

**Summary**

**Board Bill Number 29**

**Introduced by: Alderman John Collins - Muhammad**

**May 14, 2021**

The proposed bill will amend **Ordinance 69984** which establishes the City's Civilian Oversight Board and governs its actions. The amendments will change the name "Civilian Oversight Board" ("COB") to "Police Conduct Review Commission" ("PCRC") and the title of "Executive Director" to "Inspector of Police", and will remove the requirement that COB members and staff complete the Citizens Academy before assuming their duties.

**BOARD BILL NUMBER 29 INTRODUCED BY: ALDERMAN JOHN COLLINS - MUHAMMAD**

1 An ordinance to amend **Ordinance 69984** pertaining to the creation of the City of St. Louis’  
2 Civilian Oversight Board and its activities, codified in Chapter 3.140 of the Revised Code of the  
3 City of St. Louis, to change the name “Civilian Oversight Board” to “Police Conduct Review  
4 Commission” and the title “Executive Director” to “Inspector of Police”, and to remove the  
5 requirement in Section Four paragraph 8 of **Ordinance 69984** that Civilian Oversight Board  
6 members and staff complete a course of the Civilian Academy before they may assume their duties

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

8 **SECTION ONE. Ordinance 69984 Amended.**

9 **Ordinance 69984**, codified in Chapter 3.140 of the Revised Code of the City of St. Louis, is hereby  
10 amended as provided in Section Two of this ordinance.

11 **SECTION TWO. Amendments.**

12 All references to the name “Civilian Oversight Board” and “COB” in **Ordinance 69984** are hereby  
13 removed and replaced by “Police Conduct Review Commission” and “PCRC” respectively, all  
14 references to the title “Executive Director” in **Ordinance 69984** are hereby removed and replaced  
15 by “Inspector of Police”, and the requirement in Section Four paragraph 8 of **Ordinance 69984**  
16 that Civilian Oversight Board members and staff complete the Citizens Academy before they may  
17 assume their duties is hereby removed. As amended, **Ordinance 69984** shall be and read in words  
18 and figures as follows:

19 SECTION ONE. The St. Louis Police Conduct Review Commission Established.

20 An independent civilian review board, entitled the St. Louis Police Conduct Review  
21 Commission is hereby established, pursuant to § 590.653, RSMo., comprised solely of

1 members of the public with the authority to investigate allegations of police misconduct,  
2 research and assess police policies, operations and procedures, and make findings and  
3 recommendations.as provided in this section. The St. Louis Civilian Oversight Board  
4 Police Conduct Review Commission shall be a division of the Public Safety Department  
5 of the City of St. Louis.

6 SECTION TWO. Definitions

7 A. “City” shall mean the City of St. Louis.

8 B. “PCRC” shall mean the St. Louis ~~Civilian Oversight Board~~ Police Conduct Review  
9 Commission and the seven members appointed pursuant to this Ordinance.

10 C. “Commissioner” shall mean the head of the St. Louis Metropolitan Police  
11 Department whether otherwise referenced as Police Commissioner or Chief of Police.

12 D. “Complainant” shall mean a member of the public who submits a complaint to the  
13 IAD or the PCRC for inspection and investigation.

14 E. "Complaint" shall mean any request directed to IAD or the PCRC to inspect and  
15 investigate alleged misconduct ~~against~~ by members of the Police Department involving  
16 excessive use of force, abuse of authority, sexual harassment and assault, discourtesy,  
17 racial profiling, or use of offensive language, including, but not limited to, slurs relating to  
18 race, ethnicity, religion, gender, sexual orientation, gender identity, immigrant status, and  
19 disability.

20 F. “Hearing” shall mean any meeting held by the PCRC to address, make findings and  
21 make recommendations regarding complaints submitted by members of the public related  
22 to allegations of misconduct by members of the Police Department.

1 G. “IAD” shall mean the Internal Affairs Division of the St. Louis Metropolitan Police  
2 Department.

3 H. “IAD Investigation” shall mean all actions, analysis, findings and conclusions  
4 regarding complaints conducted by IAD.

5 I. “Independent Inquiry” shall mean PCRC’s separately conducted examination of an  
6 IAD Investigation wherein the PCRC may: request the attendance of complainants,  
7 witnesses, and employees of the Police Department at interviews; access, under reasonable  
8 terms, physical evidence; and otherwise investigate the circumstances.

9 J. “Inspection” shall mean the process in which the PCRC engages in Monitoring,  
10 Reviewing, and conducting Independent Inquiries.

11 K. “Monitor” and “Monitoring” shall mean the PCRC’s active observation of an  
12 ongoing IAD Investigation, including meetings and witness interviews.

13 L. “Police Department” shall mean the Saint Louis Metropolitan Police Department.

14 M. “Reconsideration Request” shall mean the PCRC’s request to IAD for additional  
15 examination or action on a Complaint.

