

Summary
Board Bill Number 47
Committee Substitute As Amended
Introduced by Alderwoman Shameem Clark-Hubbard
June 10, 2022

This Board Bill authorizes independent investigations of law enforcement misconduct and use of force incidents. The bill repeals **Ordinance Number 69984**, as amended by **Ordinance Number 70532**, and enacts in lieu thereof an ordinance that reconstitutes and provides staff support for the Civilian Oversight Board (COB) and provides coordination and staff support for the Detention Facility Oversight Board (DFOB) created by Ordinance 71430. The bill also establishes the Division of Civilian Oversight within the Department of Public Safety and authorizes the establishment of the Public Integrity Unit, directed by the City Circuit Attorney.

**BOARD BILL NUMBER 47 COMMITTEE SUBSTITUTE AS AMENDED
INTRODUCED BY ALDERWOMAN SHAMEEM CLARK-HUBBARD/ALDERMAN
BRET NARAYAN/ ALDERWOMAN PAMELA BOYD/ ALDERMAN SHANE COHN/
ALDERWOMAN MARLENE DAVIS/ ALDERWOMAN CHRISTINE INGRASSIA/
ALDERMAN JESSE TODD/ ALDERMAN JAMES PAGE/ ALDERWOMAN ANNIE
RICE/ ALDERWOMAN TINA PHIL/ ALDERWOMAN LISA MIDDLEBROOK/
ALDERMAN DAN GUENTHER**

1 The proposed bill provides for independent investigations of law enforcement misconduct and
2 use of force incidents. The bill repeals **Ordinance Number 69984**, as amended by **Ordinance**
3 **Number 70532**, and enacts in lieu thereof an ordinance that reconstitutes and provides staff
4 support for the Civilian Oversight Board (COB) and provides coordination and staff support for
5 the Detention Facility Oversight Board (DFOB) created under Ordinance 71430. The bill also
6 establishes the Division of Civilian Oversight within the Department of Public Safety, and
7 authorizes the establishment of the Public Integrity Unit, directed by the Circuit Attorney in the
8 City of St. Louis.

9 **WHEREAS**, the people of St. Louis hold a compelling interest in the transparent, even-
10 handed, accountable and compassionate enforcement of the law; and

11 **WHEREAS**, investigations into police misconduct and use of force incidents are
12 presently conducted by Internal Affairs and the Force Investigative Unit; and

13 **WHEREAS**, a history of violent confrontations and mistrust have decimated community
14 confidence in the justice system, thereby hindering law enforcement's capacity to conduct
15 effective investigations; and

16 **WHEREAS**, independent oversight and investigations will build trust between law
17 enforcement and community; and

1 **WHEREAS**, marginalized communities and allies have fought for decades to establish
2 robust institutions of civilian oversight; and

3 **WHEREAS**, the State of Missouri recognizes the authority of local governments to
4 establish civilian oversight boards (see RSMO 590.653); and

5 **WHEREAS**, the Board of Aldermen passed Ordinance 69984 establishing the Civilian
6 Oversight Board on April 20th, 2015; and

7 **WHEREAS**, the Civilian Oversight Board submitted various incidents to thorough
8 review, and resulted in greater transparency; and

9 **WHEREAS**, the Board of Aldermen granted the Civilian Oversight Board subpoena
10 power under Ordinance 70532, on February 10th, 2017; and

11 **WHEREAS**, the people of St. Louis elected a Circuit Attorney committed to holding
12 police accountable on November 8th, 2016, and the city of St. Louis recognizes the right of the
13 Circuit Attorney to conduct criminal investigations; and

14 **WHEREAS**, Mayor Jones issued Executive Order 1, directing the release of all SLMPD
15 and Corrections complaints and data to the Civilian Oversight Board on April 26th, 2021; and

16 **WHEREAS**, the Board of Aldermen established the Detention Facilities Oversight
17 Board pursuant to Ordinance 71430 on December 3rd, 2021; and

18 **WHEREAS**, this bill establishes the Division of Civilian Oversight to serve as an
19 institutional home to the Civilian Oversight Board and Detention Facilities Oversight Board; and

20 **WHEREAS**, the division's professional investigative staff will have the capacity to
21 conduct independent first-instance investigations of police misconduct; and

1 **WHEREAS**, the Commissioner of Civilian Oversight will have the authority, pursuant to
2 corresponding Civil Service Rule, to discipline law enforcement officers;

3 **WHEREAS**, the Division of Civilian Oversight is tasked with providing administrative
4 and research support to the COB and DFOB in order to enhance their capacity to make policy
5 recommendations and interface with the public, as well as their other oversight roles; and

6 **WHEREAS**, the city of St. Louis recognizes the right of the Circuit Attorney to conduct
7 criminal investigations into police misconduct and the need to coordinate that authority with
8 other investigatory and oversight functions carried out by the city; and

9 **WHEREAS**, the purpose of the Division of Civilian Oversight is to strengthen the
10 integrity of and public confidence in criminal justice institutions by promoting transparency,
11 fairness and public accountability and conducting thorough, impartial, and independent
12 Professional Standards Inquiries into misconduct and use of force incidents.

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

14 **SECTION ONE. Definitions.**

15 - “*Annual Oversight Report*” means the written reports by the COB and DFOB that
16 describe the programs, initiatives, projects, and routine and ongoing tasks undertaken in the
17 preceding fiscal year by the COB and DFOB to oversee and evaluate the Division of Civilian
18 Oversight, Division of Corrections, Police Department, and other law enforcement and
19 investigatory bodies as may be necessary. The Annual Oversight Report shall be prepared and
20 published by the COB and DFOB with the assistance of Civilian Oversight Staff within one (1)
21 year of the first meeting of each, with annual reports thereafter published not later than
22 September 1 of each year. The Annual Oversight Report shall set forth how each Board sought to

1 make and made continuous progress in advancing their purposes, priorities, goals, timelines
2 including but not limited to matters identified in the Annual Oversight Work Plan and the means
3 of measuring (or grading) progress in the fiscal year just completed.

4 - “*Annual Oversight Work Plan*” means the written plans for programs, initiatives,
5 projects, and routine and ongoing tasks in the forthcoming fiscal year by the COB and by the
6 DFOB, each prepared with the assistance of the Civilian Oversight Staff and setting forth each
7 entity’s purpose, priorities, goals, timelines and proposed means of achieving and measuring
8 continuous progress in the fiscal year ahead. The COB and the DFOB shall for each Annual
9 Oversight Work Plan invite, devise, and implement means reasonably calculated to elicit public
10 input as to matters and initiatives that should be included in the coming year’s Annual Work
11 Plan. The initial COB Work Plan and DFOB Work Plan shall be published within one (1) year of
12 the first meeting of each, with annual plans thereafter published not later than July 1 each year.

13 - “*Civilian Oversight Commissioner*” means, as provided herein, the head of the
14 Division of Civilian Oversight in the Department of Public Safety and supervisor of Civilian
15 Oversight Investigators and Civilian Oversight Staff. The Civilian Oversight Commissioner shall
16 be an employee of the City of St. Louis in classified service appointed by the Director of Public
17 Safety, with their performance during the six-month working test period evaluated by the
18 Director of Public Safety and be removable during their term only by the Director of Public
19 Safety for cause. Subject to the qualifications determined by the Director of Personnel and/or the
20 Civil Service Commission, such qualifications for the Commissioner of Civilian Oversight shall
21 include substantial experience successfully conducting complex criminal, employment and/or
22 ethics investigations, either as a licensed attorney or public sector professional investigator. In

1 order to prevent real or perceived conflicts of interest, and subject to the qualifications
2 determined by the Director of Personnel and/or the Civil Service Commission, the
3 Commissioner of Civilian Oversight shall have no history of employment as a police officer.

4 - "*Civilian Oversight Investigators*" means professional investigative staff , assigned by
5 or subject to the approval of the Civilian Oversight Commissioner, who, under the direction of
6 the Civilian Oversight Commissioner, shall conduct Professional Standards Inquiries. Civilian
7 Oversight Investigators, in addition to being civilian employees of the Division of Civilian
8 Oversight hired in accordance with Civil Service Rules and Personnel Regulations, may in the
9 discretion of the Civilian Oversight Commissioner include commissioned officers temporarily
10 detached from the Police Division, and civilian employees detached from other City
11 departments, and other personnel approved by the Civilian Oversight Commissioner in
12 accordance with Civil Service Rules and Personnel Regulations. Subject to the qualifications
13 determined by the Director of Personnel and/or the Civil Service Commission, non-detached
14 civilian oversight investigators shall have a limited history of employment as a police officer,
15 with no history of employment as a police officer within the four years immediately prior to the
16 employees start date. Currently commissioned SLMPD officers may only be detached and
17 assigned to the Division of Civilian Oversight following review for conflicts of interest by the
18 Commissioner of Civilian Oversight, and approval by the Director of Public Safety, and in no
19 case may the total number of detached police officers be more than thirty five percent (35%) of
20 the total number of civilian employees of the Division of Civilian Oversight. Subject to
21 appropriation, there shall be staffing of a minimum of one (1) Civilian Oversight Investigator for
22 every 100 commissioned police officers and every 80 corrections officers. The Civilian

1 Oversight Commissioner shall adopt and employ rules and procedures for each investigatory
2 matter reasonably calculated to identify and determine the existence of conflicts of interest that
3 disqualify a Civilian Oversight Investigator from being assigned to or continue participation in a
4 matter. For Civilian Oversight Investigators detached from the Division of Police or other
5 agencies and temporarily assigned pursuant to an MOU or written contract, the MOU or contract
6 shall specify that investigators shall operate under the direction and supervision of the Civilian
7 Oversight Commissioner for all matters relating to their investigative duties while detached to
8 the Civilian Oversight Division. The lead investigator on every Professional Standards Inquiry
9 shall be a non-detached Civilian Oversight Investigator with no history of employment as a
10 police officer. Detached police officers shall not constitute more than thirty five percent (35%) of
11 a given investigative team tasked with conducting a Professional Standards Inquiry. Civilian
12 oversight investigators shall respond to the scene of Police and Correctional Incidents and
13 Misconduct and have authority to collect statements from witnesses and city employees
14 immediately upon request.

15 - "*Civilian Oversight Division*" means the Division of Civilian Oversight, a division of
16 the Department of Public Safety, subject to the terms of this Ordinance, to Civil Service Rule and
17 Regulation, and to all applicable federal and state laws and city ordinances. The Division of
18 Civilian Oversight shall be directed by the Civilian Oversight Commissioner and supported by
19 the Civilian Oversight Staff and Civilian Oversight Investigators, which Investigators shall
20 conduct Professional Standards Inquiries and which staff shall assist and support the disciplinary,
21 oversight and policy authority and duties of the COB and DFOB.

1 - “*Civilian Oversight Staff*” means staff providing oversight, policy, disciplinary,
2 administrative and technical support to the Civilian Oversight Commissioner, Civilian Oversight
3 Investigators, COB and DFOB under the direction of the Civilian Oversight Commissioner, and
4 subject to oversight by the COB or the DFOB, as provided in this ordinance. Subject to
5 appropriation and Department of Personnel classification qualifications and specifications,
6 Civilian Oversight Staff shall include employees tasked with producing policy research and
7 recommendations, supporting surviving families, conducting community outreach, providing
8 administrative support to investigators, COB & DFOB, and liaising with the Personnel
9 Department to file the requisite documentation to execute discipline including but not limited to
10 suspensions, reductions in pay, demotions, forced leave and termination.

11 - “*City*” shall mean the City of St. Louis.

12 - “*Commissioner of Police*” shall mean the head of the Police Department whether
13 otherwise referenced as Police Commissioner or Chief of Police or their designee.

