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**Effective: February 26, 2014**

**P O L I C E M A N U A L**

**METROPOLITAN POLICE DEPARTMENT**

**City of Saint Louis, Missouri**

**COLONEL D. SAMUEL DOTSON**

**Chief of Police**

**Published**

**by the**

**BOARD OF POLICE COMMISSIONERS**

**2010**

**(Includes all revisions published through February 26, 2014)**

**HONORABLE JAY NIXON**

**Governor of the State of Missouri**

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**BOARD OF POLICE COMMISSIONERS**

<b>COLONEL</b>	<b>BETTYE BATTLE-TURNER</b>	<b>PRESIDENT</b>
<b>COLONEL</b>	<b>RICHARD GRAY</b>	<b>VICE PRESIDENT</b>
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<b>MARK LAWSON</b>		<b>SECRETARY</b>

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<b>COLONEL DANIEL ISOM</b>	<b>CHIEF OF POLICE</b>
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By virtue of the authority vested in it by law and pursuant to the provisions of Section 84.170, Missouri Revised Statutes, the Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis, Missouri, has published this manual of rules and regulations for the government and regulation of the Metropolitan Police Department of said city, effective on and after the date set out below.

The Board reserves the right to alter, amend, or revoke any of said rules and regulations and to make additional ones from time to time as circumstances or the good of the service may, in the judgment of the Board, require.

The Police Manual of 2009 and all General Orders of the Board of Police Commissioners issued prior to the date set out below are hereby repealed.

By Order of the Board of Police Commissioners of the City of Saint Louis, this 17th day of November, 2010.



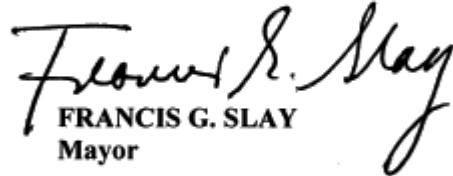
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Treasurer



**RICHARD GRAY**  
Vice President



**FRANCIS G. SLAY**  
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Purchasing Member



**MARK LAWSON**  
Secretary to the Board

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**The Board of Police Commissioners establishes the following standards for compliance by all Department members:**

**A STATEMENT ON THE VALUE OF HUMAN LIFE (12.2.1.a)**

The primary responsibility of this Department and each of its members is to protect the lives of the citizens we are sworn to serve. It is also the duty of each member of the Department to honor the established principles of democracy upon which this country was founded. Among these is the most profound reverence for human life, the value of which far exceeds that of any property. In view of this, it is essential that every action of this Department and of each of its members be consistent with that responsibility.

For these reasons, it is appropriate that this Statement on the Value of Human Life preface this Police Manual, which embodies the spirit of the Department and sets forth the principles and policies which guide the conduct of every Department employee.

In recognition, therefore, of the commitment of this Department to the preservation of human life, and because of the public trust which empowers sworn police officers to lawfully exercise force, even deadly force when required, in carrying out that commitment, it is hereby declared to be the policy of this Department that (1) the use of deadly force will never be condoned as a routine response; and (2) police officers will exercise the highest degree of care in the application of such force.

**MISSION STATEMENT (12.2.1.a)**

The mission of the St. Louis Police Department is to protect, serve and assist citizens when conditions arise that may affect the well-being of the individual or the community. Cooperating with others in the community, officers will work to prevent and detect crime, protect life and property, and achieve a peaceful society, free from the fear of crime and disorder. Members of the Department will strive continually for excellence and maintain the peace through service, integrity, leadership and fair treatment to all.

**LAW ENFORCEMENT CODE OF ETHICS (1.1.2)**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . law enforcement.

### **SLMPD CIVILIAN CODE OF ETHICS (1.1.2)**

As an employee of the St. Louis Metropolitan Police Department I regard myself as a member of an important and honorable profession.

I will strive to keep myself in the best physical and mental condition at all times.

I will perform my duties with efficiency to the best of my ability.

I will be truthful at all times. My conduct and performance of duties will be accomplished in an honest manner, and in compliance with the laws; local, state, and country.

I will keep secret, unless revelation is necessary in the performance of my duty, whatever I see or hear of a confidential nature or that is confided to me in my official capacity.

I will not, in the performance of my duties, work for unethical advantage or personal profit.

I will recognize at all times that I am public safety employee, and that ultimately I am responsible to the public.

I will strive to give the most efficient and impartial service of which I am capable at all times.

I will be courteous in all my contacts at all time.

I will always regard my fellow employees with equality, dignity, and respect.

I will be loyal to my fellow employees, my superiors and my agency.

I will always accept responsibility for my actions.

I will always strive to perform my duties and conduct myself in a manner that will reflect honor on me, my fellow employees, and my agency.

## RULE 1

### ADMINISTRATION AND COMMAND OF THE DEPARTMENT

#### Section 1.001 Board of Police Commissioners

- A. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis (hereinafter referred to as the "Board") is established by law (Chapter 84 RSMo). The Board comprises four commissioners appointed by the Governor of Missouri, by and with the advice and consent of the Senate. The Mayor of the City of St. Louis is an ex-officio fifth member of the Board. Generally, Board appointments are for a four-year term. Appointments of members are staggered so that usually one Commissioner is appointed each year. Commissioners serve until they are replaced until they elect to announce their resignation. The Governor will appoint members as vacancies occur, and may appoint members for less than a four year term if the appointment is to fill an unanticipated vacancy.
- B. A Commissioner shall take an oath before a Circuit or Associate Circuit Judge in the City of St. Louis before being seated as a voting member of the Board of Police Commissioners. A copy of the oath, properly signed and witnessed, will be maintained in the files of the Board of Police Commissioners, and a copy will be delivered by a representative of the Department's Legal Division to the Circuit Court, where it will be maintained on file among the records.

**Members of the Board shall be identified as Colonels of the St. Louis Police Board.**

#### Section 1.002 Jurisdiction

- A. The Board will have sole charge and control of the Metropolitan Police Department of the City of St. Louis with all powers, rights and duties prescribed by law. The Board will have the authority to establish rules and regulations for the government and discipline of the Police Department and its officers and employees thereof. Among the Board's responsibilities is the licensing, regulation and discipline of all licensed **private security (except private detectives)** in the City of St. Louis in accordance with **state law**.
- B. **In the event that (a) the responsibilities of the Board set out in this Manual are terminated or the terms of Board members expire for purposes other than litigation as set out in and pursuant to Section 84.345.1, RSMo and any implementing St. Louis City ordinances, and (b) the person or entity who is to assume those responsibilities that had been the responsibility of the Board is not set out in the Section 84.345.1 or related Missouri statutes or implementing ordinances consistent with Missouri statutes, then all powers, rights, duties, authority and responsibilities references in this Manual shall reside in the Chief of Police or such other title indicative of the highest-ranking commissioned officer in the Police Department.**

#### Section 1.003 Officers of the Board

- A. The Board shall elect from its members a President and a Vice-President. The members will also elect a Purchasing member and a Treasurer. However, if either or both of those positions are not elected, the duties of those offices will be handled by the President or Vice-President.
- B. Election of officers of the Board will occur at an open meeting of the Board. Generally, election of officers will be held each year after a new Board member is confirmed to serve a full term. There is no required succession of Board Officers; however, the Vice-President will act as Board Chair in the absence of the President. A quorum vote of the Board determines all election issues.

#### Section 1.004 President

The President will be the executive officer of the Board, preside at its meetings, and act for the Board when it is not in session.

#### Section 1.005 Vice President

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The Vice President will perform the duties of the President in the absence of the President. In the event the President and Vice-President are not available to act for the Board, the executive authority will fall to the member having the most Board seniority.

**Section 1.006 Purchasing Member**

The Purchasing Member will contract for and purchase all necessary equipment and supplies as authorized or approved by the Board. The Board President or Vice-President will assume any duties of the Purchasing Member if no Board member has been elected to this office.



### Section 1.007 Treasurer

The Treasurer will insure that all funds received by the Department are properly accounted for and disbursed. The Board President or Vice-President will assume any duties of the Treasurer if no Board member has been elected to this office. State Statute requires that the Commissioner appointed or who may act from time to time as Treasurer be bonded with one or more sureties in the penalty of ten thousand dollars. The bond shall be approved by a Circuit Judge in the City of St. Louis and shall be delivered and kept by the Treasurer of the City. (Chapter 84.050 RSMo)

### Section 1.008 Oath of Office

Prior to assuming their respective Offices, the members of the Board, the Mayor and Secretary to the Board will swear and subscribe to the oath of office to be administered by a Judge or Associate Judge of the Circuit Court of the City of St. Louis.

### Section 1.009 Secretary to the Board

- A. The Board Members will appoint by quorum vote, a Secretary of the Board who is not a member of the Board. (Chapter 84.060 RSMo)
- B. The Secretary will attend all meetings of the Board, assure that the proceedings of the Board are accurately recorded, keep all the records of the Board and perform such duties as are prescribed by these Rules and Regulations and such other duties as assigned by the Board.
- C. **In the event that the responsibilities of the Board set out in this Manual are terminated or the terms of Board members expire as set out in and pursuant to Section 84.345.1, RSMo., the Board's Secretary is hereby designated and authorized to act on behalf of the Board for purposes of performing the Board's duties and any other actions incident to the transfer and winding down of the Board's affairs.**

### Section 1.010 Meetings of the Board

- A. Regular meetings of the Board will be held at such times as the Board will determine. Special meetings can be requested by any Board Member and will be held at the direction of a quorum of the Board. At the request of a Member for a special meeting, the Secretary of the Board will poll the board membership to determine if a quorum of the Board agrees to a special meeting. If a quorum agrees, the Secretary will work with the President or Vice-President to set a date and time that is mutually agreeable among the membership. The provisions of the Missouri Sunshine Law (Chapter 610 RSMo) governing executive and open agenda topics will be strictly followed.
- B. No meeting of a quorum of the Board can be held without an announcement of the date, the time, the location and the agenda posted a minimum of 24 hours beforehand. Emergency circumstances may occasionally dictate that a meeting be held on less than 24 hours notice as long as the nature and good cause of the departure from normal requirements are stated in the meeting minutes and as much notice as is reasonably possible is given. (Chapter 610.020 RSMo)
- C. Board Meetings will follow the protocol as established in *Robert's Rules of Order Newly Revised*, except as hereinafter specified. The five-member Police Board is considered a "Small Board" and by *Robert's Rules*, the procedures governing such meetings are different than those applying to large memberships. An explanation of the meeting permissions applied to small boards is available in the office of the Secretary to the Board. Notwithstanding any provisions in *Robert's Rules* which may state or be interpreted to the contrary, the Board specifies its adoption of certain procedures in the conduct of its meetings:
  - 1. A motion or other matter requiring Board action will be recorded as approved when it receives more votes in favor than votes against from among those members present and voting. A motion or other matter requiring Board action will be recorded as failed when it receives more votes against than votes in favor from among those members present and voting, or when it receives an equal number of votes against and votes in favor from among those members present and voting. For purposes of this section, a vote to abstain will be considered neither a vote in favor nor a vote against.

2. For purposes of *Robert's Rules*, each meeting of the Board, whether regularly scheduled or a special meeting, wherein a quorum of the Board is present and any Board business is considered, constitutes a separate session.

D. Minutes must be taken for all Board meetings.

#### **Section 1.011 Oaths of Officers of the Police Force**

**A. In the event that (a) the responsibilities of the Board set out in this Manual are terminated or the terms of Board members expire for purposes other than litigation as set out in and pursuant to Section 84.345.1, RSMo and any implementing St. Louis City ordinances, and (b) the person or entity who is to assume those responsibilities that had been the responsibility of the Board is not set out in the Section 84.345.1 or related Missouri statutes or implementing ordinances consistent with Missouri statutes, the Chief of Police or such other title indicative of the highest-ranking commissioned officer in the Police Department and/or such person as may be designated by the Chief of Police will have the power to administer the oath of office to the members of the Police Force. The Oath Book will be kept in the offices of the St. Louis Metropolitan Police Department and maintained by the Secretary to the Board, or such other person as may be designated by the Chief of Police or such other title indicative of the highest-ranking commissioned officer in the Police Department.**

**B. Said oath shall be recited as follows:**

**I solemnly swear that I am a citizen of the United States and the State of Missouri.**

**That I will faithfully support the Constitution of the United States and of the State of Missouri.**

**That I will, to the best of my skill and ability, diligently and faithfully, without partiality or prejudice, discharge my duties as a police officer according to the laws of the State of Missouri and Ordinances of the City of St. Louis.**

**That I will strictly obey all lawful rules and orders of the St. Louis Metropolitan Police Department, the Chief of Police, or any officer placed by them over me.**

**That I will not cease to perform my duties as a police officer until discharged, or until my resignation is accepted by the Chief of Police.**

**So help me God. (1.1.1)**

### **POLICE FORCE**

#### **Section 1.101 Permanent Police Force**

To enable the Board to perform the duties imposed upon it by law, it has the power to appoint, enroll, employ, equip and arm a permanent Police Force as may from time to time be authorized by state statute.

### **Section 1.102 Distribution of Police Force (16.1.2)**

The permanent Police Force will be distributed among the various Bureaus of the Department according to authorized strength allocations prepared by the Chief of Police and approved by the Board.

### **Section 1.103 Reserve and Emergency Forces**

- A. Upon recommendation of the Chief of Police, the Board may authorize and provide for the organization of a Police Reserve Force comprised of retirees from the SLMPD in good standing. Retirees from the SLMPD, who are residents of the City of St. Louis will be given preference over non-residents. Such Reserve Force will be under the command of the Chief of Police and will be provided training, equipment, uniforms, and arms as the Chief directs with the approval of the Board. When assigned to active duty the members of the Reserve Force will possess all of the powers of regular Police Officers and will be subject to all laws and regulations applicable to Police Officers.
- B. In the event of a riot or other emergencies as declared and defined by the Mayor, in concurrence with the Board, the Board, upon recommendation of the Chief, may appoint special officers or patrol officers for temporary service in addition to the Reserve Force herein provided.

### **Section 1.104 Commissioned Employees**

- A. Employees of the permanent Police Force will serve in their respective ranks while they faithfully perform their duties and while they possess the necessary mental and physical abilities. Officers of all ranks, except Probationary Police Officers, will be subject to removal only for cause and after a hearing by the Board, which is vested with exclusive jurisdiction in such matters. Probationary Police Officers, including Police Officers reduced to probationary status as a result of discipline, will hold their respective positions at the pleasure of the Board and may be dismissed by the Board at any time without any cause assigned.
- B. The Board delegates authority to the Chief of Police to dismiss Probationary Officers. The Chief of Police may dismiss a Probationary Officer after evaluating the comments from the individual's Commander.
- C. The physical abilities needed to perform the essential functions of a commissioned officer, regardless of his/her assignment, are as follows:
  - 1. ability to effect a custodial arrest, including the appropriate use of force as necessary;
  - 2. ability to qualify with duty weapons;
  - 3. ability to operate a vehicle in emergency and non-emergency situations;
  - 4. ability to effectively communicate, both orally and in writing;
  - 5. ability to work a full time schedule and report for duty on a regular basis; and
  - 6. perform other duties as outlined in the current St. Louis Police Officer Job Task List.

### **Section 1.105 Temporary Duty and Authority**

Officers who may be required to perform the duties of an officer of higher rank, temporarily or at regular intervals, will exercise all the authority and bear all the responsibility of such higher rank. Such officers, while performing the duties of a higher rank, should use discretion and caution in modifying or countermanding orders of the officer whose duties they are performing.

### **Section 1.106 Duties of Probationary Police Officers**

Probationary Police Officers, during their term of probation, will exercise the authority and perform the duties of police officers.

**Section 1.107 Civilian Employees**

- A. The Board may appoint, employ, pay, and grant benefits to such civilian employees as it may determine are necessary. Civilians will hold their respective positions and employment at the pleasure of the Board and may be dismissed by the Board at any time without any cause assigned. **(16.1.1.a)**
- B. The Board delegates authority to the Chief of Police to dismiss civilian employees. The Chief of Police may dismiss a civilian employee after evaluating the comments from the individual's Commander. Authority is delegated to the Chief of Police to appoint civilian employees to fill positions previously authorized by the Board.

**RULES, REGULATIONS  
AND ORDERS OF THE BOARD**

**Section 1.201 Police Manual**

The rules and regulations for the government and discipline of the Metropolitan Police Department will be contained in the Police Manual.

**Section 1.202 Memorandum of Understanding**

The current Memorandum of Understanding in effect for members of the bargaining unit shall take precedence over Special Orders, Regulations and the Manual which were established by the Department prior to the signing of the Memorandum of Understanding where said Special Orders, Regulations and Manual are in conflict with the Memorandum of Understanding.

**Section 1.203** (Deleted by Board Order dated August 17, 2011; creating Rule 13 of the Police Manual)

**Section 1.204 Periodic Bulletin**

The Secretary to the Board, at the direction of the Board, may issue a Periodic Bulletin containing the proceedings of the Board affecting employment, assignment and termination of employees of the Department.

**OFFICE OF THE  
BOARD OF POLICE COMMISSIONERS**

**Section 1.301 Organization of Office of Board of Police Commissioners**

The Office of the Board of Police Commissioners will be comprised of the following:

- A. Secretary to the Board;
- B. Purchasing Division;
- C. Supply Division;
- D. Budget and Finance Division;
- E. Asset Removal Unit;
- F. Legal Division; and
- G. Compliance Auditor

**SECRETARY TO THE BOARD**

**Section 1.302 Responsibilities of the Secretary**

The Secretary to the Board will have authority over the personnel assigned to the Board staff, Purchasing Division, Supply Division, Budget and Finance Division, Asset Removal Unit, Legal Division, and Compliance Auditor. The Secretary to the Board will keep and maintain the minutes of the Proceedings of the Board, the records of judgments of the Board, the Oath Book, sign and maintain all contracts and agreements on behalf of the Board, surety bonds required by the Board, the Periodic Bulletins and such other records as the Board may require. He/She will maintain, or cause to be maintained, records of the expenditures of the Department and will certify as to the accuracy of all payrolls and disbursement vouchers, and perform other duties as required by the Board.

## PURCHASING DIVISION

### Section 1.303 Responsibilities of the Purchasing Division

The Purchasing Division is responsible for reviewing and processing all requisitions for the purchase/lease of goods and services, the preparation of purchase orders, and for performing other duties as required by the Purchasing Member of the Board and/or Secretary to the Board. The **Director of Procurement and Records Retention** is the sole person authorized to enter into purchase agreements or in any way obligate the Department for procurement indebtedness.

### Section 1.304 Responsibilities of the Supply Division

The Supply Division will be responsible for:

- A. preparing specifications for all supplies, undertaking studies of the various makes and brands to determine the most economical specifications in terms of cost and utility;
- B. printing or reproducing forms, letterheads and reports which are used for the official business of the Department;
- C. collecting and delivering of mail (internal and external) in the Headquarters/Academy complex;
- D. maintaining a supply of uniform items available for immediate issue, developing and submitting specifications for uniform items;
- E. maintaining an inventory of Department fixed assets and a perpetual inventory of all stocked supply items;
- F. issuing and repairing all Department badges and maintaining appropriate records; and
- G. maintaining a stock of stationary, office and janitorial supplies and other expendable items commonly used in the performance of the operations of the Department and preparing such items for delivery to units upon presentation of the proper requisition.

## BUDGET AND FINANCE DIVISION

### Section 1.305 Responsibilities of the Budget and Finance Division

The Budget and Finance Division is responsible for:

- A. preparing annual budget estimates, to include a statement of the budget requests of all Department units, with the recommendations of the Director and those of the Chief of Police submitted to the Secretary to the Board; **(17.2.1)**
- B. accounting for all Department expenditures, to include a monthly report to the Secretary to the Board of the status of the accounts, and providing adequate control to assure adherence to the budget as adopted by the Board;
- C. preparing Department payrolls; and
- D. maintaining a list of fixed assets.

## ASSET REMOVAL UNIT

### Section 1.306 Responsibilities of the Asset Removal Unit

The Asset Removal Unit is responsible for coordinating forfeited assets under the State's Criminal Activity Forfeiture Act (CAFA) RSMo 513.600 through 513.647, and the appropriate Federal Statutes. The Asset Removal Unit is also responsible for providing assistance in the discovery of hidden assets and the seizure of such assets from criminal defendants.

