

1 **BOARD BILL # 69** **INTRODUCED BY ALDERMEN AND ALDERWOMEN:**  
2 **TERRY KENNEDY, DIONNE FLOWERS, CHARLES QUINCY TROUPE, FREEMAN**  
3 **BOSLEY, SR., O.L. SHELTON, APRIL FORD GRIFFIN, LEWIS REED, MICHAEL**  
4 **MCMILLAN, BENNICE JONES KING, JEFFREY BOYD, FRANK WILLIAMSON,**  
5 **GREGORY CARTER**  
6

7 An ordinance establishing a Civilian Review Board in the City of St. Louis, containing definitions  
8 and a severability clause.

9 WHEREAS, the Missouri Legislature, pursuant to Section 590.653 Revised Code of the State of  
10 Missouri, explicitly grants authority to local governments to locally establish civilian review bodies  
11 to investigate incidents of police misconduct involving police officers and members of the public,  
12 make findings and recommendations, and

13 WHEREAS, the question of police use of their authority, including but not limited to the use of  
14 deadly force and racial profiling, remains an ongoing source of controversy between the Saint  
15 Louis Police Department and the citizens of Saint Louis, and

16 WHEREAS, the principle of civilian review is only partially exemplified in the establishment of  
17 the Saint Louis Board of Police Commissioners which is granted final authority over budget,  
18 policy, and personnel, but is appointed by the Governor of the State of Missouri with no local input  
19 thus diminishing the fullness of the spirit established by Section 590.653 RSMo. which authorizes  
20 locally selected civilian review, and

21 WHEREAS, the appropriateness of non-professional civilians acting as final arbitrators in any civil  
22 or criminal dispute is already established in our jury system, and

23 WHEREAS, the movement to create greater professionalism in this country's police departments  
24 has also been a step toward curbing abuse of authority, increasing accountability and has been  
25 enhanced by establishments of civilian review processes as affirmed by national studies, and

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1 WHEREAS, complaint procedures established by police Internal Affairs Departments to detect and  
2 enforce standards of conduct have proved significantly inadequate in ending police abuses, ending  
3 the appearance of impropriety or engendering public confidence in a fair and unbiased process, and

4 WHEREAS, the movement toward professionalism without a citizen overview component has had  
5 the side effect of isolating police departments from the citizenry, resulting in a lack of police  
6 accountability and community connections, and

7 WHEREAS, community policing which can only be reached by citizen cooperation and direct  
8 citizen participation on an ongoing basis is a vital part of the St. Louis Police Department's  
9 approach and where national studies have shown would only be enhanced by a citizen review  
10 process directly related to allegations of police misconduct, and

11 WHEREAS, the code of a "blue wall of silence" persists among some officers throughout this  
12 country and in the City of St. Louis hindering fair internal investigations and raising questions  
13 whether officers themselves should be the only ones or the only level of investigation and leaving  
14 litigation as the main recourse for citizens not confident in a mostly internal system, and

15 WHEREAS, a system of accountability needs to be established whereby citizens can make  
16 complaints in an hospitable environment and expect their complaints to be thoroughly investigated  
17 by a third and unconnected party with subsequent findings and recommendations made to the Chief  
18 of Police, and the Police Commissioners, and

19 WHEREAS, lasting change results from organizational reforms greatly enhanced by third party  
20 review that can impartially identify patterns of problem behavior which can best emerge from such  
21 third party review in order to recommend policy changes which can prevent future incidents;

22 WHEREAS, Missouri statutes require that no body be given authority which interferes with the

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1 powers granted the St. Louis Board of Police Commissioners, and where the Civilian Review  
2 Board is conceived as an advisory body; and

3 WHEREAS, the ability to show due diligence through the use of modern practices in the  
4 implementation of civilian review has been shown through national studies to reduce the risk of  
5 civil liability litigation while engendering benefits for all parties, and

6 WHEREAS, pursuant to Missouri Revised State Statute Chapter 590 Section 653, the Saint Louis  
7 Board of Alderman does hereby establish the Saint Louis Civilian Review Board with the  
8 following authority;

