

Substitute Bill No. 1 for

BILL NO. 276, 2015

ORDINANCE NO. _____, 2015

Introduced by Councilmember Dolan

AN ORDINANCE

AMENDING CHAPTER 701, TITLE VII SLCRO 1974 AS AMENDED, "DEPARTMENT OF POLICE," BY ADDING AND ENACTING A NEW SECTION, 701.250, PERTAINING TO POLICE SERVICES IN CITIES AND COLLABORATIVE ENTITIES.

WHEREAS, there are 57 municipal police departments within St. Louis County; and

WHEREAS, inherent inequality of services exists because of the disparity in the various standards between these departments; and

WHEREAS, St. Louis County Government wants to ensure all residents are afforded equal access to consistent, quality public health and safety services no matter where they live and travel; and

WHEREAS, uniform fundamental standards will enhance public health and reinforce trust between law enforcement and the community;

NOW, THEREFORE,

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 701, Title VII SLCRO 1974 as amended, is amended by adding and enacting a new section, as follows:

701.250 Regulations for Police Services in Cities and Collaborative Entities.

1. Definitions.

"Audit Committee" shall mean the Committee established pursuant to paragraph 11 herein.

"Chief Executive" shall mean the highest official, whether

elected or appointed, of the executive branch of government of any city, town, municipality or village that provides or collaborates to provide police services.

"City" or "Cities" shall mean any city, town, municipality or village located wholly or partly within St. Louis County.

"City Minimum Police Standards" shall mean the minimum police standards submitted by a city, town, municipality or village to the St. Louis County Executive, and after review, approved by the St. Louis County Executive.

"Collaborative Agreement" shall mean any and all contracts, memoranda of understanding or other agreements for providing, sharing or consolidating police services within St. Louis County, within, between and/or among any cities, towns, municipalities or villages.

"Collaborative Entity" shall mean any combination of any cities, towns, municipalities or villages created, in part or whole, for the purpose of providing, sharing or consolidating police services within St. Louis County.

"Commission" shall mean the Review Commission established pursuant to paragraph 10 herein.

"County Council" shall mean the St. Louis County Council.

"County Executive" shall mean the St. Louis County Executive.

"Deficient Policing Services" shall mean an inability or unwillingness to keep the peace, to protect public health, to provide timely or sufficient response, or to meet and conform to the Minimum Police Standards.

"Department" shall mean the Department of Police of St. Louis County.

"Minimum Police Standards" shall mean the rules, regulations and procedures issued, and from time to time amended, by the St. Louis County Executive, with consent by Order of the St. Louis County Council, which shall govern all city, town, municipal, or village police departments and policing services in St. Louis County. Such Minimum Police Standards shall be sufficient to keep the peace, to protect public health and to provide timely and sufficient response.

"POST" shall mean Missouri's Peace Officer Standards and Training.

"Superintendent" shall mean the Superintendent of the Department of Police of St. Louis County.

2. Authority.

The provisions of this Section 701.250 are enacted pursuant to authority set forth in the St. Louis County Charter, the Missouri statutes and the Missouri Constitution, and to enhance the public health, safety and welfare of the people of the County.

3. Minimum Police Standards for Cities.

a. The County Executive is hereby authorized to issue Minimum Police Standards for City police departments, subject to approval by Order of the County Council.

b. Within 120 days of the Order of the County Council, as referenced in paragraph 3.a above, the Chief Executive of each City shall submit proposed City Minimum Police Standards for the City's police department properly acknowledged under oath by the City's Chief Executive as a true copy of such proposed City Minimum Police Standards.

c. The County Executive will review the proposed City Minimum Police Standards within a reasonable time to determine if the proposed City Minimum Police Standards comply with the Minimum Police Standards.

d. If the proposed City Minimum Police Standards comply with the Minimum Police Standards, the County Executive will approve such City Minimum Police Standards. If the proposed City Minimum Police Standards do not comply with the Minimum Police Standards, the County Executive will inform the City of such non-compliance. Within 30 days of such notification from the County Executive, the City shall re-submit its proposed City Minimum Police Standards. The County Executive will either approve or reject the City's re-submittal of its proposed Minimum Police Standards. A City may challenge the County Executive's decision to reject the proposed City Minimum Police Standards by appealing to the Commission for review and relief of the County Executive's decision. The Commission shall take up any appeal and rule within a reasonable time, either confirming the County Executive's decision or rejecting the

County Executive's decision, thereby approving the last proposed City Minimum Police Standards. In the event of a decision adverse to it, any City may challenge the Commission's decision upholding the County Executive's rejection of the proposed City Minimum Police Standards by filing an action for injunctive relief in a court of competent jurisdiction in the 21st Judicial Circuit.