## LEGAL DIVISION

### Section 1.307 Responsibilities of the Legal Division

The General Counsel to the Board and the Chief of Police will furnish legal advice as the Board and Chief may from time to time require, and will perform such legal functions as the Board or the Chief of Police may direct. The General Counsel and staff attorneys will be licensed to practice law in the State of Missouri.

## COMPLIANCE AUDITOR

### Section 1.308 Responsibilities of the Compliance Auditor

The Compliance Auditor is responsible for:

- A. developing internal audit procedures that provide verification of the Department's internal accounting and operating procedures;
- B. auditing accounting data of various bureaus and divisions in order to verify accuracy and compliance with plans, policies and operating procedures as prescribed by the State;
- C. organizing, planning and conducting periodic reviews or audits that involve examining assets, liabilities, income, expense and administrative functions for efficiency and effectiveness; preparing and submitting reports on the results of audits, recommending improvements in policies and procedures to the Board of Police Commissioners; and
- D. maintaining records and accounting of grants and assuring that grant reporting and payments are timely in accordance with the provisions of the grant.

## ORGANIZATION AND COMMAND OF POLICE FORCE (11.1.1)

### Section 1.401 Title of Department

The Metropolitan Police Department of the City of St. Louis, Missouri will be the official title of the Department.

### Section 1.402 Organization of Department

#### A. ORGANIZATIONAL STRUCTURE (11.1.1)

1. The Metropolitan Police Department of the City of Saint Louis is divided into the following organizational components:
  - a. Office of the Chief of Police;
  - b. Bureau of Community Policing;
  - c. Bureau of Professional Standards;
  - d. Bureau of Investigation and Support; and
  - e. Bureau of Auxiliary Services.
2. The Chief of Police is the Chief Executive Officer of the Department.
3. RSMo 84.150 provides that there shall be, "one chief of police with the rank of colonel; lieutenant colonels, not to exceed five in number and other such ranks and number of members within such ranks as the Board from time to time deems necessary..."

B. **ORGANIZATIONAL CHART** (11.1.2)

1. A chart graphically depicting this Department's organizational structure will be maintained in the Office of the Chief of Police and on the Department's Intranet.
2. **The Department's organizational chart will be reviewed annually, in January of each year and updated as often as needed by the Planning and Research Division.**



## RULE 2

### OFFICE OF THE CHIEF OF POLICE (15.1.2)

#### Section 2.001 Organization of Office

The Office of the Chief of Police will consist of the following:

- A. Administrative Staff;
- B. Command Post;
- C. Intelligence Division;
- D. Public Information Division;
- E. Information Technology Division;
- F. Planning and Research Division;
- G. Operational Planning Unit; and
- H. Special Projects/Community Outreach Unit.

#### Section 2.002 Responsibilities of the Chief of Police

The Chief of Police, with the rank of Colonel, will have authority over the Bureaus of the Department and will be responsible for the execution of the policies established by the Board. The Chief is authorized to generate, promulgate, and enforce any and all orders, directives or other expressions of policy written or oral, not inconsistent with the Police Manual; such authority has always existed in the Chief by virtue of his/her status as Chief Executive Officer of the Department, and this provision is merely confirmation of such authority. He/She will also be responsible for the enforcement and observance of all laws, ordinances, rules and regulations of the Police Manual and orders of the Board. He/She also may delegate any of the aforementioned functions, exclusively or coextensively, to any of the heads of any of the Bureaus identified in Section 1.402 of the Police Manual. The Office of the Chief of Police will be kept open at all times. **(12.1.1)** The Assistant Chief with the rank of Lieutenant Colonel, will serve as Acting Chief of Police in the absence of the Chief of Police.

#### Section 2.003 Recognition as Appointing Authority

**In the event that (a) the responsibilities of the Board set out in this Manual are terminated or the terms of Board members expire for purposes other than litigation as set out in and pursuant to Section 84.345.1, RSMo and any implementing St. Louis City ordinances, and (b) the person or entity who is to assume those responsibilities that had been the responsibility of the Board is not set out in the Section 84.345.1 or related Missouri statutes or implementing ordinances consistent with Missouri statutes, then for purposes of the City of St. Louis City Charter, Ordinances, Civil Service Commission Rules, and any administrative regulations of the City of St. Louis, the “appointing authority” for the Police Department shall be the Chief of Police or such other title indicative of the highest-ranking commissioned officer in the Police Department. He/she may, in the event of absence or unavailability, temporarily assign the “appointing authority” function to an identified designee.**

### COMMAND POST

#### Section 2.101 Responsibilities of the Command Post

The Command Post is responsible for accepting notification of events and happenings, in accordance with established procedures, and promptly reporting such items to the Chief of Police or, in his/her absence, to the Assistant Chief, and relaying his/her orders to the proper subordinates.

**INTELLIGENCE DIVISION**

**Section 2.102 Responsibilities of the Intelligence Division**

The Intelligence Division is responsible for:

- A. gathering and compiling information on all phases of organized crime and gang activity, and maintaining a file of persons of interest based on their alleged criminal activity; activities undertaken will conform to Federal and State laws regarding individual rights to privacy, and other judicial safeguards and Department policies and procedures;
- B. cooperating with police agencies in other jurisdictions in submitting current information on the activities of suspected and known organized criminal elements, and handling all correspondence from foreign jurisdictions requesting information on individuals connected with organized crime;

- C. keeping **Patrol Division** and District Commanders informed of the illegal activities of known members of the organized criminal element operating in their districts and furnishing the same information to the Deputy Chief, Bureau of Investigation and Support, and providing specialized assistance to districts and detectives for the apprehension and investigation of criminal elements, when such assistance is requested and approved by the Chief of Police; and
- D. providing other investigative services as directed by the Chief of Police.

#### **PUBLIC INFORMATION DIVISION (54.1.1)**

##### **Section 2.103 Responsibilities of the Public Information Division**

The Public Information Division is responsible for:

- A. **Public Information** - to include responsibility for the Department's internal and external communications programs, such as preparing news releases, issuing the annual report, publishing the SLMPD Insight Newsletter, website content and coordinating Department promotional, award and graduation programs; and **(54.1.1.b), (54.1.1.c)**
- B. **Press Coordination** - to include coordinating all media inquiries and maintaining liaison with the media. **(54.1.1.a), (54.1.1.b), (54.1.1.c), (54.1.1.d), (54.1.1.e), (54.1.1.f)**

#### **INFORMATION TECHNOLOGY DIVISION**

##### **Section 2.104 Responsibilities of the Information Technology Division**

The Information Technology Division is Responsible for:

- A. **Administration** – managing the various units of the Information Technology Division, procuring hardware and software, complying with software licensing requirements and handling special projects for the Chief of Police;
- B. **Systems Development** – providing analytical and technical support for reports, software selection, custom application development and developing/modifying computer programs and operations analysis functions;
- C. **Technical Services** – providing personal computer support, network management, software licensing, and security administration; and
- D. **Help Desk** – operating on a 24-hour basis to assist Department personnel with technical issues.
- E. **Crime Analysis Unit (CAU)** - collecting, collating, analyzing, and disseminating crime information and related data to the operational units of the Department. In addition, the CAU will identify and analyze methods of operation of individual criminals; recognize patterns of criminal activity; and analyze statistical data and incident report information in support of the Department's overall crime control and reduction goals. **(15.3.1)**

#### **PLANNING AND RESEARCH DIVISION (15.1.1)**

##### **Section 2.105 Responsibilities of the Planning and Research Division**

The Planning and Research Division is responsible for:

- A. **Planning and Research** – researching new developments in police administration and management, surveying other agencies on their policies and procedures, and grant development, conducting analytical studies to determine staffing needs on a geographic and time of day basis, developing staffing tables, realigning district and car beat boundaries, analyzing and reporting crime and crime trends, and performing other analytical studies as directed; **(16.1.2)**
- B. **Policy and Procedures** – preparing the Police Manual, Department Special Orders, and Forms;

- C. **CALEA** – ensuring that policies and procedures are maintained in accordance with the standards published by the Commission on Accreditation for Law Enforcement Agencies (CALEA) and that sufficient documentation is collected to provide proof that Department personnel are following those policies and procedures; and
- D. **Crime Coding** – reviewing police reports to insure that they are properly coded in compliance with Federal standards; **(82.1.4)**

#### **OPERATIONAL PLANNING UNIT**

##### **Section 2.106 Responsibilities of the Operational Planning Unit**

The Operational Planning Unit is responsible for preparing and submitting to the Chief of Police all planning necessary to provide police details for major events.

#### **SPECIAL PROJECTS/COMMUNITY OUTREACH UNIT**

##### **Section 2.107 Responsibilities of Special Projects/Community Outreach Unit (45.2.1.a) (45.2.1.b)**

The responsibilities of the Special Projects/Community Outreach Unit include the following:

- A. **Oversight and management of specific projects assigned by the Chief of Police.**
- B. Oversight and management of Department community services initiatives such as the Police Athletic League, etc., and other programs, as specified in Special Orders. **(45.2.1.b)**
- C. Maintain regular liaison with District Commanders and District Community Outreach officers to facilitate the implementation and operation of various community affairs programs, in cooperation with District personnel. **(45.2.1.a)**
- D. Establishing and maintaining coordinated programs between the Department and organized community groups. **(45.2.1.a)**

## RULE 3

### BUREAU OF COMMUNITY POLICING

#### Section 3.001 Organization of the Bureau of Community Policing

The Bureau of Community Policing will consist of the following:

- A. Bureau of Community Policing – Patrol Divisions
- B. **Special Operations Division;**
- C. Housing Authority Unit; and
- D. Nuisance/Problem Property Behavior Unit.

### COMMUNITY POLICING/PATROL DIVISIONS

#### Section 3.101 Organization of the Patrol Divisions

The Patrol Divisions will consist of the following commands:

- A. South Patrol Division, consisting of the First, Second, and Third police districts;
- B. Central Patrol Division, consisting of the Fourth, Fifth, and Ninth police districts;
- C. North Patrol Division, consisting of the Sixth, Seventh, and Eighth police districts; and
- D. Station Executive Officer, with responsibility for Desk operations, **and** Station operations.

#### Section 3.102 Mission of the Patrol Divisions

To provide for the systematic patrol of the city under such patrol plans as may be adopted by the Board and the Chief of Police; for the prevention and suppression of crime; for the prompt response to high priority citizen calls for assistance; the arrest of law violators; the protection of life and property; the preservation of the peace; the identification and attempted resolution of problems that have the potential to become more serious problems for citizens, the police, or the government; to enforce traffic laws and ordinances; and to perform such specific duties and maintain such operations as these rules and the orders of the Board and Chief of Police may specify.

#### Section 3.103 Responsibilities of the Patrol **Division Commanders**

**Each of the three Division Commanders will be responsible for the operation of the Districts under his/her command and ensure that the orders of the Chief of Police are obeyed, with uniform interpretation in each of the Districts in the Patrol Division.**

#### Section 3.104 Responsibilities of the District Commanders

District Commanders will be responsible for all matters pertaining to the operation of their Districts, and shall be accountable for the actions of all members of the Department assigned therein.

**Section 3.105 Responsibilities of the District Platoon Commanders**

District Platoon Commanders will exercise authority and have responsibility over the Sergeants and officers of their platoon. When the District Commander is off duty, the Platoon Commander will have the same authority and responsibility for the operation of the District as the District Commander. Duties of a Platoon Commander shall include, but not be limited to: supervision of roll call, with inspection of officers going on duty, being concerned with the appearance of officers, their equipment, and their knowledge of their assignments and duties; continuing observation of the performance of their Sergeants and officers during their hours of duty. The Platoon Commander is responsible for the institution of disciplinary action, via

established procedures, when violations of rules, regulations and orders, or improper conduct, are observed by him/her or brought to his/her attention.

**Section 3.106 Responsibilities of the District Sergeants**

Sergeants assigned to a Police District will be assigned by the District Commander to a platoon as a Precinct Sergeant, relief Precinct Sergeant or other authorized position. District Sergeants will exercise authority and have responsibility over the officers under their supervision. Each Precinct Sergeant is:

- A. charged with the duty of constant vigilance over the officers assigned to his/her precinct;
- B. responsible for inspecting the officers under his/her supervision during roll call to insure they are properly uniformed and equipped and present an acceptable appearance; and
- C. responsible for providing leadership, guidance and assistance to his/her subordinates at all times, constantly observing their duty performance, demeanor and conduct, and taking the necessary corrective action when he/she encounters deficiencies; failure to properly supervise subordinates shall be cause for disciplinary action against the sergeant.

**Section 3.107 Responsibilities of the District Police Officers**

Each police officer, in discharge of assigned duties, will exercise authority consistent with the obligations imposed by his/her oath of office, and be accountable to his/her superior officers for performance of duty. Each police officer will:

- A. be constantly aware that his/her basic function is patrol of his/her assigned beat, to accomplish the prevention and suppression of crime, the arrest of law violators, the protection of life and property, and the preservation of the peace;
- B. constantly patrol his/her beat, except when on special assignments and shall not lounge, loaf or gather with others at any place;
- C. report to the division station at the time appointed and attend roll call, being alert and attentive to the orders and instructions given;
- D. supervise and inspect all public and licensed places in his/her beat, enforcing the laws, ordinances and regulations concerning their operation;
- E. devote the maximum possible time to the performance of his basic duty of patrol, remaining in the division station only when necessary;
- F. examine and inspect the patrol vehicle, if one is assigned, at the beginning of his/her tour of duty; during the tour of duty he/she shall operate the vehicle in a safe manner, avoiding hazardous or careless operation; if involved in an accident he/she shall report the matter promptly;
- G. make reports, in conformity with established procedures, on all matters that come to his/her attention that require reporting;
- H. insure the civil treatment and the observance of the rights of all persons with whom he/she had contact;
- I. be accountable for the securing, receipting and proper transporting of all evidence and property coming into his/her custody;
- J. be alert in his/her efforts to discover and suppress liquor, gambling, narcotic and prostitution violations;
- K. enforce traffic laws and ordinances;
- L. through inspection, determine the security of business places after their normal working hours; and

- M. familiarize himself/herself with conditions and persons within his/her beat, reporting all potential trouble spots to superiors.

**Section 3.108 Responsibilities of the Station Executive Officer**

The Station Executive Officer will be selected by, and report to, the Patrol **Division Commander** and will be responsible for the supervision and operation of the station building and surrounding grounds, prisoner holdover functions, **and** station desk.

**Section 3.109 Deleted 02/20/13**

**Section 3.110 Responsibilities of the District Desk Officer**

A desk officer will be assigned on each platoon by the Executive Officer, and is responsible for the operation of the desk, to include handling citizen service requests received in person or by phone and maintaining required records, and overseeing the booking, custody and release of prisoners. The responsibility for the operation of the Patrol Division station is vested in the desk officer during the absence of the Executive Officer from the station.

**Section 3.111 Responsibilities of the District Detective Sergeants**

District Detective Sergeants will be responsible for the operation of the District Detectives and will report directly to the District Commander.

**Section 3.112 Responsibilities of the District Detective Units**

Each Patrol district will have a Detective Unit to handle general criminal investigations of crimes committed within the boundaries of the district. The Chief of Police will determine the number of detectives assigned to each district. **(42.1.4)**

**SPECIAL OPERATIONS DIVISION**

**Section 3.113 Mission of the Special Operations Division**

**To provide for the enhanced patrol of the specific problem areas of the City under such plans as may be adopted by the Board and the Chief of Police; for the prevention and suppression of crime; the protection of life and property; the preservation of the peace; the identification and attempted resolution of problems that have the potential to become more serious problems for citizens, the police, or the government; to enforce traffic laws and ordinances; and to perform such specific duties and maintain such operations as these rules and the orders of the Board and Chief of Police may specify.**

**Section 3.114 Responsibilities of the Special Operations Division Commander**

**The Special Operations Division Commander will be responsible for the operation of the Sections under his/her command and ensure that the orders of the Chief of Police are obeyed, with uniform interpretation in each of the Sections in the Special Operations Division.**

**Section 3.115 Organization of Special Operations Division**

**The Special Operations Division will consist of the following:**

- A. SWAT Unit;**
- B. Aviation Unit;**
- C. Special Operations Investigators;**



D. Narcotics Control Assistance (NCAP); and

E. DEA Task Force.

#### SWAT UNIT

##### Section 3.115.1 Responsibilities of the SWAT Unit

The SWAT Unit will be commanded by an officer who will report directly to the Commander, Special Operations. The SWAT Unit is responsible for the execution of all high risk search warrants, hostage situations, and/or all tactical operations involving this Department. The SWAT unit is responsible for all related training, equipment, inventory and maintenance of tactical equipment assigned to the Unit. The Unit will train for preparedness and respond to any situation where a tactical solution is required. As time permits, the SWAT Unit will patrol to address the high crime areas in the City of St. Louis. (46.2.1.a)

#### AVIATION UNIT

##### Section 3.115.2 Responsibilities of the Aviation Unit

The Aviation Unit will be commanded by an officer who will report directly to the Commander, Special Operations. The Aviation Unit will work in conjunction with St. Louis County Police Officers and St. Charles County Sheriffs employees who are assigned to the Metro Air Support Unit. The Metro Air Support Unit will provide aerial patrol support functions to the region, and other duties as assigned.

#### SPECIAL OPERATIONS INVESTIGATORS

##### Section 3.115.3 Responsibilities of the Special Operations Investigators

The Special Operations Investigators will be commanded by an officer who will report directly to the Commander, Special Operations. The Special Operation Teams will identify and conduct investigations into specific problem areas of criminal behavior within the City.

#### NARCOTIC CONTROL ASSISTANCE

##### Section 3.115.4 Responsibilities of Narcotic Control Assistance Investigators

Narcotic Control Assistance Investigators will be commanded by an officer who will report directly to the Commander, Special Operations. The Narcotic Control Assistance Investigators will assist in the investigation of violent offenders, drug traffickers, and others who are committing felony offenses in the City of St. Louis.

#### DEA TASK FORCE

##### Section 3.115.5 Responsibilities of DEA Task Force Investigators

The DEA Task Force Investigators will be commanded by an officer who will report directly to the Commander, Special Operations. The DEA Task Force Investigators will work as liaisons with the DEA in enhancing drug investigations, with the specific intention of obtaining Federal prosecution of defendants when the criteria is established.

#### HOUSING AUTHORITY UNIT

##### Section 3.201 Responsibilities of the Housing Authority Unit

The Housing Authority Unit is responsible for providing full police service within selected public housing areas during hours and under conditions stipulated through an existing contract with the St. Louis Housing Authority. Duties will include response to calls-for-service within such public housing areas, and pro-active patrol to deter criminal activity within those areas.

**NUISANCE/PROBLEM PROPERTY BEHAVIOR UNIT**

**Section 3.301 Mission of the Nuisance/Problem Property Behavior Unit**

The Nuisance/Problem Property Behavior Unit is responsible for identifying and resolving issues that arise at properties that have experienced continual criminal activity, behavioral problems and building code related issues; and reviewing business license applications and investigating second-hand dealers and pawnshops to ensure business is conducted per city ordinance. The unit will utilize problem solving methods in responding to nuisance problem properties and work closely with and assist district officers, city agencies, and community leaders in order to gain compliance.

**Section 3.302 Responsibilities of the Nuisance/Problem Property Behavior Unit Officers**

Nuisance/Problem Property Behavior Unit Officers will be responsible for:

- A. identifying, investigating and resolving reported behavioral related issues at properties in their patrol area;
- B. assisting district officers and city agencies with code enforcement per city ordinance; and
- C. conducting investigations when new business licenses are being sought; yearly license renewals; on-site inspection of records to ensure compliance and assisting district detectives investigating theft or fraud incidents related to same.

## **RULE 4**

### **BUREAU OF PROFESSIONAL STANDARDS**

#### **Section 4.001 Organization of Bureau**

The Bureau of Professional Standards will consist of the following:

- A. Office of the Deputy Chief, Bureau of Professional Standards;
- B. Internal Affairs Division;
- C. Academy/Training Division;
- D. Human Resources Division; and
- E. Audit/Advisory Unit.

#### **Section 4.002 Responsibilities of the Deputy Chief, Bureau of Professional Standards**

The Deputy Chief, Bureau of Professional Standards will report directly to the Chief of Police and have authority over the units outlined in Section 4.001.

#### **Section 4.003 Mission of Bureau**

To investigate complaints of employee misconduct, train Department personnel, perform various human resources functions, and provide other services as directed by the Chief of Police.

