

Pub. Imp. \_\_\_\_\_  
Govt. Grnt. \_\_\_\_\_  
Emer. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
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Filed: 11-16-99

Sponsored by: ~~CHANCELLOR, RHODES,~~  
VANAMAN, WRIGHT

First Reading: November 22, 1999

Second Reading: December 13, 1999

COUNCIL BILL NO. 99 - 419

SPECIAL ORDINANCE NO. 23765

AN ORDINANCE

1 AUTHORIZING the formation of a Police Civilian Appeal Board,  
2 for the purpose of reviewing and commenting to the  
3 City Council through the City Manager and to the  
4 Chief of Police upon citizen appeals of determi-  
5 nations made by the Police Department about  
6 specific police conduct matters; amending the non-  
7 departmental budget for the fiscal year 1999-2000  
8 of the City of Springfield in the amount of \$500;  
9 and declaring an emergency.

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14 WHEREAS, complaints and concerns have been brought to the  
15 attention of City Council and City staff about the confidential  
16 nature of determinations made by the Police Department through its  
17 Internal Affairs process of investigations of alleged police  
18 employee misconduct, due in part to the nature of the information  
19 involved in the investigations and employee privacy concerns, and  
20 the lack of any outside review of the investigations or the results  
21 thereof; and

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23  
24 WHEREAS, the City Council has been made aware of support in  
25 the community for the establishment of a citizen board to review  
26 complaints raised by private citizens about determinations of the  
27 Police Department in matters involving Police employee conduct, and  
28 to review related Police training policies and procedures; and

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30  
31 WHEREAS, the Council has received a recommendation from a  
32 Council committee specially appointed to examine this issue, after  
33 a careful and thorough review of the merits of the matter by said  
34 Council committee, that an appeals board, as described below, be  
35 established.

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38 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

1 SPRINGFIELD, MISSOURI, as follows:  
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4 Section 1 - Formation and Purpose. The City Council  
5 authorizes and directs the formation of the Police Civilian Appeal  
6 Board (herein referred to as the "Board"), the purposes of the  
7 Board being: to receive, review and comment to the Council through  
8 the City Manager and to the Chief of Police upon citizen appeals of  
9 determinations made by the Springfield Police Department about  
10 specific police conduct matters; and to review and comment to said  
11 parties upon Springfield Police Department training programs and  
12 training policies which are related to appeal cases.  
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15 Section 2 - Organization of the Board. The organization,  
16 membership, and qualifications of the Board members shall be as  
17 follows:  
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- 19 1. The Board shall be composed of five members.  
20
- 21 2. All members shall be confirmed by the Council. Three  
22 of the members shall be selected by Council, and two of  
23 the members shall be recommended to the Council by the  
24 City Manager.  
25
- 26 3. All members shall possess the same qualifications as  
27 for advisory board members generally under City Charter  
28 Section 15.5. Also, no member shall have any criminal  
29 felony convictions from any federal court or court of any  
30 state.  
31
- 32 4. All members shall be appointed for a two year term.  
33 Members may be reappointed for one two-year term.  
34
- 35 5. The Board shall sunset, or cease further activities  
36 and disband after the passage of four years from the  
37 effective date of this ordinance, unless the Board is  
38 specifically authorized and empowered to continue by  
39 Council ordinance, and then only to the extent authorized  
40 by such ordinance.  
41
- 42 6. Members must attend a training program, such as the  
43 Citizens Police Academy, sponsored by the Police  
44 Department, or such other training as may be provided by  
45 the Police Department and approved by the City Manager.  
46
- 47 7. Members are required to treat confidential  
48 information which they may have occasion to see in the  
49 course of their duties in an appropriate manner, and  
50 refrain from any disclosure of such information not  
51 permitted or authorized by law or ordinance, or to  
2 persons or in contexts outside of their duties as members  
3 of the Board. Members who disclose any confidential  
54 employee and/or law enforcement-related information to

1 any persons in violation of any laws, Merit System Rules  
2 or ordinances may be subject to removal from the Board by  
3 the City Council, and/or prosecution and punishment as  
4 provided in Section 1-7 of the City Code.  
5

6  
7 Section 3 - Functions and Duties of the Board. The  
8 functions and operations of the Board shall be as follows:  
9

10 1. The comments issued by the Board are to be advisory  
11 in nature only. To the extent consistent with the  
12 provisions of this ordinance, the Board shall be  
13 considered to be an advisory board under Article XV of  
14 the City Charter.  
15

16 2. The Board's scope of review of appealed Internal  
17 Affairs determinations shall be as follows:  
18

19 (A) Members of the Board shall review complaints  
20 appealed to the Board from private citizens about  
21 determinations made by the Police Department  
22 following investigations by the Department of  
23 instances of Police employee conduct.  
24

25 (B) The scope of the review will be of the Police  
26 Department's Internal Affairs investigative file  
27 and the complaint and appeal of the complaining  
28 party.  
29

30 (C) Information reviewed by Board may include  
31 personal and confidential employee information.  
32

33 (D) The appeal must be submitted by the complaining  
34 party in writing to the City Clerk no later than  
35 forty-five days from the date of the Police  
36 Department's written correspondence describing the  
37 determination made in the Police employee conduct  
38 matter at issue. The City Clerk will forward  
39 copies of the appeal notice, showing the date  
40 received by the Clerk, to the Board members, the  
41 City Manager and the Chief of Police.  
42

43 3. The Board shall provide written comments upon matters  
44 reviewed to City Manager and Chief of Police, and will  
45 provide a response to the appealing party.  
46

