BOARD BILL NUMBER 208 SPONSORED BY ALDERMAN TERRY KENNEDY, ALDERWOMAN MARLENE DAVIS, PRESIDENT LEWIS REED, ALDERMAN FRANK WILLIAMSON, ALDERMAN CHRIS CARTER, ALDERMAN ANTONIO FRENCH, ALDERWOMAN TAMMIKA HUBBARD, ALDERMAN SAMUEL MOORE, ALDERMAN FREEMAN BOSLEY, ALDERWOMAN DIONNE FLOWERS, ALDERWOMAN PHYLLIS YOUNG, ALDERWOMAN CHRISTINE INGRASSIA

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

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

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

WHEREAS, participation by members of the public in the process of receiving and reviewing civilian complaints by law enforcement officers and making recommendations regarding such complaints, as well as underlying policies, procedures and operation, enhances transparency,

public trust and confidence in law enforcement agencies and police departments and increases the professionalism of such agencies and police departments; and

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

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

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

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

SECTION ONE The St. Louis Civilian Oversight Board Established.

An independent civilian review board, entitled the St. Louis Civilian Oversight Board is hereby established, pursuant to § 590.653, RSMo., comprised solely of members of the public with the authority to investigate allegations of police misconduct, research and assess police policies, operations and procedures, and make findings and recommendations.as provided in this section.

The St. Louis Civilian Oversight Board shall be a division of the Public Safety Department of the City of St. Louis.

SECTION TWO. Definitions

A. "City" shall mean the City of St. Louis.

B. "COB" shall mean the St. Louis Civilian Oversight Board and the seven members appointed pursuant to this Ordinance.

C. "Commissioner" shall mean the head of the St. Louis Metropolitan Police Department whether otherwise referenced as Police Commissioner or Chief of Police.

D. "Complainant" shall mean a member of the public who submits a complaint to the IAD or the COB for inspection and investigation.

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

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

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

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

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

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

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

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

M. "Reconsideration Request" shall mean the COB's request to IAD for additional examination or action on a Complaint.

N. "Review" and "Reviewing" shall mean the COB's examination of all evidence pertaining to any ongoing IAD Investigation. It shall include the filing of any Reconsideration Requests.

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

SECTION THREE St. Louis Civilian Oversight Board

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

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

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

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

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

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

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

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

3. Fairness: The Mayor shall nominate to the COB and the Board of Aldermen shall confirm to the COB only citizens who can be fair and objective. The COB members shall always serve as neutrals who do not favor the complainant or the accused police officer, and shall act and make decisions in their capacity as COB members based only upon the facts and the

evidence before them. At any given time, the COB may not have more than one (1) member who previously was a commissioned employee of any municipal, state, or federal law enforcement agency. No individual shall be considered to be a commissioned employee of any municipal, state, or federal law enforcement agency solely because of the individual served in the United States Military.

4. COB Districts: There shall be one COB member who resides in each of the seven (7) Civilian Oversight Board Districts ("COB Districts"). Each COB District shall consist of four (4) Aldermanic wards as follows:

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

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

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

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

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

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

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

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

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

A. Recommendation: Within thirty days of the effective date of this Ordinance and within thirty days of any vacancy on the COB, the Clerk of the Board of Aldermen shall deliver to the Office of the Mayor the names of any qualified individuals recommended by the Aldermen for the COB District position that is vacant. Any individuals recommended by Aldermen must reside within the COB District and must meet all qualifications for service as a COB member at the time the individuals are recommended.

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

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

6. Term of Office: Except with respect to initial terms, each member of the COB shall serve for a four (4) year term, with terms expiring on December 31 of the designated year.

Once appointed and confirmed, a member shall serve until a successor is appointed notwithstanding the expiration of the term. No member may serve more than two (2) consecutive terms.

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

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

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

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

SECTION FOUR. Authority and Duties

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

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

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

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

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

6. Rules: The COB may, by majority vote and after consultation with the Director of Public Safety, adopt rules and procedures that prescribe operating procedures regarding its meetings and administrative protocols, the manner in which it will conduct Inspections, provide findings to the Commissioner, inform complainants of the status of Inspections, and fulfill other duties and responsibilities outlined in this ordinance.