### **INTERNAL AFFAIRS DIVISION**

#### **Section 4.101 Organization of the Internal Affairs Division**

The Internal Affairs Division will consist of the following:

- A. Internal Affairs; and
- B. Private Security Section.

#### **Section 4.102 Responsibilities of Internal Affairs**

Internal Affairs will be responsible for:

- A. conducting investigations of a confidential nature into matters involving deficiencies of, and/or accusations made against, Department personnel;
- B. reviewing all reports of shots fired by police officers and investigating, in conjunction with Homicide Section personnel, all police-involved shootings for compliance with Department policies (except that the Internal Affairs Division will exclusively conduct the investigation when a Homicide Section officer shoots a suspect);
- C. controlling and coordinating the Department's disciplinary procedures;
- D. submitting a monthly written report through channels to the Chief of Police and Board of Police Commissioners on the number and types of investigations currently being conducted.

#### **Section 4.103 Responsibilities of the Private Security Section**

The Private Security Section will be responsible for:

- A. receiving, interviewing, processing, and controlling all applicants for licenses as private watchmen and private police officers;
- B. reporting to the Chief of Police through channels, the names of such qualified applicants who meet the standards, and submitting the names for final approval by the Board of Police Commissioners;
- C. setting up and maintaining a central file on all applicants; processing security license renewals and license transfers; conducting periodic inspections of licensed private watchmen and private police officers to insure compliance with all rules and regulations as outlined by the Board;
- D. maintaining a liaison with all agencies employing private watchmen; and
- E. performing other related duties as directed by higher authority.

#### **Section 4.104 Rules and Regulations Governing the Private Security Section**

**In the event that (a) the responsibilities of the Board set out in this Manual are terminated or the terms of Board members expire for purposes other than litigation set out in and pursuant to Section 84.345.1, RSMo. and any implementing St. Louis City ordinances and (b) the person or entity who is to assume those responsibilities that had been the responsibility of the Board is not set out in Section 84.345.1 or related Missouri statutes or implementing ordinances consistent with Missouri statutes, the operations of the Private Security Section, including all standards for determining applications for private security licenses, shall be governed by the provisions contained in Annex 4-1 to this Police Manual. Any amendments to said provisions shall be accomplished in the same manner as amendments to any other provisions in this Police Manual.**

### **POLICE ACADEMY/TRAINING DIVISION**

#### **Section 4.201 Responsibilities of the Police Academy/Training Division**

The Police Academy/Training Division will be responsible for: **(33.2.1.a)**

- A. providing recruit and in-service training for employees of the Department;
- B. coordinating all intra-Departmental related training functions with the various bureaus, districts, divisions and outside agencies (e.g., Dept. of Public Safety);
- C. coordinating the field training officers program of the Department with the Patrol Divisions;
- D. providing Private Security training and such other security training programs as may be desired by the Board, (e.g., housing guards, school guards, park police, City Marshal, Sheriff's Department, etc.);
- E. providing a program of pre-promotion training for supervisory and command officers;
- F. providing a program of firearms instruction and periodic qualification of all officers;
- G. providing training in information systems (e.g., word processing, e-mail, etc.);
- H. coordinating with the various bureaus, districts and divisions of the Department, use of classrooms, meeting rooms, Fitness Center and other Department training facilities that may be needed for Department use;

- I. coordinating Departmental selections and participation in any training or educational programs conducted by agencies outside the Department, if such programs are recognized and authorized by the Board;
- J. conducting the Department wellness screening program and wellness programs and coordinating activities in the Fitness Center; and
- K. operating a Video Production Unit.

**Section 4.202 Video Production Unit**

The Video Production Unit will prepare information of City-wide importance, provide programs of general interest, prepare any other information as directed by higher authority and perform other duties as assigned.

## HUMAN RESOURCES DIVISION

### Section 4.301 Responsibilities of the Human Resources Division

The Human Resources Division will be responsible for:

- A. **Human Resources** – to include recruiting, testing, interviewing, rating and processing of applicants for positions within the Department; administering all personnel actions (suspensions, promotions, demotions, college incentive pay, transfers, etc.); conducting promotional examinations and coordinating the preparation of performance evaluations for personnel in those positions; maintaining service records of all Department personnel; conducting exit interview of terminating personnel; and managing the Department’s human resources system.
- B. **Benefits** – to administer all health, life, dental, disability, Family Medical Leave, Sick Leave Donation, Furlough without Pay and workers’ compensation for active and retired personnel; administering the educational benefits program as well as preparing and maintaining job descriptions and specifications for civilian and commissioned positions.
- C. **Equal Employment Opportunity (EEO)** - to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination. In addition, Human Resources will provide reports and data that helps focus the Department hiring process and assignments to specialized units. Human Resources will insure the continual review of the Equal Employment Opportunity Plan.
- D. **Limited Duty** – providing administrative responsibilities for all Department employees placed on limited duty, assigning those individuals to temporary positions throughout the Department as needs dictate; generating, monitoring, and maintaining all Department records regarding personnel placed on limited duty; acting as liaison with the Department medical provider and other outside agencies concerning those employees in a limited duty position; and performing other related duties as directed by higher authority.
- E. **Secondary Employment** – acting as liaison between the Department and outside agencies wishing to hire St. Louis police officers in a secondary capacity, whether it be on a long term or short term basis; insuring that Department mandates governing secondary employment are met by both the employers as well as the Department employees; maintaining a current listing of all Department employees employed on a secondary basis, as well as a listing of secondary employers; conducting field inspections of secondary employment sites to insure Department rules and regulations are being followed; and performing other related duties as directed by higher authority. **(22.3.4.d)**
- F. **Performance Evaluation** – identifying employees whose work performance indicates a need for special attention; counseling such employees to assist them in improving their job performance; maintaining the established performance evaluation system; collecting, analyzing, and publishing data on “Shots Fired” and “Use of Force” incidents involving Department employees; performing other related duties as directed higher authority. **(1.3.13) (35.1.5)**

## AUDIT/ADVISORY UNIT

### Section 4.401 Responsibilities of Audit/Advisory Unit

The Audit/Advisory Unit will be responsible for examining compliance with select policy, practices, and procedures throughout the Department, as well as special projects for the Board of Police Commissioners, the Chief of Police, and the Inspector of Police.

**CHAPTER 1—RESERVED**

**CHAPTER 2—PRIVATE SECURITY OFFICERS****Section 2.015 Administration and Command of the Private Security Section**

(1) Pursuant to Section 84.343.1, RSMo., any city not within a county may establish a municipal police force for multiple purposes, one of which is “Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said city.” The City of St. Louis has established a municipal police force. Said municipal police force currently licenses private watchmen and private policemen, whose rights, privileges and duties have been further delineated by subdividing their descriptions and functions into sub-classes as hereinafter set forth. However, all private watchmen and private policemen are collectively known by the generic term “private security.” Private detectives are licensed by the state of Missouri, not by the City of St. Louis. By Special Order of the Chief of Police, all matters involving private security are initially assigned to the Private Security Section.

(2) Private Security Section. The private security section is responsible for the interviewing, investigating, processing, licensing, inspection, and supervision of all persons working or acting as licensed security officers or any other variety of titles in the City of St. Louis. The private security section is further responsible for issuing and transferring all such licenses, for reinstatements, for periodic inspection of license holders, for liaison with all suppliers of security personnel in the city, for maintenance of a personnel file on all applicants in the City of St. Louis, and for publishing, within the department, information of all terminations of employment of security personnel.

(3) Private Security Personnel. The St. Louis Metropolitan Police Department Private Security Program has four (4) distinct classifications of personnel. A definition of each classification is listed as follows:

(A) Corporate security advisor. A person employed to provide all services rendered by a private security officer, as well as other specialized corporate security services related to the protection of his/her employer’s/principal’s resources and personnel. A licensed corporate security advisor may carry a firearm and protective devices in accordance with the guidelines established in these rules. S/he shall be authorized to exercise the same police powers granted to private security officers while on his/her employer’s/principal’s property. However, the corporate security advisor’s power and authority shall not be restricted to that property, but shall be coextensive with the geographic limits of the City of St. Louis (as defined in Section 5.065);

(B) Private security officer. A person employed with certain police powers (as defined in Section 2.065) to protect life or property on or in designated premises. Generally, the private security officer’s powers exist only within the established property owned or leased by the contracting employer and to incidents occurring on the premises. The private security officer may carry a firearm providing this individual is qualified (as defined in Section 2.055). Authorization to carry a firearm is designated on the badge/identification card. The private security officer, whether armed or unarmed, may carry a baton, nightstick, pepper mace, and handcuffs after training requirements have been satisfied;

(C) Courier. A person employed to carry out the assignment of protecting and transporting property from one designated area to another. The person shall be in an approved military style uniform. The courier has no power of arrest. The courier may carry a firearm provided this individual is qualified (as defined in Section 3.055). Authorization to carry a firearm is designated on the badge/identification card; and

(D) Private watchman. A person employed without police powers and without authorization to carry weapons or protective devices. This individual will perform the tasks of observation and reporting on or in a licensed premises or designated area. This may include patrolling the public street. The private watchman has a distinctive grey, military style uniform. The private watchman has no power of arrest. Note: Only the private security officer and private courier classifications will be permitted to hold two (2) licenses. Each classification is licensed separately and functions as a distinct entity. (This licensing does not include the private watchmen classification.)

*AUTHORITY: Section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*



**Section 2.025 Definitions**

- (1) Applicant – A person who applies for a private security license.
- (2) Arrest – The authority to apprehend and detain individuals observed or suspected of committing a law violation.
- (3) Badge/identification card – A card that is issued to security personnel bearing a picture of, and information about, the person to whom the card is issued.
- (4) Cancellation – The inactivation of a license at the request of an employer.
- (5) Designated area – The established property owned or leased to which a licensed security person is assigned by his/her employer or contracting company. Generally, the authority of a private security officer exists only within this designated area and applies only to incidents occurring within that area. This includes the term “licensed premises.” Police officers with the St. Louis County Police Department who have a valid metropolitan security license through their agency may work on any private property where security is contracted.
- (6) Firearm – Approved double-action .38 Special caliber revolver or double-action only semi-automatic pistol in 9mm Luger caliber only.
- (7) Hot pursuit – Non-vehicular pursuit of suspects for on-view felonies only. Vehicular pursuits are not permitted.
- (8) License – The document which is issued to licensed security personnel by the St. Louis Metropolitan Police Department authorizing the holder to perform specific security duties in the City of St. Louis as designated by their license. The “Metro” license currently issued allows the holder to perform security duties in St. Louis County as well as in the City of St. Louis.
- (9) Licensed premises – Refer to definition of “designated area.”
- (10) Protective devices – Instruments approved for personal protection—baton, nightstick, pepper mace, and handcuffs. Training is required before these items may be carried on duty.
- (11) Resignation – The voluntary inactivation of a security license by the individual holding that license.
- (12) Revocation – The inactivation of a license by the St. Louis Metropolitan Police Department in accordance with the rules and procedures set out herein.
- (13) Suspension – The temporary inactivation of a license pending an administrative investigation and review by the St. Louis Metropolitan Police Department.
- (14) Termination – The inactivation of a license through resignation, cancellation, expiration, or revocation.
- (15) Weapons – Firearm, as described in section (6), and instruments used as protective devices, as listed in section (10), including a firearm, baton, nightstick, pepper mace, and handcuffs.

*AUTHORITY: Section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

**Section 2.035 Licensing**

- (1) General Procedures. Each applicant must appear in person at the office of the private security section. Each applicant must complete an application form. S/he must provide all information requested in the application for a determination of his/her qualifications to hold a license as a private security officer. Each applicant must present a current letter (no older than ten (10) days) from the intended employer where the proposed employer states an intention to hire the applicant. Prior to an application being processed by the private security section, a criminal history inquiry will be made through the St. Louis Police Department’s computer terminal. If the inquiry reveals that the applicant has an open criminal arrest record, s/he will

be required to obtain a certified final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the application process will not be completed until a final disposition is obtained. Police officers from other jurisdictions including St. Louis County Police, St. Louis Airport Police, St. Louis Deputy Sheriffs, and St. Louis City Marshals, serving or acting as private security officers do not possess police powers at the location of their assignments in the City of St. Louis unless licensed by the St. Louis Metropolitan Police Department Private Security Section.

(A) All St. Louis Airport Police Officers, St. Louis Deputy Sheriffs, and St. Louis City Marshals desiring to obtain a private security license to work as private security officers in the City of St. Louis will be processed and trained through the St. Louis Metropolitan Police Department Private Security Section.

(B) Municipal police officers who desire to work private security in the City of St. Louis must first obtain a valid license from the St. Louis Metropolitan Police Department Private Security Section. While working in the City of St. Louis, the officer must display a badge/identification card clearly showing the name of the company for which s/he is working.

(C) Police officers from outside the state of Missouri must first obtain a valid license from the St. Louis Metropolitan Police Department Private Security Section. Applicants will be processed in the normal manner and will be required to complete the private security officer training class after a satisfactory background check has been conducted. Police officers from states other than Missouri may not wear their department uniforms while working security in the City of St. Louis.

(2) Standards. Each applicant for a license to work as a private security officer in the City of St. Louis shall meet the standards set by the St. Louis Metropolitan Police Department, which require that an applicant:

(A) Be a citizen of the United States or legal resident-alien permitted to work in this country;

(B) Be at least twenty-one (21) years of age;

(C) Be able to read, write, and understand the English language;

(D) Meet physical and mental standards established by the St. Louis Metropolitan Police Department;

(E) Be capable of understanding and performing the duties and responsibilities of a licensed private security officer within the scope of departmental policies and procedures;

(F) Has received an Honorable Discharge or a General Discharge Under Honorable Conditions, when applicable. An Undesirable Discharge, a Discharge Under Dishonorable Conditions, or a Discharge Under Other Than Honorable Conditions will disqualify the applicant;

(G) Be of good moral character;

(H) Have no felony convictions;

(I) Be able to pass a character investigation by this department as indicated through a criminal record check;

(J) Satisfactorily complete the training program prescribed by the St. Louis Metropolitan Police Department;

(K) Pass a written examination based on the information given in the training course;

(L) Never have had a security license revoked or denied by another jurisdiction for a criminal law violation;

(M) Not withhold any information which would determine fitness relevant to being licensed as a private security officer; and

(N) Be free of any type of chemical dependency.

(3) Issuance/Denial of License. When an applicant has successfully completed the requirements set by the St. Louis Metropolitan Police Department, the Private Security Section will issue a license. An applicant may be denied a license for any of the following reasons:

(A) Failure to meet the standards in section (2);

(B) Falsifying information on any of the forms provided by the private security section to establish eligibility. Applicants who falsify such documents shall be ineligible to receive a private security officer license and cannot reapply for at least six (6) months from the date the false application was submitted;

(C) Failure to provide whatever additional information is deemed necessary in order to establish eligibility;

(D) The references and/or employment background records indicate a poor or unsatisfactory character or work record;

(E) Any facts or actions which make the applicant unsuitable or ineligible for licensing;

(F) Resigned under investigation, resigned under charges, or was discharged from any police force;

(G) Has been denied a security license by any agency; and

(H) The employer is not in good standing with the St. Louis Metropolitan Police Department.

(4) Notification of License Denial. Applicants and their employers will, in event of license denial, be given a written notification of the denial. Specific reasons will be given to an applicant who appears in person at the office of the private security section. Applicants may appeal, in writing, to the St. Louis Metropolitan Police Department within thirty (30) days of denial notification. The appeal should contain a brief rebuttal of the reasons for denial. The St. Louis Metropolitan Police Department Private Security Section will then notify the applicant, in writing, of its final decision in the matter.

(5) Restricted License. The St. Louis Metropolitan Police Department Private Security Section reserves the right to prohibit the holder of a license from carrying any firearms. Any such prohibition will be noted on his/her badge/identification (ID) card.

(6) Temporary License. If an applicant appears to meet the standards for licensing, the commander of the private security section may issue a temporary license. This permits the applicant to work until a formal license is issued by the St. Louis Metropolitan Police Department.

(A) While working under a temporary license the holder does not possess power of arrest and search or seizure and may not have a firearm or protective device upon or about his/her person.

(B) A holder of a temporary badge/identification card must wear the card at the breast of the outermost garment while on duty and must be attired in an approved military style uniform.

(C) A holder of a temporary license who transfers employment to another agency must return his/her temporary badge/identification card to the private security section for issuance of a new badge/identification card.

(D) A holder of a temporary license must return the temporary badge/identification card to the private security section at the time the formal license is issued.

(7) Secondary Employment License. Additional licenses may be approved by the St. Louis Metropolitan Police Department and issued by the private security section to a private security officer who wishes to work for more than one (1) employer.

(A) A private security officer desiring a second license must present a letter of intent to-hire from the secondary employer.

(B) A St. Louis Metropolitan Police Department computer inquiry will be made on each private security officer applying for a secondary license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from the circuit or prosecuting attorney. If the case is still open, the secondary license process will not be completed until final disposition is obtained.

(8) License Renewals. A private security officer's license is valid for one (1) year from date of issue and it must be renewed in the month it expires.

(A) A St. Louis Metropolitan Police Department computer inquiry will be made on each private security officer renewing his/her license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the renewal process will not be completed until final disposition is obtained.

(B) A private security officer wishing to renew his/her license must report to the private security section in the month the license expires, bringing:

1. A letter from his/her employer requesting renewal;
2. Badge/identification card; and
3. The fee for the renewal.

(C) If firearms-qualified, the private security officer wishing to renew a license must provide proof of requalification through an approved firearms course. The private security officer must also submit a urine specimen for drug testing according to the provisions of these rules and regulations, unless otherwise exempted.

(D) A license not renewed during the month it was issued automatically expires on the last day of the month unless the holder has applied to the commander of the private security section and received an extension of time. Such extension will be noted with a sticker on the license. This sticker will indicate the adjusted expiration date of the license.

(E) Applicants for license renewal will be required to annually attend a renewal training program consisting of seven (7) hours training in selected security subjects and departmental regulations.

(9) License Transfer. A license holder may work only for the company, agency, or business entity named on the license. A license holder who changes employers must transfer his/her license to the new employer before he/she begins working for the new employer. In order to transfer a license from one employer to another, the license holder must appear in person at the private security section and:

(A) Bring a current dated letter issued (no more than ten (10) days prior to application) from the new employer, addressed to the St. Louis Metropolitan Police Department, outlining the duties of the new job and requesting the transfer of license;

(B) Bring in license and badge/identification card;

(C) Pay the fee established for processing transfers;

(D) Will receive a new badge/identification card and license to the new company; and

(E) A St. Louis Metropolitan Police Department computer inquiry will be made on each private security officer transferring his/her license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from the circuit or prosecuting attorney. If the case is still open, the transfer process will not be completed until final disposition is obtained.

(10) License Reinstatements. A licensed private security officer who resigns may apply for reinstatement of his/her license under the following requirements and procedures:

- (A) Application must be made within three (3) months of the resignation date;
- (B) The applicant must have resigned while his/her license was in good standing;
- (C) The applicant must appear at the private security section with a currently dated letter from an employer requesting reinstatement;
- (D) The applicant should pay the fee established for processing license reinstatements; and
- (E) A St. Louis Metropolitan Police Department computer inquiry will be made on each private security officer reinstating his/her license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from the circuit or prosecuting attorney. If the case is still open, the reinstatement process will not be completed until final disposition is obtained.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

#### **Section 2.045 Personnel Records and Fees**

(1) Personnel Records. The private security section will maintain the personnel records of each license holder. Such record, and all information pertaining to the individual, shall be the property of the private security section. Applicants and license holders are personally responsible for immediately notifying the private security section of any change in name, address, telephone number or employer.

(2) Fees. The St. Louis Metropolitan Police Department will establish, from time-to-time, a set of fees for various services provided by the private security section. The schedule of fees is posted in the private security section office. No fees will be refunded for any reason after the date of application and must be paid in full at the time of application.

*AUTHORITY: section 84.343, RSMo( 2012).\**

*\*Original authority: 84.340, RSMo 1939.*

#### **Section 2.055 Training**

(1) Exemptions. Full-time state-certified police officers and retired St. Louis City police officers shall be exempt from basic classroom training requirements, but must still complete firearms training requirements. All other applicants shall be required to complete basic classroom training and firearms training.

(2) Length and Content. The classroom training period consists of two (2) days. The length and subject matter of the class is to be determined by the St. Louis Metropolitan Police Department. Classroom activities consist of selected security subjects and departmental regulations.

