 personnel and employee discipline. In addition to any penalties provided by law it shall be a  
12 violation of this Ordinance for the Director, DFOB investigators and staff, or anyone assigned or  
13 seconded to the DFOB as provided in this Ordinance, to disclose confidential information to  
14 anyone other than staff and individuals assigned or seconded to the DFOB as provided in this  
15 Ordinance, the City Counselor's office, the Director of Public Safety or the Director of Public  
16 Safety's designee, or authorized Division employees. Any person who is found to have engaged  
17 in or facilitated the disclosure of confidential information in violation of this provision shall  
18 immediately be disqualified from serving as a member of the DFOB or to continue their  
19 employment by the City. If the DFOB or staff have any questions pertaining to the Sunshine Law  
20 or confidentiality, they shall contact the City Counselor or the City Counselor's designee and must  
21 follow the legal counsel provided by the City Counselor. If there is any question concerning the  
22 confidential nature of a document or information, such question must be resolved in favor of the

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1 document or information being confidential until a legal opinion from the City Counselor is  
2 rendered.

### 3 **SECTION SEVEN.** Complaint System, Case Management, Criminal Justice Information

4 A. Complaint System. The DFOB in consultation with the Commissioner and the City Counselor  
5 shall develop and implement a system for receiving, processing, and reviewing complaints, which  
6 process shall include the creation of a standardized complaint form. The DFOB and Division shall  
7 each provide the other copies of all complaints received within seventy-two hours of receipt,  
8 including complaints concerning employees.

9 B. Standard Complaint Form. The complaint form shall be written in clear language and with  
10 the intention of aiding readers' comprehension and understanding of the complaint form and  
11 complaint process, which shall include translating the form into languages other than English.

12 C. Case Management System. The DFOB, in consultation with the Commissioner and City  
13 Counselor shall adopt or develop a case management system for complaints and matters that are  
14 the subject of Criminal Accountability and Professional Standards Inquiries. The case  
15 management system shall include a system for classifying different types of complaints, protocols  
16 for monitoring Criminal Accountability and Professional Standards Inquiries, and for ensuring the  
17 information is timely and appropriately shared between the DFOB, the Criminal Inquiry Unit and  
18 Professional Standards Unit.

19 D. Regional Justice Information System. The Commissioner shall coordinate with the DFOB  
20 and representatives of the Regional Justice Information System (REJIS) Commission to ensure the  
21 DFOB and staff receive appropriate REJIS training, and to institute such controls as may be  
22 necessary to ensure its appropriate use and compliance with federal and Missouri state statutes and

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1 regulations, City ordinances, and any applicable written policies and practices governing shared  
2 criminal justice information.

3 **SECTION EIGHT. DFOB Reports & Work Plan.**

4 A. Annual Report. The DFOB shall prepare an annual report as provided in this Section. Prior  
5 to the DFOB submitting or publishing its annual report it shall provide copies to the Commissioner  
6 and Director of Public Safety for their review and comment. The Commissioner and Director of  
7 Public Safety shall have thirty days after their receipt of the annual report to conduct their reviews  
8 and submit their comments in writing to the Director. Following this review and comment period  
9 the DFOB shall simultaneously submit copies of the annual report to the Mayor, the Clerk of the  
10 Board of Aldermen, and the Chairperson of the Public Safety Committee. The DFOB shall present  
11 its annual report at a public meeting which shall be held not less than thirty days and not more than  
12 sixty days prior to the end of each fiscal year. The annual report shall be published on the  
13 Division's website at the same time as its submission to the Mayor, Clerk of the Board of  
14 Aldermen, and Chairperson of the Public Safety Committee.

15 B. Annual Report Contents. The annual report shall contain the following:

- 16 1) A summary of the complaints that resulted in an investigation or other DFOB action since  
17 its last annual report. The summary shall include any DFOB findings, any actions taken  
18 by the DFOB, and any recommendations made by the DFOB.
- 19 2) Any matters properly within the scope of the DFOB's mission, duties and authority that is  
20 deemed relevant by the DFOB or as requested by the Mayor or Chairperson of the Public  
21 Safety Committee.
- 22 3) A statement of the DFOB's rules and policies governing its administration.