14 - “*Complaints*” means a request, written, online or oral, by any person (including referral
15 by the Civilian Oversight Commissioner, the Commissioner of Police, the Commissioner of
16 Corrections, or the Director of Public Safety) to review and investigate allegations of a Police
17 Incident, Police Professional Misconduct, a Detention Incident or Corrections Professional
18 Misconduct, as defined herein. To the fullest extent permitted by law, Civil Service Rule or
19 Regulation, and subject to the confidentiality and non-interference provisions set forth in this
20 Ordinance, all Complaints shall be immediately shared with the Director of Civilian Oversight.
21 Additionally, all Complaints relating to the employees of the Division of Police shall be timely
22 shared with the COB and Police Chief within forty-eight (48) hours, and all complaints

1 pertaining to detention facilities, including internal resolution requests, shall be timely shared
2 with the DFOB and Corrections Commissioner within forty-eight (48) hours.

3 - “*Corrections Commissioner*” means the head of the Division of Corrections of the
4 Department of Public Safety.

5 - “*Complainant*” means persons who submit a Complaint to the Civilian Oversight
6 Division or to the COB or DFOB regarding or arising out of a Police Incident, Police
7 Professional Misconduct, Detention Incident or Corrections Professional Misconduct.

8 - “*Corrections Professional Misconduct*” means acts or omissions by Division of
9 Corrections as **defined in Ordinance Number 71430.**

10 - “*Detainee*” means an individual who is housed in a Detention Facility as defined in
11 **Ordinance Number 71430.**

12 - “*Detention Facility*” means City-owned or City-utilized facilities, including facilities in
13 other jurisdiction housing Detainees for the City under contract, as defined in **Ordinance**
14 **Number 71430.**

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

16 - “*Detention Incident*” means Corrections Professional Misconduct as well as any of the
17 incidents occurring at or in connection with the operation of a Detention Facility as set forth in
18 **Ordinance Number 71430.**

19 - “*DFOB*” means the Detention Facility Oversight Board, created under **Ordinance**
20 **Number 71430.**

21 - “*Excessive Force*” means physical force applied by Division of Police employees
22 beyond that which is reasonably necessary to accomplish their lawful purpose while

1 safeguarding their own lives and the lives of others and physical force applied by Division of
2 Corrections employees beyond what is reasonably necessary to control a detainee or arrestee or
3 safeguard their own lives and the lives of others.

4 - “Public Integrity Unit,” means a special unit which, as provided in a Memorandum of
5 Understanding agreed upon by the Director of Public Safety and Circuit Attorney, and, subject to
6 enabling appropriations commands and conducts the investigations heretofore undertaken by the
7 Force Investigation Unit of the Division of Police. Upon enactment of this Ordinance and
8 formation of the Public Integrity Unit, the Force Investigations Unit of the Police Division shall
9 be dissolved, subject to the period of transition set out in Section Twelve, which may include
10 transfer or reassignment of ongoing cases.

11 - “Administrative Rules Violations Inquiry ” means investigation of alleged violations of
12 administrative rules of police conduct of a minor administrative nature the pursuit of which is
13 deemed by the Civilian Oversight Commissioner to be non-essential to the mission of the
14 Civilian Oversight Division and which, at the request of the Civilian Oversight Commissioner
15 and with the agreement of the Commissioner of Police are referred to the Division of Police for
16 investigation and disciplinary action as determined and initiated by the Commissioner of Police.
17 If the Civilian Oversight Commissioner’s referral of matters and inquiries are declined by either
18 the Commissioner of Police or the Commissioner of Corrections, the reasons for declining shall
19 be made in a writing to the Civilian Oversight Commissioner and Director of Public Safety. The
20 Director of Public Safety shall assign the matter or inquiry to either the Civilian Oversight
21 Commissioner or Police Commissioner.

1 - "Oversight" and "Oversee" shall mean authority provided hereunder to the COB and
2 under Ordinance Number 71430 to the DFOB to timely obtain reports and information from, and
3 to observe, evaluate and make recommendations concerning the work of the Division of Civilian
4 Oversight, Division of Corrections, Police Department, and other law enforcement and
5 investigatory bodies as may be necessary regarding Professional Standards Inquiries, Police
6 Professional Misconduct, Police Incidents, Corrections Professional Misconduct and Detention
7 Incidents, and to obtain information and evaluate and make recommendations on such other
8 matters concerning which the COB or DFOB may reasonably inquire.

9 - "*Police Department*" means the Saint Louis Metropolitan Police Department.

10 - "*Police Incident*" means Police Professional Misconduct as well as any of the following:
11 Death or serious injury of a member of the public allegedly as a result of interaction with a police
12 officer; Death or serious injury of a police officer or third party, occurring in the course of their
13 duties; intimate partner violence allegedly by a police officer; accidental serious injury of any
14 person in police custody where the injury results in medical treatment; Use of force by a police
15 officer (or their canine agents) that results in injury requiring medical care; Any police vehicular
16 pursuit of a fleeing suspect that results in serious physical injuries; regardless of actual injury,
17 lethal force directed at a citizen by a police officer, shall be considered a police incident.

18 - "*Police Officer*" means a state or local law enforcement officer with the power of arrest
19 for a violation of the criminal code. This does not include individuals in local and state law
20 enforcement agencies in non-officer positions, or federal law enforcement, such as Department
21 of Justice or Federal Bureau of Investigations officers, nor prosecuting authorities at any level.

1 - “COB” shall mean the Civilian Oversight Board and the 9 members appointed pursuant
2 to this Ordinance as a reconstituted Civilian Oversight Board with expanded powers and
3 jurisdiction, and in compliance with RSMo 590.653

4 - “Police Professional Misconduct” means acts or omissions by Division of Police
5 employees alleged to be in violation of criminal law or ordinance or professional standards the
6 violation of which is subject to disciplinary punishment, including but not limited to misconduct
7 which, constitutes or contributes to Excessive Use of Force, abuse of authority (including failure
8 to appropriately and timely intervene in or report Police Professional Misconduct of another),
9 property damage, discourtesy, or use of offensive language, including, but not limited to, slurs
10 relating to race, ethnicity, religion, gender (including gender identity) sexual orientation and
11 disability.

12 - “Professional Standards Inquiries” means administrative/disciplinary investigations
13 conducted by Civilian Oversight Investigators into complaints and allegations of Detention
14 Incidents, Police Incidents, Corrections Professional Misconduct and Police Professional
15 Misconduct and to assist the Civilian Oversight Commissioner in the coordination and
16 implementation of discipline and related corrective employment action in compliance with Civil
17 Service Rule and/or Personnel Regulation, along with rules or special orders, as may be
18 applicable, and to conduct the administrative review of shots fired by employees of the Division
19 of Police or Division of Corrections and deadly use-of-force incidents for compliance with
20 applicable professional standards, policies and codes of conduct. Professional Standards
21 Inquiries shall automatically be made into, and Civilian Oversight Investigators shall respond to
22 the scene of, all discharges of firearms or use of force, on or off duty, by officers and armed

1 employees of the Division of Police or Division of Corrections who discharge firearms or engage
2 in such force within the City, in which a person was struck or otherwise results in serious
3 physical injury.

4 **SECTION TWO.** Repealing **Ordinance Numbers 69984 and 70532.**

5 **Ordinance Number 69984**, as amended by **Ordinance Number 70532**, is hereby repealed.

6 **SECTION THREE.** Division of Civilian Oversight created.

7 A. Civilian Oversight Division. There is established a division of the Department of
8 Public Safety to be known as the Division of Civilian Oversight, which shall be directed by the
9 Commissioner of Civilian Oversight and have two units: the Civilian Oversight Investigators and
10 the Civilian Oversight Staff, each of which shall be directed and supervised by the
11 Commissioner of Civilian Oversight. The Civilian Oversight Commissioner shall have such
12 authority as is granted under this Ordinance, including the authority to initiate professional
13 standards investigations, and including, subject to Civil Service Rule, the authority to take
14 disciplinary action against employees of the Police Division and Corrections Division, subject to
15 and in accordance with the provisions of all applicable Department of Personnel Rules and
16 Regulations.

17 B. Purpose. The purpose of the Division of Civilian Oversight is: to protect the
18 safety of the public and employees of the City; to strengthen the integrity of and public
19 confidence in criminal justice institutions; to promote transparency, fairness and public
20 accountability to professional standards by the Division of Police and Division of Corrections; to
21 conduct thorough, impartial, and independent Professional Standards Inquiries into Police
22 Professional Misconduct, Police Incidents, Corrections Professional Misconduct, Detention

1 Incidents; to support survivors of Police and Correctional Incidents and Misconduct and their
2 families; to serve as successor and to subsume certain functions of both Police and Corrections
3 Internal Affairs Divisions in such matters with expanded authority that includes Division of
4 Corrections matters; to facilitate, promote, and encourage constant improvement in the
5 operations and professionalism of the Division of Police and Division of Corrections by
6 empowering independent citizen boards to render impartial and informed oversight, and develop
7 policy recommendations and advice that will address systemic problems and practices in police
8 and corrections operations; and as regards Detention Facilities, to ensure such operations and
9 conditions of confinement are safe, sanitary and respectful of detainees' and the public's rights
10 and dignity, and protect the health and safety of the public, detainees and Division of Police and
11 Division of Corrections employees.

12 C. Overview of Investigative Functions. To effect and advance the purposes herein
13 stated, the Division of Civilian Oversight, its Civilian Oversight Commissioner and Civilian
14 Oversight Investigators and Staff shall, as provided herein, be broadly authorized to
15 independently investigate, conduct, and oversee the investigatory matters defined as Professional
16 Standards Inquiries. They shall do so for the purposes therein stated, namely, to determine
17 compliance or violation by Division of Police and Division of Corrections personnel of rules
18 governing professional standards and conduct. The scope and particulars of the matters out of
19 which such inquiries may arise shall include but not be limited to the matters stated in the
20 definitions of Police Incidents, Detention Incidents, Police Professional Misconduct and
21 Detention Professional Misconduct. What's more, to promote and ensure diligent consideration
22 and pursuit of all Complaints, as that term is defined herein, the Division of Civilian Oversight,

1 its Civilian Oversight Commissioner and the Civilian Oversight Investigators and Staff shall be
2 obligated to not dismiss or deny any Complaint without first conducting reasonable inquiry.
3 Further, certain events or occurrences because of their extraordinary nature, shall automatically
4 be the subject of Professional Standards Inquiry, as provided therein, namely, those involving
5 police or corrections personnel's discharge of firearms, or other uses of force that lead or
6 contribute to serious injury, or death of any person, as well as the death of any person from any
7 potential cause in a Detention Facility or in police custody. Finally, while working in
8 consultation with the COB and DFOB, the Division of Civilian Oversight, the Civilian Oversight
9 Commissioner, Civilian Oversight Investigators and Civilian Oversight Staff shall have broad
10 authority to examine and evaluate Division of Police and Division of Corrections policies,
11 procedures, and operations, including Police Incidents and Detention Incidents, in the public
12 interest and for purposes of recommending improvements and reforms.

13 **SECTION FOUR. Civilian Oversight Division Authority and duties.**

14 A. The Civilian Oversight Division, under the direction of the Civilian Oversight
15 Commissioner, shall have the authority and duty to:

16 1. Promulgate Rules and Procedures for Conducting Inquiries. In consultation with the
17 Commissioner of Police, Commissioner of Corrections, Personnel Director and Circuit Attorney,
18 and subject to approval by the Director of Public Safety and Civilian Oversight Board, develop
19 publicly available rules and procedures for conducting Professional Standard Inquiries into
20 Police Incident, Police Professional Misconduct, Detention Incidents, and Corrections
21 Professional Misconduct. These rules and procedures shall include, but not be limited to:

1 a) Rules and procedures providing for the immediate notification of the Civilian
2 Oversight Commissioner, Director of Public Safety, Circuit Attorney, and Police
3 Commissioner or Corrections Commissioner, and their respective designees, that a Police
4 Incident or Detention Incident has occurred or a complaint about such an incident is filed.

5 b) Rules and procedures governing the use of body cameras by police and
6 correctional officers, investigators, and other law enforcement personnel.