(3) Absences. Candidates for licensing who remain away unexcused from any class sessions may be disqualified or required to arrange attendance at a future class.

(4) Final Test. Each applicant must take a written test on the subject matter presented in class and must attain a passing score of at least seventy percent (70%).

(A) Applicants who fail to achieve a seventy percent (70%) score will be allowed to take one (1) make-up test.

(B) A second failure will cause the applicant to be ineligible for licensing. The applicant will be supplied with all training materials and allowed to take the basic class in thirty (30) days at his/her expense. Upon successful completion of the subsequent training and test, the applicant will be issued a license.

(5) Firearms Qualification. On the firing range an applicant must display the ability to safely and properly handle his/her firearm and must achieve a score at or above the standard established by the St. Louis Metropolitan Police Department.

(A) An applicant who displays an inability to handle a firearm safely and properly will be disqualified from carrying a firearm.

(B) An applicant who does not attain the minimum score on the firing range will not be issued an armed license.

(6) Unarmed Private Security Officer License. An applicant who does not wish to have an armed license, or who cannot attain the minimum required score on the firing range, may be issued a restricted license allowing him/her to work as a private security officer without a firearm.

(7) Training Fee. A training fee established by the St. Louis Metropolitan Police Department must be paid at the time of application.

(8) Oath or Affirmation. Prior to issuance of his/her license, the applicant must swear or affirm the following:

I DO SOLEMNLY SWEAR OR AFFIRM that I am a citizen of the United States, or a legal resident alien, that I will faithfully support the Constitution of the United States, the Constitution and Laws of the State of Missouri, and the Charter and City Ordinances of the City of St. Louis; that I have never been discharged from the police force of the City of St. Louis; that I have never been convicted of a felony; that I have no physical or mental disability or habit that disqualifies me from performing the duties of a Private Security Officer; that I will wear such dress, badge/identification card or emblem as the St. Louis Metropolitan Police Department may from time-to-time designate; that I will, to the best of my skill and ability, diligently and faithfully, without partiality or prejudice, discharge my duties according to the Constitution and Laws of the State of Missouri and Charter and Ordinances of the City of St. Louis; that I will strictly obey all lawful orders and regulations of the St. Louis Metropolitan Police Department, the Chief of Police, or any officer placed by them over me; that I will not cease to perform my duties until my resignation is accepted by the St. Louis Metropolitan Police Department; that I will not become a member of or affiliate myself with, any organization of any kind or character whatsoever, membership in which will or may impose upon me obligations inconsistent with the full performance of my duties as a Private Security Officer, or inconsistent with the oath herein taken to carry out the orders of the St. Louis Metropolitan Police Department and to comply with its lawful orders, rules and regulations, or which will or may, in any degree interfere with the performance of my duties as a licensed security officer.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 2.065 Authority**

(1) Authority. Private security officers have the authority to make an arrest and to search for and seize evidence in connection with the arrest, at the location, and during the time of their assignments, under the same conditions as members of the police force of the City of St. Louis as outlined below:

(A) In all instances of felonies, misdemeanors, and city ordinance violations committed in the presence of the officer;

(B) During an attempt to commit a felony or misdemeanor;

(C) For an offense not committed in the presence or view of the security officer, when s/he has probable cause to believe that the offense was committed by the person s/he is arresting;

(D) Off his/her licensed premises when in foot pursuit for an on-view felony. (An onview felony offense is a felony offense the security officer sees committed.) Vehicle pursuits are not permitted under any circumstances;

(E) Off his/her licensed premises, but only within a two (2) block radius of said premises, unless expressly approved by the private security section, and while escorting employer's employees and visitors from said premises to their parked vehicles or other means of transportation; and

(F) Off his/her licensed premises but only while escorting employer or employer's designee, by the most direct route, to and/or from a bank or other financial institution for the purpose of making a cash deposit or withdrawal.

(2) The authority granted private security officers herein are limited and said limitations shall be strictly construed. It does not permit private security officers to serve as bodyguards, process servers, or investigators for attorneys. Operators of security agencies should be aware of these restrictions and should also be aware that violation thereof could result in the suspension or revocation of a private security officer's license by the St. Louis Metropolitan Police Department.

(3) In specific circumstances, with the consent of the chief of police, uniformed security officers may be empowered to direct traffic on city streets adjacent to their employer's property, provided they have successfully completed a training program in traffic direction and control, sponsored by the Traffic Safety Division of the St. Louis Metropolitan Police Department.

(4) Private security officers successfully completing training in traffic direction and control, sponsored by the Traffic Safety Division of the St. Louis Metropolitan Police Department, and at the discretion of the Chief of Police, may be subject to activation to assist with traffic direction and control at any location in the City of St. Louis as established in the Code 1200 Department Emergency Mobilization Manual, Section III (6) Bureau of Professional Standards (b) Private Security Section.

(5) Arrests. An arrest is made by the actual restraint of the defendant or by his/her submission to the authority of the private security officer.

(A) In making an arrest a private security officer should use only as much force as is reasonably required to achieve his/her lawful objective. Deadly force may never be used in defense of property only.

(B) The arrest authority for private security officers is established by the St. Louis Metropolitan Police Department, as empowered by the City of St. Louis pursuant to section 84.343, RSMo, granting the municipal police force authority to regulate and license all private security personnel.

(C) Police officers from other jurisdictions, including St. Louis City Marshals and St. Louis Deputy Sheriffs, who are serving or acting as private security officers do not possess police powers at the location of their assignments in the City of St. Louis unless licensed by the St. Louis Metropolitan Police Department.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

## **Section 2.075 Duties**

(1) Duties. It is the duty of every licensed security officer:

(A) To observe and obey these regulations and to obey all lawful orders of any commissioned St. Louis police officer in all matters involving the need for police services;

(B) To assist St. Louis police officers in preserving the peace or in taking such other action as may be necessary to effect an arrest at the location, and during the time, of his/her assignment;

(C) To cooperate with St. Louis police officers in the performance of their duties.

1. Participation by licensed private security officers, on duty or off duty, in police action where police officers are on the scene, shall be limited to identifying themselves to the officer(s) and offering assistance.



2. The judgment of the St. Louis Metropolitan Police on-duty police officers shall prevail in any situation where police are present. They are responsible for the proper handling and reporting of the incident in accordance with departmental policies.

3. Failure to cooperate with a St. Louis police officer may be cause for disciplinary action against a licensed private security officer.

4. Failure to assist a law enforcement agency or to aid in prosecution of a crime may be cause for disciplinary action against a licensed private security officer; and

(D) To notify the St. Louis Metropolitan Police Department when an arrest has been made by the private security officer, to furnish all pertinent facts and evidence to any police officer(s), and to surrender to such officer(s) custody of any prisoner and any evidence related to the arrest. A report of the incident will then be made by the police in the same manner as in other arrests.

*AUTHORITY: section 84.343, RSMo (2012). \**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 2.085 Uniforms**

(1) A company shoulder patch shall be mandatory on all shirts, coats, and jackets of private security personnel unless said personnel are within one (1) of the following classifications:

(A) Paid, full-time Missouri Peace Officers Standards and Training- (POST-) certified police officers, having a minimum of six hundred (600) hours of POST-certified training (All such individuals must provide the private security section with written documentation from the head law enforcement officer of their department indicating approval of their wearing of their department's official police uniform while working licensed security in the City of St. Louis);

(B) St. Louis Airport Police;

(C) St. Louis City Deputy Sheriffs; or

(D) St. Louis City Marshals.

(E) Police officers who do not satisfy the certification requirements in subsection (1)(A) shall be required to wear the company uniform for which they are employed, and are not eligible to wear their department's official police uniform.

(2) All private security officers should be aware of the following guidelines:

(A) All private security officers are required to wear a uniform, which, at a minimum shall consist of trousers or skirt, and shirt or blouse. The word "police" shall only be displayed on official uniforms of individuals within subsections (1)(A) or (1)(B) of this regulation. Verification of the officer's POST certification is required;

(B) All private security officers wearing blue uniform trousers, skirts, shirts, and jackets similar to those worn by the St. Louis Metropolitan Police Department must have their company shoulder patch affixed to either the left or right sleeve, approximately one inch (1") below the shoulder seam, clearly distinguishing them from St. Louis police officers;

(C) The badge/identification card issued by the private security section of the St. Louis Metropolitan Police Department will be worn on the breast of the outermost garment, in plain view, while on duty and performing a bona fide security function for an employer;



(D) Private security personnel may wear a company badge or emblem as devised by their employer. These badges and emblems bear the name of the employer and identify the individual as a private security officer. The word "police" will not be used on the badge or emblem, except as otherwise provided;

(E) A company shoulder patch will be mandatory on all shirts, coats, and jackets of private security personnel. The patch may be worn on the right or left sleeve approximately one inch (1") below the shoulder seam. POST-certified police officers with a minimum of six hundred (600) hours of training wearing their approved department uniforms while working security in the City of St. Louis are exempt from this requirement as long as the official department uniform patch is displayed;

(F) No buttons, insignia, or decoration which are marked in any way with the St. Louis Metropolitan Police Department imprint may be worn by a licensed private security officer; and

(G) The use of company vehicles for security purposes must conform with the established rules governed under city ordinance. The word "police" will not be displayed on the vehicles. Red and/or blue lights are not allowed on security vehicles.

(3) Exemption From Wearing Uniform. The St. Louis Metropolitan Police Department may exempt a licensed private security officer from wearing a uniform and/or displaying the department issued badge/identification card while on duty. Such exemption must be requested by the employer in writing. Each licensed private security officer receiving exemption from the requirement of wearing a uniform may, during the period of the exemption, perform his/her duties as specified on the identification card. The identification card showing that the private security officer has a uniform exemption must be carried while the private security officer is on duty.

(A) All letters requesting exemption from the wearing of a uniform or insignia, including proof of need, shall be addressed to the commander of the private security section by the employer of the security officer.

(B) A uniform exemption identification will expire on the same date the holder's license expires. To renew the exemption, a new letter of request shall be submitted to the commander of the private security section by the employer of the security officer.

(C) No exemption shall be granted for a licensed courier or watchman.

(4) Armed Uniform Exemption. In rare instances the St. Louis Metropolitan Police Department may exempt an armed licensed private security officer, upon written application from his/her employer, from wearing a uniform and/or insignia provided by the St. Louis Metropolitan Police Department. The employer must show, in writing, that the wearing of a uniform or insignia hinders the efficient performance of security duties by the employee. These requests will be reviewed by the St. Louis Metropolitan Police Department. Note: A private security officer receiving this exemption may perform his/her duties as specified on the identification card and may carry an authorized, loaded firearm on his/her person while performing security duties for the employer subject to the rules and regulations established by the St. Louis Metropolitan Police Department. A private security officer licensed under these conditions is not authorized to carry the weapon on his/her person while traveling in either direction between place of residence and place of assignment and must unload the weapon and transport it according to existing laws and ordinances. Violation of any of these provisions renders the offender subject to penalties, which can include license revocation.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

## **Section 2.095 Equipment**

(1) Equipment Issue. At the conclusion of the training period and upon final approval by the St. Louis Metropolitan Police Department, each private security officer shall receive from the private security section one (1) badge/identification card, and one (1) security officer's manual. These items are, and remain, departmental property. They must be returned to the private security section by any private security officer who resigns, is suspended, or has his/her license revoked.

(2) Equipment Responsibility. During their employment it is the responsibility of security officers to care for and safeguard departmental property issued to them.

(A) All issued items of departmental property lost, stolen, damaged or destroyed must be replaced by the licensee.

(B) The loss of any item must be immediately reported to the private security section. No formal police report is required. The private security officer then becomes responsible for appearing at the private security section and paying for a replacement.

(C) Careless handling of St. Louis Metropolitan Police Department property by a security officer may be grounds for disciplinary action.

(3) Badge/Identification Card. The badge/identification card which is issued by the private security section to a licensed private security officer is an easily recognized symbol of authority and responsibility.

(A) The badge/identification card, which is stamped with an issue date and an expiration date, will also state whether the holder may be armed or must work unarmed. The card will also indicate if the private security officer is authorized to carry a baton or nightstick.

(B) This badge/identification card must be worn over the breast on the outermost garment in plain view. It must be returned to the private security section upon resignation, suspension, cancellation or revocation of the license.

(C) Tampering, defacing or altering of this card is subject to disciplinary action or revocation.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 2.105 Weapons**

(1) Limitations on Carrying Weapon. An armed private security officer licensed by the St. Louis Metropolitan Police Department may be permitted to carry on his/her person an authorized firearm, while traveling in either direction by the most direct route (without deviation and/or not to exceed one (1) hour) between his/her residence and place of assignment provided s/he is:

(A) In uniform; and

(B) Firearms-qualified; and

(C) Wearing a valid badge/identification card issued by this department; and

(D) Full-time, off-duty Missouri Peace Officers Standards and Training- (POST-) certified police officers with a minimum of six hundred (600) hours of training are exempt from this requirement.

(2) Private security officers who are authorized to carry their firearms to and from their place of residence have no authority to use their firearms during that travel period.

(A) Except as provided above, a firearm and protective devices may only be carried by a security officer while on his/her licensed premises.

(B) A firearm and protective devices may not be carried off assigned premises for any nonduty related activities (lunch, fueling cars, personal relief, etc.). Full-time, off-duty Missouri POST-certified police officers and St. Louis Airport Police Officers are exempt from this requirement.

(3) The authorization to carry a firearm may be revoked if a private security officer discharges or uses his/her firearm and it is determined to be unjustified. Each incident will be decided on a case-by-case basis with the circumstances surrounding the use being the primary factors under consideration.

(4) Inspection and Registration. All firearms used by private security officers must be inspected by the department armorer or his/her designee and must be registered and on file in the private security section. Armed security officers may only use a duty weapon which is personally owned by them or owned by their agency.

(A) Only one (1) approved firearm may be carried on duty.

(B) Except as provided above, private security officers must carry a double action .38 Special caliber revolver or a 9mm Luger (9x19) caliber semi-automatic pistol. The carrying of any other caliber weapon, including derringers, .357 Magnums, and shotguns, is prohibited. Only factory loaded, commercially available ammunition may be carried.

(C) For armed, uniformed security officers, the firearm shall be exposed and worn on a belt at the waist on the side of the dominant hand. No other methods, such as a shoulder holster, ankle holster, etc., shall be permitted in uniform. The holster must positively secure the weapon with a strap or snap.

(D) For armed security officers on uniform exempt status the firearm shall be worn on a belt at the waist on the side of the dominant hand. No other methods, such as a shoulder holster, ankle holster, etc., shall be permitted for uniform-exempt status. The holster must positively secure the weapon with a strap or snap.

(E) Private security officers are required to annually requalify with their firearms during the month of license renewal, and at six- (6-) month intervals.

(F) Notwithstanding the foregoing, any deviation from the mandates of this subsection shall be made on an ad hoc basis, for good cause, only by written order of the Chief of Police.

(G) Private security officers who wish to carry a semi-automatic pistol while working security are limited to weapons manufactured by Beretta, Glock, Ruger, Sig-Sauer, Smith & Wesson, and Springfield Armory and registered with the private security section. A semi-automatic weapon carried by a private security officer must be double-action only.

(5) Requirements for Police Officers from Other Jurisdictions Carrying Duty Weapons. Police officers from other jurisdictions working as private security officers in the City of St. Louis may be permitted to carry their department duty weapon upon satisfying the following requirements:

(A) The officer must be a full-time employee of his/her agency and must submit a letter to the private security section from the chief law enforcement officer of his/her department indicating that the officer is a full-time commissioned officer;

(B) The officer must be certified by his/her respective state with a minimum of six hundred (600) hours training at a state approved academy. A copy of the certification must be presented to the private security section at the time of application for the security license;

(C) The officer must present a letter from the chief law enforcement officer of his/her department indicating the make, model, and serial number of the weapon that they are allowed to carry while working for their department;

(D) The officer must present a letter from the chief law enforcement officer of his/her department indicating a policy that requires the officer to requalify with the duty weapon a minimum of twice each year, and that the officer is subject to random drug testing;

(E) The firearm must be approved by the St. Louis Metropolitan Police Department's armorer or his/her designee;

(F) All other part-time police officers and reserve officers from other jurisdictions are restricted to weapons approved by the St. Louis Metropolitan Police Department for other private security officers and are required to successfully complete the firearms training program mandated by the St. Louis Metropolitan Police Department; and

(G) Tasers or other devices not specifically permitted may not be carried or used by security officers or police officers working security, unless specifically exempted by the St. Louis Metropolitan Police Department.

(6) Discharge of Firearms. A private security officer may not discharge a firearm in the performance of his/her duties (other than for practice or training at a firing range or similar authorized location) except when:

(A) Reasonably necessary to protect him/herself or another from death or serious bodily harm. Note: Security officers are not permitted to discharge their weapons to destroy any injured or dangerous animal unless their safety or the safety of a third party is directly threatened.

(7) Shots Fired Report. A private security officer, upon firing his/her weapon and/or using force to make an arrest, shall notify the nearest police district and have an official police report prepared. The reporting officer will see that a copy of the police report is forwarded to the commander of the private security section.

(8) Safety First Rules for Gun Handling. The licensed private security officer is responsible at all times for his/her weapon whether in or out of his/her possession. The following rules must be learned and obeyed:

(A) All weapons must be treated with the caution and respect due a loaded gun. Most accidents occur with a weapon thought to be unloaded;

(B) The weapon should be checked for ammunition each time it is handled;

(C) The barrel and action must be clear of obstruction before using the weapon;

(D) The weapon must be kept in good working condition;

(E) The weapon should not be drawn or pointed at any person unless the situation justifies such action;

(F) When the weapon is unattended, it must be properly secured and safe from children and curious people; and

(G) Ammunition carried on duty must be new factory-service ammunition. No reloads or wad cutter ammunition is permitted.

(9) Nonlethal Weapons. Private security officers may only carry the following nonlethal defensive weapons or equipment:

(A) Pepper mace (o.c. spray), after completion of approved training;

(B) Handcuffs, after completion of approved training;

(C) Metal baton not more than twenty-six inches (26") long when fully extended and not weighing more than twenty-one (21) ounces, after completion of approved training; and

(D) Wooden or composite baton not more than twenty-six inches (26") long and not weighing more than twenty-one (21) ounces, after completion of approved training. Note: Private security officers and corporate security advisors will only be authorized to carry an impact weapon after they have received training by a Department-approved instructor. It is the responsibility of the employer to provide Department-approved training in the proper use of this equipment. An agency has the right to determine which of these items may be carried by its licensed security employees.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original Authority: 84.340, RSMo 1939.*

### **Section 2.115 Field Inspection**

(1) Standards of Conduct. Private security officers are required to conduct themselves at all times in a manner reflecting the highest standards of professional behavior. Any conduct on the part of a private security officer which, in the judgment of a commissioned officer of this department, may be harmful to the good order, discipline or reputation of this department, or which may involve the integrity of this department, may be punished by oral or written reprimand, suspension for a designated period of time or permanent revocation of license.

(2) Field Inspections. All private security officers are subject to inspection by officers from the St. Louis Metropolitan Police Department. The purpose of such inspection is to insure that the license holder is in compliance with the provisions of this rule. Such an inspection will determine that:

(A) The license holder has in his/her possession a proper badge/identification card issued by the St. Louis Metropolitan Police Department;

(B) The license holder is wearing a full uniform when carrying an exposed firearm; and

(C) The license holder has not disregarded or deviated from the manual.

(3) Failure to Cooperate. Failure by any license holder to cooperate with a commissioned member of the St. Louis Metropolitan Police Department, or with personnel assigned to the private security section in the performance of their official duties, will constitute grounds for disciplinary action.

(4) Arrest of License Holder. During an inspection, if a license holder has been arrested for a felony, a misdemeanor or an infraction involving moral turpitude or license violation, the holder's badge/identification card will be seized and forwarded to the private security section of the St. Louis Metropolitan Police Department with a copy of the arrest report. The license holder is to be informed that s/he is suspended and not to continue to work until the matter is resolved by the private security section. If arrested for a felony violation, a formal suspension number will be obtained in the normal manner. The private security section will conduct any necessary investigation or make notification to the jurisdictional agency.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 2.125 Complaint/Disciplinary Procedures**

(1) Complaints. Investigation of complaints against a licensed private security officer will be handled by the private security section. The results of the investigation will be forwarded in the form of a report with recommendations through the chain of command to the Chief of Police. The Chief of Police will render a judgment concerning disciplinary action. The individual concerned and his/her employer will be informed by the private security section of all decisions made by the Chief of Police.