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

8. Manual and Training: The COB, in consultation with the Director of Public Safety, shall develop a Standards of Professional Conduct Manual for COB and staff. As part of the professional standards training, the COB shall implement a training program for COB and staff, in cooperation with the Police Department, in areas such as investigative techniques, proper knowledge of the workings of the Police Department, field safety, the responsibilities of COB membership, human rights, constitutional rights, rights during police stops, and search warrant law. Each COB member and staff member (other than a volunteer) must complete a course of the Citizens Academy within the first year of service on or for the COB. The Standards of Professional Conduct shall include the confidentiality requirements contained in this Ordinance.

Each COB member shall abide by the Standards of Professional Conduct and satisfactorily complete the training within six months after confirmation. The COB may adopt a training program for volunteers that is appropriate in time and substance for the work the volunteer will perform. For purposes of these training requirements, COB members shall not be considered volunteers.

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

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

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

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

D. Analyze aggregate data regarding the outcome of complaints, including whether the accused officer was exonerated or the complaint was determined to be

unfounded, not sustained, or sustained and provide analysis of the Police Department's actions in response to COB recommendations; and

F. Report on the COB's community outreach activities.

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

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

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

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

13. Due Process: Unless required by court order, the COB members, the COB staff, the Director of Public Safety, and the Commissioner shall not make any public comments about

a Complaint that prejudges the outcome of the IAD investigation and COB review before the COB completes its inspection and submits its final findings and recommendations.

SECTION FIVE. Administrative Structure

1. Staff: The Director of Public Safety, with the approval of the COB, will assign a staff member to act as the COB Executive Director. The COB Executive Director shall assign investigative and administrative staff from the Department of Public Safety necessary for the COB to adequately fulfill its duties. Investigative staff shall not be current or former commissioned employees of the Police Department, nor shall any such staff have an immediate family member employed by the Police Department. The COB may delegate to staff the performance of any of the COB's duties except where this Ordinance specifically requires the COB to act by majority vote. The Department of Public Safety shall provide office space and meeting space for the COB.

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

3. Volunteers: The COB shall have the authority to create volunteer committees to assist with the compiling of data and to research specific aspects of policy, operations and procedures. No volunteer committee member shall be directly involved in any case review or

Inspection process, nor shall any volunteer have access to any information that is not available to the general public under the Sunshine Law.

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

SECTION SIX. Inspection Procedures

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

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

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

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

5. Monitoring: The COB may Monitor the IAD Investigation by attending IAD interviews of witnesses and obtaining copies of all recordings, documents and/or other evidence as the IAD Investigation proceeds as provided for in this ordinance and in a manner that is consistent with the Charter, and the rules and regulations of the Department of Personnel, the

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

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

7. Extensions for the IAD Investigation: Within ninety (90) days of receiving a complaint, IAD shall complete its investigation unless the Commissioner, for good cause, authorizes additional time for IAD to complete its investigation. If the Commissioner authorizes additional time, the Commissioner shall notify the COB that additional time has been authorized. The Commissioner may not extend the time for investigation by more than one hundred twenty

(120) days unless either: (a) there are extraordinary circumstances that require an extension; (b) a criminal charge arising from the subject matter of the complaint is pending against the officer; or (c) the United States Attorney, the Circuit Attorney, or other federal or state law enforcement requests that the investigation be extended or not be completed at that time. If any of these circumstances are present, the Commissioner must provide the Director of Public Safety and Chair of the COB an explanation for the delay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION SEVEN. Cooperation of the Police Department

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

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

3. Commissioner's Determinations: The Commissioner shall report in writing to the COB any actions taken in cases in which the COB submitted findings and recommendations to the Commissioner with respect to an individual complaint or police policy, procedure or operations recommendation. The Commissioner shall notify the COB in writing of any decision imposed or other actions taken. If the Commissioner's actions contradict the COB's recommendations, then the Commissioner shall provide a written explanation to the COB.

4. Non-Interference: This Ordinance shall not be construed in any way to limit, interfere with, or impair the authority, power, or duties of the Commissioner and/or his delegates, the Director of Personnel, or the Civil Service Commission to discipline members of the Police Department, approve such discipline, and consider appeals from such discipline. This Ordinance shall not be construed in any way to limit, interfere with, or impair the rights or privacy interests

of employees of the Police Department with respect to disciplinary action, including, but not limited to, the right to notice and hearing, which may be established by law. This Ordinance shall not be construed in any way to prevent or hinder the investigation or prosecution of members of the Police Department for violations of law by any court of competent jurisdiction, a grand jury, prosecutor, or other authorized officer, agency, or body.

SECTION EIGHT. Confidentiality

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

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

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

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

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

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

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

SECTION NINE. Severability Clause

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