e. Not later than 30 days after County Executive approval, the City shall fully implement the City Minimum Police Standards into its police department operations.

f. Unless specifically authorized by the County Executive, no City shall fail to obtain approval of its proposed City Minimum Police Standards within 180 days after County Council approval of the Minimum Police Standards.

g. If at any time, the Chief Executive of a City submits a sworn statement to the County Executive that the City's police department is accredited or certified by the Commission on Accreditation for Law Enforcement Agencies or the Missouri Police Chiefs Association, such City shall not be required to comply with the provisions of subparagraphs 3.b - e above, and such City shall be deemed to have complied with the Minimum Police Standards.

4. Minimum Police Standards for Collaborative Agreements.

Within 30 days of the effective date of this Ordinance, each City that is a party to a Collaborative Agreement shall incorporate the Minimum Police Standards into such Collaborative Agreement, and fully implement the Minimum Police Standards into its police department operations. Provided, however, that this paragraph shall not apply to Cities accredited or certified by the Commission on Accreditation for Law Enforcement Agencies or the Missouri Police Chiefs Association.

5. Minimum Police Standards for Collaborative Entities.

Within 30 days of the effective date of this Ordinance, each Collaborative Entity shall incorporate the Minimum Police Standards into its formative and operational documents, and fully implement the Minimum Police Standards into its police department operations. Provided, however, that this paragraph shall not apply to Collaborative Entities if every City within the Collaborative Entity is accredited or certified by the

Commission on Accreditation for Law Enforcement Agencies or the Missouri Police Chiefs Association.

6. County Review of Collaborative Agreements.

The County Executive is authorized to review all Collaborative Agreements existing on the effective date of this Ordinance, and all Collaborative Agreements proposed to go into effect after the effective date of this Ordinance, in order to determine whether such agreements comply with the Minimum Police Standards and promote the health, safety, and welfare of the people. Within ten days of receipt of written request, each City or Collaborative Entity shall deliver to the County Executive a copy of the requested Collaborative Agreement. If the Collaborative Agreement complies with the Minimum Police Standards and promotes the health, safety, and welfare of the people, the County Executive will approve such agreement. If the Collaborative Agreement does not comply with the Minimum Police Standards or does not promote the health, safety, and welfare of the people, the County Executive will inform the City or Collaborative Entity of such non-compliance. Within 30 days of notification of non-compliance from the County Executive, the City or Collaborative Entity shall re-submit its Collaborative Agreement. The County Executive will either approve or reject the re-submittal of the Collaborative Agreement. Any City or Collaborative Entity may challenge the County Executive's decision to reject the Collaborative Agreement by appealing to the Commission for review and relief of the County Executive's decision. The Commission shall take up the appeal and rule within a reasonable time, either confirming the County Executive's decision or rejecting the County Executive's decision thereby approving the Collaborative Agreement. In the event of a decision adverse to it, any City or Collaborative Entity may challenge the Commission's decision upholding the County Executive's rejection of the proposed Collaborative Agreement by filing an action for injunctive relief in a court of competent jurisdiction in the 21st Judicial Circuit.

7. Enforcement.

If any City or Collaborative Entity fails to comply with any provision of this Ordinance, including Sections 3.b., 3.d., 3.e., 3.f., 4., 5., 6., 8., and 9.a., the County may

- a. initiate enforcement by equitable relief;
- b. initiate enforcement by prosecution of the person(s) acknowledging under oath the City's or Collaborative Entity's

proposed minimum standards and any person(s) responsible for such failure to comply, including but not limited to: the Chief Executive; members of any authorizing bodies and signatories of any Collaborative Agreement; and executive, legislative and board members of any Collaborative Entity; and/or

c. exercise authority to provide police services in accordance with Paragraph 9.b.

The penalties for any person convicted of violating any provision of this section shall be a fine of not more than one thousand dollars (\$1,000.00) per day of each day of violation.