(2) Reprimands. In instances of misconduct not sufficiently serious to merit suspension or revocation of a license, the license holder may be reprimanded orally or in writing. Any violation of the provisions in these rules may be grounds for a reprimand. Reprimands will be a factor considered upon a licensee's application for a renewal of license or upon the occasion of any later disciplinary action. There is no appeal from a reprimand.

(3) Suspension. In instances where a private security officer is arrested for a felony or a serious misdemeanor, the commander or watch commander of the district or any officer acting in that capacity will administratively suspend the private security officer.

(A) In instances where a private security officer is arrested for a crime or ordinance violation, not a felony, and depending on the situation, the commander or watch commander of the district or any officers acting in that capacity has the choice of administratively suspending the private security officer or contacting the commander of the private

security section, who will determine whether or not the private security officer is to be suspended. If unable to contact the commander of the private security section, the report of the incident will be forwarded to the private security section at the earliest opportunity.

(B) Whenever a licensed private security officer is administratively suspended it will be required that the private security officer surrender his/her badge/identification card until a decision is made for its return by the commander of the private security section or a disposition is rendered by the Chief of Police.

(C) Where no warrant is issued and/or no cause for discipline is apparent, the private security officer's return to duty is to be determined by the commander of the private security section

(4) Revocations. A license may be revoked by order of the Chief of Police for any violations of the rules.

(5) Notification/Appeal. Whenever the license of a private security officer is suspended or revoked by the Chief of Police, the private security section shall notify the licensee in writing of the action. This notice will be mailed to his/her last address of record. The licensee shall have ten (10) days from the date of mailing notice at his/her last address of record to request a review of the disciplinary action. The request shall be directed in writing to the commander of the private security section. The request shall state additional supporting facts in his/her defense and/or rebuttal of the Chief of Police's decision.

(A) The commander of the private security section may meet with the licensee and discuss his/her request for review and/or shall conduct a further investigation of the disciplinary case.

(B) The commander of the private security section, within thirty (30) days of appeal, shall submit the appeal in a report to the Chief of Police for final action.

(C) Judgments and decisions of the Chief of Police concerning appeals in disciplinary matters are final and once the Chief of Police has ruled, the matter is permanently closed.

(6) Disciplinary Action and/or Punishment.

(A) The Chief of Police retains final authority in all disciplinary matters, including re-instruction, verbal reprimand, written reprimand, suspension, and revocation.

(B) Licensed private security personnel, whether on or off duty, are subject to disciplinary action for violations of these rules. Offenses may include, but not be limited to, the following:

1. Conviction of a felony, misdemeanor, or city ordinance;
2. Intoxication or drinking on duty;
3. Possession or illegal use of narcotic or potent drugs (controlled substance);
4. Assumption of police authority when not on duty;
5. Conduct contrary to the public peace and welfare;
6. Interference with any police officer engaged in the performance of his/her duties;
7. Overbearing or oppressive conduct during the performance of duty;
8. Failure to obey a reasonable order by an officer of the St. Louis Metropolitan Police Department;
9. Any conduct or actions which might jeopardize the reputation or integrity of the St. Louis Metropolitan Police Department or its members;

10. Failure to comply with the firearm restrictions, while traveling in either direction, without deviation between their residences and places of assignment by the most direct route (not to exceed one (1) hour);
11. Carrying any weapon other than an approved .38 Special caliber revolver or an approved semi-automatic pistol while performing the duties of a private security officer, unless specifically exempted;
12. Failure to have a weapon inspected by the department armorer and/or his/her designee, not having a record of this weapon on file with the private security section;
13. Carrying more than one (1) authorized firearm on duty;
14. Failure to wear a valid badge/identification card issued by this department on the breast of the outermost garment of security uniform, while on duty;
15. Failure to have in possession a badge/identification card authorizing uniform exemption while working in civilian attire;
16. Serving or acting as a licensed private security officer for any agency or business entity other than the one listed on his/her badge/identification card, except officers of the St. Louis County Police Department;
17. Failure to conform to uniform requirements;
18. Working as a licensed private security officer while under suspension;
19. Carrying a firearm concealed or otherwise in civilian attire while purporting to be working security but not actually engaged in providing a bona fide security function at the time;
20. Carrying or using a firearm while performing the duties of a licensed private security officer when not firearms qualified;
21. Any conduct constituting a breach of security or confidence;
22. Neglect of duty;
23. Failure to notify the private security section when and if arrested on any charge;
24. Failure to aid in prosecution;
25. Defacing or altering the badge/identification card;
26. Carrying unauthorized nonlethal weapons and/or protective devices;
27. Using unnecessary force in effecting an arrest or discourteous treatment or verbal abuse of any person;
28. Submitting a urine specimen which tests positive for controlled substances;
29. Failure to maintain on file at the private security section a current address and telephone number;
30. Failure to surrender badge/identification card to the private security section when license has been suspended;
31. Failure to cooperate in an investigation conducted by the private security section;
32. Identifying himself/herself as a police officer;



33. Engaging in a vehicular pursuit; and

34. Failure to surrender weapon for testing and identification purposes.

(7) Categories of Discipline. The Chief of Police retains final authority in all disciplinary matters, including reinstruction and firearms training, verbal reprimand, written reprimand, suspension, and revocation. Judgments and decisions of the Chief of Police are final.

(8) Individuals who resign while under investigation will not be considered for a license in the future.

*AUTHORITY: section 84.343, RSMo (2000).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 2.135 Drug Testing**

(1) Applicability. The following shall apply to all individuals seeking certification in any security category, including corporate security advisor, security officer, courier, as well as to all individuals seeking renewal or reinstatement of certification:

(A) Any individual seeking certification as an armed security officer, or any individual seeking reinstatement of certification, shall submit to urinalysis testing before certification is granted, renewed, or reinstated. This testing shall be for the purpose of determining the presence or absence of illegal drugs. Refusal to comply with this requirement shall result in the denial of certification, renewal of certification, or reinstatement of certification as an armed security officer, corporate security advisor, or courier, except as otherwise provided;

(B) If the results of an individual's urinalysis test are positive, that is, indicative of the presence of illegal drugs in the sample, the following penalties shall apply:

1. If the individual is an applicant for initial licensing, s/he shall be denied a license and shall not be permitted to reapply for a period of one (1) year;
2. If the individual is an applicant for renewal of a license, his/her license shall be suspended and an investigation conducted. The results of the investigation will be forwarded to the Chief of Police. The Chief of Police may revoke a license for one (1) year based on a positive drug screen;
3. If the individual is an applicant for reinstatement of license, reinstatement shall be denied for a period of one (1) year; and
4. A second positive drug test will permanently exclude the applicant from holding a security license;

(C) Urinalysis testing pursuant to this rule shall consist of a drug screen test and, if the test results are positive, a confirmatory test. The drug screen test shall be the Enzyme Multiplied Immunoassay Test (EMIT) which detects the following:

1. Marijuana (Cannabinoids THC);
2. Phencyclidine (PCP);
3. Amphetamines;
4. Barbiturates;
5. Cocaine;
6. Propoxyphene;



7. Opiates;
8. Benzodiazepines; and
9. Methadone;

(D) The confirmatory testing method to be used shall be Gas Chromatography Mass Spectroscopy (GCMS). No applicant shall be denied a license, renewal of a license or reinstatement of a license on the basis of a positive result on the EMIT test, unless that result is first confirmed by GCMS;

(E) Samples for urinalysis testing shall be taken at the times and locations designated by the St. Louis Metropolitan Police Department for this purpose. Samples shall be analyzed at a laboratory facility designated by the St. Louis Metropolitan Police Department;

(F) The expense of the drug test shall be borne by the individual requesting an armed license or renewal as an armed security officer. All expenses associated with urinalysis testing shall be borne by the individual seeking the license, or reinstatement of a license as an armed security officer;

(G) A portion of each sample taken pursuant to this rule shall be preserved and, upon request, be made available to the applicant from whom it was taken for the purpose of contesting the results of the analysis performed pursuant to subsections (1)(C)–(E) of this rule. The expense of any analysis for the purpose of contesting the results shall be borne entirely by the applicant. Procedures for contesting the results of a drug analysis shall be determined by the private security section and made available on request; and

(H) Any request made by an applicant for the preserved portion of a sample must be made within thirty (30) days of the applicant's receipt of notification of denial of a license, renewal or reinstatement because of failure to pass urinalysis testing.

(2) Laboratory and Testing Procedures. Security officers and couriers will use the laboratory under contract with the St. Louis Metropolitan Police Department for collections and analyses of specimens. The testing laboratory will comply with all the provisions of this regulation including the following:

(A) Examinee must not be permitted to bring any clothing or personal effects into the collection area;

(B) Laboratory facilities used for the collection of samples must be both sanitary and sterile (that is, free of discarded paper products from previous collections as well as all other debris of any type and free of any substances which could be used to alter a urine specimen);

(C) The collection process must include procedures to adequately insure:

1. That the specimen is correctly identified as coming from the donor/examinee;
2. That the specimen cannot be altered or tampered with after it has been collected;
3. That there is a documented chain of custody with respect to the sample;
4. That laboratory results are accurately identified with the particular specimen on which the analysis has been performed;
5. That procedures are instituted to rule out a positive analysis based upon the presence of over-the-counter or prescription drugs in the urine of the examinee;
6. That procedures are instituted to rule out positive analysis based upon the presence of contraband drugs in the urine which presence could have been derived in a manner other than by direct ingestion or intravenous injection; and

7. That procedures are instituted to insure the confidentiality of laboratory results and that positive results are made known only to those individuals, institutions, corporations, governmental agencies or other entities or their agents who have been granted the privilege of disclosure under the terms and conditions of these rules only for the purpose of carrying out the sole intent of this regulation;
- (D) All laboratory results must bear the signature of an authorized representative of the testing facility;
- (E) Laboratory results must be delivered via the collection agency's computer and the printer housed at the St. Louis Metropolitan Police Department, Private Security Section.
- (F) The laboratory/collection site must have a litigation package which includes records that show:
1. Chain of custody;
  2. Collaboration file;
  3. Screen results;
  4. Confirmation results; and
  5. Chromatograms; and
- (G) The St. Louis Metropolitan Police Department or its designee reserves the right to approve any collection service, process, laboratory or procedure regarding drug testing procedures before any results will be recognized for the purposes of this rule.

*AUTHORITY: section 84.343, RSMo( 2012).\**

*\*Original authority: 84.340, RSMo 1939.*

**CHAPTER 3—RULES FOR COURIERS****Section 3.015 Administration and Command of the Private Security Section**

(1) Pursuant to Section 84.343.1, RSMo., any city not within a county may establish a municipal police force for multiple purposes, one of which is “Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said city.” The City of St. Louis has established a municipal police force. Said municipal police force currently licenses private watchmen and private policemen, whose rights, privileges and duties have been further delineated by subdividing their descriptions and functions into sub-classes as hereinafter set forth. However, all private watchmen and private policemen are collectively known by the generic term “private security.” Private detectives are licensed by the State of Missouri, not by the City of St. Louis. By Special Order of the Chief of Police, all matters involving private security are initially assigned to the Private Security Section.

(2) Private Security Section. The private security section is responsible for the interviewing, investigating, processing, licensing, inspection, and supervision of all persons working or acting as licensed couriers or any other variety of titles in the City of St. Louis. The private security section is further responsible for issuing and transferring all such licenses, for reinstatements, for periodic inspection of license holders, for liaison with all suppliers of security personnel in the city, and for maintenance of a personnel file on all applicants in the City of St. Louis.

(3) Private Security Personnel. The St. Louis Metropolitan Police Department private security program has four (4) distinct classifications of personnel. A definition of each classification is listed as follows:

(A) Corporate security advisor. A person employed to provide all services rendered by a private security officer, as well as other specialized corporate security services related to the protection of his/her employer’s/principal’s resources and personnel. A licensed corporate security advisor may carry a firearm and protective devices in accordance with the guidelines established in these rules. S/he shall be authorized to exercise the same police powers granted to private security officers while on his/her employer’s/principal’s property. However, the corporate security advisor’s power and authority shall not be restricted to that property, but shall be coextensive with the geographic limits of the City of St. Louis and St. Louis County (as defined in Section 5.065);

(B) Private security officer. A person employed with certain police powers (as defined in Section 2.065) to protect life or property on or in designated premises. The private security officer’s powers exist only within the established property owned or leased by the contracting employer and to incidents occurring on the premises. The private security officer may carry a firearm providing this individual is qualified (as defined in Section 2.055). Authorization to carry a firearm is designated on the badge/identification (ID) card. The private security officer, whether armed or unarmed, may carry a baton, nightstick, pepper mace, and handcuffs after training requirements have been satisfied;

(C) Courier. A person employed to carry out the assignment of protecting and transporting property from one (1) designated area to another. The person shall be in an approved company uniform. The courier has no power of arrest. The courier may carry a firearm provided this individual is qualified (as defined in Section 3.055), which is designated on the badge/ID card; and

(D) Private watchman. A person employed without police powers and without authorization to carry weapons or protective devices. This individual will perform the tasks of observation and reporting on or in a licensed premise or designated area. This may include patrolling the public street. The private watchman shall be in an approved company uniform. The private watchman has no power of arrest. Note: The private watchman will only be allowed to obtain additional licenses in the private watchman classification.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

**Section 3.025 Definitions**

- (1) Applicant – A person who applies for a courier license.
- (2) Badge/identification (ID) card – A card that is issued to security personnel bearing a picture of and information about the person to whom the card is issued.
- (3) Cancellation – The inactivation of a license at the request of an employer.
- (4) Firearm – Approved double-action .38 Special caliber revolver or double-action only semi-automatic pistol in 9mm Luger caliber only.
- (5) License – The document which is issued to each of the licensed security personnel by the St. Louis Metropolitan Police Department authorizing the holder to perform specific security duties in the City of St. Louis as designated by the license. The “Metro” license currently issued allows the holder to perform security duties in the City of St. Louis and St. Louis County.
- (6) Protective devices – The only approved instruments used for personal protection are baton, nightstick, and pepper mace. Training is required before these items may be carried on duty.
- (7) Resignation—The voluntary inactivation of a security license by the individual holding that license.
- (8) Revocation – The permanent inactivation of a license by the St. Louis Metropolitan Police Department in accordance with the rules and procedures set out herein.
- (9) Suspension – The temporary inactivation of a license pending an administrative investigation determined by the St. Louis Metropolitan Police Department .
- (10) Termination – The inactivation of a license through resignation, cancellation, expiration, or revocation.
- (11) Weapons – Instruments used as protective devices, as listed in section (6), including a firearm, baton, nightstick, and pepper mace.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

**Section 3.035 Licensing**

(1) General Procedures. Each applicant must appear in person at the office of the private security section. Each applicant must complete an application form. S/he must provide all information requested in the application for a determination of his/her qualifications to hold a license as a courier. Each applicant must present a current letter (no older than ten (10) days) from the intended employer, where the proposed employer states an intention to hire the applicant. Prior to an application being processed by the private security section, a criminal history inquiry will be made through the St. Louis Metropolitan Police Department’s computer terminal. If the inquiry reveals that the applicant has an open criminal arrest record, s/he will be required to obtain a certified final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the application process will not be completed until a final disposition is obtained.

(2) Standards. Each applicant for a license to work as a courier in the City of St. Louis shall meet the standards set by the St. Louis Metropolitan Police Department , which require that an applicant:

- (A) Be a citizen of the United States, or legal resident-alien permitted to work in this country;
- (B) Be at least twenty-one (21) years of age;

- (C) Be able to read, write, and understand the English language;
- (D) Meet physical and mental standards established by the St. Louis Metropolitan Police Department;
- (E) Not be licensed as a courier and private investigator/detective at the same time;
- (F) Be capable of understanding and performing the duties and responsibilities of a licensed courier within the scope of departmental policies and procedures;
- (G) Must be in possession of an Honorable Discharge or a General Discharge Under Honorable Conditions, if s/he has served time on active or reserve duty in any of the Armed Forces of the United States. An Undesirable Discharge, a Discharge Under Dishonorable Conditions, or a Discharge Other Than Honorable Conditions will disqualify the applicant;
- (H) Be of good moral character;
- (I) Have no felony convictions;
- (J) Be able to pass a character investigation by this department as indicated through a criminal record check;
- (K) Satisfactorily complete the training program prescribed by the St. Louis Metropolitan Police Department;
- (L) Pass a written examination based on the information given in the training course;
- (M) Never have had a security license revoked or denied by another jurisdiction for a criminal law violation;
- (N) Not withhold any information which would determine fitness relevant to being licensed as a courier; and
- (O) Be free of any type of chemical dependency.

(3) Issuance/Denial of License. When an applicant has successfully completed the requirements set by the St. Louis Metropolitan Police Department, the Department will issue a license. An applicant may be denied a license for any of the following reasons:

- (A) Failure to meet the standards in section (2);
- (B) Falsifying information on any of the forms provided by the private security section to establish eligibility. Applicants who falsify those documents shall be ineligible to receive a courier license and cannot reapply for at least six (6) months from the date the false information was submitted;
- (C) Failure to provide whatever additional information is deemed necessary in order to establish eligibility;
- (D) The references, employment background records, or both, indicate a poor or unsatisfactory character or work record;
- (E) Any facts or actions which make the applicant unsuitable or ineligible for licensing;
- (F) Resigned under investigation, resigned under charges, or was discharged from any police force;
- (G) Has been denied a security license by any agency; and
- (H) The employer is not in good standing with the St. Louis Metropolitan Police Department.

(4) Notification of License Denial. Applicants and their employers, in event of license denial, will be given a written notification. Specific reasons will be given to an applicant who appears in person at the office of the private security section.

Applicants may appeal, in writing, to the St. Louis Metropolitan Police Department within thirty (30) days of denial notification. The appeal should contain a brief rebuttal of the reasons for denial. The St. Louis Metropolitan Police Department will then notify the applicant, in writing, of its final decision in the matter.

(5) Restricted License. The St. Louis Metropolitan Police Department reserves the right to prohibit the holder of a license from carrying any firearms. Any such prohibition will be noted on his/her badge/identification (ID) card.

(6) Temporary License. If an applicant appears to meet the standards for licensing, the commander of the private security section may issue a temporary license. This permits the applicant to work until a formal license is issued by the St. Louis Metropolitan Police Department.

(A) While working under a temporary license, the holder may not have a firearm or protective device upon or about his/her person.

(B) A holder of a temporary badge/ID card must wear the card at the breast of the outermost garment while on duty and must be attired in an approved military style uniform.

(C) A holder of a temporary license who transfers employment to another agency must return his/her temporary badge/ID card to the private security section for issuance of a new badge/ID card.

(D) A holder of a temporary license must return the temporary badge/ID card to the private security section at the time the formal license is issued.

(7) Secondary Employment License.

(A) Additional licenses may be approved by the St. Louis Metropolitan Police Department and issued by the private security section to a courier who wishes to work for more than one (1) employer. A courier desiring additional licenses must present a letter of intent to hire from the secondary employer(s) and pay the fee required for the additional license(s).

(B) A St. Louis Metropolitan Police Department computer inquiry will be made on each courier applying for a secondary license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from the circuit or prosecuting attorney. If the case is still open, the secondary license process will not be completed until final disposition is obtained.

(8) License Renewals. A courier's license is valid for one (1) year from date of issue, and it must be renewed in the month it expires.

(A) A St. Louis Metropolitan Police Department computer inquiry will be made on each courier renewing his/her license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the renewal process will not be completed until final disposition is obtained.

(B) A courier wishing to renew his/her license must report to the private security section in the month the license expires, bringing:

1. The license which is about to expire;
2. A letter from his/her employer requesting renewal;
3. The badge/ID card; and
4. The fee for the renewal.

(C) If firearms-qualified, the courier wishing to receive a license must schedule for requalification through an approved firearms course. The courier must also submit a urine specimen for drug testing according to the provisions of these rules and regulations, unless otherwise exempt.

(D) A license not renewed during the month it was issued automatically expires on the last day of the month unless the holder has applied to the commander of the private security section and received an extension of time. Such extension will be noted with a sticker on the license. This sticker will indicate the adjusted expiration date of the license.

