

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

December 5, 2014

Page 1 of 26

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 **WHEREAS**, participation by members of the public in the process of receiving and reviewing
2 civilian complaints against law enforcement officers and making recommendations regarding
3 such complaints, as well as underlying policies, procedures and operation, enhances
4 transparency, public trust and confidence in law enforcement agencies and police departments
5 and increases the professionalism of such agencies and police departments; and

6 **WHEREAS**, civilian oversight can result in assuring the public that investigations into both
7 legitimate and unfounded complaints were handled fairly, increasing public confidence in the
8 outcomes; and

9 **WHEREAS**, civilians who provide oversight can in some cases agree with the findings of
10 internal police investigations, in others find in favor of citizens whose complaints were deemed
11 to be unfounded by the Police Department, and in others can find in favor of the police officers
12 who were deemed to have violated rules and regulations by the Police Department; and

13 **WHEREAS**, civilian oversight must treat both citizens and officers fairly, and result in a
14 stronger partnership between the citizens and police to more effectively reduce crime and make
15 neighborhoods safer.

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

December 5, 2014

Page 2 of 26

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 **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

December 5, 2014

Page 3 of 26

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 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.

December 5, 2014

Page 4 of 26

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 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.

December 5, 2014

Page 5 of 26

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 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.

December 5, 2014

Page 6 of 26

**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 recommended by Aldermen must reside within the COB District and must meet all qualifications
2 for service as a COB member at the time the individuals are recommended.

3 B. Nomination: Within thirty (30) days of receipt of recommended names,
4 the Mayor shall deliver to the Board of Aldermen nominations for the vacant COB positions.
5 The Mayor may nominate any qualified person to serve as a COB member for that COB District;
6 however, before nominating a COB member, the Mayor shall consider for nomination any
7 individual recommended by the Aldermen in the respective COB District.

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

15 6. Term of Office: Except with respect to initial terms, each member of the COB
16 shall serve for a four (4) year term, with terms expiring on December 31 of the designated year.
17 Once appointed and confirmed, a member shall serve until a successor is appointed
18 notwithstanding the expiration of the term. No member may serve more than two (2)

December 5, 2014

Page 8 of 26

**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 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.

December 5, 2014

Page 9 of 26

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 10. Compensation: The members of the COB shall serve without compensation of
2 any kind.

3 **SECTION FOUR. Authority and Duties**

4 1. Authority: The COB shall have the authority to receive Complaints, monitor IAD
5 Investigations regarding Complaints, and review completed IAD Investigations regarding
6 Complaints in accordance with the provisions of this Ordinance.

7 2. Mediation: The COB may recommend that specific Complaints be resolved
8 through a process of voluntary mediation between the parties.

9 3. Findings and Recommendations: The findings and recommendations of the COB
10 and the basis therefore shall be submitted to the Commissioner. No finding shall be based solely
11 upon an unsigned, unsworn, unaffirmed or anonymous complaint or statement, nor shall prior
12 unsubstantiated or unfounded complaints be the basis for any such findings. The COB's
13 recommendations may include, among other things, recommendations regarding, policy,
14 operations and procedures without reference to a specific complaint. Whenever possible,
15 recommendations regarding policy, operations and procedures should be formulated, researched,
16 and evaluated in consultation with relevant employees of the Police Department and done in a
17 spirit of cooperative problem-solving.

December 5, 2014

Page 10 of 26

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 4. Reports Regarding Implementation: The Director of Public Safety shall provide
2 information to the COB concerning whether the COB's recommendations were implemented.

3 5. Records: To the extent permitted by law, the COB shall have access to, and the
4 ability to obtain copies of all records, policy statements, operational and procedural guidelines
5 and manuals necessary to perform its function.

6 6. Rules: The COB shall, by majority vote and after consultation with the Director
7 of Public Safety, adopt rules and procedures that prescribe operating procedures regarding its
8 meetings and administrative protocols, the manner in which it will conduct Inspections, provide
9 findings to the Commissioner, inform complainants of the status of Inspections, and fulfill other
10 duties and responsibilities outlined in this ordinance. These rules and procedures shall be
11 available to the public and employees of the police department.