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

10 SECTION ONE Civilian Board Established

11 It is in the interest of the people of the City of St. Louis and the St. Louis Metropolitan Police  
12 Department that the investigation of complaints concerning alleged misconduct by officers of a  
13 department with authority to use deadly force towards members of the public be complete,  
14 thorough, and impartial. These inquiries must be conducted fairly and independently, and in a  
15 manner in which the public and the Police Department have confidence. It is also of benefit to the  
16 citizens and the Police Department to have independent police policy review. To this end an  
17 independent Civilian Review Board is hereby established, pursuant to Missouri Revised State  
18 Statute Chapter 590 Section 653, as a body comprised solely of members of the public with the  
19 authority to investigate allegations of police misconduct and make recommendations as provided in  
20 this section.

21 SECTION TWO. Definitions

22 "Board" shall mean the Civilian Review Board.

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1 “City” shall mean the City of St. Louis.

2 “Department” shall mean the Saint Louis Metropolitan Police Department.

3 “Commission” shall mean the Saint Louis Board of Police Commissioners.

4 "Complaint" shall mean any request to the Board pursuant to rules and regulations established by  
5 such Board to investigate alleged misconduct against members of the Department involving use of  
6 excessive force, abuse of authority, discourtesy, non-responsiveness, racial profiling or use of  
7 offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender,  
8 sexual orientation, gender identity, immigrant status and disability.

9 “Hearing” shall mean any public and/or closed meeting held by the Board to conduct  
10 investigations and/or reviews of formally submitted complaints by members of the public related to  
11 allegations of misconduct by members of the Department in order to make findings and  
12 recommendations.

13 “Review” shall mean that part of a joint investigation conducted by the Board which examines  
14 documents pertaining to any investigation conducted by the Internal Affairs division of the  
15 Department and the Board resulting from a formal complaint by any person alleging official  
16 misconduct by a member of the Department.

17 “Investigation” shall mean to call and interview witnesses and examine evidence concerning a  
18 complaint submitted to or coming before the Board.

19 “Joint investigation” shall mean investigations conducted by the Board and the Internal Affairs  
20 division of the Department with certain authorities granted the Board by the Commission.

21 “Independent Investigation” shall mean any separately conducted investigation by the Board  
22 without control or direction of the Commission, its employees or representatives.

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1 SECTION THREE Civilian Review Board

2 1. The Board shall consist of seven members of the public who all shall be residents of the City of  
3 St. Louis and shall reflect the diversity of the city's population. The members of the Board shall be  
4 selected as follows: (i)three members shall be appointed by the Board of Aldermen, (ii)]four  
5 district members, one per district and each a resident of that district for the preceding twelve  
6 months, shall be elected by popular vote by districts outlined herein during a regularly scheduled  
7 election time selected by the Board in cooperation with the St. Louis Board of Elections. Each  
8 district shall be composed of groupings of seven contiguous Aldermanic wards as delineated in part  
9 two of this section and shall carry the numbers one through four respectively. District elections  
10 shall be staggered with odd number districts elected together and even number districts elected  
11 together.

12 2. Four Police Review Board electoral districts shall be established as follows:

13 District One: Wards 27, 1, 22, 2, 3, 5, 21

14 District Two: Wards 6, 7, 19, 4, 18, 26, 28

15 District Three: Wards 24, 23, 17, 10, 25, 16, 12

16 District Four: Wards 11, 20, 14, 9, 8, 13, 15

17 3. No member of the Board shall hold any other public office or employment. No appointed  
18 members shall have experience as law enforcement professionals, or be former employees of the  
19 St. Louis Police Department. Professional law enforcement experience shall mean experience as  
20 police officer, special agent, or a managerial or supervisory employee who exercised substantial  
21 policy discretion on law enforcement matters, in a federal, state, or local law enforcement agency.

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1 4. All members shall serve a term of four years. The first election of all district elected members  
2 will take place together. The first term of members elected from odd numbered districts shall be for  
3 two years then shall serve a regular term upon an election as provided herein.