7 c) Rules and procedures establishing a conflict of interest policy to determine the
8 existence of a conflict of interest, real or perceived, that disqualify the participation of a
9 person in an investigation.

10 2. Conduct Professional Standards Inquiries. Respond to the scene of Police and Corrections
11 Incidents as provided for in a memorandum of understanding between the Director of Public
12 Safety and Circuit Attorney of the City of St. Louis. Receive complaints and, in consultation
13 with the Director of Public Safety, Circuit Attorney, Commissioner of Police and Commissioner
14 of Corrections, and excepting Administrative Rules Violations Inquiries, conduct Professional
15 Standards Inquiries into Police Incidents, Police Professional Misconduct, Detention Incidents,
16 and Corrections Professional Misconduct, and/or subject to such rules and regulations as the
17 Director of Personnel and Civil Service Commission may prescribe, impose or refer matters for
18 professional discipline for violations of professional standards and disciplinary rules. City
19 employees involved in or witness to police or correctional incidents or misconduct shall provide
20 a statement to civilian oversight investigators immediately upon request.

21 3. To take disciplinary action. The Civilian Oversight Commissioner, upon consultation and
22 in consideration of recommendation by the Commissioner of Police or Commissioner of

1 Corrections, shall have the authority and power, subject to Civil Service Rule, to take
2 disciplinary action against employees of the Police Division and Corrections Division, subject to
3 and in accordance with all applicable Department of Personnel Rules or Regulations, including
4 the civil service commission appeal and review process. Notwithstanding the foregoing, and
5 pursuant to RSMo. 84.344.8, exclusive authority over the disciplinary process and procedures
6 affecting commissioned officers is reserved to the civil service commission. Furthermore the
7 Commissioner of Police and Commissioner of Corrections will retain the power to discipline
8 their employees as conferred by Civil Service Rules currently in effect. Any claimed conflict
9 between disciplinary action initiated by the Commissioner of Civilian Oversight and
10 Commissioner of Police or Corrections shall be preliminary determined by order of the Director
11 of Public Safety and may be appealed by any Commissioner to the Civil Service Commission.

12 4. Access to Information. Except as prohibited by federal or state law, and as provided for
13 under Section Four, Subsection C of this bill, the Commissioner of Civilian Oversight shall have
14 original subpoena power and access to any and all information related to their purpose as set
15 forth in Section Three of this bill. Additionally, the Commissioner of Civilian Oversight shall
16 assist the Civilian Oversight Board and Detention Facilities Oversight Board in obtaining access
17 to information including but not limited to the records and documents detailed in Section Eight,
18 Subsection C of this bill. All law enforcement officials shall provide the Commissioner of
19 Civilian Oversight access to, or shall assist them in obtaining access to, any and all information
20 as may be required in order to fulfill their responsibilities and purpose under this ordinance.

21 5. Support the COB and DFOB. Work at the direction of the COB and DFOB in timely
22 investigating, providing information and access to information to the COB and DFOB as

1 provided herein, and work to assist and support the COB and the DFOB in their preparation and
2 execution of the Annual Oversight Work Plans and Annual Oversight Reports.

3 6. Share Information. To share investigative information between the Public Integrity
4 Unit and Professional Standards Unit, as permitted by law and consistent with best practices in
5 criminal investigation and professional standards. To share information with oversight entities to
6 the fullest extent permitted by law.

7 7. Recommend improvement and reforms. In consultation with COB, DFOB and with
8 input from members of the public the Commissioner of Civilian Oversight shall have the
9 authority and duty to propose or recommend adoption, revision or modification of Division of
10 Police or Division of Corrections policies, procedures and operations. The Police Commissioner
11 and Corrections Commissioner shall provide responses in writing to such recommendations
12 within sixty days of the recommendation being submitted.

13 8. Provide Timely Assistance & Information To Surviving Families. In consultation with
14 the Director of Public Safety, City Counselor, Circuit Attorney, and Police Commissioner the
15 Commissioner of Civilian Oversight shall have the authority and duty to provide timely
16 assistance and information to surviving families in cases of death or serious bodily injury arising
17 from a Police Incident or a Corrections Incident, consistent with investigative needs as
18 determined by the Civilian Oversight Commissioner, Director of Public Safety, Police
19 Commissioner, Circuit Attorney and City Counselor and as permitted by law, including that:

20 a. the family, through any immediate known next of kin of the deceased or seriously
21 injured, is promptly notified within three days upon verification of the identity of the decedent;

22 b. the family of a deceased or seriously injured person, through known immediate next of
23 kin, is promptly notified within three days of the location of the deceased's body and given

1 access to the body or injured person as soon as practicable, while complying with existing
2 law(s);

3 c. the incident giving rise to the death or serious bodily injury is subject to an
4 independent, impartial and comprehensive investigation;

5 d. the family of the deceased or seriously injured individual, through known immediate
6 surviving next of kin, is given access to written reports, footage, and other public records relating
7 to the incident at least twenty four hours before they are shared with the public, opened or
8 become open records under the Missouri Sunshine Law; As permitted by law, the division of
9 civilian oversight shall proactively provide updates to the family of the deceased or seriously
10 injured individual on the status of the inquiry. Any updates involving an active criminal case
11 shall be made in consultation with the Circuit Attorney;

12 9. Grant funding. On behalf of and at the request of and in consultation with the COB and
13 DFOB, the Civilian Oversight Division may seek grant funding concerning any matter, issue, or
14 undertaking within the purposes and missions of the COB or DFOB.

15 10. Semi-Annual Meetings. Meet with the Mayor on a semi-annual basis, and Public
16 Safety Committee of the Board of Alderman on an annual basis, or more frequently at the
17 request of the Board of Aldermen or the Mayor, to discuss and hear public testimony on topics
18 relevant to the purpose of the Division of Civilian Oversight. The minutes of each meeting will
19 be posted online promptly and not later than within 10 days following such meeting.

20 11. Status Reports to Complainants. Provide timely updates and notifications to
21 Complainants as to the status of their complaints, including final findings upon the closure of the
22 investigation.

1 B. Non-Interference. No administrative or disciplinary investigation activity of the
2 Civilian Oversight Division, including the activities of the COB or the DFOB, shall interfere
3 with any criminal investigation or civil litigation. Any claimed conflict between the Division of
4 Civilian Oversight Professional Standards Inquiry and Division of Police criminal investigation,
5 or Public Integrity Unit investigation including allegations of interference with the performance
6 of police duties, shall be determined and resolved by order of the Director of Public Safety.
7 When the Civilian Oversight Commissioner is notified by the Director of Public Safety, Circuit
8 Attorney or City Counselor or Commissioner of Police that an investigation may interfere with a
9 criminal investigation involving the City, the Civilian Oversight Commissioner shall avoid such
10 interference by taking such steps as may be required by the Director of Public Safety, up to and
11 including staying the potentially interfering Professional Standards Inquiry until such time as it
12 will not interfere with other authorities or courts with jurisdiction over the matter. Any such stay
13 shall be reported to the COB or DFOB, depending on whether the incident or misconduct
14 pertains to police or corrections. Details regarding the rationale for such stays shall also be
15 reported to the COB and DFOB as permitted by law. As to civil litigation matters, not later than
16 every six months after such notification, the Law Department shall provide an update in writing
17 of the status of the request that such potentially interfering investigation continued to be stayed
18 and the reasons supporting the continued stay.

19 C. Subpoena Power. In the course of any investigation conducted under the provisions of
20 this Ordinance, the Civilian Oversight Commissioner shall have the power to administer oaths, to
21 subpoena and require the attendance of witnesses within the City, including custodians of records
22 for private and corporate entities conducting business within the city, and the production by them
23 of books, papers, videos, medical records, phone and internet records, bank records, and other

1 records or documents of any description in any medium pertinent to any matter of inquiry and to
2 examine such witnesses under oath, in relation to any matter properly involved in such
3 proceeding. The Civilian Oversight Commissioner shall also administratively support the COB
4 and DFOB in their exercise of their independent subpoena power pursuant to a majority vote of
5 the COB or DFOB. In accordance with the process set out in this ordinance, the Civilian
6 Oversight Commissioner shall issue appropriate subpoenas requiring the production of books,
7 papers, videos, medical records, phone and internet records, bank records and any other records
8 requested by COB and/or DFOB and compelling the attendance of witnesses to provide
9 testimony under oath before the requesting oversight boards. In the event one or more members
10 of the COB or DFOB are unavailable or unable to participate in the properly noticed meeting at
11 which a vote to exercise the power of subpoena is taken, the vote shall be taken among those
12 members who are available and able to participate in a vote and such power shall be exercised by
13 the Civilian Oversight Commissioner on a vote of two-thirds of those members who participate,
14 so long as at least 6 members are present to constitute a quorum. For all such purposes, the
15 Civilian Oversight Commissioner or their authorized representative may invoke the power of any
16 court of record in the City, or judge thereof, in term time or vacation, to compel the attendance
17 and testimony of witnesses including custodians of records for private and corporate entities
18 conducting business within the city, and the production by them of books, papers, videos,
19 medical records, phone and internet records, bank records or any other records, in compliance
20 with such subpoenas. Every such writ of subpoena shall be signed by the Civilian Oversight
21 Commissioner or their designee, and except in the case of subpoenas issued by the DFOB or
22 COB, shall be attested to by the lead Civilian Oversight Investigator assigned to the matter that is
23 the subject of the subpoena and shall be served and the return thereof made by any means

1 allowable under applicable law. All witnesses so subpoenaed, who are not employees of the City,
2 shall be entitled to the same fees as are allowed in civil cases in courts of record.

3 D. Confidentiality. The Civilian Oversight Division, COB and DFOB and Civilian
4 Oversight Staff and Civilian Oversight Investigators shall when required by law or ordinance or
5 Civil Service Commission Rule maintain the confidentiality of any file, record, or data received
6 pursuant to their official duties and be bound by rules of confidentiality including with respect to
7 any personnel, disciplinary, and other confidential documents that they review. In addition to any
8 penalties otherwise provided by law it shall be a violation of this ordinance for anyone employed
9 by or assigned to the Civilian Oversight Division or COB or DFOB to disclose confidential
10 information to anyone other than another assigned to or employed by the Civilian Oversight
11 Division or COB or DFOB, Civilian Oversight Staff, Civilian Oversight Investigators, the City
12 Counselor's office, the Mayor or their designees, the Director of Public Safety or the Director of
13 Public Safety's designees, Circuit Attorney or their designees or authorized Police Division or
14 Corrections Division personnel. In addition to any other remedies provided by law, any person
15 who is found to have engaged in or facilitated such unlawful disclosure and to have released
16 confidential information to any person unauthorized to receive such information may
17 immediately be disqualified from serving on the COB or DFOB or to continue employment by
18 the Division of Civilian Oversight. If the Division of Civilian Oversight, or COB or DFOB have
19 any questions pertaining to the Sunshine Law or confidentiality, they must contact the City
20 Counselor's Office and must act according to the legal opinion provided by the City Counselor's
21 Office or legal counsel procured by the City Counselor's Office. If there is any question

1 concerning the confidential nature of a document or information, such question must be resolved
2 in favor of the document or information as confidential until a legal opinion from the City
3 Counselor’s Office or outside legal counsel procured by the City Counselor’s Office has been
4 requested and rendered. Subject to appropriation, the Civilian Oversight Commissioner may
5 request that the City Counselor provide, and the City Counselor may in their discretion procure
6 and contract for independent legal counsel to advise the Division of Civilian Oversight on such
7 matters requiring such advice, including actionable advice on the Sunshine Law, previous
8 provisions notwithstanding. The decision to grant such request, and the selection of independent
9 counsel if such a request is granted, however, is exclusively vested in the sound discretion of the
10 City Counselor. The City Counselor shall communicate the rationale for any decision not to
11 procure independent counsel to the Division of Civilian Oversight in writing.