(9) License Transfer. A license holder may work only for the company, agency, or business entity named on the license. A license holder who changes employers must make sure that the new employer is named on the license. In order to transfer a license from one (1) employer to another, the license holder must appear in person at the private security section and:

(A) Bring a current dated letter (no more than ten (10) days prior to application) from the new employer, addressed to the St. Louis Metropolitan Police Department, outlining the duties of the new job and requesting the transfer of license;

(B) Bring in license and badge/ID card;

(C) Pay the fee established for processing transfers;

(D) The license holder will receive a new badge/ID card and license to the new company; and

(E) A St. Louis Metropolitan Police Department computer inquiry will be made on each courier transferring his/her license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from the circuit or prosecuting attorney. If the case is still open, the transfer process will not be completed until final disposition is obtained.

(10) License Reinstatements. A licensed courier who resigns may apply for reinstatement of his/her license under the following requirements and procedures:

(A) Application must be made within three (3) months of the resignation date;

(B) The applicant must have resigned while his/her license was in good standing;

(C) The applicant must appear at the private security section with a currently dated letter from an employer requesting reinstatement;

(D) The applicant should pay the fee established for processing license reinstatements; and

(E) A St. Louis Metropolitan Police Department's computer inquiry will be made on each courier reinstating his/her license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from the circuit or prosecuting attorney. If the case is still open, the reinstatement process will not be completed until final disposition is obtained.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 3.045 Personnel Records and Fees**

(1) Personnel Records. The private security section will maintain the personal records of each license holder. This record, and all information pertaining to the individual, shall be the property of the private security section. Applicants and license holders are personally responsible for immediately notifying the private security section of any change in name, address, telephone number or employer.

(2) Fees. The St. Louis Metropolitan Police Department will establish, from time-to-time, a set of fees for various services provided by the private security section. The schedule of fees is posted in the private security section office. No fees will be refunded for any reason after the date of application and must be paid in full at the time of application.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### Section 3.055 Training

(1) Exemptions. Full-time state-certified police officers and retired St. Louis City police officers shall be exempt from basic classroom training requirements, but must still complete firearms training requirements. All other applicants shall be required to complete basic classroom training and firearms training.

(2) Length and Content. The training period consists of four (4) hours. Classroom activities consist of selected security subjects and departmental regulations.

(3) Absences. Candidates for licensing who remain away unexcused from any class sessions may be disqualified or required to arrange attendance at a future class.

(4) Final Test. Each applicant must take a written test on the subject matter presented in class and must attain a passing score of at least seventy percent (70%).

(A) Applicants who fail to achieve a seventy percent (70%) score will be allowed to take one (1) make-up test.

(B) The applicant will be supplied with all training materials and allowed to take the basic class in thirty (30) days at his/her expense. Upon successful completion of the subsequent training and test, the applicant will be issued a license.

(C) A second failure will cause the applicant to be ineligible for licensing.

(5) Firearms Qualification. On the firing range an applicant must display the ability to safely and properly handle his/her firearm and must achieve a score at or above the standard established by the St. Louis Metropolitan Police Department .

(A) An applicant who displays an inability to handle a firearm safely and properly will be disqualified from carrying a firearm.

(B) An applicant who does not attain the minimum score on the firing range will not

(6) Unarmed Courier License. An applicant who does not wish to have an armed license or who cannot attain the minimum required score on the firing range may be issued a restricted license allowing him/her to work as an unarmed licensed courier.

(7) Training Fee. A nonrefundable training fee established by the St. Louis Metropolitan Police Department must be paid before an applicant is enrolled in a training session.

(8) Oath or Affirmation. Prior to issuance of his/her license, the applicant must swear or affirm the following:

I DO SOLEMNLY SWEAR OR AFFIRM that I am a citizen of the United States, or a legal resident alien, that I will faithfully support the Constitution of the United States, the Constitution and Laws of the State of Missouri, and the Charter and City Ordinances of the City of St. Louis; that I have never been convicted of a felony; that I have no physical or mental disability or habit that disqualifies me from performing the duties of a courier; that I will wear such dress, badge/ID card or emblem as the St. Louis Metropolitan Police Department from time-to-time may designate; that I will, to the best of my skill and ability, diligently and faithfully, without partiality or prejudice, discharge my duties according to the Constitution and Laws of the State of Missouri and Charter and Ordinances of the City of St. Louis; that I will strictly obey all lawful orders and regulations of the St. Louis Metropolitan Police



Department , the Chief of Police, or any officer placed by them over me; that I will not cease to perform my duties until my resignation is accepted by the St. Louis Metropolitan Police Department; that I will not become a member of, or affiliate myself with, any organization of any kind or character whatsoever, membership in which will or may impose upon me obligations inconsistent with the full performance of my duties as a Courier, or inconsistent with the oath herein taken to carry out the orders of the St. Louis Metropolitan Police Department and to comply with its lawful orders, rules, and regulations, or which will or may, in any degree interfere with the performance of my duties as a licensed Courier.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 3.065 Authority**

(1) Authority. The licensed courier has the authority to bear a firearm during the time s/he is assigned to protect and transport property from one (1) designated area to another.

(A) The courier has the authority to conduct his/her activity on the public thoroughfares of the City of St. Louis and St. Louis County;

(B) While performing this activity, s/he must be in a military style uniform; and

(C) If firearms-qualified, s/he must wear an exposed weapon as defined in Section 3.105.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 3.075 Duties**

(1) Duties. It is the duty of every licensed courier to:

(A) Observe and obey these regulations and to obey all lawful orders of any commissioned St. Louis police officer in all matters involving the need for police services;

(B) Cooperate with St. Louis police officers in the performance of their duties.

1. In any situation where police are present, the judgment of the St. Louis Metropolitan Police on-duty police officer(s) shall prevail. They are responsible for the proper handling and reporting of the incident in accordance with departmental policies;

2. Failure to cooperate with a St. Louis police officer may be cause for disciplinary action against a licensed courier; and

3. Failure to assist a law enforcement agency or to aid in prosecution of a crime may be cause for disciplinary action against a courier; and

(C) Notify the St. Louis Metropolitan Police Department when an incident has involved a courier. To furnish all pertinent facts and evidence to any police officer(s). A report of the incident will then be made by the police in the same manner as in other arrests.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939*

**Section 3.085 Uniforms**

(1) The St. Louis Metropolitan Police Department ruled that by January 1, 1990, no courier uniforms will resemble those of the St. Louis police officers. The light blue shirt with dark blue jacket and trousers will not be duplicated. In addition, a company shoulder patch will be mandatory on all shirts, coats, and jackets of private security personnel.

(2) All couriers should be aware of the following guidelines:

(A) All couriers are required to wear an approved company uniform which, at a minimum, shall consist of trousers or skirt and shirt or blouse;

(B) All couriers wearing blue uniform trousers or skirts, shirts or blouses, and jackets similar to those worn by the St. Louis Metropolitan Police Department must have their company shoulder patch affixed to either the left or right sleeve, approximately one inch (1") below the shoulder seam, clearly distinguishing them from a St. Louis police officer;

(C) The badge/identification card issued by the private security section of the St. Louis Metropolitan Police Department will be worn on the breast of the outermost garment while on duty and performing a bona fide security function for an employer;

(D) Security personnel may wear a company badge or emblem as devised by their employer. These badges and emblems bear the name of the employer and identify the individual as a courier. The word "police" will not be used on the badge or emblem;

(E) A company shoulder patch may be worn on either the right or left sleeve approximately one inch (1") below the shoulder seam;

(F) No buttons, insignia, or decoration which are marked in any way with the St. Louis Metropolitan Police Department imprint may be worn by licensed couriers; and

(G) The use of company vehicles for security purposes must conform with the established rules governed under city ordinance. The word "police" will not be displayed on the vehicles.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939*

**Section 3.095 Equipment**

(1) Equipment Issue. At the conclusion of the training period and upon final approval by the St. Louis Metropolitan Police Department, each courier shall receive from the private security section one (1) badge/identification (ID) card and one (1) courier's manual. These items are, and remain, departmental property. They must be returned to the private security section by any courier who resigns, is suspended, or has his/her license revoked.

(2) Equipment Responsibility. During employment, it is the responsibility of the courier to care for and safeguard this departmental property.

(A) After the cost has been determined all issued items of departmental property lost, stolen, damaged, or destroyed must be replaced by the licensee.

(B) The loss of any item must be immediately reported to the private security section. No formal police report is required. The courier then becomes responsible for appearing at the private security section to obtain and pay for a replacement.

(C) Careless handling of departmental property may be subject to disciplinary action.

(3) Badge/ID Card. The badge/ID card which is issued by the private security section to a licensed courier is an easily recognized symbol of authority and responsibility.

(A) The badge/ID card, which is stamped with an issue date and an expiration date, will also state whether the holder may be armed or must work unarmed.

(B) This badge/ID card must be worn over the breast on the outermost garment in plain view. It must be returned to the private security section upon resignation, suspension, cancellation, or revocation of the license.

(C) Tampering, defacing, or altering of this card is subject to disciplinary action or revocation.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 3.105 Weapons**

(1) Limitations On Carrying Weapon. A courier licensed by the St. Louis Metropolitan Police Department may be permitted to carry on his/her person an authorized firearm while traveling in either direction by the most direct route (without deviation, not to exceed one (1) hour, or both) between his/her residence and place of assignment; provided, s/he is:

(A) In uniform;

(B) Firearms-qualified; and

(C) Wearing a valid badge/identification card issued by this department.

(2) Couriers who are authorized to carry their firearms to and from their place of residence have no authority to use their firearms during that travel period.

(3) The authorization to carry a firearm may be revoked if a courier discharges or uses his/her firearm and it is determined to be unjustified. Each incident will be decided on a case-by-case basis with the circumstances surrounding the use being the primary factors under consideration.

(4) Inspection and Registration. All firearms used by private couriers must be inspected by the department armorer or his/her designee and must be registered and on file in the private security section. Armed couriers may only use a duty weapon which is either personally owned by them or owned by their agency.

(A) Only one (1) approved firearm may be carried on duty.

(B) Couriers must carry a double action .38 Special caliber revolver or a 9mm Luger (9x19) caliber semi-automatic pistol. The carrying of any other caliber weapon, including derringers, .357 Magnums, and shotguns, is prohibited. Only factory loaded, commercially available ammunition may be carried. EXCEPTION: Couriers employed by an armored car service company, while protecting and transporting property from one (1) designated area to another, may carry a .38 Special caliber revolver or a semi-automatic pistol in either 9mm Luger or .40 caliber Smith & Wesson, double-action only.

(C) The firearm shall be exposed and worn on a belt at the waist on the side of the dominant hand. No other methods, such as a shoulder holster, ankle holster, and the like, shall be permitted.

(D) Couriers are required to annually requalify with their firearms during the month of license renewal and at six-(6-) month intervals.

(5) Discharge of Firearms. A courier may not discharge a firearm in the performance of his/her duties (other than for practice or training at a firing range or similar authorized location) except when reasonably necessary to protect him/herself or

another from death or serious physical harm. Note: Couriers are not permitted to discharge their weapons to destroy an injured or dangerous animal unless their safety or the safety of a third party is directly threatened.

(6) Shots Fired Report. A courier, upon firing his/her weapon, shall notify the nearest police district and have an official police report prepared. The reporting officer will see that a copy of the police report is forwarded to the commander of the private security section.

(7) Safety First Rules for Gun Handling. The licensed courier is responsible at all times for his/her weapon whether in or out of his/her possession. The following rules must be learned and obeyed:

(A) All weapons must be treated with caution and respect due a loaded gun. Most accidents occur with a weapon thought to be unloaded;

(B) The weapon should be checked for ammunition each time it is handled;

(C) The barrel and action must be clear of obstruction before using the weapon;

(D) The weapon must be kept in good working condition;

(E) The weapon should not be drawn or pointed at any person unless the situation justifies this action;

(F) When the weapon is unattended, it must be safe from children and curious people;

(G) Ammunition carried on duty must be new factory-service ammunition. No reloads or wad cutter ammunition is permitted; and

(H) Under no circumstances is a weapon, whether loaded or unloaded, to be stored in a vehicle.

(8) Nonlethal Weapons. Couriers may only carry the following non-lethal defensive weapons or equipment:

(A) Pepper mace (o.c. spray), after completion of approved training;

(B) Handcuffs, after completion of approved training;

(C) Metal baton not more than twenty-six inches (26") long when fully extended and not weighing more than twenty-one (21) ounces, after completion of approved training; and

(D) Wooden nightstick not more than twenty-six inches (26") long and not weighing more than twenty-one (21) ounces, after completion of approved training. Note: Private security officers, couriers, and corporate security advisors will only be authorized to carry an impact weapon after they have received training by a Department-approved instructor. It is the responsibility of the employer to provide Department-approved training in the proper use of this equipment. An agency has the right to determine which of these items may be carried by its licensed security employees.

*AUTHORITY: section 84.343, RSMo (2012).\**

*.\*Original authority: 84.340, RSMo 1939.*

### **Section 3.115 Field Inspection**

(1) Standards of Conduct. Couriers are required to conduct themselves at all times in a manner reflecting the highest standards of professional behavior. Any conduct on the part of a courier which, in the judgment of a commissioned officer of this department, may be harmful to the good order, discipline, or reputation of this department, or which may involve the integrity of this department, may be punished by oral or written reprimand, suspension for a designated period of time, or permanent revocation of license.

(2) Field Inspections. All couriers are subject to inspection by officers from the St. Louis Metropolitan Police Department. The purpose of this inspection is to insure that the license-holder has been in compliance with the provisions of this rule. This inspection will determine that the license holder—

(A) Has in his/her possession a proper badge/identification (ID) card issued by the St. Louis Metropolitan Police Department;

(B) Is wearing a full uniform when carrying an exposed firearm; and

(C) Has not disregarded or deviated from the manual.

(3) Failure to Cooperate. Failure by any license holder to cooperate with a commissioned member of the St. Louis Metropolitan Police Department or with personnel assigned to the private security section in the inspection procedures will constitute grounds for disciplinary action.

(4) Arrest of License Holder. During an inspection, if a license holder is arrested for a felony, a misdemeanor, or an infraction involving moral turpitude or license violation, the holder's badge/ID card will be seized and forwarded to the private security section of the St. Louis Metropolitan Police Department with a copy of the arrest report. The license holder is to be informed that s/he is suspended and not to continue to work until the matter is resolved by the private security section. If arrested for a felony violation, a formal suspension number will be obtained in the normal manner. The private security section will conduct any necessary investigation or make notification to the jurisdictional agency.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939*

### **Section 3.125 Complaint/Disciplinary Procedures**

(1) Complaints. Investigation of complaints against licensed couriers will be handled by the private security section. The results of the investigation will be forwarded in the form of a report with recommendations through the chain of command to the Chief of Police. The Chief of Police will render a judgment concerning disciplinary action. The individual concerned, and his/her employer, will be informed by the private security section of all decisions made by the Chief of Police.

(2) Reprimands. In instances of misconduct not sufficiently serious to merit suspension or revocation of a license the license holder may be reprimanded orally or in writing. Any violation of the provisions in these rules may be grounds for a reprimand. Reprimands will be a factor considered upon a licensee's application for a renewal of license or upon the occasion of any later disciplinary action. There is no appeal from a reprimand.

(3) Suspension. In instances where a courier is arrested for a felony or serious misdemeanor, the commander or watch commander of the district or any officer acting in that capacity will suspend the courier.

(A) In instances where a courier is arrested for a crime or ordinance violation, not a felony and depending on the situation, the commander or watch commander of the district or any officer acting in that capacity has the choice of suspending the courier or contacting the commander of the private security section, who will determine whether or not the courier is to be suspended. If unable to contact the commander of the private security section, the report of the incident will be forwarded to the private security section at the earliest opportunity.

(B) Whenever a licensed courier is suspended it will be required that the courier surrender his/her badge/identification (ID) card until a decision is made for its return by the commander of the private security section or a disposition is rendered by the Chief of Police.

(C) Where no warrant is issued, no cause for discipline is apparent, or both, the courier's return to duty is to be determined by the commander of the private security section.

(4) Revocations. A license may be revoked by order of the Chief of Police for any violations of the rules.

(5) Notification/Appeal. Whenever the license of a courier is suspended or revoked by the Chief of Police, the private security section shall notify the licensee in writing of the action. This notice will be mailed to his/her last address of record. The licensee shall have ten (10) days from the date of posting notice to request a review of the disciplinary action. The request shall be directed in writing to the commander of the private security section. The request shall state additional supporting facts in his/her defense, rebuttal of the Chief of Police's decision, or both.

(A) The commander of the private security section may meet with the licensee and discuss his/her request for review, shall conduct a further investigation of the disciplinary case, or both.

(B) The commander, within thirty (30) days of appeal, shall submit the appeal in a report to the Chief of Police for final action.

(C) Judgments and decisions of the Chief of Police concerning appeals in disciplinary matters are final, and once the Chief of Police has ruled, the matter is permanently closed.

(6) Disciplinary Action, Punishment, or Both.

(A) The Chief of Police retains final authority in all disciplinary matters, including reinstruction, verbal reprimand, written reprimand, suspension, and revocation.

(B) Licensed couriers, whether on or off duty, are subject to disciplinary action for violations of these rules. Offenses may include, but not be limited to, the following:

1. Conviction of a felony, misdemeanor, or city ordinance;
2. Intoxication or drinking on duty;
3. Possession or illegal use of narcotic or potent drugs (controlled substance);
4. Assumption of police authority when not on duty;
5. Conduct contrary to the public peace and welfare;
6. Interference with any police officer engaged in the performance of his/her duties;
7. Overbearing or oppressive conduct during the performance of duty;
8. Failure to obey a reasonable order by an officer of the St. Louis Metropolitan Police Department;
9. Any conduct or actions which might jeopardize the reputation or integrity of the St. Louis Metropolitan Police Department or its members;
10. Failure to comply with the restrictions of a firearm, while traveling in either direction, without deviation between their residences and places of assignment by the most direct route (not to exceed one (1) hour);
11. Carrying any weapon other than an approved firearm while performing the duties of a courier;
12. Failure to have a weapon inspected by the department armorer or his/her designee, not having a record of this weapon on file with the private security section, or both;
13. Carrying more than one (1) authorized firearm on duty;
14. Failure to wear a valid badge/ID card issued by this department on the breast of the outermost garment of courier uniform while on duty;

15. Serving or acting as a licensed courier for any agency or other business entity other than the one listed on his/her badge/ID card;
16. Failure to conform to uniform requirements;
17. Working as a licensed courier while under suspension;
18. Carrying or using a firearm while performing the duties of a licensed courier when not firearms-qualified;
19. Any conduct constituting a breach of security or confidence;
20. Neglect of duty;
21. Failure to notify the private security section when and if arrested on any charge;
22. Failure to aid in prosecution;
23. Defacing or altering the badge/ID card;
24. Carrying unauthorized nonlethal weapons, protective devices, or both;
25. Submitting a urine specimen which tests positive for controlled substances;
26. Failure to maintain on file at the private security section a current address and telephone number;
27. Failure to surrender badge/ID card to the private security section when license has been suspended;
28. Failure to cooperate in an investigation conducted by the private security section;
29. Identifying himself/herself as a police officer; and
30. Engaging in a vehicular pursuit.

(7) Categories of Discipline. The Chief of Police retains final authority in all disciplinary matters, including reinstruction and firearms-training, verbal reprimand, written reprimand, suspension, and revocation. Judgments and decisions of the Chief of Police are final.

