

RESOLUTION 158
CALLING ON THE PUBLIC SAFETY COMMITTEE
TO CONVENE A HEARING TO INVESTIGATE WHETHER TO CREATE
AN ORDINANCE REQUIRING POLICE OFFICERS TO BE TESTED
FOR DRUGS AND ALCOHOL AFTER THE OFFICER DISCHARGES A GUN

WHEREAS, we all appreciate the dedicated hard work and long hours that the Police force of the City put in to help serve and protect all of the citizens of St. Louis; and

WHEREAS, in order to serve and protect the citizens of the City of St. Louis, the Police must be above reproach and must have the full faith of the citizens they serve that they are carrying out their duties in a fair and legal manner; and

WHEREAS, in the year 2015, it has been reported there were at least 14 Police shootings in the City of St. Louis in which the person shot died and a number of other Police shootings where the person shot did not die, and in at least one or more of the Police shootings the person killed did not have a gun and appeared to have mental issues, and in said instances, it appears to some of the citizens of the City of St. Louis that instead of killing the person the Police could have tasered, disabled or wounded said person; and

WHEREAS, the sponsor of this Resolution has heard comments of this nature from her constituents and other residents of the City, specifically they want to know why the Police seem to shoot to kill rather than seeking other less final resolutions while attempting to prevent crime in the City, leading some to conclude there are other contributing factors that may be affecting the Police officers' decisions; and

WHEREAS, the Police in the City of St. Louis are now subject to Article 18 of the City Charter and are public employees under the Civil Service of the City of St. Louis and as such are governed by rules and regulations covering civil service employees; and

WHEREAS, the Civil Service Rules of the City of St. Louis allow for fitness and duties testing, psychological exams and drug and alcohol testing; and

WHEREAS, court cases have held that the government is allowed to conduct random drug tests without individualized suspicion when there is a "special need" that outweighs the individual's privacy interest; and

WHEREAS, court cases have held that post accident drug testing of employees is allowed if the requirement is not too broad or insufficient to provide probable cause for testing; and

WHEREAS, courts have upheld Random Drug Testing for Police Officers who use force and make arrests and as such it would seem likely that said drug testing of Police Officers should be upheld if said Drug Testing Policy required the Officer to be tested for drugs and alcohol within an hour after the Police Officer discharged a gun and/or shoots a person or a personal pet; and

WHEREAS, the ability to shoot and kill a person, taking their life permanently, is a special need concerning public safety, and the need for public safety outweighs the individual privacy interest; and

WHEREAS, after a Police shooting, the person who is shot and killed is drug tested, and the Police officer is not drug tested, and said victim's drug test is often released to the public, leading the public to wonder what was the drug status of the Police officer who shot and killed or maimed the person; and

WHEREAS, it is in the best interest of the Police and the General Public at Large to ensure the full faith and trust of Policing in the City of St. Louis, that all St. Louis City Police Officers must be covered under City Administrative Regulation 120B, Drug and Alcohol Policy (NON-DOT), and that St. Louis City Police Officers must be drug tested within an hour after discharging a gun and/or shooting a person or personal pets.

NOW THEREFORE IT BE RESOLVED THAT THIS HONORABLE BOARD OF ALDERMEN direct the Public Safety Committee to convene a hearing for the purpose of examining, investigating and gathering information regarding the legality of the creation of a St. Louis City Ordinance requiring St. Louis City Police Officer to be drug tested for drugs and alcohol within an hour after the Police Officer discharged a gun and/or shoots a person or a personal pet. Said drug test should be consistent with the City Administrative Regulation 120B, Drug and Alcohol Policy (NON-DOT).

Introduced this 20th day of October, 2017 by:

The Honorable Sharon Tyus, Alderwoman 1st Ward

Adopted this 20th day of October, 2017 as attested by:

Donna Elliot
Clerk, Board of Aldermen

Lewis E. Reed
President, Board of Aldermen