12 **SECTION FIVE. Complaint System, Case Management, Criminal Justice Information &**
13 **Annual/Quarterly Reports.**

14 A. Complaint System. The Civilian Oversight Division in consultation with the COB,
15 DFOB, Commissioner of Police, Commissioner of Corrections and the City Counselor’s Office
16 shall develop a system for receiving, processing, and administering complaints including the
17 creation and utilization of a single, standardized complaint intake form, and coordinate with the
18 Division of Police, the Division of Corrections, the COB and the DFOB to implement the
19 system. All complaints, including Internal Resolution Requests, no matter where received, shall
20 be provided in a timely manner to the Civilian Oversight Division and to the appropriate
21 oversight board. No complaint shall be dismissed or denied without first conducting reasonable
22 inquiry.

1 B. Standard Complaint Form. The complaint form shall be written in clear language and
2 with the intention of aiding readers' comprehension and understanding of the complaint form
3 and complaint process, including through multi language translations.

4 C. Case Management System. The Civilian Oversight Division shall, in consultation with
5 the Director of Public Safety, Circuit Attorney, COB, DFOB, Commissioner of Police,
6 Commissioner of Corrections and City Counselor, adopt or develop a case management system
7 for complaints and matters that are the subject of investigations, which shall include a system for
8 classifying different types of complaints, protocols for investigating complaints and incidents,
9 monitoring investigations, and ensuring the information is timely and appropriately shared
10 between the Public Integrity Unit and Professional Standards Unit, as well as processes to ensure
11 compliance with all relevant local, state and federal laws including the protections accorded
12 under Garrity v. New Jersey, 385 U.S. 493 (1967) and other applicable Constitutional rights and
13 responsibilities.

14 D. Criminal Justice Information. The Division of Civilian Oversight shall consult with
15 the COB, DFOB, Commissioner of Police and Commissioner of Corrections and representatives
16 of the Regional Justice Information System (REJIS) Commission to ensure that it is organized
17 and provides such training and institutes such controls as may be required for Civilian Oversight
18 Investigators to obtain and at all times retain access to and good standing under protocols and
19 regulations governing shared criminal justice information.

20 E. Annual Accountability Report. The Civilian Oversight Division shall prepare an
21 annual report and, after review and comment by the COB and DFOB, address it to the Mayor,
22 Board of Aldermen, and Chairperson of the Public Safety Committee and present it at a public

1 meeting, and invite public comment at least thirty, but no more than sixty days prior to the end of
2 each fiscal year. The annual report shall be published online simultaneously with its submission.

3 The annual report shall contain the following:

4 1. A summary, with individually identifiable employee information omitted or redacted,
5 of each complaint and incident investigated, and findings and recommendations made by the
6 Civilian Oversight Division since its most recent annual report.

7 2. Reports on any matter properly within the scope of the Civilian Oversight Division's,
8 COB's or DFOB's purpose, authority or duties as may be requested by the Mayor, Board of
9 Aldermen and Chairperson of the Public Safety Committee.

10 3. Reports regarding any matter properly within the scope of the Civilian Oversight
11 Division's purpose and duties and that the Civilian Oversight Division may deem appropriate.

12 4. A statement of the Division of Civilian Oversight rules, policies and procedures for its
13 investigative and monitoring activities.

14 F. Quarterly Reports. The Civilian Oversight Division shall compile a summary report for
15 each quarter and shall submit copies of the report to the Mayor, Board of Aldermen and
16 Chairperson of the Public Safety Committee. Quarterly reports shall cover the preceding quarter
17 and must be submitted to the Mayor, Board of Aldermen and the Chairperson of the Public
18 Safety Committee and simultaneously posted online within ten days of the end of the quarter.

19 Quarterly reports shall contain the following:

20 1. A summary, description, and statistical profile, with individually identifiable employee
21 information omitted or redacted, of all investigations and related activities that were initiated
22 during the quarter and a summary of the reasons for the investigations and monitoring activities.

1 2. A list of all investigations and monitoring of investigations that were concluded during
2 the quarter and summaries of the related investigative reports.

3 3. Such other matters that occurred during the quarter that in the judgment of the Civilian
4 Oversight Commissioner should be included in the quarterly report.

5 **SECTION SIX. Budget, Civilian Oversight Staff and Investigators, Office/Meeting Space.**

6 A. The Department of Public Safety shall include the Civilian Oversight Division as part
7 of its annual budget requests. The Civilian Oversight Division shall comply with the budget and
8 other financial processes in the City’s Charter.

9 B. The Civilian Oversight Division shall be directed by the Civilian Oversight
10 Commissioner and supported by the Civilian Oversight Staff and Civilian Oversight
11 Investigators.

12 C. The Mayor and Director of Public Safety shall ensure that the Civilian Oversight
13 Division is provided adequate office and meeting space for its staff and all supplies, resources,
14 and equipment reasonably necessary for the conduct of its business and performance of its
15 duties, including the meetings and proceedings of the COB and DFOB. The Division of Civilian
16 Oversight’s office space shall not be situated in Police Headquarters, the Criminal Justice Center,
17 or the Office of the Circuit Attorney.

18 **SECTION SEVEN. Public Integrity Unit.**

19 A. Pursuant to the Circuit Attorney’s authority under Chapter 56 of the Revised
20 Missouri Statutes, and subject to enabling appropriations, and in accordance with an executed
21 memorandum of understanding approved by the Director of Public Safety, the Circuit Attorney
22 may, in his or her discretion and in accordance with the provisions of this ordinance, establish a

1 Public Integrity Unit for the purposes of investigating police and detention incidents and
2 misconduct and prosecuting criminal conduct. The Circuit Attorney may also, in his or her
3 discretion, provide the COB, DFOB and public with an annual report detailing the Public
4 Integrity Unit's activities and findings as permitted by law.

5 B. The Director of Public Safety is authorized to enter into a memorandum of
6 understanding with the Office of the Circuit Attorney setting forth the agreed upon rules and
7 procedures governing simultaneous professional standards and public integrity inquiries and
8 delineating the duties and authorities of the Public Integrity Unit, Division of Civilian Oversight,
9 and Division of Police.

10 C. The matters that may be determined by such Memorandum include but need not
11 be limited to: Protocols governing control and supervision of the scene of a Police or Corrections
12 incident, collection, and custody of evidence, and setting out the respective roles, responsibilities
13 and authorities of police officers (i.e. securing the scene), civilian oversight investigators (i.e.
14 observing and recording the scene), and public integrity investigators (i.e. evidence collection) at
15 the scene of police or correctional incidents or misconduct.

16 1. Protocols governing witness and employee interviews, ensuring that civilian oversight
17 and public integrity investigators receive immediate access to witnesses and employees upon
18 request, and protecting criminal inquiries from contamination by ensuring that all information
19 collected by professional standards investigators is walled off from criminal investigators.

20 2. Protocols governing simultaneous investigations between the Public Integrity Unit,
21 Division of Civilian Oversight, and Police Department, including cases in which a Police or

1 Corrections incident also involves an alleged crime committed by a civilian. Such protocols shall
2 be designed to permit all investigations to proceed unimpeded whenever possible.

3 3. Protocols governing the documentation of public integrity and professional standards
4 inquiries. Such protocols shall be designed to ensure the development of a complete record,
5 including but not limited to a detailed camera recording of the scene and incident report.
6 Such protocols shall be designed to enable information sharing to the fullest possible extent and
7 consistent with the requirements of criminal investigation and prosecution, including the
8 protections accorded under Garrity v. New Jersey, 385 U.S. 493 (1967) and other applicable
9 Constitutional rights and responsibilities.

10 **SECTION EIGHT. Creation of COB; Oversight Work Plans for COB and DFOB.**

11 A. Reconstituted COB, newly formed DFOB housed as part of Division of Civilian
12 Oversight. There is reestablished and reconstituted and appointed as part of the Division of
13 Civilian Oversight an independent citizen board organized and authorized to provide Oversight
14 and render advice, and policy recommendations concerning matters falling within the jurisdiction
15 of the Division of Civilian Oversight as set forth in this Ordinance known as the Civilian
16 Oversight Board (COB). The Detention Facilities Oversight Board (DFOB) created **under**
17 **Ordinance** 71430 shall be situated as part of the Division of Civilian Oversight, with the
18 Commissioner of Civilian Oversight having the authority and assuming the duties of its Director
19 and the Civilian Oversight Investigators and Civilian Oversight Staff being substituted for and
20 assuming the duties of the DFOB Investigators.

21 B. Development and Execution of Annual Oversight Work Plans. The COB shall have
22 the duty and broad authority and discretion to formulate, develop, and execute an Annual

1 Oversight Work Plan, which shall be the written plan as the COB may determine for programs,
2 initiatives, projects, and routine and ongoing tasks in the forthcoming fiscal year setting forth
3 each entity’s purpose, priorities, goals, timelines and means of measuring progress in the fiscal
4 year (or part thereof) ahead to promote constant improvement in operations and professionalism,
5 respectively, of the Division of Police and Division of Corrections, which reports shall be
6 prepared in consultation with the Civilian Oversight Commissioner and with the assistance of the
7 Civilian Oversight Staff and with their initial Work Plan of each published on the City website
8 within 180 days of their organization and thereafter not later than July 1 of each year on the City
9 website.

10 C. Access to Information. Except as prohibited by this Ordinance or by federal or state
11 law, the COB & DFOB shall have access to any and all information related to their mission,
12 duties and official activities, and the Civilian Oversight Commissioner, with the full cooperation
13 of the Commissioners of Police and Corrections, shall provide the COB and DFOB reasonable
14 access, or shall assist them in obtaining reasonable access, to information including but not
15 limited to the following:

- 16 1. Records of all Complaints, Police Incidents, Police Professional Misconduct, Detention
17 Incidents and Corrections Professional Misconduct.
- 18 2. Data constituting or relating to complaints, incidents, patterns or practices of misconduct,
19 and other matters including, but not limited to, Division of Police or Division of Corrections
20 policy directives, and detention facility conditions, operations and maintenance.
- 21 3. The proceedings and status of Professional Standards Inquires.

1 4. Interviews with complainants, witnesses, Division of Police and Division of Corrections
2 employees, and detainees in relation to investigation activities, including but not limited to
3 access to transcripts, Garrity statements and opportunity to observe interviews when practicable.

4 5. Documents including but not limited to, policy directives, contracts, budgets, MOUs and
5 any other documents relating to subjects including but not limited to police or correctional
6 policies, procedures and operations, detainees, facility operations and maintenance, and Police or
7 Correctional employees.

8 6. Records of completed investigations, whether conducted by the Division of Civilian
9 Oversight, Circuit Attorney's Office, or previously by the Force Investigative Unit or Division of
10 Internal Affairs.

11 7. Access to the Regional Justice Information System files and data, including IAPro and
12 any other data storage system containing personnel or investigative files, as permitted by state or
13 federal law.

14 8. Access to detention facilities as may be reasonable in light of the then current
15 circumstances, conditions and operations.

16 9. Access to examine physical evidence, in consultation with the Division of Civilian
17 Oversight, Division of Police, Circuit Attorney's Office, or other relevant law enforcement
18 entities.

19 D. Subpoena Power. The COB & DFOB shall each have the power to administer
20 oaths, to subpoena and require the attendance of witnesses located within the City including
21 custodians of records for private and corporate entities conducting business within the city and
22 the production by them of books, papers, videos, medical records, phone and internet records,

1 bank records or other records pertinent to any matter of inquiry and to examine such witnesses
2 under oath in relation to any matter properly within the scope of its mission and duties. The COB
3 and DFOB shall each have original subpoena power to be exercised by majority vote of COB
4 and DFOB members in attendance at a meeting properly noticed, with the Civilian Oversight
5 Commissioner acting administratively on behalf of the board exercising its power, as required by
6 Section Four C, hereof.

7 E. Information Sharing with County Offices. The COB and DFOB, with the
8 assistance of the City Counselor, shall be authorized to negotiate and agree to protocols and
9 agreements regarding the gaining of access, production and examination of information relevant
10 to their Oversight authority that may be held by the Offices of the Circuit Attorney, Medical
11 Examiner and/or Sheriff's Department.