12 7. Procedures: The COB shall adopt and/or establish a system of internal controls for
13 the development of a case management system. The COB shall develop a classification system
14 for complaints with guidelines for the proper handling of each type of complaint. The COB shall
15 establish reasonable timelines for each stage of the complaint process such as intake, classifying,
16 IAD investigations, COB inspections and disposition of cases.

17 8. Manual and Training: The COB, in consultation with the Director of Public
18 Safety, shall develop a Standards of Professional Conduct Manual for COB and staff. As part of

December 5, 2014

Page 11 of 26

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 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:

December 5, 2014

Page 12 of 26

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 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

December 5, 2014

Page 13 of 26

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 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

December 5, 2014

Page 14 of 26

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 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

December 5, 2014

Page 15 of 26

**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 in their official capacity as COB members in a manner consistent with the Charter and with the
2 applicable Rules of Professional Conduct, including applicable conflict of interest rules. This
3 Ordinance shall not be interpreted to allow the COB or its members any rights to indemnity.

4 **SECTION SIX. Inspection Procedures**

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

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

17 3. COB Criteria for Inspection: The COB shall establish criteria to determine which
18 complaints warrant various levels of Inspection, including such factors as seriousness of

December 5, 2014

Page 16 of 26

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 complaint and identification of patterns of misconduct. The COB will not investigate
2 employment-related complaints against fellow officers or superiors.

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

12 5. Monitoring: The COB may Monitor the IAD Investigation by attending IAD
13 interviews of witnesses and obtaining copies of all recordings, documents and/or other evidence
14 as the IAD Investigation proceeds as provided for in this ordinance and in a manner that is
15 consistent with the Charter, and the rules and regulations of the Department of Personnel, the
16 Sunshine Law, and the privacy rights of employees. The COB may, by a majority vote of its
17 members voting at a meeting where a quorum is present, designate one of its members and/or a
18 staff person to attend IAD's interviews of civilian witnesses; the member so designated may

December 5, 2014

Page 17 of 26

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 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

December 5, 2014

Page 18 of 26

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 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.

December 5, 2014

Page 19 of 26

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 10. COB Review: Within thirty (30) days after receiving IAD’s findings and
2 recommendations:

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

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

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

December 5, 2014

Page 20 of 26

**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 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.

December 5, 2014

Page 21 of 26

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

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

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

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

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

16 C. The Director of Public Safety shall request that the Attorney General of
17 the State of Missouri oversee or conduct the IAD investigation concerning the incident. If the

December 5, 2014

Page 22 of 26

**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 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

December 5, 2014

Page 23 of 26

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 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.

December 5, 2014

Page 24 of 26

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

December 5, 2014

Page 25 of 26

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 member has violated the law, including suspected violations of the Sunshine Law, the matter
2 shall be referred to the Police Department for investigation.

3 6. Custodian of Records: The custodian of records for the Department of Public
4 Safety shall be the custodian of records for the COB.

5 7. Confidentiality Questions: If the COB members have any questions pertaining to
6 the Sunshine Law or confidentiality, the COB must contact the City Counselor's Office and must
7 act according to the legal opinion provided by the City Counselor's Office. If there is any
8 question concerning the confidential nature of a document or information, COB members must
9 act as if that document or information is confidential until the COB has requested and received a
10 legal opinion from the City Counselor's Office.

11 **SECTION NINE. Severability Clause**

12 The provisions of this ordinance shall be severable. In the event that any provision of this
13 ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining
14 provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance
15 are so essentially and inseparably connected with, and so dependent upon, the void provision that
16 it cannot be presumed that the Board of Aldermen would have enacted the valid provisions
17 without the void ones or unless the Court finds that the valid provisions, standing alone, are
18 incomplete and incapable of being executed in accordance with the legislative intent.

December 5, 2014

Page 26 of 26

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