4 5. In the event of a vacancy on the Board during term of office, by reason of removal, death,  
5 resignation, or otherwise, a successor for appointed members shall be chosen in the same manner  
6 as the original appointment and shall serve for the balance of the unexpired term. A successor for  
7 elected members will be elected from the appropriate voting district. Until such election to fill a  
8 vacancy is held, an interim member may be appointed by the Public Safety Committee of the Board  
9 of Aldermen. Vacancies shall be reported in writing to the Clerk of the Board of Aldermen by the  
10 members of the Board.

11 6. Elections to fill a vacancy shall be submitted to qualified voters residing in the appropriate City  
12 of St. Louis voting district at the next lawfully held primary or general election.

13 7. Notice of the election shall be published in the City Journal as well as other publications  
14 reflecting the diversity of the City and said election shall be conducted in the manner provided by  
15 law.

16 8. Immediately upon the passage and approval of this Ordinance, the City Register shall certify a  
17 copy thereof and present such copy to the Board of Election Commissioners for the City of St.  
18 Louis for action and proceedings by said Board in accordance herewith and as required by law.

19 9. Compensation: The members of the Board shall serve without compensation of any kind unless  
20 as reimbursement for travel or other expenses related to Board duties.

21 10. Professional Conduct: Members of the Board shall create by majority vote a Code of  
22 Professional Conduct which may include sanctions for violations of such codes.

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1 SECTION FOUR. Powers and duties of the Board.

2 1. The Board shall have the power to receive, investigate, hear, make findings and recommend  
3 disciplinary action upon complaints by members of the public against members of the Department  
4 that allege misconduct involving excessive use of force, abuse of authority, discourtesy, non-  
5 responsiveness, racial profiling or use of offensive language, including, but not limited to, slurs  
6 relating to race, ethnicity, religion, gender, sexual orientation, gender identity, immigration status  
7 and disability. The findings and recommendations of the Board, and the basis therefore, shall be  
8 submitted to the Chief of Police. No finding or recommendation shall be based solely upon an  
9 unsworn complaint or statement, nor shall prior unsubstantiated, unfounded, or withdrawn  
10 complaints be the basis for any such findings or recommendations. The Board's findings may  
11 include policy recommendations based on a pattern of complaints. The Board's findings may also  
12 include a recommendation that a specific complaint be resolved through a process of voluntary  
13 mediation between the parties.

14 2. The Board may conduct audits regarding the implementation of its policy recommendations.

15 3. The Board shall have the power to see all records, policy statements and manuals necessary to  
16 determine current standards and practices of the Department.

17 4. The Board shall promulgate rules of procedures including rules that prescribe the manner in  
18 which it will conduct joint and independent investigations, make recommendations to the Chief of  
19 Police and the manner by which a member of the public is to be informed of the status of his or her  
20 complaint.

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1 5. The Board shall adopt and/or establish a system of internal controls for the development of a  
2 case management system. Timelines shall be established for each stage of the complaint process  
3 such as intake, classifying, investigating, and disposition of cases.

4 6. It shall be the duty of the Board to implement a training program for members and hired  
5 personnel in cooperation with the Department in the areas of, but not limited to, investigative  
6 techniques, proper knowledge of the workings of the Department, field safety, the responsibilities  
7 of Board membership, human rights, constitutional rights, rights during police stops, and search  
8 warrant law.

9 7. Any changes in Missouri statutes related to Civilian Review shall be incorporated hereto. Until  
10 such time as subpoena powers are granted by Missouri statute, the Commission shall use its  
11 subpoena power on the Board's behalf upon a majority vote of the Board's members to compel the  
12 attendance of witnesses and/or require the production of such records and other materials as are  
13 necessary for the investigation of complaints. The Commission shall act to execute this subpoena  
14 request.