12 F. Work Impeded. In the event the COB or DFOB by majority vote believes they are
13 not being provided adequate support or access to information and, thus, that their work is being
14 impeded, they shall bring their complaints in writing directly to the Mayor of the City of St.
15 Louis and the Chair of the Public Safety Committee of the Board of Aldermen.

16 G. Annual Oversight Reports. The COB shall prepare an Annual Oversight Report, which
17 shall be a written report that describes the programs, initiatives, projects, and routine and
18 ongoing tasks undertaken in the preceding fiscal year by the COB, prepared and published with
19 the assistance of Civilian Oversight Staff not later than August 1 of each year on the City
20 website, setting forth how the Board made continuous progress advancing its purpose, priorities,
21 goals, timelines and means of measuring progress as had been set forth in their Work Plans for

1 the fiscal year just completed. The COB may supplement the Annual Oversight Report by such
2 periodic reports as it sees fit.

3 H. Independent Counsel. Subject to appropriation, and request to the City Counselor
4 on majority vote of the COB or DFOB and for good cause shown, the COB or DFOB may
5 request that the City Counselor provide, and the City Counselor may in their discretion procure
6 and contract for independent legal counsel to advise the COB and/or DFOB on such matters
7 requiring such advice, including actionable advice on the Sunshine Law, previous provisions
8 notwithstanding. The decision to grant of such request, and the selection of independent counsel
9 if such a request is granted, however, is exclusively vested in the sound discretion of the City
10 Counselor. The City Counselor shall communicate the rationale for any decision not to procure
11 independent counsel to the DFOB or COB in writing.

12 I. Service Provider Agreements. All agreements for the provision of services at Detention
13 Facilities, the transport of detainees, outside healthcare services or other outside care services for
14 detainees, or for the housing of detainees at outside facilities shall contain a provision which
15 requires the service provider to cooperate with DFOB investigations of complaints and incidents
16 which have a direct relationship to the services provided including interviewing service
17 providers' employees.

18 **SECTION NINE. Members, Qualifications & Diversity of COB.**

19 A. Members: The COB shall consist of Nine (9) members of the public nominated by
20 the Mayor of the City of St. Louis and confirmed by the Board of Aldermen. To the extent
21 practicable, appointments shall be broadly representative of the city's diversity and shall include
22 members with knowledge and/or experience in the fields of human resources practices,

1 management, policy development, auditing, law, investigations, law enforcement, youth
2 representation, civil rights and civil liberties, public health, medicine and healthcare, social work
3 as well as representation from communities experiencing the most frequent contact with the
4 Division of Police and the Division of Corrections. Background checks shall be required for all
5 members. Members shall be issued identification cards, but shall not be issued and shall not
6 display, wear, or carry badges that so resemble a peace officer's badge that an ordinary
7 reasonable person would believe that members have the authority of a peace officer. In addition
8 to any other requirements or qualifications hereunder, at least one member of the COB and the
9 DFOB shall be at the time of their appointment between the ages of 16 and 24 years old.

10 B. COB Districts: There shall be at least one and not more than two COB members
11 who reside in each of the seven (7) Civilian Oversight Board Districts (“COB Districts”). Each
12 COB District shall consist of two (2) Aldermanic wards, as defined pursuant to **Ordinance**
13 **71443**, as follows:

- 14 District One: Wards 1 and 2
- 15 District Two: Wards 3 and 4
- 16 District Three: Wards 5 and 6
- 17 District Four: Wards 7 and 8
- 18 District Five: Wards 9 and 10
- 19 District Six: Wards 11 and 12
- 20 District Seven: Wards 13 and 14

21 a. Qualifications: To qualify for nomination, confirmation, and continued service on the COB, an
22 individual must satisfy all following qualifications:

1. The individual must be a resident of the City of St. Louis.
2. The individual must have reached the age of sixteen (16) by the date that they will take office as a member of the COB.
3. The individual must not hold or be a candidate for any public office.
4. The individual must not be an employee of the City of St. Louis or of the State of Missouri.
5. The individual may not have an immediate family member who is currently employed by the Police Department.
6. The individual may not be a current sworn police officer or corrections officer or a representative or employee of an employee association representing sworn police officers
7. Only residents who are and can be fair and impartial should be nominated or appointed. Members shall always judge cases on an individual basis, not categorically favor a complainant or accused, and shall act and make decisions based only upon the facts and the evidence before them.

SECTION TEN . Appointment, Term of Office, Removal, Vacancy, No Compensation.

A. Appointment Process: COB members shall be confirmed as follows:

1. Recommendation: Within thirty days of the effective date of this Ordinance and within fifteen days of any vacancy on the COB, the Office of the Mayor shall post an application form online and within forty-five days after such posting the Clerk of the Board of Aldermen shall deliver to the Office of the Mayor the names of any qualified individuals recommended by Aldermen for such positions.

1 2. Nomination: Within thirty (30) days of receipt of applications and recommended
2 names, the Mayor shall deliver to the Board of Aldermen nominations for vacant COB positions.
3 The Mayor may nominate any qualified person to serve as a COB member however, before
4 nominating a COB member, the Mayor shall consider for nomination any individual
5 recommended by the Aldermen.

6 3. Confirmation: Within ninety days of the Mayor's nomination, the Public Safety
7 Committee of the Board of Aldermen shall hold public hearings with public testimony
8 concerning the nominees and the full Board of Aldermen shall vote on whether to confirm the
9 nominees. If a majority of the members of the Board of Aldermen vote to confirm a nominee, the
10 nominee shall be appointed as a COB member. In the event an individual is not confirmed by a
11 majority of the Board of Aldermen, the Mayor shall deliver to the Board of Aldermen a new
12 nominee for the COB within thirty days of the Board of Aldermen voting not to confirm the prior
13 nominee.

14 4. If there is a vacancy on either the COB or DFOB for more than a year, the Director of
15 Public Safety, the President of the Board of Aldermen, and the Chair of the Public Safety
16 Committee, shall each identify a candidate, none of whom may have been previously nominated
17 to and rejected by the Board of Aldermen, and one of these shall be appointed by the Mayor as a
18 COB member.

19 B. Term of Office:

20 1. Except as provided in this Section for initial members all COB members shall be
21 appointed for three-year terms. No member shall serve on the COB for more than two
22 consecutive three-year terms provided, however; an initial member appointed for a term of less

1 than three years and members appointed to finish the unexpired term of a member shall be
2 eligible to serve two consecutive, full three-year terms. Notwithstanding anything to the contrary
3 stated herein, members currently serving the Citizens Oversight Board (“COB”) established
4 under **Ordinance Number 69984** at the time of this Ordinance’s enactment shall for the time
5 remaining on their COB terms be deemed initial members of the COB hereunder.

6 2. The initial members of the COB shall have staggered terms as follows: For the
7 COB, selected by random drawing, four members shall serve three-year terms and three
8 members shall be appointed serve two-year terms.

9 C. Member removals. Upon good cause the COB may vote to request the Board of
10 Aldermen to act to remove a member. Within five days following the vote the Civilian Oversight
11 Commissioner shall send the request in writing to the Board of Aldermen and shall send a copy
12 of the request to the Mayor and Chairperson of the Public Safety Committee. Within sixty days
13 following their receipt of the request the Board of Alderman shall vote whether to approve the
14 request with a majority of the members of the Board of Aldermen voting in favor of the request
15 needed for approval. If the Board of Aldermen does not act within this sixty-day time period, the
16 request shall be deemed denied. Following receipt of the request from the Civilian Oversight
17 Commissioner and before an aldermanic vote is taken, the right to vote on Board matters shall be
18 suspended.

19 D. Vacancies. Vacancies on the COB occasioned by resignation, expiration of term, loss
20 of qualifications, or otherwise, shall be reported in writing to the Mayor and the Board of
21 Aldermen by the Commissioner of Police Oversight. The vacancy shall be filled as set forth in

1 the Appointment Process section of this ordinance. Appointments to fill vacancies shall be for
2 the unexpired portion of a term.

3 E. Compensation. As required by RSMo 590.653, board members shall serve without
4 compensation.

5 **SECTION ELEVEN. Proceedings and Officers for the COB.**

6 A. Rules. At its initial meeting the COB shall adopt rules to govern their proceedings, and
7 may thereafter amend, revise, or otherwise modify their rules, as deemed appropriate. The COB
8 shall, with the advice of the City Counselor, prepare and adopt necessary rules, policies and
9 procedures for the conduct of their business and shall conduct themselves in accordance
10 therewith. Deliberations about the creation of such rules, policies and procedures shall be
11 considered open meetings in accord with the Missouri Sunshine Law. Copies of said rules shall
12 be available to the public on the city's website and included in the COB's annual report.

13 B. Meetings. The COB shall meet as they deem necessary, but in no event shall they meet
14 less than six-times per year with at least one meeting held in each quarter. The COB may vote to
15 close a meeting as may be permitted by law, including section 610.021 of Missouri's Sunshine
16 law provided, however; where the matters taken up by the COB concern the disciplining of an
17 identified or identifiable Division of Police or Division of Corrections employee, personally
18 identifiable healthcare records, a juvenile detainee, or where an individual detainee is personally
19 identified or identifiable the COB shall, as may be permitted by law, close the meeting or the
20 portion of the meeting that the matter is before it. The COB shall comply with the requirements
21 for closed meetings in section 610.021 of Missouri's Sunshine law. The COB shall allow
22 adequate time for public comment at each meeting.

1 C. Officers. The COB shall elect a chairperson, vice chairperson, and secretary at their
2 initial meetings and annually thereafter except when otherwise required. COB officers shall
3 serve one-year terms and shall not serve for more than two consecutive one-year terms but may
4 be reelected to a position after a break in service of not less than twelve months, provided,
5 however; officers elected to fill a vacancy for the remainder of an unexpired term shall be
6 allowed complete two consecutive one-year terms.

7 D. COB Records and Record Maintenance. The COB shall maintain and retain records of
8 its proceedings, inquiries, reports, and other materials that constitute records under the Missouri
9 Sunshine Law. The COB Commissioner, or his or her designee, is designated as the COB
10 custodian of records for purposes of Missouri’s Sunshine law.

11 E. Orientation. The COB, in cooperation with the Division of Civilian Oversight
12 Commissioner and Civilian Oversight Staff, shall develop and participate in an orientation
13 program for new DFOB and COB members and incoming members of the Civilian Oversight
14 Staff, which shall cover relevant operations of the Division of Police. The program shall also
15 cover COB member responsibilities with respect to confidentiality, Missouri’s Sunshine Law,
16 citizens', detainees’, and City employees’ rights under the Constitution and state and federal
17 laws, and state and federal laws governing police and detention facility operations, conditions
18 and treatment of detainees, procedural justice, conflict resolution, national standards of
19 constitutional policing, best practices for conducting investigations, and labor rights and laws,
20 and history of the relationships between people of color and the economically poor and the
21 police and correctional officers.

1 F. Conflict of Interest. No member of the COB shall participate in any matter in which
2 they or any member of their family is a party or a witness or has a financial or professional
3 interest or that otherwise presents a conflict of interest, real or perceived, of such magnitude that
4 it calls into question the impartiality of the proceedings. A conflict of interest may be raised by
5 any member of the COB and any question concerning whether a conflict disqualifies a member
6 from participating in a particular matter shall be resolved conclusively by the City Counselor, in
7 writing, but with no right of appeal.