16 N. “Review” and “Reviewing” shall mean the PCRC’s examination of all evidence  
17 pertaining to any ongoing IAD Investigation. It shall include the filing of any  
18 Reconsideration Requests.

19 O. “Staff”, whether or not capitalized, shall mean the PCRC Inspector of Police, any  
20 Department of Public Safety personnel assigned to work on PCRC business, or any other  
21 individual acting for or on behalf of, or providing assistance to the PCRC.

1 SECTION THREE. St. Louis Police Conduct Review Commission

2 PCRC: The PCRC shall consist of seven (7) members of the public nominated by the  
3 Mayor of the City of St. Louis and confirmed by the Board of Aldermen.

4 Qualifications: To qualify for nomination, confirmation, and continued service on the  
5 PCRC, an individual must satisfy all of the following qualifications:

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

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

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

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

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

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

17 Fairness: The Mayor shall nominate to the PCRC and the Board of Aldermen shall confirm  
18 to the PCRC only citizens who can be fair and objective. The PCRC members shall always  
19 serve as neutrals who do not favor the complainant or the accused police officer, and shall  
20 act and make decisions in their capacity as members based only upon the facts and the  
21 evidence before them. At any given time, the PCRC may not have more than one (1)  
22 member who previously was a commissioned employee of any municipal, state, or federal

1 law enforcement agency. No individual shall be considered to be a commissioned  
2 employee of any municipal, state, or federal law enforcement agency solely because of the  
3 individual served in the United States Military.

4 PCRC Districts: There shall be one PCRC member who resides in each of the seven (7)  
5 ~~Police Conduct Review Commission~~ Districts (“PCRC Districts”). Each PCRC District  
6 shall consist of four (4) Aldermanic wards as follows:

7 A. District One: Wards 2, 3, 21, 27

8 B. District Two: Wards 5, 6, 18, 19

9 C. District Three: Wards 1, 4, 22, 26

10 D. District Four: Wards 7, 8, 9, 17

11 E. District Five: Wards 11, 12, 13, 16

12 F. District Six: Wards 14, 15, 20, 25

13 G. District Seven: Wards 10, 23, 24, 28

14 If there are any future changes in the number of aldermen, the Board of Aldermen shall by  
15 ordinance reduce the number of wards that constitute each PCRC District. Any such  
16 reduction shall ensure that the composition of the PCRC continues to reflect the diversity  
17 of the City.

18 Appointment Process: PCRC members shall be confirmed as follows:

19 A. Recommendation: Within thirty days of the effective date of this  
20 Ordinance and within thirty days of any vacancy on the PCRC, the Clerk of the Board of  
21 Aldermen shall deliver to the Office of the Mayor the names of any qualified individuals  
22 recommended by the Aldermen for the PCRC District position that is vacant. Any

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

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

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

18 Term of Office: Except with respect to initial terms, each member of the PCRC shall serve  
19 for a four (4) year term, with terms expiring on December 31 of the designated year. Once  
20 appointed and confirmed, a member shall serve until a successor is appointed  
21 notwithstanding the expiration of the term. No member may serve more than two (2)  
22 consecutive terms. Any member of the PCRC shall be removed for misconduct arising

1 from the violation of any of the rules regarding the Sunshine Law, privacy rights and the  
2 handling of records as outlined in the ordinance, in accordance with PCRC procedures  
3 adopted pursuant to Section Four, paragraph 7 of this ordinance.

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

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

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

18 Compensation: The members of the PCRC shall serve without compensation of any kind.

#### 19 SECTION FOUR. Authority and Duties

20 Authority: The PCRC shall have the authority to receive Complaints, monitor IAD  
21 Investigations regarding Complaints, and review completed IAD Investigations regarding  
22 Complaints in accordance with the provisions of this Ordinance.



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

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

12 Reports Regarding Implementation: The Director of Public Safety shall provide  
13 information to the PCRC concerning whether the PCRC's recommendations were  
14 implemented.

15 Records: To the extent permitted by law, the PCRC shall have access to, and the ability to  
16 obtain copies of all records, policy statements, operational and procedural guidelines and  
17 manuals necessary to perform its function.

18 Rules: The PCRC shall, by majority vote and after consultation with the Director of Public  
19 Safety, adopt rules and procedures that prescribe operating procedures regarding its  
20 meetings and administrative protocols, the manner in which it will conduct Inspections,  
21 provide findings to the Commissioner, inform complainants of the status of Inspections,

1 and fulfill other duties and responsibilities outlined in this ordinance. These rules and  
2 procedures shall be available to the public and employees of the police department.