15 8. The Board shall issue to the Chief of Police, the Mayor, the Board of Aldermen, and the  
16 Commission an annual report which describes its activities and summarizes its actions. This report  
17 shall identify systemic problems, give reports of any audits regarding implementation of previous  
18 policy recommendations make analysis based upon collected data from the year's complaints,  
19 analyze responses given on its feedback forms and may make policy recommendations. This report  
20 shall contain the number of complaints received by the Board, the type and/or category of such  
21 complaints including a breakdown of outcomes, the number of interviews and investigations  
22 conducted by the Board, the number of mediations and their success rate and the number of

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1 complaints for which the Board made a recommendation to the Chief of Police. This report shall  
2 also include statistics related to the Chief's response and actions taken related to the Board's  
3 recommendations. Statistics shall be broken down by police district and shall include number of  
4 officers with three or more complaints for the year. It shall also include a breakdown by race,  
5 ethnicity, religion, gender, sexual orientation, gender identity, immigrant status and disability for  
6 each type and category of complaint as well as a similar breakdown by outcome. Other statistics  
7 may be included if deemed appropriate by the Board. This report shall be made available to the  
8 public and will be presented to the public at an annual meeting as prescribed and adopted by the  
9 Board. Such annual meeting shall be published in the City Journal and in publications representing  
10 the diversity of the City.

11 9. The Board shall have the responsibility of informing the public about the Board and its duties,  
12 and shall develop and administer an ongoing program for the education of the public regarding the  
13 provisions of this ordinance. Informational publications are to be published in each language  
14 spoken by one percent (3,430) of the citizens of the City of St. Louis. The Board shall institute  
15 regular audits of intake procedures, investigations, timeliness, and disposition of complaints to  
16 ensure that the review mechanism of the Board is functioning according to its standards. Survey  
17 forms shall be distributed to all complainants and subject officers to obtain feedback concerning the  
18 operation of the review mechanism of the Board.

19 10. When authorized by Missouri statutes, the Board shall review the statistics compiled by the  
20 State, any of it's officers, offices, commissions or boards regarding racial profiling data, and shall  
21 determine if any officer or the Department as a whole shows a pattern of discrimination in this  
22 regard. The Board may recommend discipline or policy changes it deems appropriate.

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1 11. The provisions of this ordinance shall not be construed to permit the Board to accept or  
2 investigate a complaint from a police officer or member of the Commission which pertains to  
3 another police officer or member of the Commission for which the City personnel rules or police  
4 general orders provide a grievance or appeal procedure.

5 12. No member of the Board or the Police Department shall make any public comments about a  
6 complaint which imply guilt or innocence of any party involved before final resolution of the  
7 review process.

8 13. The Board shall have the authority to create by majority vote volunteer committees composed  
9 of as many St. Louis citizens as needed to assist in the compiling of data and/or to research  
10 specific aspects of policy recommendations to be reported to the Board. No volunteer committee  
11 member shall be directly involved in any case review process.

#### 12 SECTION FIVE. Investigation and Review Procedures

13 1. The Board and the Department shall create a joint civilian complaint form that shall be used by  
14 the Board and the Department and shall be visible and readily available at all times at all  
15 Department Stations and Board offices and be administered and accepted in established and  
16 prescribed Board and Department procedure and etiquette. The Department or the Board may  
17 waive the necessity of signing a complaint based upon unusual circumstances. Such waiver may  
18 allow for the initiation of the complaint process but no such complaint may be considered evidence  
19 in an investigation.

20 2.. A copy of all properly completed and received complaints prepared by the Board shall be  
21 forwarded to the Internal Affairs Division of the Department within 24 hours.

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1 3. A copy of all properly completed and received complaints prepared by the Department shall be  
2 forwarded to the Board within 24 hours.

3 4. All complaints officially accepted by the Board or the Department shall be jointly investigated  
4 by the Board and the Department's Internal Affairs Division. Neither agency shall conduct a  
5 separate investigation until after the joint investigation. If both the complainant and the Department  
6 staff member whom a citizen complaint was made against agree, the case may be referred to  
7 mediation. The Department and the Board shall coordinate the calling of witnesses and coordinate  
8 the time and place of such interviews. Representatives of the Board as determined by the Board and  
9 representatives of the Department as determined by the Department may call complainants,  
10 witnesses and representative employees of the Department, attend all interviews, ask questions and  
11 take sworn testimony. The Department and the Board shall coordinate their representation with  
12 each other. Both the Department and the Board shall have access to all documents, tapes and  
13 recordings relevant to the joint investigation.