8 **SECTION TWELVE. Effective Dates, Transition Period and Severability.**

9 It is hereby declared to be the intention of the Board of Aldermen that each and every part,
10 section and subsection of this Ordinance shall be separate and severable from each and every
11 other part, section and subsection hereof and that the Board of Aldermen intends to adopt each
12 said part, section and subsection separately and independently of any other part, section and
13 subsection. If any part, section or subsection of this Ordinance shall be determined to be or to
14 have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be
15 and remain in full force and effect, unless the court making such finding shall determine that the
16 valid portions standing alone are incomplete and are incapable of being executed in accord with
17 the legislative intent. It is hereby declared to be the intention of the Board of Aldermen that the
18 provisions of this ordinance be interpreted in accordance with relevant state and federal law, and
19 shall repeal and supersede any contrary local law. Notwithstanding, certain authority and actions
20 provided for hereunder may be dependent on an adoption of rules by the Civil Service
21 Commission, the entering into a Memorandum of Understanding between the Director of Public
22 Safety and Circuit Attorney, and the creation of civil service positions and hiring process and this

1 Ordinance thus envisions and hereby provides for a reasonable transition during which
2 preparatory actions may be undertaken with the operational dates of actions prescribed here held
3 in abeyance and phased in and set by Executive Order of the Mayor, provided, however, that the
4 transition shall be completed and all operational matters shall be or become effective and in
5 place not later than 12 months after the ordinance becomes law.

1 **BOARD BILL NUMBER 208CS** **SPONSORED BY ALDERMAN ANTONIO**
2 **FRENCH, ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS,**
3 **PRESIDENT LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN**
4 **CHRIS CARTER, ALDERWOMAN TAMMIKA HUBBARD, ALDERMAN SAMUEL**
5 **MOORE, ALDERMAN FREEMAN BOSLEY, ALDERWOMAN DIONNE FLOWERS,**
6 **ALDERWOMAN PHYLLIS YOUNG, ALDERWOMAN CHRISTINE INGRASSIA,**
7 **ALDERWOMAN MEGAN GREEN, ALDERWOMAN LYDA KREWSON, ALDERMAN**
8 **SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY,**
9 **ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE**

10 An ordinance establishing an Civilian Oversight Board in the City of St. Louis; establishing the
11 St. Louis Civilian Oversight Board, containing definitions, delineating the St. Louis Civilian
12 Oversight Board's composition, powers and duties, the administrative structure, inspection and
13 investigation procedures, cooperation of the Police Department, confidentiality and containing a
14 severability clause.

15 **WHEREAS**, the State of Missouri, pursuant to § 590.653, RSMo., explicitly grants authority to
16 local governments to establish civilian oversight boards to receive, review and make independent
17 findings and recommendations on complaints from members of the public against members of
18 the Police Department; and

19 **WHEREAS**, community policing, citizen cooperation, and citizen participation are vital to the
20 St. Louis Metropolitan Police Department's approach to law enforcement, and can be enhanced
21 by an independent citizen oversight process regarding allegations of misconduct; and

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SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY,
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1 **SECTION ONE The St. Louis Civilian Oversight Board Established.**

2 An independent civilian review board, entitled the St. Louis Civilian Oversight Board is hereby
3 established, pursuant to § 590.653, RSMo., comprised solely of members of the public with the
4 authority to investigate allegations of police misconduct, research and assess police policies,
5 operations and procedures, and make findings and recommendations.as provided in this section.
6 The St. Louis Civilian Oversight Board shall be a division of the Public Safety Department of the
7 City of St. Louis.

8 **SECTION TWO. Definitions**

- 9 A. "City" shall mean the City of St. Louis.
- 10 B. "COB" shall mean the St. Louis Civilian Oversight Board and the seven members
11 appointed pursuant to this Ordinance.
- 12 C. "Commissioner" shall mean the head of the St. Louis Metropolitan Police
13 Department whether otherwise referenced as Police Commissioner or Chief of Police.
- 14 D. "Complainant" shall mean a member of the public who submits a complaint to the
15 IAD or the COB for inspection and investigation.
- 16 E. "Complaint" shall mean any request directed to IAD or the COB to inspect and
17 investigate alleged misconduct ~~against~~ by members of the Police Department involving
18 excessive use of force, abuse of authority, sexual harassment and assault, discourtesy, racial

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1 profiling, or use of offensive language, including, but not limited to, slurs relating to race,
2 ethnicity, religion, gender, sexual orientation, gender identity, immigrant status, and disability.

3 F. "Hearing" shall mean any meeting held by the COB to address, make findings and
4 make recommendations regarding complaints submitted by members of the public related to
5 allegations of misconduct by members of the Police Department.

6 G. "IAD" shall mean the Internal Affairs Division of the St. Louis Metropolitan
7 Police Department.

8 H. "IAD Investigation" shall mean all actions, analysis, findings and conclusions
9 regarding complaints conducted by IAD.

10 I. "Independent Inquiry" shall mean COB's separately conducted examination of an
11 IAD Investigation wherein the COB may: request the attendance of complainants, witnesses, and
12 employees of the Police Department at interviews; access, under reasonable terms, physical
13 evidence; and otherwise investigate the circumstances.

14 J. "Inspection" shall mean the process in which the COB engages in Monitoring,
15 Reviewing, and conducting Independent Inquiries.

16 K. "Monitor" and "Monitoring" shall mean the COB's active observation of an
17 ongoing IAD Investigation, including meetings and witness interviews.

18 L. "Police Department" shall mean the Saint Louis Metropolitan Police Department.

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1 M. “Reconsideration Request” shall mean the COB’s request to IAD for additional
2 examination or action on a Complaint.

3 N. “Review” and “Reviewing” shall mean the COB’s examination of all evidence
4 pertaining to any ongoing IAD Investigation. It shall include the filing of any Reconsideration
5 Requests.

6 O. “Staff”, whether or not capitalized, shall mean the COB Executive Director, any
7 Department of Public Safety personnel assigned to work on COB business, or any other
8 individual acting for or on behalf of, or providing assistance to, the COB.

9 **SECTION THREE St. Louis Civilian Oversight Board**

10 1. COB: The COB shall consist of seven (7) members of the public nominated by
11 the Mayor of the City of St. Louis and confirmed by the Board of Aldermen.

12 2. Qualifications: To qualify for nomination, confirmation, and continued service on
13 the COB, an individual must satisfy all of the following qualifications:

14 A. The individual must be a resident of the City of St. Louis.

15 B. The individual must have reached the age of eighteen (18) by the date that they
16 will take office as a member of the COB.

17 C. The individual must not hold any public office within the State of Missouri.

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1 D. The individual must not be an employee of the City of St. Louis or of the State
2 of Missouri.

3 E. The individual may not have an immediate family member who is currently
4 employed by the Police Department.

5 F. The individual must not have been convicted of any State or Federal criminal
6 offense constituting a felony. A conviction includes a finding of guilt by the
7 trier of fact, a guilty plea, an Alford plea and/or any acknowledgment of guilt
8 (Suspended Execution).

9 3. Fairness: The Mayor shall nominate to the COB and the Board of Aldermen shall
10 confirm to the COB only citizens who can be fair and objective. The COB members shall
11 always serve as neutrals who do not favor the complainant or the accused police officer, and
12 shall act and make decisions in their capacity as COB members based only upon the facts and the
13 evidence before them. At any given time, the COB may not have more than one (1) member
14 who previously was a commissioned employee of any municipal, state, or federal law
15 enforcement agency. No individual shall be considered to be a commissioned employee of any
16 municipal, state, or federal law enforcement agency solely because of the individual served in the
17 United States Military.

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1 consecutive terms. Any member of the COB shall be removed for misconduct arising from the
2 violation of any of the rules regarding the Sunshine Law, privacy rights and the handling of
3 records as outlined in the ordinance, in accordance with COB procedures adopted pursuant to
4 Section Four, paragraph 7 of this ordinance.

5 7. Initial Terms: The first members appointed to the COB after adoption of this
6 Ordinance shall serve initial terms as follows: the initial terms for members of the COB from
7 even-numbered COB Districts shall be two (2) years; the initial terms for members of the COB
8 from odd-numbered COB Districts shall be four (4) years.

9 8. Selection: Ninety (90) days before the expiration of a COB member's term a
10 notice from the COB shall be sent to the Board of Aldermen and Mayor giving notice of the
11 upcoming expiring term. After this notice the remaining selection process shall follow the Initial
12 Selection procedure described in this section.

13 9. Vacancies: Vacancies on the COB occasioned by resignation, expiration of term,
14 loss of qualifications, or otherwise, shall be reported in writing to the Mayor and the Board of
15 Aldermen by the COB. The vacancy shall be filled as set forth in the Initial Selection section of
16 this ordinance. Individuals considered for appointment to fill the vacancy shall be from the same
17 COB District as the individual being replaced. Appointments to fill vacancies shall be for the
18 unexpired portion of a term.

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1 the professional standards training, the COB shall implement a training program for COB and
2 staff, in cooperation with the Police Department, in areas such as investigative techniques, proper
3 knowledge of the workings of the Police Department, field safety, the responsibilities of COB
4 membership, human rights, constitutional rights, rights during police stops, and search warrant
5 law. Each COB member and staff member (other than a volunteer) must complete a course of the
6 Citizens Academy prior to considering or hearing their first case. The Standards of Professional
7 Conduct shall include the confidentiality requirements contained in this Ordinance. Each COB
8 member shall abide by the Standards of Professional Conduct and satisfactorily complete the
9 training within six months after confirmation. The COB may adopt a training program for
10 volunteers that is appropriate in time and substance for the work the volunteer will perform. For
11 purposes of these training requirements, COB members shall not be considered volunteers.

12 9. Annual Report: The COB, in consultation with the Executive Director of the
13 COB, shall issue to the Commissioner, the Director of Public Safety, the Mayor, and the Board
14 of Aldermen an annual report that describes the COB's activities and summarizes its actions.
15 The report shall not reveal the names of any officer or include any other information that is not
16 publicly available. In addition to a summary of activities, this report may:

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- 1 A. Analyze aggregate data derived from the prior year’s complaints
2 (including the type and category of complaints) and responses and identify any
3 systematic problems, challenges, or opportunities;
- 4 B. To the extent necessary, include recommendations related to Police
5 Department policies and procedures, racial profiling, and systemic problems;
- 6 C. Analyze statistics by police district, the number of complaints per officer,
7 the number of complaints for specific officers;
- 8 D. Analyze aggregate data regarding the outcome of complaints, including
9 whether the accused officer was exonerated or the complaint was determined to be
10 unfounded, not sustained, or sustained and provide analysis of the Police
11 Department’s actions in response to COB recommendations; and
- 12 F. Report on the COB’s community outreach activities.

13 This report shall be made available to the public and presented to the public at an annual
14 meeting as prescribed and adopted by the COB. Adequate notification of such annual meeting
15 shall be published in the City Journal and in other locations representing the diversity of the City.

16 10. Public Education: The COB shall inform the public about the COB and its duties,
17 and shall develop and administer an ongoing program for the outreach and education of the

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1 public, in a manner that is reasonably accessible to all people, regarding its role in providing
2 civilian review of Police Department disciplinary matters.

3 11. Internal Audits: The COB shall perform regular audits of intake procedures,
4 Inspections, timeliness, and disposition of complaints. The COB shall distribute survey forms to
5 all complainants and subject officers to obtain feedback concerning the operation of the COB.

6 12. Profiling Data: The COB may review all relevant ~~racial~~ profiling, pedestrian
7 stops, and vehicle stops data and statistics compiled by government and private entities, and shall
8 use it to help determine if the Police Department or its employees appear to engage in profiling.
9 The COB may, by majority vote of its members at a meeting when a quorum is present,
10 recommend policy, operational or procedural changes it deems appropriate.

11 13. Due Process: Unless required by court order, the COB members, the COB staff,
12 the Director of Public Safety, and the Commissioner shall not make any public comments about
13 a Complaint that prejudices the outcome of the IAD investigation and COB review before the
14 COB completes its inspection and submits its final findings and recommendations.

15 **SECTION FIVE. Administrative Structure**

16 1. Staff: The Director of Public Safety, with the approval of the COB, will assign a
17 staff member to act as the COB Executive Director. The COB Executive Director shall assign
18 investigative and administrative staff from the Department of Public Safety necessary for the

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1 COB to adequately fulfill its duties. Investigative staff shall not be current or former
2 commissioned employees of the Police Department, nor shall any such staff have an immediate
3 family member employed by the Police Department. The COB may delegate to staff the
4 performance of any of the COB's duties except where this Ordinance specifically requires the
5 COB to act by majority vote. The Department of Public Safety shall provide office space and
6 meeting space for the COB.