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1 4) A statement of the DFOB’s rules and polices governing the receipt and review of  
2 complaints, the initiation of Criminal Accountability and Professional Standards Inquiries,  
3 and DFOB oversight.

4 Annual reports shall not include any personally identifiable information or information that could  
5 be readily used to discover an individual’s identity.

6 C. Quarterly Reports. The Director shall compile a summary report for each fiscal quarter and  
7 shall submit copies to the Mayor, the Clerk of the Board of Aldermen, and the Chairperson of the  
8 Public Safety Committee and post a copy on the Division’s website within ten days following the  
9 end of each fiscal quarter. Quarterly reports shall contain the following:

10 1) A summary description and statistical profile of all complaints received during the  
11 preceding fiscal quarter and a summary of any inquiries, DFOB oversight activities or other  
12 DFOB actions.

13 2) A list of all inquiries and oversight activities concluded during the preceding fiscal quarter  
14 and summaries of the related inquiry reports.

15 3) Other issues and matters addressed by the DFOB during the immediately preceding fiscal  
16 quarter that in the judgment of the DFOB or Director should be included in the quarterly  
17 report.

18 Quarterly reports shall not include any personally identifiable information or information that  
19 could be readily used to discover an individual’s identity.

20 D. Annual Work Plans. The DFOB shall have the broad authority and discretion to develop, an  
21 Annual Work Plan for programs, initiatives, projects, and other activities related to its operations,  
22 and that advance its mission and duties it intends to undertake in the coming fiscal year. These

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1 programs, initiatives, projects and activities should focus on improving detention facility  
2 operations, transparency in detention facility operations, conditions of detention, employees'  
3 working conditions and employees' professional development. The initial Annual Work Plan shall  
4 be completed and published on the Division's website within one-hundred and eighty days  
5 following the DFOB's initial meeting and no later than July 1<sup>st</sup> of each year thereafter.

### 6 **SECTION NINE.** Budget.

7 A. Budget. The Department of Public Safety shall include the DFOB as part of its annual budget  
8 requests. The DFOB shall comply with the budget and other financial processes in the City's  
9 Charter.

10 B. Resources. The Mayor and Director of Public Safety shall each ensure that the DFOB is  
11 provided appropriate and adequate staffing, office, meeting space, materials, supplies and other  
12 resources needed for its day-to-day operations and to execute its duties.

13 **SECTION TEN.** Service Provider Agreements. All agreements between the City and another  
14 party for the provision of services at City detention facilities, the transport of detainees, outside  
15 healthcare services or other outside care services for detainees, or for the housing of detainees at  
16 outside detention facilities shall contain a provision which requires the party providing the services  
17 to cooperate with DFOB Criminal Accountability and Professional Standards Inquiries which have  
18 a direct relationship to the services provided by the party, including allowing DFOB Investigators  
19 to interview the party's employees.

### 20 **SECTION ELEVEN.** Severability.

21 It is hereby declared to be the intention of the Board of Aldermen that every part, section and  
22 subsection of this Ordinance shall be separate and severable from each and every other part, section

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1 and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and  
2 subsection separately and independently of any other part, section and subsection. If any part,  
3 section or subsection of this Ordinance shall be determined to be or to have been unlawful or  
4 unconstitutional, the remaining parts, sections and subsections shall be and remain in full force  
5 and effect, unless the court making such finding shall determine that the valid portions standing  
6 alone are incomplete and are incapable of being executed in accord with the legislative intent.