(8) Individuals who resign while under investigation will not be considered for a license in the future.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 3.135 Drug Testing**

(1) Applicability. The following shall apply to all individuals seeking certification in any category of armed courier, as well as to all individuals seeking renewal or reinstatements of certification:

(A) Any individual seeking certification as an armed courier or any individual seeking reinstatement of certification shall submit to urinalysis testing before certification is granted, renewed, or reinstated. This testing shall be for the purpose of determining the presence or absence of illegal drugs. Refusal to comply with this requirement shall result in the denial of certification, renewal of certification, or reinstatement of certification as an armed courier;

(B) If the results of an individual's urinalysis test are positive, that is indicative of the presence of illegal drugs in the sample, the following penalties shall apply:

1. If the individual is an applicant for initial certification, s/he shall be denied certification and shall not be permitted to reapply for a period of one (1) year;
2. If the individual is an applicant for renewal of certification, his/her certification shall be suspended and an investigation conducted. The results of the investigation will be forwarded to the St. Louis Metropolitan Police Department . The Department may revoke a license for one (1) year based on a positive drug test;
3. If the individual is an applicant for reinstatement of certification, reinstatement shall be denied for a period of one (1) year; and
4. A second positive drug test will permanently exclude the individual from holding a courier license;

(C) Urinalysis testing pursuant to this rule shall consist of a drug screen test and, if the test results are positive, a confirmatory test. The drug screen test shall be the Enzyme Multiplied Immunoassay Test (EMIT) which detects the following:

1. Marijuana (Cannabinoids THC);
2. Phencyclidine (PCP);
3. Amphetamines;
4. Barbiturates;
5. Cocaine;
6. Propoxyphene;
7. Opiates;
8. Benzodiazepines;
9. Methadone; and
10. Methaqualone;

(D) The confirmatory testing method to be used shall be Gas Chromatography Mass Spectroscopy (GCMS). No applicant shall be denied certification, renewal of certification, or reinstatement of certification on the basis of a positive result on the EMIT test, unless that result is first confirmed by GCMS;

(E) Samples for urinalysis testing shall be taken at the times and locations designated by the St. Louis Metropolitan Police Department for this purpose. Samples shall be analyzed at a laboratory facility designated by the St. Louis Metropolitan Police Department;

(F) The expense of the drug test shall be borne by the individual requesting armed certification or renewal as an armed courier. All expenses associated with urinalysis testing shall be borne by the individual seeking certification, renewal of certification, or reinstatement of certification as an armed courier;

(G) A portion of each sample taken pursuant to this rule shall be preserved and upon request to be made available to the applicant from whom it was taken for the purpose of contesting the results of the analysis performed pursuant to subsections (1)(C)–(E) of this rule. The expenses of any analysis made by an applicant for the purpose of contesting the results shall be borne entirely by the applicant; and



(H) Any request made by an applicant for the preserved portion of a sample must be made within thirty (30) days of the applicant's receipt of notification of denial of certification, renewal, or reinstatement because of failure to pass urinalysis testing.

(2) Laboratory and Testing Procedures. Couriers will use the laboratory under contract with the St. Louis Metropolitan Police Department for collections and analysis of specimens. The testing laboratory will comply with all the provisions of this regulation including the following:

(A) Examinee must not be permitted to bring any clothing or personal effects into the collection area;

(B) Laboratory facilities used for the collection of samples must be both sanitary and sterile (that is, free of discarded paper products from previous collections as well as all other debris of any type and free of any substances which could be used to alter a urine specimen);

(C) The collection process must include procedures to adequately insure:

1. That the specimen is correctly identified as coming from the donor/examinee;
2. That the specimen cannot be altered or tampered with after it has been collected;
3. That there is a documented chain of custody with respect to the sample;
4. That laboratory results are accurately identified with the particular specimen on which the analysis has been performed;
5. That procedures are instituted to rule out a positive analysis based upon the presence of over-the-counter or prescription drugs in the urine of the examinee;
6. That procedures are instituted to rule out positive analysis based upon the presence of contraband drugs in the urine which presence could have been derived in a manner other than by direct ingestion or intravenous injection; and
7. That procedures are instituted to insure the confidentiality of laboratory results and that positive results are made known only to those individuals, institutions, corporations, governmental agencies, or other entities or their agents who have been granted the privilege of disclosure under the terms and conditions of this agreement only for the purpose of carrying out the sole intent of this rule;

(D) All laboratory results must bear the signature of an authorized representative of the testing facility;

(E) Laboratory results must be delivered via fax from Quest Diagnostics or by inquiry of the Quest Diagnostics Integrated Solutions online system;

(F) The laboratory/collection site must have a litigation package which includes records that show:

1. Chain of custody;
2. Collaboration file;
3. Screen results;
4. Confirmation results; and
5. Chromatograms; and

(G) The St. Louis Metropolitan Police Department or its designee reserves the right to approve any collection service, process, laboratory, or procedure regarding drug testing procedures before any results will be recognized for the purposes of this rule.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

**CHAPTER 4—RULES FOR PRIVATE WATCHMEN****Section 4.015 Administration and Command of the Private Security Section**

(1) Pursuant to Section 84.343.1, RSMo., any city not within a county may establish a municipal police force for multiple purposes, one of which is “Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said city.” The City of St. Louis has established a municipal police force. Said municipal police force currently licenses private watchmen and private policemen, whose rights, privileges and duties have been further delineated by subdividing their descriptions and functions into sub-classes as hereinafter set forth. However, all private watchmen and private policemen are collectively known by the generic term “private security.” Private detectives are licensed by the state of Missouri, not by the City of St. Louis. By Special Order of the Chief of Police, all matters involving private security are initially assigned to the Private Security Section.

(2) Private Security Section. The private security section is responsible for the interviewing, investigating, processing, licensing, inspecting and supervising of all persons working or acting as licensed private watchmen or any other variety of titles in the City of St. Louis. The private security section is further responsible for issuing and transferring all such licenses, for reinstatements, for periodic inspection of license holders, for liaison with all suppliers of security personnel in the city, for maintenance of a personnel file on all applicants in the City of St. Louis and for publishing, within the department, information of all terminations of employment of security personnel. The private security section also conducts background investigations on private detective/investigator applicants as requested by the license collectors office. The decision to issue a license is made by the license collector .s office.

(3) Private Security Personnel. The St. Louis Metropolitan Police Department private security program has three (3) distinct classifications of personnel. A definition of each classification is listed as follows:

(A) Private security officer. A person employed with certain police powers (as defined in Section 4.065) to protect life or property on or in designated premises. The private security officer’s powers exist only within the established property owned or leased by the contracting employer and to incidents occurring on the premises. The private security officer may carry a firearm providing this individual is qualified (as defined in Section 4.055). Authorization to carry a firearm is designated on the badge/identification (ID) card. The private security officer, whether armed or unarmed, may carry a slapper, baton, nightstick, aerosol tear gas and handcuffs;

(B) Courier. A person employed to carry out the assignment of protecting and transporting property from one (1) designated area to another. The person shall be in an approved military style uniform. The courier has no power of arrest. The private courier may carry a firearm provided this individual is qualified (as defined in Section 4.055), which is designated on the badge/ID card; and

(C) Private watchman. A person employed without police powers and without authorization to carry weapons or protective devices. This individual will perform the tasks of observation and reporting on or in a licensed premises or designated area. This may include patrolling the public street. The private watchman has a distinctive grey, military uniform. The private watchman has no power of arrest. Note: Only the private security officer and private courier classifications will be permitted to hold two (2) licenses. Each classification is licensed separately and functions as a distinct entity. (This licensing does not include the private watchmen classification.)

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

**Section 4.025 Definitions**

(1) Applicant – A person who applies for a watchman license.

(2) Badge/identification (ID) card – A card that is issued to private watchman bearing a picture of, and information about, the person to whom the card is issued.

(3) Cancellation – The inactivation of a license at the request of an employer.

- (4) Designated area – The location to which a private watchman is assigned by his/her employer or contracting company.
- (5) License – The document which is issued to each of the licensed security personnel by the St. Louis Metropolitan Police Department authorizing the holder to perform specific security duties in the City of St. Louis as designated by the license.
- (6) Revocation – The inactivating of a license by the St. Louis Metropolitan Police Department for just cause.
- (7) Suspension – The temporary suspension of a license pending an administrative investigation determined by the St. Louis Metropolitan Police Department .
- (8) Termination – The inactivating of a license through resignation, cancellation, expiration or revocation.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

#### **Section 4.035 Licensing**

(1) General Procedures. Each applicant must appear in person at the office of the private security section. Each applicant must complete an application form. S/he must provide all information requested in the application for a determination of his/her qualifications to hold a license as a private watchman. Each applicant must present a current letter (no older than ten (10) days) from the intended employer, where the proposed employer states an intention to hire the applicant. Prior to an application being processed by the private security section, a criminal history inquiry will be made through the St. Louis Metropolitan Police Department's computer terminal. If the inquiry reveals that the applicant has an open criminal arrest record, s/he will be required to obtain a certified final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the application process will not be completed until a final disposition is obtained.

(2) Standards. Each applicant for a license to work as a private watchman in the City of St. Louis shall meet the standards set by the St. Louis Metropolitan Police Department, which require that an applicant.

- (A) Be a citizen of the United States or legal resident-alien permitted to work in this country;
- (B) Be at least eighteen (18) years of age;
- (C) Be able to read, write and understand the English language;
- (D) Meet physical and mental standards established by the St. Louis Metropolitan Police Department;
- (E) Be capable of understanding and performing the duties and responsibilities of a licensed private watchman within the scope of departmental policies and procedures;
- (F) Who has served time on active or reserve duty in any of the Armed Forces of the United States must be in possession of an Honorable Discharge or a General Discharge Under Honorable Conditions. An Undesirable Discharge, a Discharge Under Dishonorable Conditions or a Discharge Other Than Honorable Conditions will disqualify the applicant;
- (G) Be of good moral character;
- (H) Have no felony convictions;
- (I) Be able to pass a character investigation by this department;
- (J) Satisfactorily complete the training program prescribed by the St. Louis Metropolitan Police Department;
- (K) Never have had a security license revoked by another jurisdiction for a criminal law conviction;

(L) Not withhold any information which would determine fitness relevant to being licensed as a security officer; and

(M) Be free of any type of chemical dependency.

(3) Issuance/Denial of License. When an applicant has successfully completed the requirements set by the St. Louis Metropolitan Police Department, the Department will issue a license. An applicant may be denied a license for any of the following reasons:

(A) Failure to meet the standards in section (2);

(B) Falsifying information on any of the forms provided by the private security section to establish eligibility. Applicants who falsify those documents shall be ineligible to receive a private watchman's license and cannot reapply for at least six (6) months from the date the false information was submitted;

(C) Failure to provide whatever additional information is deemed necessary in order to establish eligibility;

(D) The references or employment background records, or both, indicate a poor or unsatisfactory character or work record;

(E) Any facts or actions which make the applicant unsuitable or ineligible for licensing; and

(F) Resigned under investigation, resigned under charges or was discharged from the police force of the City of St. Louis.

(4) Notification of License Denial. Applicants and their employers, in event of license denial, will be given a written notification. Specific reasons will be given to an applicant who appears in person at the office of the private security section. Applicants may appeal, in writing, to the Chief of Police within thirty (30) days of denial notification. The appeal should contain a brief rebuttal of the reasons for denial. The Chief of Police will then notify the applicant, in writing, of its final decision in the matter.

(5) Temporary License. If an applicant appears to meet the standards for licensing, the commander of the private security section may issue a temporary license. This permits the applicant to work until a formal license is issued by the Department.

(A) A holder of a temporary badge/identification (ID) card must wear the card at the breast of the outermost garment while on duty and must be attired in an approved uniform;

(B) A holder of a temporary license who transfers employment to another agency must return his/her temporary badge/ID card to the private security section for issuance of a new badge/ID card; and

(C) A holder of a temporary license must return the temporary badge/ID card to the private security section at the time the formal license is issued.

(6) Secondary Employment License. A second license may be approved by the St. Louis Metropolitan Police Department and issued by the private security section to a private watchman who:

(A) Works for a private entity (employer) and wants to take a second job working for a second private entity (employer); or

(B) Is licensed to a security agency and desires also to work in a secondary job for a private employer.

1. A second license will not be issued to allow a private watchman to work at two (2) security agencies.

2. A private watchman desiring a second license must present a letter of permission from the first (primary) employer and a letter of intent to hire from the (secondary) employer; and

(C) A St. Louis Metropolitan Police Department computer inquiry will be made on each private watchman applying for a secondary license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from the circuit or prosecuting attorney. If the case is still open, the secondary license process will not be completed until final disposition is obtained.

(7) License Renewals. A private watchman's license is valid for one (1) year from date of issue and it must be renewed in the month it expires.

(A) A St. Louis Metropolitan Police Department computer inquiry will be made on each private watchman renewing his/her license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the renewal process will not be completed until final disposition is obtained.

(B) A private watchman wishing to renew his/her license must report to the private security section in the month the license expires, bringing.

1. The license which is about to expire;
2. A letter from his/her employer requesting renewal;
3. Badge/ID card; and
4. The fee for the renewal.

(C) A license not renewed during the month it was issued automatically expires unless the holder has applied to the commander of the private security section and received an extension of time.

(8) License Transfer. A license holder may work only for the company, agency or business entity named on the license. A license holder who changes employers must make sure that the new employer is named on the license. In order to transfer a license from one (1) employer to another, the license holder must appear in person at the private security section and.

(A) Bring a current dated letter (no more than ten (10) days prior to application) from the new employer, addressed to the St. Louis Metropolitan Police Department, outlining the duties of the new job and requesting the transfer of license;

(B) Bring in the license and badge/ID card;

(C) Pay the fee established for processing transfers;

(D) The license holder will receive a new badge/ID card and license to the new company; and

(E) A St. Louis Metropolitan Police Department computer inquiry will be made on each private watchman transferring his/her license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the transfer process will not be completed until final disposition is obtained.

(9) License Reinstatements. A licensed private watchman who resigns may apply for reinstatement of his/her license under the following requirements and procedures:

(A) Application must be made within three (3) months of the resignation date;

(B) The applicant must have resigned while his/her license was in good standing;

(C) The applicant must appear at the private security section with a currently dated letter from an employer requesting reinstatement;

(D) The applicant should pay the fee established for processing license reinstatements; and

(E) A St. Louis Metropolitan Police Department's computer inquiry will be made on each private watchman reinstating his/her license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the reinstatement process will not be completed until final disposition is obtained.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

#### **Section 4.045 Personnel Records and Fees**

(1) Personnel Records. The private security section will maintain the personal records of each license holder. This record and all information pertaining to the individual shall be the property of the private security section. Applicants and license holders are personally responsible for immediately notifying the private security section of any change in name, address, telephone number or employer.

(2) Fees. The St. Louis Metropolitan Police Department will establish, from time-to-time, a set of fees for various services provided by the private security section. The schedule of fees is posted in the private security section office. Fees are not returnable, except on the day they are paid.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

#### **Section 4.055 Training**

(1) Exemptions. Applicants with prior law enforcement experience or accepted training shall be exempt from the training program.

(2) Length and Content. The training period consists of four (4) hours. Classroom activities consists of selected police subjects and departmental regulations.

(3) Absences. Candidates for licensing who remain away unexcused from any class sessions shall be disqualified or required to arrange attendance at a future class.

(4) Training Fee. A nonrefundable training fee established by the St. Louis Metropolitan Police Department must be paid before an applicant is enrolled in a training session.

(5) Oath. Prior to issuance of his/her license, the applicant must swear to uphold the following:

I DO SOLEMNLY SWEAR that I am a citizen of the United States, or legal resident alien; that I will faithfully support the Constitution of the United States, the Constitution and Laws of the State of Missouri, and the Charter and City Ordinances of the City of St. Louis; that I have never been discharged from the police force of the City of St. Louis; that I have never been convicted of a felony; that I have no physical or mental disability or habit that disqualifies me from performing the duties of a Private Watchman; that I will wear such dress, badge/ID card or emblem as the St. Louis Metropolitan Police Department from time-to-time may designate; that I will, to the best of my skill and ability, diligently and faithfully, without partiality or prejudice, discharge my duties according to the Constitution and Laws of the State of Missouri and Charter and Ordinances of the City of St. Louis; that I will strictly obey all lawful orders and regulations of the St. Louis Metropolitan Police Department, the Chief of Police, or any officer placed by them over me; that I will not cease to perform my duties until my resignation is accepted by the St. Louis Metropolitan Police Department; that I will not become a member of, or affiliate myself with, any organization of any kind or character whatsoever, membership which will or may impose upon me obligations

inconsistent with the full performance of my duties as a Private Watchman, or inconsistent with the oath herein taken to carry out the orders of the St. Louis Metropolitan Police Department and to comply with its lawful orders, rules and regulations, or which will or may, in any degree interfere with the performance of my duties as a licensed Security Officer.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

#### **Section 4.065 Authority**

(1) A private watchman is a uniformed person employed without police powers and authorized to perform the tasks of observation and reporting on/in licensed premises or a designated area, which may include patrolling public streets. A private watchman carries no weapon or protective device.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

#### **Section 4.075 Duties**

(1) Duties. It is the duty of every licensed private watchman to.

(A) Observe and obey these regulations and to obey all lawful orders of any commissioned St. Louis police officer in all matters involving the need for police services;

(B) Assist St. Louis police officers in preserving the peace when requested; and

(C) Cooperate with St. Louis police officers in the performance of their duties.

1. Participation by private watchmen, on or off duty, in police action where police officers are on the scene shall be limited to identifying themselves to the officer(s) and offering assistance.

2. In any situation where police are present, the judgment of the officer(s) shall prevail. They are responsible for the proper handling and reporting of the incident in accordance with departmental policies.

3. Failure to cooperate with a St. Louis police officer may be cause for disciplinary action against a licensed private watchman.

4. Failure to assist a law enforcement agency or to aid in prosecution of a crime may be cause for disciplinary action against a licensed private watchman.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

#### **Section 4.085 Uniforms**

(1) All private watchmen are required to wear a uniform which, at a minimum, shall consist of the following items:

(A) Black baseball cap with watchman patch sewn of front;

(B) Light gray shirt (long or short sleeve), two (2) pocket without epaulets and badge tab or reinforcement, with watchman patch sewn on left arm;

(C) Charcoal gray slacks;



(D) Black Eisenhower-type jacket with two (2) pockets. No epaulets or badge tab or reinforcements with watchman patch sewn on left arm;

(E) Tie. A black tie is to be worn with a coat or long sleeve shirt, or both; and

(F) Black leather belt and shoes.

(2) The badge/identification card issued by the private security section of the St. Louis Metropolitan Police Department will be worn on the breast of the outermost garment while on duty and performing a bona fide security function for an employer.

(3) No buttons, insignia or decorations which are marked in any way with the St. Louis Metropolitan Police Department imprint may be worn by private watchmen.

*AUTHORITY: section 84.343, RSMo (2012).*

*\*Original authority: 84.340, RSMo 1939.*

#### **Section 4.095 Equipment**

(1) Equipment Issue. At the conclusion of the training period and upon final approval by the St. Louis Metropolitan Police Department, each private watchman shall receive from the private security section one (1) badge/identification (ID) card, one (1) license and one (1) private watchman's manual. These items are and remain departmental property. They must be returned to the private security section by any private watchman who resigns, is suspended or has his/her license revoked.

(2) Equipment Responsibility. Each licensee deposits a fee for the department-issued badge/ID card and license. The fee is refundable to any private watchman when his/her period of service ends, provided that the license is not revoked. During employment it is the responsibility of the private watchman to care for and safeguard this departmental property.

(A) After the cost has been determined, all issued items of departmental property lost, stolen, damaged or destroyed must be replaced by the licensee.

(B) The loss of any item must be immediately reported to the private security section. No formal police report is required. The private watchman then becomes responsible for appearing at the private security section to obtain and pay for a replacement.

(C) Careless handling of departmental property may be subject to disciplinary action.

(3) Badge/ID Card. The badge/ID card which is issued by the private security section to a licensed private watchman is an easily recognized symbol of authority and responsibility.

(A) The badge/ID card, which is stamped with an issue date and an expiration date, also will state the holder must work unarmed.

(B) This badge/ID card must be worn over the breast on the outermost garment. It must be returned to the private security section upon resignation, suspension or revocation of the license.

(C) Tampering, defacing or altering of this card is subject to disciplinary action or revocation.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

#### **Section 4.115 Field Inspection**

(1) Standards of Conduct. Private watchmen are required to conduct themselves at all times in a manner reflecting the highest standards of professional behavior. Any conduct on the part of a private watchman which, in the judgment of a commissioned officer of this department, may be harmful to the good order, discipline or reputation of this department, or

which may involve the integrity of this department, may be punished by oral or written reprimand, suspension for a designated period of time or permanent revocation of license.

(2) Field Inspections. All private watchmen are subject to inspection by officers from the St. Louis Metropolitan Police Department. The purpose of this inspection is to insure that the license holder is in compliance with the provisions of this rule. This inspection will determine that the license holder.

(A) Has in his/her possession a proper badge/identification (ID) card issued by the St. Louis Metropolitan Police Department;

(B) Is wearing a full uniform; and

(C) Has not disregarded or deviated from the manual.

(3) Failure to Cooperate. Failure by any license holder to cooperate with a commissioned member of the St. Louis Metropolitan Police Department in the inspection procedures will constitute grounds for disciplinary action.