7 2. Budget: The Department of Public Safety shall include the COB as part of its
8 annual budget request to the City. The COB must, at all times, comply with the budget and other
9 financial processes of the Charter.

10 3. Volunteers: The COB shall have the authority to create volunteer committees to
11 assist with the compiling of data and to research specific aspects of policy, operations and
12 procedures. No volunteer committee member shall be directly involved in any case review or
13 Inspection process, nor shall any volunteer have access to any information that is not available to
14 the general public under the Sunshine Law.

15 4. Legal Advice and Representation: The COB and its members acting in their
16 official capacity as COB members shall obtain legal advice by and through the City Counselor's
17 office. The City Counselor's office shall provide such advice to the COB and its members acting

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1 attend IAD interviews of civilian witnesses. The COB may not attend IAD's interviews with
2 Police Department employees. COB members shall not interfere with the investigation, delay
3 the investigation beyond normal coordination of schedules or as outlined in this ordinance, or in
4 any way interfere with or act contrary to the Charter of the City of St. Louis. The COB member
5 present for the interview may not ask questions during the interview, but may provide IAD with
6 suggested questions for the interview before an interview begins or during designated breaks
7 during the interviews. During such interviews, the COB member may make reasonable requests
8 to IAD for breaks during the interviews, but may not do so in a manner that interferes with the
9 interviews. The Police Department shall coordinate scheduling of interviews and access to
10 evidence with the COB when a notification to monitor IAD Investigations is made by the COB.

11 6. Recording: All interviews conducted by IAD or the COB as part of their
12 Investigations or Inspections shall be audio and video recorded in entirety.

13 7. Extensions for the IAD Investigation: Within ninety (90) days of receiving a
14 complaint, IAD shall complete its investigation unless the Commissioner, for good cause,
15 authorizes additional time for IAD to complete its investigation. If the Commissioner authorizes
16 additional time, the Commissioner shall notify the COB that additional time has been authorized.
17 The Commissioner may not extend the time for investigation by more than one hundred twenty
18 (120) days unless either: (a) there are extraordinary circumstances that require an extension; (b) a

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1 criminal charge arising from the subject matter of the complaint is pending against the officer; or
2 (c) the United States Attorney, the Circuit Attorney, or other federal or state law enforcement
3 requests that the investigation be extended or not be completed at that time. If any of these
4 circumstances are present, the Commissioner must provide the Director of Public Safety and
5 Chair of the COB an explanation for the delay.

6 8. Completing the IAD Investigation and Forwarding Information: Upon
7 completion of its investigation, IAD shall submit its findings and recommendation to the
8 Commissioner pursuant to the Police Manual. Within a reasonable time, the Commissioner shall
9 forward the investigative file to the COB. The investigative file the Commissioner forwards to
10 COB shall include the IAD's findings, recommendation, and all recordings and documents from
11 its investigation, to the extent permitted by law.

12 9. Independent COB Review: Upon receipt of IAD's findings and
13 recommendations, the COB shall conduct an independent review of the findings, information,
14 evidence and recommendations of IAD. In order to conduct its independent review, the COB
15 may inspect any and all physical evidence gathered by, or in the custody of, IAD pertaining to
16 the complaint and the investigation of such complaint. Upon request, IAD shall permit the
17 reasonable inspection of all such evidence by the COB.

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1 recommendations, it may submit its own findings and recommendations to the
2 Commissioner or vote to conduct an Independent Inquiry.

3 D. Independent Inquiry: If the COB finds, by an affirmative vote of at least
4 five of its members, that IAD failed to investigate a Complaint, failed to properly
5 notify and involve the COB pursuant to this Ordinance, failed to follow its own
6 protocols in conducting the investigation, or failed to provide the COB with
7 findings and information as required by this Ordinance, the COB may conduct an
8 Independent Inquiry. Within ninety (90) days of voting to conduct an
9 Independent Inquiry, the COB shall report its findings and recommendations to
10 the Commissioner.

11 11. COB Findings and Recommendations: The COB shall determine, by majority
12 vote of its members at a meeting where a quorum is present and based on a preponderance of the
13 evidence, final findings and recommendations. The COB may, in its internal operating
14 procedures, provide an opportunity for the complainant, the subject of the complaint, or the
15 Commissioner, to ask the COB to reconsider its findings before they are finalized. The COB's
16 final findings and recommendations shall be forwarded in writing to the Commissioner and the
17 Director of Public Safety.

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1 Attorney General agrees to do so under reasonable terms, the Attorney General's investigation
2 shall be treated as the IAD investigation for purposes of this Ordinance and the COB's role as
3 described in this Ordinance shall continue as if the IAD investigation was overseen or conducted
4 by IAD rather than by the Attorney General.

5 **SECTION SEVEN. Cooperation of the Police Department**

6 1. Providing Information: It shall be the duty of the Department of Public Safety and
7 the Police Department to provide such assistance as the COB may reasonably request, to
8 cooperate with the COB and to provide to the COB, upon request, all records and access to other
9 materials which are necessary for the Inspection of complaints submitted pursuant to this section
10 and that are not otherwise closed or cannot be provided under the law.

11 2. Employee Participation: The COB may, by a majority vote when a quorum is
12 present, request that the Public Safety Director direct the Commissioner to command the
13 presence of designated members of IAD at any meeting of the COB during which an
14 investigative review is conducted.

15 3. Commissioner's Determinations: The Commissioner shall report in writing to the
16 COB any actions taken in cases in which the COB submitted findings and recommendations to
17 the Commissioner with respect to an individual complaint or police policy, procedure or
18 operations recommendation. The Commissioner shall notify the COB in writing of any decision

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1 imposed or other actions taken. If the Commissioner's actions contradict the COB's
2 recommendations, then the Commissioner shall provide a written explanation to the COB.

3 4. Non-Interference: This Ordinance shall not be construed in any way to limit,
4 interfere with, or impair the authority, power, or duties of the Commissioner and/or his delegates,
5 the Director of Personnel, or the Civil Service Commission to discipline members of the Police
6 Department, approve such discipline, and consider appeals from such discipline. This Ordinance
7 shall not be construed in any way to limit, interfere with, or impair the rights or privacy interests
8 of employees of the Police Department with respect to disciplinary action, including, but not
9 limited to, the right to notice and hearing, which may be established by law. This Ordinance
10 shall not be construed in any way to prevent or hinder the investigation or prosecution of
11 members of the Police Department for violations of law by any court of competent jurisdiction, a
12 grand jury, prosecutor, or other authorized officer, agency, or body.

13 **SECTION EIGHT. Confidentiality**

14 1. Markings: When submitting information to each other, the Police Department and
15 the COB shall place identifying marks on any confidential information or otherwise
16 conspicuously identify the information as confidential.

17 2. Adherence: The COB and staff shall be subject to the provisions of the Sunshine
18 Law, including Chapter 610 of the Revised Code of the State of Missouri.

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Board Bill No. 208CS **SPONSORED BY ALDERMAN ANTONIO FRENCH,**
ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT
LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER,
ALDERWOMAN TAMMIKA HUBBARD, ALDERMAN SAMUEL MOORE,
ALDERMAN FREEMAN BOSLEY, ALDERWOMAN DIONNE FLOWERS,
ALDERWOMAN PHYLLIS YOUNG, ALDERWOMAN CHRISTINE INGRASSIA,
ALDERWOMAN MEGAN GREEN, ALDERWOMAN LYDA KREWSON, ALDERMAN
SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY,
ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE

1 3. COB Meetings: The COB shall hold closed meetings in compliance with State
2 law (including § 610.021, RSMo.), in any matter that includes the reviewing and investigating of
3 a complaint regarding personnel, personnel records, or any other records protected from
4 disclosure by law.

5 4. Responsibility: All COB members and related staff are required to maintain the
6 confidentiality of any file, record, or data received concerning an incident or complaint. The
7 COB members and staff are bound by rules of confidentiality including with respect to any
8 personnel, disciplinary, and other confidential documents that they review.

9 5. Violation: It shall be a violation of this ordinance for anyone in the COB to
10 disclose confidential information to anyone other than another COB member or staff member,
11 the City Counselor's office, the Director of Public Safety or the Director of Public Safety's
12 designee, or authorized Police Department personnel. Any COB member who is found guilty of
13 such unlawful disclosure shall be subject to sanctions as set forth in rules and regulations of the
14 COB and Missouri Statute. If a COB member is found to be have released confidential
15 information to any person unauthorized to receive such information the COB member shall
16 immediately be disqualified from serving on the COB and the COB shall refer such person to
17 appropriate law enforcement authorities. If any COB member or staff suspects that any COB

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Board Bill No. 208CS

SPONSORED BY ALDERMAN ANTONIO FRENCH, ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER, ALDERWOMAN TAMMIKA HUBBARD, ALDERMAN SAMUEL MOORE, ALDERMAN FREEMAN BOSLEY, ALDERWOMAN DIONNE FLOWERS, ALDERWOMAN PHYLLIS YOUNG, ALDERWOMAN CHRISTINE INGRASSIA, ALDERWOMAN MEGAN GREEN, ALDERWOMAN LYDA KREWSON, ALDERMAN SHANE COHN, MAYOR FRANCIS G. SLAY, ALDERMAN STEPHEN CONWAY, ALDERMAN CRAIG SCHMID, ALDERMAN SCOTT OGILVIE

ORDINANCE NUMBER 70532

1 **BOARD BILL NO. 306** **INTRODUCED BY ALDERMAN TERRY KENNEDY**

2 An amendment to Ordinance 69984 (which established the Civilian Oversight Board
3 in the City of St. Louis), extending the number of days that the St. Louis Civilian Oversight
4 Board has to review complaints and make recommendations by amending Section Six of said
5 ordinance 69984; and containing a severability clause.

6 **WHEREAS**, pursuant to Board Rule 54, the proposed amendments to Ordinance
7 69984 are set out in the body of this bill, with additions marked in **boldface** and deletions
8 marked with [~~brackets and boldface strikethrough~~].

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

10 **SECTION ONE.** Section Six of Ordinance 69984, approved June 6, 2015, is hereby
11 revised to read as follows:

12 **SECTION SIX. Inspection Procedures**

13 1. Complaint Intake and Sharing: The COB and the Police Department shall
14 create a joint civilian complaint form that shall be readily available to the general public at all
15 Police Department facilities that have areas open to the public, the office of the Department
16 of Public Safety, and all other locations that are recommended by the COB and approved by
17 the Director of Public Safety. A complaint shall be properly completed and submitted only if
18 it is signed by the complainant. If the complainant submits the complaint form to the COB,
19 the COB shall forward the complaint to the IAD within two (2) business days after receiving
20 it. If the complainant submits the complaint form to the Police Department, the Police

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Board Bill No. 306

Sponsor: Alderman Terry Kennedy

ORDINANCE NUMBER 70532

1 Department shall forward the complaint to the COB within two (2) business days after
2 receiving it.

3 2. Investigation of Complaints: All complaints received by the COB or the
4 Police Department shall be investigated by IAD according to the protocols for IAD
5 Investigation. IAD shall not refuse to investigate any such complaint.

6 3. COB Criteria for Inspection: The COB shall establish criteria to determine
7 which complaints warrant various levels of Inspection, including such factors as
8 seriousness of complaint and identification of patterns of misconduct. The COB will not
9 investigate employment-related complaints against fellow officers or superiors.