**BOARD BILL NUMBER 19**  
**COMMITTEE SUBSTITUTE**  
**FISCAL NOTE**

Preparer's Name Louis Galli

Phone Number or Email Address (will be available publicly) gallil@stlouis-mo.gov

Bill Sponsor: Joseph Vaccaro

<b>Bill Synopsis:</b>	The bill establishes a civilian oversight board for the City's detention facilities. The board will be known as the Detention Facility Oversight Board (DFOB). DFOB will have the authority to investigate complaints of corrections misconduct and corrections incidents and based on their investigations DFOB may make findings and recommendations concerning policy and procedure, facility conditions, and employee discipline.
<b>Type of Impact:</b>	DFOB will provide greater transparency in the City's detention facilities by investigating complaints of corrections misconduct and corrections incidents. Based on its investigations DFOB may make findings and recommendations concerning policy and procedures, facility conditions, conditions of detention, employee discipline and professional development.
<b>Agencies Affected:</b>	Department of Public Safety, Corrections Division

**SECTION A**

**Does this bill authorize:**

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget. X Yes    \_\_No
- An undertaking of a new service for which no funding is provided in the current adopted city budget. X Yes    \_\_No
- A commitment of city funding in the future under certain specified conditions? \_\_Yes    X No

- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget.     \_\_\_Yes    X No
- An execution or initiation of an activity as a result of federal or state mandates or requirements.     \_\_\_Yes    X No
- A capital improvement project that increases operating costs over the current adopted city budget.     \_\_\_Yes    X No
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years?     \_\_\_Yes    X No

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.**

**SECTION B**

- Does the bill require the construction of any new physical facilities?   \_\_\_Yes   XNo
  - If yes, describe the facilities and provide the estimated cost:
- Is the bill estimated to have a direct fiscal impact on any city department or office?     X Yes   \_\_\_No
  - If yes, explain the impact and the estimated cost: The bill establishes a civilian oversight board for the City’s Detention Facilities (DFOB). The Board, that will have substantially similar requirements for staffing, office materials and supplies, services, and space, and related costs as does the Civilian Oversight Board for the Division of Police. This fiscal note is an estimate of the operating costs for DFOB that is based on the 2021-2022 budget of the Civilian Oversight Board.
- Does the bill create a program or administrative subdivision?     X Yes   \_\_\_ No
  - If yes, then is there a similar existing program or administrative subdivision?     X Yes   \_\_\_No
  - If yes, explain the how the proposed programs or administrative subdivisions may overlap: The DFOB and COB will be similar in structure and organization. Their missions and purpose however are distinct in that the DFOB provides civilian oversight of detention facility operations and the COB provides civilian oversight of the Division of Police.
- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

The following are best estimates of compensation DFOB positions and necessary services. The position titles are not necessarily those used by the department of personnel. Estimates for materials and supplies, equipment, and space rental are not included.

<u>Position</u>	<u>No.</u>	<u>Compensation</u>
Director	1	87,000
Correctional Investigator	2	66,000
Legal Investigator II	1	2,000
Legal Investigator I	2	86,000
Paralegal	1	33,000
Executive Secretary I	2	<u>66,000</u>
	Sub tot.	340,000

Contractual and Other Services

Computer & Tech	1,000
Office Services	3,500
Communication	1,500
Education & Training	7,500
REJIS	1,000
Legal Services	<u>20,000</u>
	Sub tot. 34,500
	<u>374,500</u>

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

<b>Financial Estimate of Impact on General Fund</b>			
<b>Fiscal Impact</b>	<b><u>Year 1 (current)</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>Additional Expenditures</b>			
<b>Additional Revenue</b>			
<b>Net</b>			
<b>Financial Estimate of Impact on Special Funds</b>			
<b>Fiscal Impact</b>	<b><u>Year 1 (current)</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>Additional Expenditures</b>			
<b>Additional Revenue</b>			
<b>Net</b>			

- Describe any assumptions used in preparing this fiscal note: This fiscal note is prepared based on the assumption that the Detention Facilities Oversight Board will have substantially similar budget requirements as those of the Civilian Oversight Board for the Division of Police. Costs identified in this fiscal note are based on the Civilian Oversight Board’s FYI 2021-2022 budget.
- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note: COB FY 2021-2022 budget. The City Budget Division was consulted.
- Have the financial estimates of this bill been verified by the City Budget Division?  

\_\_\_\_\_Yes   X No

  - If yes, by whom? \_\_\_\_\_ .