

1 **BOARD BILL NO. 234 INTRODUCED BY ALDERMAN BRANDON BOSLEY,**  
2 **ALDERWOMAN PAMELA BOYD, ALDERMAN SAMUEL MOORE,**  
3 **ALDERWOMAN MARLENE DAVIS, ALDERMAN FRANK WILLIAMSON,**  
4 **ALDERMAN JEFFREY BOYD, ALDERMAN TERRY KENNEDY,**  
5 **ALDERWOMAN LISA MIDDLEBROOK, ALDERMAN JOHN COLLINS**  
6 **MUHAMMAD, ALDERWOMAN TAMMIKA HUBBARD, PRESIDENT LEWIS**  
7 **REED, ALDERWOMAN CARA SPENCER, ALDERMAN DAN GUENTHER**  
8

9 An ordinance authorizing the Circuit Attorney's Office to assume responsibility for  
10 investigating possible criminal conduct arising from or in relation to covered officers'  
11 involvement in use of force incidents resulting in death or grave bodily injury to a person  
12 occurring in the City of St. Louis, and establishing an Independent Investigations Unit  
13 within the Office of the Circuit Attorney for this purpose with an annual budget in an  
14 amount equal to 1% of the annual budget of the City of St. Louis Division of Police, and  
15 containing an emergency clause.

16  
17 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

18  
19 **SECTION ONE. DEFINITIONS**

20 For purposes of this ordinance the terms set forth below shall be defined as follows:  
21  
22 "*Covered Officers*" shall mean law enforcement officers working or conducting  
23 operations within the City of St. Louis who are involved in a critical incident over which  
24 the City of St. Louis Division of Police has jurisdiction and authority to investigate.

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1

2           “*Critical Incident*” shall mean an incident involving the use of force by a Covered  
3 Officer while on or off duty, in which one or more of the following occurs: (1) a Covered  
4 Officer intentionally discharges a firearm which results in death or grave bodily injury to  
5 a person; (2) a Covered Officer unintentionally or negligently discharges a firearm  
6 resulting in death or grave bodily injury to a person; (3) the death of a person occurring  
7 while said person is in the custody or control of a Covered Officer, including deaths  
8 occurring following a person’s arrest or while in detention; (4) the death of a person  
9 occurring while said person is being pursued by a Covered Officer whether such pursuit is  
10 on foot, in a vehicle, or other means of pursuit; or (5) a use of force by a Covered Officer  
11 resulting in the death or grave bodily injury to the person who is the subject of said use of  
12 force.

13

14           “*Firearm*” shall mean a device designed to be used as a weapon from which a  
15 projectile is expelled through a barrel by force of an explosion or propellant.

16

17           “*Grave Bodily Injury*” shall mean significant or substantial physical injury to a  
18 person.

19

1           *“Investigative Protocol”* shall mean the written procedures to be developed  
2 pursuant to Section Four of this ordinance for the purpose of governing how the Circuit  
3 Attorney, IIU and the City of St. Louis Division of Police will coordinate efforts and  
4 resources to facilitate and support the conduct of IIU Investigations.

5  
6           *“IIU Investigation”* shall mean an investigation conducted by the Circuit  
7 Attorney’s Office pursuant to this ordinance.

8  
9           *“Independent Investigations Unit”* (“IIU”) shall mean a unit within the Circuit  
10 Attorney’s Office established pursuant to this ordinance for the purpose of investigating  
11 possible criminal conduct by covered officers arising from or in relation to their  
12 involvement in a critical incident.

13  
14           *“Law Enforcement Officer”* shall mean any officer, agent, or employee of a state  
15 or federal agency, or unit of local government who is authorized by law or by a government  
16 agency to engage in or supervise the prevention, detection, or investigation of any violation  
17 of criminal law, or to supervise sentenced criminal offenders, including full, part-time, and  
18 auxiliary personnel whether paid or volunteer.

19  
20 **SECTION TWO. INDEPENDENT INVESTIGATIONS UNIT**

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1           The Circuit Attorney may, in his or her discretion and in accordance with the  
2 provisions of this ordinance, establish an Independent Investigations Unit (“IIU”) for the  
3 purpose of investigating possible criminal conduct by Covered Officers arising from or in  
4 relation to their involvement in a critical incident.

5  
6 **SECTION THREE. IIU AUTHORITY**

7           The IIU may, at the discretion of the Circuit Attorney, assume primary  
8 responsibility from the City of St. Louis Division of Police for the investigation of possible  
9 criminal conduct by Covered Officers arising from or in relation to their involvement in a  
10 critical incident.