14 5. Within ninety days of receiving the complaint from the Board or directly receiving a complaint  
15 from a citizen, the Internal Affairs Division shall forward a copy of its findings, recommendations  
16 and basis thereto to the Board for review. The Chief of Police may authorize additional time for the  
17 Internal Affairs Division to respond to a specific complaint as warranted. No complaint  
18 investigation process shall exceed a total one hundred twenty days. Within the same ninety days,  
19 Board investigators shall forward a copy of their findings, recommendations and basis therefore to  
20 the Board for review. The Board may authorize additional time for the Board investigators to  
21 respond to a specific complaint as warranted, not to exceed one hundred twenty days total.

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1 6. The Department and the Board investigators shall each make a determination and  
2 recommendation to the Board of the merit of the complaint after the completion of their inquiry as  
3 a part of the joint investigation. This shall mean when either the Board or the Department has  
4 completed its inquiry. The completion of questioning by the Board or the Department shall not  
5 constitute the completion of the joint investigation or the questioning of the other.

6 7. The Board shall review findings and recommendations made by the Department and Board  
7 investigators after the joint investigation, determine if additional information is needed, or  
8 additional witnesses should be interviewed, or accept the report of the Department and make  
9 recommendations to be submitted to the Chief of Police.

10 8. The Board shall review the findings and recommendations of the Internal Affairs Division of the  
11 Department and the Board investigators at the next scheduled Board meeting following the Board  
12 receiving such findings and recommendations.

13 9. If the Board determines by majority vote that additional information is needed it may submit  
14 additional questions to the Department and the Board investigators. The joint investigators shall  
15 attempt to acquire this additional information or interview additional witnesses, and submit new  
16 findings and recommendations to the Board. All rules pertaining to a joint investigation apply to  
17 this additional fact finding. This process may be repeated as necessary.

18 10. If the Board is not satisfied after the additional fact finding it may by majority vote conduct an  
19 independent investigation as prescribed in this ordinance and make findings and recommendations  
20 upon its completion to be submitted to the Chief of the Police. The Board investigators shall be  
21 permitted to call complainants, witnesses, and representative employees of the Department, ask  
22 questions, take sworn testimony as part of these interviews and have access to all documents, tapes

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1 and recordings acquired and relevant to the joint investigation. The Board shall assign an  
2 investigator previously uninvolved with the joint investigation to any independent investigation.  
3 Hearings for such independent investigations shall be held in a closed session of the Board attended  
4 by board members and staff designated by the Board.

5 11. A complainant at any time may agree to or request mediation in lieu of an investigation. The  
6 Board or the Department may also recommend mediation. Mediation may only take place if the  
7 complainant and subject of the complaint so agree.

8 12. After completion of all investigations, a majority of all of the members of the Board shall  
9 determine, based on a preponderance of the evidence, its findings and recommendations. A written  
10 statement indicating such findings and recommendations shall be forwarded to the Chief of  
11 Police and the complainant. The Chief shall not act on this report for a ten day period to allow for  
12 the filing of an appeal by the complainant.

13 13. The Chief of Police shall refrain from any final disposition of the case or disciplinary action  
14 until after studying the Board's review process, findings and recommendations unless such  
15 disciplinary action is deemed necessary for the temporary protection of the public welfare. A final  
16 action by the Chief shall not take place until after the Board's recommendation.

17 14. Board independent investigation of any complaint shall be postponed, if grand jury  
18 proceedings are initiated against the subject officer, until the conclusion of all criminal proceedings  
19 relating to an officer's conduct in the incident or complaint.

20 15. Complainants may appeal the Board's decision during a ten day period following official  
21 notification of the Board's decision. Grounds for appeal must consist of the presentation of new  
22 evidence or a showing of inadequate investigative work. An investigator different from the original

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1 investigator on the case as selected by the Board and/or set forth in Board rules and procedures will  
2 examine the appeal and present that information to the Board for reevaluation.