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

8 Manual and Training: The PCRC, in consultation with the Director of Public Safety, shall  
9 develop a Standards of Professional Conduct Manual for PCRC and staff. As part of the  
10 professional standards training, the PCRC shall implement a training program for PCRC  
11 and staff, in cooperation with the Police Department, in areas such as investigative  
12 techniques, proper knowledge of the workings of the Police Department, field safety, the  
13 responsibilities of PCRC membership, human rights, constitutional rights, rights during  
14 police stops, and search warrant law. Each PCRC member shall abide by the Standards of  
15 Professional Conduct and satisfactorily complete the training within six months after  
16 confirmation. The PCRC may adopt a training program for volunteers that is appropriate  
17 in time and substance for the work the volunteer will perform. For purposes of these  
18 training requirements, PCRC members shall not be considered volunteers.

19 Annual Report: The PCRC, in consultation with the Inspector of Police of the PCRC, shall  
20 issue to the Commissioner, the Director of Public Safety, the Mayor, and the Board of  
21 Aldermen an annual report that describes the PCRC's activities and summarizes its actions.

1 The report shall not reveal the names of any officer or include any other information that  
2 is not publicly available. In addition to a summary of activities, this report may:

3 A. Analyze aggregate data derived from the prior year's complaints (including  
4 the type and category of complaints) and responses and identify any systematic problems,  
5 challenges, or opportunities;

6 B. To the extent necessary, include recommendations related to Police  
7 Department policies and procedures, racial profiling, and systemic problems;

8 C. Analyze statistics by police district, the number of complaints per officer,  
9 the number of complaints for specific officers;

10 D. Analyze aggregate data regarding the outcome of complaints, including  
11 whether the accused officer was exonerated or the complaint was determined to be  
12 unfounded, not sustained, or sustained and provide analysis of the Police Department's  
13 actions in response to PCRC recommendations; and

14 F. Report on the PCRC's community outreach activities.

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

19 Public Education: The PCRC shall inform the public about the PCRC and its duties, and  
20 shall develop and administer an ongoing program for the outreach and education of the  
21 public, in a manner that is reasonably accessible to all people, regarding its role in  
22 providing civilian review of Police Department disciplinary matters.

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

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

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

#### 15 SECTION FIVE. Administrative Structure

16 1. Staff: The Director of Public Safety, with the approval of the PCRC, will assign a  
17 staff member to act as the PCRC Inspector of Police. The PCRC Inspector of Police shall  
18 assign investigative and administrative staff from the Department of Public Safety  
19 necessary for the PCRC to adequately fulfill its duties. Investigative staff shall not be  
20 current or former commissioned employees of the Police Department, nor shall any such  
21 staff have an immediate family member employed by the Police Department. The PCRC  
22 may delegate to staff the performance of any of the PCRC's duties except where this

1 Ordinance specifically requires the PCRC to act by majority vote. The Department of  
2 Public Safety shall provide office space and meeting space for the PCRC.

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

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

11 Legal Advice and Representation: The PCRC and its members acting in their official  
12 capacity as PCRC members shall obtain legal advice by and through the City Counselor's  
13 office. The City Counselor's office shall provide such advice to the PCRC and its members  
14 acting in their official capacity as PCRC members in a manner consistent with the Charter  
15 and with the applicable Rules of Professional Conduct, including applicable conflict of  
16 interest rules. This Ordinance shall not be interpreted to allow the PCRC or its members  
17 any rights to indemnity.

#### 18 SECTION SIX. Inspection Procedures

19 Complaint Intake and Sharing: The PCRC and the Police Department shall create a joint  
20 civilian complaint form that shall be readily available to the general public at all Police  
21 Department facilities that have areas open to the public, the office of the Department of  
22 Public Safety, and all other locations that are recommended by the PCRC and approved by

1 the Director of Public Safety. A complaint shall be properly completed and submitted only  
2 if it is signed by the complainant. If the complainant submits the complaint form to the  
3 PCRC, the PCRC shall forward the complaint to the IAD within two (2) business days after  
4 receiving it. If the complainant submits the complaint form to the Police Department, the  
5 Police Department shall forward the complaint to the PCRC within two (2) business days  
6 after receiving it.

7 Investigation of Complaints: All complaints received by the PCRC or the Police  
8 Department shall be investigated by IAD according to the protocols for IAD Investigation.  
9 IAD shall not refuse to investigate any such complaint.

10 PCRC Criteria for Inspection: The PCRC shall establish criteria to determine which  
11 complaints warrant various levels of Inspection, including such factors as seriousness of  
12 complaint and identification of patterns of misconduct. The PCRC will not investigate  
13 employment-related complaints against fellow officers or superiors.

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

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

19 Recording: All interviews conducted by IAD or the PCRC as part of their Investigations  
20 or Inspections shall be audio and video recorded in entirety.