10 4. Mediation: At any time during the process, the COB or IAD may recommend
11 to the complainant, the Police Department member(s) who is/are the subject of the complaint,
12 and the Commissioner that a complaint be mediated. If the complainant, the Police
13 Department member(s) who is/are the subject of the complaint, and the Commissioner agree
14 to mediation, the COB process shall cease and, if the complaint is resolved through
15 mediation, the complaint shall be classified as having been resolved through mediation. Any
16 resolution through mediation must be agreed to by the complainant, the Police Department
17 member(s) who is/are the subject of the complaint, and the Commissioner. If a resolution is
18 not reached through mediation, the COB process shall be re-activated.

19 5. Monitoring: The COB may Monitor the IAD Investigation by attending IAD
20 interviews of witnesses and obtaining copies of all recordings, documents and/or other
21 evidence as the IAD Investigation proceeds as provided for in this ordinance and in a manner

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Sponsor: Alderman Terry Kennedy

ORDINANCE NUMBER 70532

1 that is consistent with the Charter, and the rules and regulations of the Department of
2 Personnel, the Sunshine Law, and the privacy rights of employees. The COB may, by a
3 majority vote of its members voting at a meeting where a quorum is present, designate one of
4 its members and/or a staff person to attend IAD's interviews of civilian witnesses; the
5 member so designated may attend IAD interviews of civilian witnesses. The COB may not
6 attend IAD's interviews with Police Department employees. COB members shall not
7 interfere with the investigation, delay the investigation beyond normal coordination of
8 schedules or as outlined in this ordinance, or in any way interfere with or act contrary to the
9 Charter of the City of St. Louis. The COB member present for the interview may not ask
10 questions during the interview, but may provide IAD with suggested questions for the
11 interview before an interview begins or during designated breaks during the interviews.
12 During such interviews, the COB member may make reasonable requests to IAD for breaks
13 during the interviews, but may not do so in a manner that interferes with the interviews. The
14 Police Department shall coordinate scheduling of interviews and access to evidence with the
15 COB when a notification to monitor IAD Investigations is made by the COB.

16 6. Recording: All interviews conducted by IAD or the COB as part of their
17 Investigations or Inspections shall be audio and video recorded in entirety.

18 7. Extensions for the IAD Investigation: Within ninety (90) days of receiving a
19 complaint, IAD shall complete its investigation unless the Commissioner, for good cause,
20 authorizes additional time for IAD to complete its investigation. If the Commissioner
21 authorizes additional time, the Commissioner shall notify the COB that additional time has

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Sponsor: Alderman Terry Kennedy

ORDINANCE NUMBER 70532

1 been authorized. The Commissioner may not extend the time for investigation by more than
2 one hundred twenty (120) days unless either: (a) there are extraordinary circumstances that
3 require an extension; (b) a criminal charge arising from the subject matter of the complaint is
4 pending against the officer; or (c) the United States Attorney, the Circuit Attorney, or other
5 federal or state law enforcement requests that the investigation be extended or not be
6 completed at that time. If any of these circumstances are present, the Commissioner must
7 provide the Director of Public Safety and Chair of the COB an explanation for the delay.

8 8. Completing the IAD Investigation and Forwarding Information: Upon
9 completion of its investigation, IAD shall submit its findings and recommendation to the
10 Commissioner pursuant to the Police Manual. Within a reasonable time, the Commissioner
11 shall forward the investigative file to the COB. The investigative file the Commissioner
12 forwards to COB shall include the IAD's findings, recommendation, and all recordings and
13 documents from its investigation, to the extent permitted by law.

14 9. Independent COB Review: Upon receipt of IAD's findings and
15 recommendations, the COB shall conduct an independent review of the findings,
16 information, evidence and recommendations of IAD. In order to conduct its independent
17 review, the COB may inspect any and all physical evidence gathered by, or in the custody of,
18 IAD pertaining to the complaint and the investigation of such complaint. Upon request, IAD
19 shall permit the reasonable inspection of all such evidence by the COB.

20 10. COB Review: Within [~~thirty (30)~~] **sixty (60)** days after receiving IAD's
21 findings and recommendations:

ORDINANCE NUMBER 70532

1 A. If a majority of the COB members, voting at a meeting where a
2 quorum is present, agree with the IAD findings and recommendations, the
3 COB shall notify the Commissioner and Public Safety Director in writing of
4 its agreement.

5 B. If a majority of the COB members, voting at a meeting where a
6 quorum is present, disagree with IAD's findings and recommendations, the
7 COB shall notify the Commissioner and Public Safety Director in writing of
8 its disagreement.

9 C. Request for Reconsideration: If a majority of the COB members,
10 voting at a meeting where a quorum is present, determines that further
11 investigation is warranted, the COB shall present any inquiries and
12 suggestions to the Public Safety Director and may also request that the Public
13 Safety Director direct the Commissioner to command the presence of
14 designated members of IAD at any meeting of the COB during which an
15 investigative review is conducted. Within [~~thirty (30)~~] **sixty (60)** days of
16 receipt of receiving the requested information, the COB shall notify the
17 Commissioner in writing that it either agrees or disagrees with IAD's findings
18 and recommendations. If the COB disagrees with IAD's findings and
19 recommendations, it may submit its own findings and recommendations to the
20 Commissioner or vote to conduct an Independent Inquiry.

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1 D. Independent Inquiry: If the COB finds, by an affirmative vote of at
2 least five of its members, that IAD failed to investigate a Complaint, failed to
3 properly notify and involve the COB pursuant to this Ordinance, failed to
4 follow its own protocols in conducting the investigation, or failed to provide
5 the COB with findings and information as required by this Ordinance, the
6 COB may conduct an Independent Inquiry. Within ninety (90) days of voting
7 to conduct an Independent Inquiry, the COB shall report its findings and
8 recommendations to the Commissioner.

9 11. COB Findings and Recommendations: The COB shall determine, by majority
10 vote of its members at a meeting where a quorum is present and based on a preponderance of
11 the evidence, final findings and recommendations. The COB may, in its internal operating
12 procedures, provide an opportunity for the complainant, the subject of the complaint, or the
13 Commissioner, to ask the COB to reconsider its findings before they are finalized. The
14 COB's final findings and recommendations shall be forwarded in writing to the
15 Commissioner and the Director of Public Safety.

16 12. Suspension of Inspection: If grand jury or litigation proceedings are initiated
17 against the subject officer and the IAD Investigation is suspended for similar reasons, COB
18 Inspection of any complaint shall be suspended. Records relating to criminal proceedings
19 shall not be made available to the COB unless they are otherwise public records.

20 13. Maintaining Files: The COB shall maintain its files for each Inspection for a
21 period of ten (10) years or as required by the Sunshine Law, whichever period is longer.

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1 14. Officer-Involved Shootings. In the event of any officer-involved shooting that
2 results in the fatality of a civilian:

3 A. The Director of Public Safety shall inform, as soon as practical, the
4 COB members and the COB Executive Director that the officer-involved shooting occurred.
5 The COB members and staff shall not interfere with any investigation into the officer-
6 involved shooting.

7 B. The Commissioner shall provide the COB with copies of IAD's
8 findings, recommendation, and investigative file only after the Force Investigative Unit and
9 the Deadly Force Review Board have completed their analyses and provided their final
10 reports to the Commissioner.

11 C. The Director of Public Safety shall request that the Attorney General
12 of the State of Missouri oversee or conduct the IAD investigation concerning the incident. If
13 the Attorney General agrees to do so under reasonable terms, the Attorney General's
14 investigation shall be treated as the IAD investigation for purposes of this Ordinance and the
15 COB's role as described in this Ordinance shall continue as if the IAD investigation was
16 overseen or conducted by IAD rather than by the Attorney General.

17 **SECTION TWO. Severability Clause.** The provisions of this ordinance shall be
18 severable. In the event that any provision of this ordinance is found by a court of competent
19 jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless

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1 the court finds the valid provisions of this ordinance are so essentially and inseparably
2 connected with, and so dependent upon, the void provision that it cannot be presumed that
3 the Board of Aldermen would have enacted the valid provisions without the void ones or
4 unless the Court finds that the valid provisions, standing alone, are incomplete and incapable
5 of being executed in accordance with the legislative intent.

FISCAL NOTE
BOARD BILL NUMBER 47
COMMITTEE SUBSTITUTE AS AMENDED

Preparer’s Name: Nahuel Fefer, Director of Policy, Mayor’s Office

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

Bill Sponsor: Alderwoman Shameem Clark Hubbard

Bill Synopsis:	Establishes a Division of Civilian Oversight within the Department of Public Safety to conduct professional standards inquiries into police and correctional misconduct; Authorizes the creation of a Public Integrity Unit in the Circuit Attorney’s Office to conduct criminal investigations into police and correctional incidents. Expands the power, authority, resources and capacity of the Detention Facilities Oversight Board and Civilian Oversight Board.
Type of Impact:	This bill will have a significant fiscal impact. The Division of Civilian Oversight created herein is budgeted in the FY22-23 budget at \$1,301,221. The Public Integrity Unit referenced herein is budgeted in the FY22-23 budget at \$1,200,000.
Agencies Affected:	New Division of Civilian Oversight established in the Department of Public Safety; New Public Integrity Unit established in the Circuit Attorney’s Office.

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted City budget?

Yes No.

- An undertaking of a new service for which no funding is provided in the current adopted City budget?

Yes No.

- A commitment of City funding in the future under certain specified conditions?

Yes 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 No.

- An execution or initiation of an activity as a result of federal or state mandates or requirements?

Yes No.

- A capital improvement project that increases operating costs over the current adopted City budget?

Yes 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 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

Not applicable

- Does the bill require the construction of any new physical facilities? Yes X No.

- 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:

This bill will impact the Department of Public Safety, requiring the creation of a new Division of Civilian Oversight including a Commissioner of Civilian Oversight, an investigative team of ten employees dedicated to conducting accountability investigations, two Client Service Coordinators charged with liaising with families, a Government Services Analyst dedicated to supporting the oversight boards, a Human Resources Specialist dedicated to working with Personnel to initiate discipline, and three administrative staff. These fiscal impacts are detailed on page 3 below.

- 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:

Yes, the city currently spends roughly \$2M on internal investigations (Internal Affairs: \$892K; Civilian Oversight Board: \$641K; Force Investigative Unit: \$396K). The functions of the Civilian Oversight Board would be incorporated into the Civilian Oversight Division, resulting in no duplication of services. Internal Affairs would retain jurisdiction over investigations and discipline pertaining to minor administrative matters, but the majority of its functions (and much of its budget) would be transferred to the Civilian Oversight Division. The Force Investigative Unit would remain in place to provide investigative capacity for criminal investigations led by the Circuit Attorney’s Office.

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

There are limited, if any, equipment and maintenance costs associated with this proposal. The anticipated annual operating costs are described throughout this fiscal note.

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.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	\$1,161,327	~\$1,500,000
Additional Revenue	N/A	N/A	N/A
Net	N/A	\$1,161,327	~\$1,500,000
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	\$699,714	~\$850,000
Additional Revenue	N/A	N/A	N/A
Net	N/A	\$699,714	~\$850,000

- Describe any assumptions used in preparing this fiscal note:

The FY21-22 budget for the Civilian Oversight Board is \$641,026 – this will not be affected by this bill. Year 2 fiscal impact reflects funding appropriated to the Civilian Oversight Board and Public Integrity Unit in the FY22-23 budget. The General Fund impact is broken out into a \$660,195 increase to the Civilian Oversight Board’s budget and a \$501,132 increase in funding to the Circuit

Attorney's Office to fund five legal investigator III positions. The Special Fund impact reflects a \$699,714 increase in the Circuit Attorney's Prop P (Fund 1125) budget to fund an Attorney Manager and two Attorney III positions, as well as a variety of contractual services. The Year 3 financial impact estimate reflects an assumption that, once fully staffed, the Civilian Oversight Division (COD) & Public Integrity Unit (PIU) will cost roughly \$1.75M and \$1.25M respectively.

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

FY22-23 Adopted Budget; SLMPD Budget & Annual Report; Civilian Oversight Board Budget & Quadrennial Report

Have the financial estimates of this bill been verified by the City Budget Division?

___ Yes X No.