3 SECTION SIX. Cooperation of Department

4 1. It shall be the duty of the Department to provide such assistance as the Board may reasonably  
5 request, to cooperate fully with investigations by the Board, and to provide to the Board, upon  
6 request, records and other materials which are necessary for the investigation of complaints  
7 submitted pursuant to this section. Cooperation of subject officers will be a condition of  
8 employment with the Department.

9 2. The Chief of Police shall ensure that officers and employees of the Department appear before  
10 and respond to inquiries of the Board and its civilian investigators in connection with the  
11 investigation of complaints submitted pursuant to this section, provided that such inquiries are  
12 conducted in accordance with department procedures for interrogation of members.

13 3. The Chief of Police shall report, in writing to the Board and to the Commission any actions taken  
14 in cases in which the Board submitted a finding or recommendation to the Chief of Police with  
15 respect to a complaint or police policy recommendation. If the Chief's actions related to a  
16 complaint are contrary to the Board's recommendations the Chief shall provide an explanation to  
17 the Board.

18 4. The provisions of this section or these articles shall not be construed to limit, interfere, or impair  
19 the authority or duties of the Chief of Police and Commission to discipline members of the  
20 Department. The provisions of this section or these articles shall not be construed to limit or impair  
21 the rights of members of the Department with respect to disciplinary action, including, but not

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1 limited to the right of notice and hearing, which may be established by any provision of law or  
2 otherwise.

3 5. The provisions of this section shall not be construed to prevent or hinder the investigation or  
4 prosecution of members of the Department for violations of law by any court of competent  
5 jurisdiction, a grand jury, circuit attorney, or other authorized officer, agency, or body.

6 SECTION SEVEN. Administrative Structure

7 The Board shall be authorized to employ a director, who shall have professional experience related  
8 to investigations and office management and who does not have prior law enforcement experience.

9 The director shall appoint such administrative personnel as needed to effectively administer the  
10 duties of the Board. This shall include both office staff and investigators. No employee engaged in  
11 investigation of any complaint may be or have been an employee of any law enforcement agency.

12 Personnel shall be hired in conformity with the rules and regulations of the Personnel Department  
13 of the City. The salaries of such administrative personnel and all expenses incurred by the Board in  
14 fulfilling the duties prescribed by this ordinance shall be paid directly from the general revenue of  
15 the City as provided for in Section 590.653 RSMo. The salaries of the administrative employees  
16 shall be commensurate with the duties and responsibilities of the respective positions. The Board  
17 may accept grants gifts or bequests, public or private, to help finance its activities. [The Board may  
18 incur such expenses, sufficient to allow fulfillment of Board responsibilities under this ordinance,  
19 as are approved by the normal budgetary procedures of the City of St. Louis.]

20 SECTION EIGHT. Confidentiality

21 1. The Department shall when submitting information to the Board place identifying marks on any  
22 confidential information.

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1 2. The Board shall be subject to the provisions of Chapter 610 of the Revised Code of the State of  
2 Missouri.

3 3. The Board in reviewing or investigating any complaint which contains references to personnel  
4 records or any records which are protected from disclosure by law shall hold closed meetings in  
5 compliance with Section 610.021 RSMo. The confidentiality of any file, record, or other data  
6 received by the Board in its review or investigation of an incident or a complaint shall be strictly  
7 maintained by every member of the Board and its employees.

8 4. It shall be a violation of this ordinance for any Board member to disclose confidential  
9 information to anyone other than another Board member, its hired employees, a member of the  
10 Commission or as compelled testimony in a court proceeding. Any Board member or employee  
11 who is found guilty of such unlawful disclosure shall be subject to sanctions as set forth in rules  
12 and regulations of the Board. As defined in Chapter 610 RSMo., the members of the Board shall  
13 not be deemed the custodian of any records reviewed or prepared by the St. Louis Metropolitan  
14 Police Department in response to a complaint.

15 SECTION NINE. Severability Clause

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

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1 SECTION TEN. Effective date

2           The provisions of this ordinance shall become effective upon the approval, by a majority of  
3 the members of the Commission, of a resolution adopting such provisions without amendment, and  
4 shall remain in effect until such time as a majority of the members of the Board of Police  
5 Commissioner shall, by resolution, rescind it's adoption of such provisions.