8. Compliance Review.

a. If any resident of a City or a Collaborative Entity has belief or knowledge that such City or Collaborative Entity has failed to fully implement the Minimum Police Standards within the required time period, he or she may make an affidavit before any person authorized to administer oaths setting forth the facts alleging such failure. The County Executive, upon receipt of such affidavit or upon any other cause he deems reasonable, will investigate and determine, if, in his discretion, the City or Collaborative Entity is operating with Deficient Policing Services. If the County Executive notifies the City or Collaborative Entity that it is operating with Deficient Policing Services, the City or Collaborative Entity shall correct such deficiencies within 60 days so that it is no longer operating with Deficient Policing Services. If after 60 days the County Executive determines the City or Collaborative Entity continues to operate with Deficient Policing Services, the County Counselor may pursue all legal actions as provided in paragraph 7 herein.

b. Every City or Collaborative Entity shall, within 15 days of the County Executive's approval pursuant to paragraph 3.d above, publish its minimum police standards on its website. If the City or Collaborative Entity does not have a website, the information shall be submitted to the County Executive for publication on the County website.

c. The Chief Executive of any City and the executive, legislative and board members of any Collaborative Entity shall, on or before January 2 each year, represent under oath to the County Executive that the policing entity in its jurisdiction complies with the minimum police standards required by this Section. The County Counselor may take all legal action against any person violating this subsection as provided in Paragraph 7 herein.

9. County Police Department Authorization.

a. In accordance with the provisions of paragraph 9.b., the Superintendent and the Department are authorized to provide police services in any City or Collaborative Entity. No person, including any representative or employee of any City or Collaborative Entity, shall interfere with the Superintendent or the Department when performing police functions within the City or Collaborative Entity. The County Counselor may take all legal action against any person violating this subsection as provided in Paragraph 7 herein.

b. The County Executive, after consultation with the Superintendent, may exercise the authority to provide police services within any City or Collaborative Entity or require any City or Collaborative Entity to contract for police services with another City or Collaborative Entity that fully complies with the provisions of Section 701.250, when the County Executive determines that the City or the Collaborative Entity is providing Deficient Policing Services; or has employed as or allowed to act as police, peace or law enforcement officers any individuals who have not met the training and licensure standards set forth by POST certification requirements, and who are not licensed in good standing with the POST Commission at the time the individual acts as a police, peace or law enforcement officer. A City or Collaborative Entity may challenge the County Executive's decision to provide police services or require a contract for police services in accordance with this subparagraph by appealing to the Commission for review and relief of the County Executive's decision. The Commission shall take up the appeal and rule within a reasonable time, either confirming the County Executive's decision or rejecting the County Executive's decision and allowing the City or Collaborative Entity to remain providing police services. In the event of a decision adverse to it, any City or Collaborative Entity may challenge the Commission's decision upholding the County Executive's determination the County is to provide police services or require a contract for police services in accordance with this subparagraph by filing an action for injunctive relief in a court of competent jurisdiction in the 21st Judicial Circuit.

c. If the County Executive exercises the authority set forth in subsection 9.b, including the provision of police services and any legal remedies available to enforce the subsection, the County shall be entitled to reimbursement for the costs of the services provided thereunder and the costs associated with the

enforcement thereof.

d. Each County police officer performing services in any City or Collaborative Entity, in accordance with the terms of this Ordinance, shall have all the powers, rights, privileges, and immunities as if he or she was a police officer within said City or Collaborative Entity. Said officer will remain a County police officer, subject to all of the terms, benefits, duties, obligations, powers, rights, privileges and immunities that accompany County employment.

10. Review Commission.

There is hereby established a Review Commission which shall hear and decide appeals filed by Cities and Cooperative Entities pursuant to paragraphs 3.b., 6., and 9.b. The Commission shall be composed of five members appointed by the County Executive with consent by Order of the County Council. At least one member shall be a Chief of Police of a City police department. All members shall be appointed for one-year terms. The County Executive may re-appoint members subject to the requirements for initial appointments.

11. Audit Committee.

There is hereby established an Audit Committee which shall, based upon a reasonable belief that an audit is necessary, conduct audits to confirm a City or Collaborative Entity is in compliance with its published Minimum Police Standards and report its findings to the County Executive. The Audit Committee may also recommend to the County Executive the adoption of additional standards to the Minimum Police Standards. The Audit Committee shall be composed of five members appointed by the County Executive with consent by Order of the Council. Two members will be police chiefs of Cities selected from the membership of the St. Louis Area Police Chiefs Association; one the Superintendent or his designee; one from the Office of the Prosecuting Attorney of St. Louis County; and one member an elected official of a City. All members shall be appointed for one year terms.

12. County Limitation.

Nothing contained in this Ordinance shall authorize the County Executive, the County Police Board, the Superintendent, the Department, or any officer or employee of the County to supervise, train, fire, discipline, demote or in any other way

assume any liability for or create any employer/employee relationship with any individual employee, agent or officer of any City or Collaborative Entity for police services.

ADOPTED: _____

CHAIR, COUNTY COUNCIL

APPROVED: _____

COUNTY EXECUTIVE

ATTEST: _____
ADMINISTRATIVE DIRECTOR

APPROVED AS TO LEGAL FORM:

COUNTY COUNSELOR