11  
12           The Circuit Attorney shall have the authority to act to take control of any  
13 investigation or pending investigation by the City of St. Louis Division of Police of  
14 possible criminal conduct by Covered Officers arising from or in relation to their  
15 involvement in a Critical Incident, subject to the provisions of this ordinance and in  
16 accordance with the written procedures set forth in the Investigative Protocol to be  
17 established pursuant to Section Four. Such authority shall include the authority to control  
18 the scene of a Critical Incident and to direct officers of the City of St. Louis Division of  
19 Police at the scene to collect evidence and information related to the Critical Incident or  
20 that may be pertinent or of assistance to the investigation of a Critical Incident.

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1

2           Where the Circuit Attorney exercises his or her discretion and directs the IIU to  
3 assume responsibility from the City of St. Louis Division of Police for an investigation of  
4 possible criminal conduct by Covered Officers arising from or in relation to their  
5 involvement in a Critical Incident the Circuit Attorney may, in his or her discretion, act to  
6 suspend any and all internal or administrative investigations, whether pending or then in  
7 progress, of the Critical Incident by the City of St. Louis Division of Police until such time  
8 as the IIU has completed its investigation, subject to the provisions of this ordinance and  
9 in accordance with the written procedures set forth in the Investigative Protocol to be  
10 established pursuant to Section Four.

11

12 **SECTION FOUR. INVESTIGATIVE PROTOCOL**

13           The Circuit Attorney, upon his or her determination to establish an IIU, shall  
14 provide written notice of said determination to the Mayor, the Board of Aldermen, and the  
15 Commissioner of the City of St. Louis Division of Police. Within thirty (30) days following  
16 receipt of notice of the Circuit Attorney’s determination to establish an IIU, the Circuit  
17 Attorney and the Commissioner of the City of St. Louis Division of Police or their  
18 designees shall meet in good faith to develop mutually agreed upon written protocols, the  
19 Investigative Protocol”, to govern how the Circuit Attorney, IIU, and the City of St. Louis

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1 Division of Police will coordinate efforts and resources to facilitate and support the conduct  
2 of IIU Investigations.

3

4 The Circuit Attorney and Commissioner of the City of St. Louis Division of Police  
5 shall submit copies of the agreed upon Investigative Protocol to the Mayor and Board of  
6 Aldermen, which the Board of Aldermen shall vote to adopt, without amendment, by  
7 ordinance.

8

9 If the Circuit Attorney and Commissioner of the City of St. Louis Division of  
10 Police, after meeting in good faith, are not able to come to an agreement on an investigative  
11 protocol within thirty (30) days following their initial meeting, the Circuit Attorney and  
12 Commissioner of the City of St. Louis Division of Police shall, within ten (10) days  
13 thereafter, each submit a written proposal containing their recommendations for an  
14 investigative protocol to the Public Safety Committee of the Board of Alderman and based  
15 upon such recommendations the Public Safety Committee of the Board of Alderman shall  
16 cause to be submitted to the Board of Aldermen a bill to establish an investigative protocol.

17

18 **SECTION FIVE. IIU FUND**

19 There shall be established an Independent Investigations Unit fund (the “Fund”) to  
20 be administered by the Circuit Attorney. Monies in the Fund shall solely be used to fund

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1 the salaries of staff necessary to establish, support, maintain, and operate the IIU, including  
2 employing four (4) prosecutors, five (5) special investigators, and two (2) administrative  
3 support staff for the IIU. Commencing as provided in this Section, and until such time as  
4 the Circuit Attorney may in his or her discretion terminate the operations of the IIU, there  
5 shall be an annual allocation to the Fund in an amount equal to 1% of the annual budget of  
6 the City of St. Louis Division of Police.

7

8 The obligation to make annual allocations to the Fund shall not become effective  
9 until such time as an ordinance has been adopted specifying the Investigative Protocol for  
10 the conduct of IIU Investigations as provided in Section Four.

11

12 At the end of the each fiscal year any unused portion of an annual allocation to the  
13 Fund shall not be carried forward to the next fiscal year's allocation to the Fund. Rather,  
14 each annual allocation to the Fund shall be in the amount prescribed in this Section.

15

16 The Circuit Attorney shall maintain records documenting the use of monies  
17 appropriated for the Fund.

18

19 **SECTION SIX. EMERGENCY CLAUSE**

20

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1           This being an ordinance for the preservation of public peace, health and safety, it  
2 is hereby declared to be an emergency measure within the meanings of Sections 19 and 20  
3 of Article IV of the Charter of the City of St. Louis and therefore shall become effective  
4 immediately upon its passage and approval by the Mayor.