47 (A) The Board will first provide a report in  
48 advance to the City Manager and to the Chief of  
49 Police. The Chief of Police and/or City Manager may  
50 submit response(s) to the Board's report within ten  
51 working days. The Board's written report shall be  
2 provided to City Council with the staff responses  
3 included in a timely manner.  
4

1 (B) The Board may also provide its comments in  
2 whole or part to the appealing party. Unless  
3 otherwise authorized, the Board will remove  
4 confidential individual employee information or  
5 other closed record information included in Board  
6 comments to the Council and the Chief of Police  
7 from the response to the appealing party.  
8

9 4. The Board's scope of review of Police Department  
10 training programs and practices necessary to make  
11 recommendations on appeal cases shall be as follows:  
12

13 (A) The Board's review shall be of information  
14 provided by Police Department.  
15

16 (B) The review may include onsite viewing by Board  
17 members of training demonstrations and processes  
18 where appropriate.  
19

20 (C) To the extent required by the nature of the  
21 particular policies and procedures reviewed, the  
22 same duties and limitations upon the Board members'  
23 review and disclosure of closed and confidential  
24 information in connection with Police Department  
25 employee conduct reviews shall also apply to the  
26 Board's review of training programs and policies.  
27

28 (D) Comments by the Board upon training policies or  
29 procedures reviewed shall be in writing, and shall  
30 be submitted to the same parties and in the same  
31 manner as with comments by the Board upon Police  
32 employee conduct determinations.  
33

34 5. Police officers whose conduct is in whole or part the  
35 subject of an appeal proceeding, or who were involved on  
36 the investigation or determination by the Police  
37 Department of a matter under appeal, shall be allowed to  
38 attend Board meetings where that appeal is heard.  
39

40 6. The Board shall meet as needed to perform its duties.  
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43

44 Section 4 - The non-departmental budget for the fiscal  
45 year 1999-2000 of the City of Springfield is hereby amended in the  
46 accounts and in the amounts as shown on Budget Adjustment No. 0115,  
47 a copy of which is attached hereto and incorporated herein by  
48 reference as Exhibit A.  
49  
50

51 Section 5 - The Council finds that the budget adjustment  
2 made above has been recommended by the City Manager and further  
3 finds that an emergency exists and the adjustment herein made is  
54 necessary to meet the pressing need for public expenditure.



CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

0115  
Finance Number

Revenues: TC24

Fund	Org	Acct.	Amount	Description	F/G
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Net Revenue Adjustment

Expenditures: TC27

Fund	Org	Acct.	Amount	Description	F/G
01	4341	1115	500.00	Overtime	

Net Expenditure Adjustment	500.00
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Fund Balance

Fund	Fund Title	Amount
01	General Fund	(500.00)

Explanation: Police Civilian Review Board will require staff support resulting in additional overtime for Police Department.

REQUESTED BY:

APPROVED BY:

AUTHORIZATION:

DEPARTMENT HEAD

DATE

*Marilyn M...*  
DIRECTOR OF FINANCE

DATE

COUNCIL BILL

CITY MANAGER

DATE

EFFECTIVE DATE

Aff. Agcy. Noticed \_\_\_\_\_  
Emergency Required \_\_\_\_\_  
P. Hrngs. Required \_\_\_\_\_  
Fiscal Note Required \_\_\_\_\_  
Board Rec. Required \_\_\_\_\_

EXPLANATION TO COUNCIL BILL NO. 99 -

ORIGINATING DEPARTMENT: City Manager

PURPOSE: to establish a Police Civilian Appeal Board, for the purpose of reviewing and commenting to the City Council through the City Manager and to the Chief of Police upon citizen appeals of determinations made by the Police Department about specific police conduct matters.

BACKGROUND INFORMATION: City Council has been made aware of concerns in the community about the confidential nature of determinations made by the Police Department Internal Affairs Unit on complaints made by citizens about matters involving police officer conduct, and the lack of outside review or oversight of such determinations. While these complaints are investigated and addressed by the Police Department, the confidential nature of the information involved limits the amount of information that may be publicly disclosed about such matters and their disposition. Responding to these concerns, the Council appointed an ad hoc Council committee to study the issue and make recommendations to the full Council.

The committee received and evaluated information from Police department and City staff, and citizen input received from a public hearing held by the committee, a telephone hotline established by the committee, email received through an Internet web page set up by the City on the topic, and other written comments received by mail. The majority of the public comments received appeared to support the establishment of a citizen review body to consider appeals of Police department determinations on such matters.

Based on this citizen response in favor of such a body, the committee then developed the proposed ordinance establishing a citizen review board. The committee by majority vote recommended its passage to the full Council

REMARKS: The proposed citizen board balances the interests and the expressed desire of the community for the availability of an external review of such police conduct determinations with the privacy interests of police officer employees and the legitimate needs for confidentiality about certain law enforcement activities

and employee privacy concerns. The ordinance provides for a citizen board to review appeals by private citizens of determinations by the Police Department upon police officer conduct matters. The board will have access to confidential police investigative and employee information relating to the subject matter of the appeal. The board will review the police investigation and the appeal information and submit an advisory report to the City Council, City Manager and Chief of Police. The City Manager and Police Chief may submit a response to the report, which will also be forwarded to Council. The board may also prepare a response to the appeal to be sent to the citizen appellant.

The members of the board shall be trained in police procedures through means such as the Citizens' Police Academy, and shall also agree to keep confidential the information they review in the course of their work. The board will sunset, or disband after four years unless continued by specific Council action.

The ordinance also contains a budget adjustment to cover the initial expenses associated with the portion of the current budget year the board will be in operation. Staff believes the initial costs will be nominal.

Submitted by:

  
\_\_\_\_\_  
Asst City Manager

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ORDINANCE NO. 23765

FILED

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BRENDA M. CHITIN  
CITY CLERK