21 Extensions for the IAD Investigation: Within ninety (90) days of receiving a complaint,  
22 IAD shall complete its investigation unless the Commissioner, for good cause, authorizes

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

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

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



1 PCRC Review: Within thirty (30) days after receiving IAD's findings and  
2 recommendations:

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

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

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

19 D. Independent Inquiry: If the PCRC finds, by an affirmative vote of at least  
20 five of its members, that IAD failed to investigate a Complaint, failed to properly notify  
21 and involve the PCRC pursuant to this Ordinance, failed to follow its own protocols in  
22 conducting the investigation, or failed to provide the PCRC with findings and information

1 as required by this Ordinance, the PCRC may conduct an Independent Inquiry. Within  
2 ninety (90) days of voting to conduct an Independent Inquiry, the PCRC shall report its  
3 findings and recommendations to the Commissioner.

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

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

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

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

19 A. The Director of Public Safety shall inform, as soon as practical, the  
20 PCRC members and the PCRC Inspector of Police that the officer-involved shooting  
21 occurred. The PCRC members and staff shall not interfere with any investigation into the  
22 officer-involved shooting.

1           B.       The Commissioner shall provide the PCRC with copies of IAD's  
2 findings, recommendation, and investigative file only after the Force Investigative Unit  
3 and the Deadly Force Review Board have completed their analyses and provided their final  
4 reports to the Commissioner.

5           C.       The Director of Public Safety shall request that the Attorney General  
6 of the State of Missouri oversee or conduct the IAD investigation concerning the incident.  
7 If the Attorney General agrees to do so under reasonable terms, the Attorney General's  
8 investigation shall be treated as the IAD investigation for purposes of this Ordinance and  
9 the PCRC's role as described in this Ordinance shall continue as if the IAD investigation  
10 was overseen or conducted by IAD rather than by the Attorney General.

11       SECTION SEVEN. Cooperation of the Police Department

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

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

21       3.       Commissioner's Determinations: The Commissioner shall report in writing to the  
22 PCRC any actions taken in cases in which the PCRC submitted findings and

1 recommendations to the Commissioner with respect to an individual complaint or police  
2 policy, procedure or operations recommendation. The Commissioner shall notify the  
3 PCRC in writing of any decision imposed or other actions taken. If the Commissioner's  
4 actions contradict the PCRC's recommendations, then the Commissioner shall provide a  
5 written explanation to the PCRC.

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

17 SECTION EIGHT. Confidentiality

18 Markings: When submitting information to each other, the Police Department and the  
19 PCRC shall place identifying marks on any confidential information or otherwise  
20 conspicuously identify the information as confidential.

21 Adherence: The PCRC and staff shall be subject to the provisions of the Sunshine Law,  
22 including Chapter 610 of the Revised Code of the State of Missouri.

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

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

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

21 Custodian of Records: The custodian of records for the Department of Public Safety shall  
22 be the custodian of records for the PCRC.

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

7 SECTION NINE. Severability Clause

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

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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**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,**  
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**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:**

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**Board Bill No. 208CS   SPONSORED BY ALDERMAN ANTONIO FRENCH,  
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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

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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 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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**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.

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**SPONSORED BY ALDERMAN ANTONIO FRENCH,  
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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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**Board Bill No. 208CS SPONSORED BY ALDERMAN ANTONIO FRENCH,  
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1           4.       COB Districts: There shall be one COB member who resides in each of the seven  
2 (7) Civilian Oversight Board Districts (“COB Districts”). Each COB District shall consist of  
3 four (4) Aldermanic wards as follows:

- 4           A.       District One: Wards 2, 3, 21, 27
- 5           B.       District Two: Wards 5, 6, 18, 19
- 6           C.       District Three: Wards 1, 4, 22, 26
- 7           D.       District Four: Wards 7, 8, 9, 17
- 8           E.       District Five: Wards 11, 12, 13, 16
- 9           F.       District Six: Wards 14, 15, 20, 25
- 10          G.       District Seven: Wards 10, 23, 24, 28

11 If there are any future changes in the number of aldermen, the Board of Aldermen shall by  
12 ordinance reduce the number of wards that constitute each COB District. Any such reduction  
13 shall ensure that the composition of the COB continues to reflect the diversity of the City.

14           5.       Appointment Process: COB members shall be confirmed as follows:

15           A.       Recommendation: Within thirty days of the effective date of this  
16 Ordinance and within thirty days of any vacancy on the COB, the Clerk of the Board of  
17 Aldermen shall deliver to the Office of the Mayor the names of any qualified individuals  
18 recommended by the Aldermen for the COB District position that is vacant. Any individuals

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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 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)

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**Board Bill No. 208CS                               SPONSORED BY ALDERMAN ANTONIO FRENCH,  
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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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**Board Bill No. 208CS                                 SPONSORED BY ALDERMAN ANTONIO FRENCH,  
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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.

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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           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**

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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**Board Bill No. 208CS**

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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 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

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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

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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           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

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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           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

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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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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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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.

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