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# BOARD BILL FISCAL NOTE

(Board Bills TBD)

Preparer's Name: Gerard W. Hollins, Jr.

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Board of Aldermen – City of St. Louis  
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Bill Sponsor: Alderman Brandon Bosley

<b>Bill Synopsis:</b>	The ordinance establishes an Independent Investigations Unit within the Office of the Circuit Attorney's Office for the purpose of investigating possible criminal conduct arising from or in relation to a police officers' involvement in use of force incidents resulting in death or grave bodily injury to a person occurring in the City of St. Louis.
<b>Type of Impact:</b>	The ordinance would authorize and direct the allocation of an amount equal to 1% of the annual budget of the City of St. Louis Division of Police to be placed in a special fund for the sole purpose of funding the operations of an Independent Investigations Unit within the Office of the Circuit Attorney's Office.
<b>Agencies Affected:</b>	Office of the Circuit Attorney would be impacted fiscally by this ordinance.

## SECTION A

### Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget?  Yes  No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget?  Yes  No.
- A commitment of city funding in the future under certain specified conditions?  Yes  No.

The bill would authorize and direct the allocation on an annual basis an amount equal to 1% of the annual budget of the City of St. Louis Division of Police to be placed in a special fund for the sole purpose of funding the operations of an Independent Investigations Unit within the Office of the Circuit Attorney's Office.

- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget?     \_\_\_Yes \_\_X\_\_No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements?     \_\_\_Yes \_\_X\_\_No.
- A capital improvement project that increases operating costs over the current adopted city budget?     \_\_\_Yes \_\_X\_\_No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years?     \_\_\_Yes \_\_X\_\_No.

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.**

**SECTION B**

- Does the bill require the construction of any new physical facilities?  Yes  No.

- If yes, describe the facilities and provide the estimated cost:

- Is the bill estimated to have a direct fiscal impact on any city department or office?  Yes  No.

- If yes, explain the impact and the estimated cost:

The ordinance would result in an increase in the Office of the Circuit Attorney's Office's budget equal to 1% of the annual budget of the City of St. Louis Division of Police. The fiscal year 2017 budget for the Police Department is \$161,529,480 and \$162,410,240 for fiscal year 2018. The increased funding for the Independent Investigations Unit would equal \$1,615,295 based on the Police Department's fiscal year 2017 fiscal year budget and \$1,624,102 based on the 2018 fiscal year budget. A special fund entitled "Independent Investigations Unit Fund" would be established to hold the funds used to pay the operational cost of the new unit. At the end of each fiscal year any unused portion of an annual allocation to the Independent Investigations Unit Fund would not be carried forward to the next fiscal year's allocation. Rather, each annual allocation to the Independent Investigations Unit Fund shall equal the amount prescribed in this ordinance.

- Does the bill create a program or administrative subdivision?  Yes  No.

- If yes, then is there a similar existing program or administrative subdivision?

Yes  No.

- If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

The only annual operating cost associated with this ordinance is the cost of compensation and office equipment for the employees of the new Independent Investigations Unit within the Office of the Circuit Attorney's Office. The Circuit Attorney's Office projects it will staff the new Independent Investigations Unit with 4 prosecutors, 5 special trained investigators and 2 support staff employees.

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

<b>Financial Estimate of Impact on General Fund</b>			
<b>Fiscal Impact</b>	<b><u>Year 1 (current)</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>Additional Expenditures</b>			
<b>Additional Revenue</b>			
<b>Net</b>			
<b>Financial Estimate of Impact on Special Funds</b>			
<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>Additional Expenditures</b>	\$1,615,295	\$1,624,102	\$1,632,958
<b>Additional Revenue</b>	0	0	0
<b>Net</b>	-\$1,615,295	-\$1,624,102	-\$1,632,958

- Describe any assumptions used in preparing this fiscal note:

The budget estimates for the Police Department used for this fiscal note are \$161,529,480 for fiscal year 2017 and \$162,410,240 for fiscal year 2018. Budget estimates for the Police Department were obtained from the Budget Summary Report produced by the City Budget Division. A .55% increase over the year 2 estimated expenditures was used to calculate the year 3 expenditures as the Police Department's fiscal year 2019 budget is not currently available. .55% was the increase in the Police Department's budget from fiscal year 2017 to fiscal year 2018.

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

Budget estimates for the Police Department were obtained from the Budget Summary Report produced by the City Budget Division.

- Have the financial estimates of this bill been verified by the City Budget Division?  
 Yes  No.

○ If yes, by whom? \_\_\_\_\_ .