(4) Arrest of License Holder. During an inspection, if a license holder has been arrested for a felony, a misdemeanor or an infraction involving moral turpitude or license violation, the holders badge/ID card will be seized and forwarded to the private security section of the St. Louis Metropolitan Police Department with a copy of the arrest report. The license holder is to be informed that s/he is suspended and not to continue to work until the matter is resolved by the private security section. If arrested for a felony violation, a formal suspension number will be obtained in the normal manner. The private security section will conduct any necessary investigation or make notification to the jurisdictional agency.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

#### **Section 4.125 Complaint/Disciplinary Procedures**

(1) Complaints. Investigation of complaints against licensed watchmen will be handled by the private security section of the division of human resources. The results of the investigation will be forwarded in the form of a report with recommendations through the chain of command to the Chief of Police. The Chief of Police will render a judgment concerning disciplinary action. The individual concerned, and his/her employer, will be informed by the private security section of all decisions made by the Chief of Police.

(2) Reprimands. In instances of misconduct not sufficiently serious to merit suspension or revocation of a license, the license holder may be reprimanded orally or in writing. Any violation of the provision in these rules may be grounds for a reprimand. Reprimands will be a factor considered upon a license application for a renewal of license or upon the occasion of any later disciplinary action. There is no appeal from a reprimand.

(3) Suspension. In instances where a private watchman is arrested for a felony, the commander or watch commander of the district or any officer acting in that capacity will suspend the private watchman.

(A) In instances where a private watchman is arrested for a crime or ordinance violation, not a felony and depending on the situation, the commander or watch commander of the district or any officers acting in that capacity has the choice of suspending the security officer or contacting the commander of the private security section, who will determine whether or not the private watchman is to be suspended. If unable to contact the commander of the private security section, the report of the incident will be forwarded to the private security section at the earliest opportunity.

(B) Whenever a licensed private watchman is suspended, it will be required that the private watchman surrender his/her badge/identification (ID) card until a decision is made for its return by the commander of the private security section or a disposition is rendered by the Chief of Police.

(C) Where no warrant is issued or no cause for discipline is apparent, or both, the private watchman's return to duty is to be determined by the commander of the private security section.

(4) Revocations. A license may be revoked by order of the St. Louis Metropolitan Police Department for any violations of the rules.

(5) Notification/Appeal. Whenever the license of a private watchman is suspended or revoked by the St. Louis Metropolitan Police Department, the private security section shall notify the licensee in writing of the action. The licensee shall have ten (10) days from the date of posting notice to request a review of the disciplinary action. The request shall be directed in writing to the commander of the private security section. The request shall state additional supporting facts in his/her defense or rebuttal of the St. Louis Metropolitan Police Department's decision, or both.

(A) The commander of the private security section may meet with the licensee and discuss his/her request for review and/or shall conduct a further investigation of the disciplinary case.

(B) The commander, within thirty (30) days of appeal, shall render a decision affirming or reversing the original disciplinary action. The commander shall then send his/her decision and report to the Chief of Police for final action.

(C) Judgments and decisions of the Chief of Police concerning appeals in disciplinary matters are final.

(6) Disciplinary Action, Punishment, or Both.

(A) The Chief of Police retains final authority in all disciplinary matters, including reinstruction, verbal reprimand, written reprimand, suspension and revocation.

(B) Licensed private watchmen, whether on or off duty, are subject to disciplinary action for violations of these rules. Offenses may include, but not be limited to, the following:

1. Conviction of a felony, misdemeanor or city ordinance;
2. Intoxication or drinking on duty;
3. Possession or illegal use of narcotic or potent drugs (controlled substance);
4. Assumption of police authority when not on duty;
5. Conduct contrary to the public peace and welfare;
6. Interference with any police officer engaged in the performance of his/her duties;
7. Overbearing or oppressive conduct during the performance of duty;
8. Failure to obey a reasonable order by an officer of the St. Louis Metropolitan Police Department;
9. Any conduct or actions which might jeopardize the reputation or integrity of the St. Louis Metropolitan Police Department or its members;
10. Failure to wear a valid badge/ID card issued by the St. Louis Metropolitan Police department on the breast of the outermost garment of security uniform, while on duty;
11. Failure to have in possession a badge/ID card;
12. Serving or acting as a private watchman for any agency or other business entity other than the one (1) listed on his/her badge/ID card;

13. Failure to conform to uniform requirements;
14. Working as a private watchman while under suspension;
15. Carrying or using a firearm while performing the duties of a private watchman;
16. Any conduct constituting a breach of security or confidence;
17. Neglect of duty;
18. Failure to notify the private security section when and if arrested on any charge;
19. Failure to aid in prosecution;
20. Defacing or altering the badge/ID card; and
21. Carrying unauthorized nonlethal weapons and/or protective devices.

(7) Categories of Discipline. The Chief of Police retains final authority in all disciplinary matters, including reinstruction, verbal reprimand, written reprimand, suspension and revocation. Judgments and decisions of the Chief of Police are final.

(8) When a license is ordered revoked by the St. Louis Metropolitan Police Department, the badge/ID deposit fee will be forfeited to the Department. Licensed private watchmen who are under investigation by this department for any alleged violations of any rules will be allowed the discretionary resignation for their commission and in these instances will have the badge/ID deposit fee refunded, provided all department-issued equipment is surrendered in the private security section.

(9) Individuals who resign while under investigation will not be considered for a license in the future.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

**CHAPTER 5—CORPORATE SECURITY ADVISOR****Section 5.015 Administration and Command of Private Security Section**

(1) Pursuant to Section 84.343.1, RSMo., any city not within a county may establish a municipal police force for multiple purposes, one of which is “Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said city.” The City of St. Louis has established a municipal police force. Said municipal police force currently licenses private watchmen and private policemen, whose rights, privileges and duties have been further delineated by subdividing their descriptions and functions into sub-classes as hereinafter set forth. However, all private watchmen and private policemen are collectively known by the generic term “private security.” Private detectives are licensed by the state of Missouri, not by the City of St. Louis. By Special Order of the Chief of Police, all matters involving private security are initially assigned to the Private Security Section.

(2) Private Security Section. The private security section is responsible for the interviewing, investigating, processing, licensing, inspecting and supervising of all persons seeking to be licensed, or currently licensed, as corporate security advisors, as well as persons seeking to be licensed, or currently licensed in certain other security capacities in the City of St. Louis.

(A) The private security section is further responsible for issuing and transferring all of these licenses and for reinstatements, for periodically inspecting license holders, for providing liaison with all suppliers of security personnel in the city, for maintaining of personnel files on all applicants and licensees in the City of St. Louis and for publishing, within the department, information of all terminations of employment of security personnel.

(B) Upon request of the license collector’s office, the private security section also conducts background investigations of private detective/investigator applicants. The decision to issue the license, however, is made by the license collector’s office.

(3) Private Security Personnel. The St. Louis Metropolitan Police Department Private Security program licenses four (4) distinct classifications of security personnel. Note: Only the private security officer, private courier and corporate security advisor classifications will be permitted to hold two (2) licenses. Each classification is licensed separately and functions as a distinct entity. This licensing does not include the private watchmen classification. The classifications are listed as follows:

(A) Private Security Officer. A person employed with certain police powers (as defined in Section 2.065) to protect life or property on or in designated premises. The private security officers’ power extends only to the established property owned or leased by the contracting employer and only to incidents occurring on the premises. The private security officer may carry a firearm; provided, this individual is qualified (as defined in Section 2.055). Authorization to carry a firearm is designated on the identification (ID) card. The private security officer, whether armed or unarmed, may carry a slapper, baton, nightstick, aerosol tear gas and handcuffs;

(B) Courier. A person employed to transport property from one (1) designated area to another and to protect this property while in transit. A courier shall wear an approved military style uniform. A courier has no power of arrest, but may carry a firearm provide s/he is qualified (as defined in Section 3.055) to do so. Authorization to carry a firearm is designated on the ID card;

(C) Private Watchman. A person employed to perform the tasks of observing and reporting on or in a licensed premises or designated area (as defined in Section 4.055). This may include patrolling the public street. A private watchman has no power of arrest or other police powers. S/he is not authorized to carry weapons or protective devices. The private watchman shall wear a distinctive gray, military style uniform;

(D) Corporate Security Advisor. A person employed to provide all services rendered by a private security officer, as well as other specialized corporate security services related to the protection of his/her employer’s/principal’s resources and personnel. A licensed corporate security advisor may carry a firearm and protective devices in accordance with the guidelines established in these rules. S/he shall be authorized to exercise the same police powers granted to private security officers while on his/her employer’s/principal’s property. However, the corporate security advisor’s powers and authority shall not be restricted to that property, but shall be coextensive with the

geographic limits of the City of St. Louis (as defined in Section 5.055), with the following restriction: A corporate security advisor, when not on the premises of his/her employer/principal, shall have the power of arrest:

1. While conducting official company business, and only for any felony, misdemeanor or city ordinance violation committed in his/her presence;
2. For attempted commission of any felony or misdemeanor occurring in his/her presence; and
3. For a felony or misdemeanor not committed in his/her presence when s/he has probable cause to believe that the offense was committed by the person to be arrested. Any arrest previously listed shall relate to the safety and welfare of his/her employer's/principal's personnel, family, property, or guests warranting special security consideration. A corporate security advisor, when not on the premises of his/her employer/principal, shall have the power of arrest only while conducting official company business and only for felonies, misdemeanors and city ordinance violations committed in his/her presence or which relate to the safety and welfare of his/her employer's/principal's personnel, family property or guests warranting special security consideration.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

#### **Section 5.025 Definitions**

- (1) Applicant – A person who applies for a corporate security advisor license.
- (2) Arrest – The authority to apprehend and detain individuals observed or suspected of committing a law violation.
- (3) Badge/identification (ID) card – A card that is issued to security personnel which bears a picture of, and information about, the person to whom the card is issued.
- (4) Cancellation – The inactivation of a license at the request of an employer.
- (5) Company – Any company, incorporation, corporation, partnership, association or solo venture which is legally doing business within Missouri and which, if a corporation, is registered with the Office of the Secretary of State. The term company shall also include any Missouri city which is not within a county.
- (6) Employer – The definition of employer shall be the same as the definition of company.
- (7) Firearm – Revolvers or semiautomatic pistols approved by the St. Louis Metropolitan Police Department.
- (8) Hot pursuit – The pursuit of suspects for on-view felonies only, which relates to the safety and welfare of his/her employer's/principal's personnel, family, property or guests warranting special security consideration.
- (9) License – The document which is issued to licensed security personnel by the St. Louis Metropolitan Police Department authorizing the holder to perform specific security duties in the City of St. Louis as designed by their license classification and these rules.
- (10) Principal(s) – The individual(s) whom a corporate security advisor is assigned to protect.
- (11) Protective devices – Approved instruments for personal protection. Only the following are approved for use as protective devices: slapper, baton, nightstick, aerosol tear gas and handcuffs.
- (12) Revocation – The inactivation of a license by the St. Louis Metropolitan Police Department pursuant to the procedures set forth in these rules.

(13) Suspension – The temporary suspension of a license pending an administrative investigation by the St. Louis Metropolitan Police Department.

(14) Termination – The inactivation of a license through resignation, cancellation, expiration or revocation.

(15) Weapons – Firearms and instruments authorized for use as protective devices by these rules.

*AUTHORITY: section 84.343, RSMo(2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 5.035 Licensing**

(1) General Procedures. Each applicant for licensing must appear in person and complete an application form at the office of the private security section. The applicant must provide all the information requested on the form before a determination of his/her eligibility for licensing will be made. If requested to do so by the private security section, an applicant must also execute appropriate authorizations for release of information.

(A) Additionally, at the time of application, each applicant must also submit current documentation (issued no more than ten (10) days prior to the date of application) from his/her intended employer, indicating the employer's intention to hire the applicant in the capacity for which s/he is seeking licensure.

(B) In the case of an applicant for licensing as a corporate security advisor, this documentation shall also include:

1. A statement by the employer of the total number of employer's employees at locations in Missouri; and
2. Proof that employer is insured for liability in an amount not less than one (1) million dollars, and a statement that the applicant will be included in the policy as a named insured.

(C) No applicant for licensing as a corporate security advisor shall be licensed, nor shall any corporate security advisor's license be transferred, unless and until the private security section has verified that the applicant's:

1. Employer employs no fewer than one hundred fifty (150) employees in locations within Missouri;
2. Employer's business is headquartered in the City of St. Louis, St. Louis County or, alternatively, that the applicant's employer conducts a substantial portion of its business in the City of St. Louis or St. Louis County;
3. Employer is insured as stated in paragraph (1)(B)2.; and
4. Employer has executed an agreement, in a form acceptable to the St. Louis Metropolitan Police Department, to hold harmless and indemnify the St. Louis Metropolitan Police Department, in connection with any claims and causes of action which may arise from the licensing and employment of the applicant as a corporate security advisor.

(D) Before an application will be processed by the private security section, a criminal history inquiry of the applicant's criminal history will be made. If this inquiry reveals that the applicant has an open criminal arrest record, the applicant will be required to obtain a certified final court disposition, or a disposition report from the appropriate circuit or prosecuting attorney with respect to the disposition of each open charge. If the charge(s) are still unresolved at the time of application, the application process will be suspended until a final disposition(s) may be obtained.

(2) Standards. Each applicant for licensing as a corporate security advisor in the City of St. Louis shall meet the following standards set by the St. Louis Metropolitan Police Department which require that an applicant:

- (A) Be a United States citizen or legal resident-alien permitted to work in this country;



- (B) Be at least twenty-five (25) years old;
- (C) Be able to read, write and understand the English language;
- (D) Meet physical and mental standards established by the St. Louis Metropolitan Police Department;
- (E) Not be simultaneously licensed as a private detective;
- (F) Be capable of understanding and performing the duties and responsibilities of a licensed corporate security advisor within the scope of departmental policies and procedures, as well as the rules of this chapter;
- (G) Be in possession of either an Honorable Discharge or a General Discharge Under Honorable Conditions, if previously a member of the Armed Forces of the United States, whether assigned to active or reserve duty, If presently a member of the Armed Forces of the United States, be in good standing with no pending disciplinary actions;
- (H) Be of good moral character;
- (I) Have no felony convictions;
- (J) Be able to pass a character investigation by this department;
- (K) Satisfactorily complete any training program prescribed by the St. Louis Metropolitan Police Department for licensing, if required to do so by these rules;
- (L) Pass, if required to do so by these rules, a written examination based on the contents of the training course mentioned in subsection (2)(K);
- (M) Not have had a peace officer's certification or security license revoked by any jurisdiction for a criminal law violation;
- (N) Not have withheld any information pertinent to fitness for licensing as a corporate security advisor;
- (O) Be free of any type of chemical dependency;
- (P) Be formerly employed by one (1) of the following agencies as a credentialed special agent and have completed a specialized training course in personal protective service while in the employ of—
  1. The Federal Bureau of Investigation;
  2. The United States Secret Service;
  3. The United States Department of State, Office of Diplomatic Security;
  4. The United States Air Force Office of Special Investigations;
  5. The United States Naval Investigative Services; and
  6. The United States Army Criminal Investigation Division;
- (Q) If subsection (2)(P) is not applicable, a graduate of, and possess a certificate of completion from, a police training academy which is certified by the Missouri Police Officer Safety Training (P.O.S.T.) Commission and which provided no fewer than six hundred (600) ours of basic police training; or have been certified as a peace officer by the P.O.S.T. Commission pursuant to any applicable grandfather clause; provided, however, that if



certification is pursuant to a grandfather clause, the applicant shall have received no fewer than four hundred eighty (480) hours of basic police training, and additionally shall have no fewer than ten (10) years experience as a peace officer. If an applicant has fewer than four hundred eighty hours (480) of basic police training due to peace officer training requirements at the time of his/her commissioning, the commander of the private security section shall evaluate the applicant's training and experience and shall render a determination if the applicant meets the requirements for licensing.

1. If an applicant for the position of corporate security advisor has either:

a) received peace officer certification or its equivalent from a jurisdiction other than Missouri or

b) has received basic police training in a jurisdiction other than Missouri, the private security section shall review the certification and training of this applicant and shall render a determination as to whether the certification and training is equivalent to and meets the requirements of subsection (2)(Q). Only the private security section shall determine that the applicant's certification/training does meet the requirements of subsection (2)(Q), if the applicant provides s/he is also otherwise qualified and eligible for licensing as a corporate security advisor.

2. If an applicant was formerly employed as a credentialed special agent by one (1) of the agencies set forth in subsection (2)(P), but has not completed a specialized training course in the personal protective service as required in subsection (2)(P), the applicant, if otherwise qualified for licensing, will nevertheless not be licensed as a corporate security advisor until s/he has successfully completed a forty (40)-hour training course in personal protective service, as prescribed by the St. Louis Metropolitan Police Department, and conducted by an instructor who meets all requirements of subsections (2)(P) and (Q), and who has been approved by the St. Louis Metropolitan Police Department to provide the specialized training. Assistant instructors and guest speakers will not be required to meet the corporate security advisor qualifications in order to assist in these training classes; (R) Undergo urinalysis testing for indication of the presence of unlawful drugs in the manner prescribed by the St. Louis Metropolitan Police Department.

1. An applicant who refuses to undergo urinalysis testing shall be denied both initial licensing and renewal licensing.

2. An applicant whose urinalysis test results indicate the presence of unlawful drugs shall be ineligible for licensing at that time and may not reapply for a period of one (1) year after that.

3. A corporate security advisor who is a candidate for license renewal and whose urinalysis test results indicate the presence of unlawful drugs shall be subject to license revocation; and (S) Execute an agreement, in a form acceptable to St. Louis Metropolitan Police Department, to hold harmless and indemnify the St. Louis Metropolitan Police Department, in connection with any claims and causes of action which may arise out of applicant's licensing and employment as a corporate security advisor.

(3) Urinalysis Testing. An applicant for licensing or for renewal as a corporate security advisor shall undergo urinalysis testing at the time and place prescribed by the private security section at the time application for licensing or license renewal is made.

(A) Urinalysis testing shall consist of a drug screen test, the Enzyme Multiplied Immunoassay Test (EMIT), which detects the presence of amphetamines, barbiturates, benzodiazepines, cocaine, marijuana (cannabinoids THC), opiates, phencyclidine (PCP), methadone and propoxyphene.

(B) If the results of an applicant's or renewal candidate's drug screen test indicate the presence of unlawful drugs, the urine sample provided by the applicant or renewal candidate shall be subjected to confirmatory testing by the Gas Chromatography Mass Spectroscopy (GCMS) method.

(C) If the results of either EMIT or GCMS testing are negative, that indicate the absence of unlawful drugs in the sample, the applicant or candidate for renewal shall be deemed to have passed the drug testing requirement.

(D) All expenses connected with drug testing shall be borne by the applicant or candidate for license renewal.

(4) If an applicant successfully meets all requirements of the St. Louis Metropolitan Police Department for licensing, s/he shall be licensed as a corporate security advisor. Licensing, however, may be denied for any of the following reasons:

(A) Failing to meet the standards set forth in section (2);

(B) Falsifying information on any form provided by the private security section. An applicant who falsifies information on any of these forms shall be ineligible for immediate licensing as a corporate security advisor and shall not be eligible to reapply for at least six (6) months after the falsification is discovered;

(C) Failing to comply with any request for additional information deemed necessary by the private security section in order to determine an applicant's eligibility;

(D) Providing references and employment background records which indicate a poor or unsatisfactory character or work record;

(E) Discovering any additional information which would indicate that the applicant is unsuitable or ineligible for licensing; and

(F) Discovering that the applicant resigned under investigation, resigned under charges, or was dismissed for cause from any police department.

(5) Notification of License Denial. Applicants and their employers, in the event of license denial, will be given a written notification. Specific reasons for denial will be given to an applicant who appears in person at the office of the private security section.

(A) Applicants may appeal, in writing, to the St. Louis Metropolitan Police Department within thirty (30) days of denial notification. The appeal should contain a brief rebuttal of the reasons for denial.

(B) The St. Louis St. Louis Metropolitan Police Department will then notify the applicant, in writing, of its final decision in the matter.

(6) Restricted License. To obtain a corporate security advisor license, applicants must qualify for arming according to the current standards applicable to commissioned officers of the St. Louis Metropolitan Police Department.

(7) Temporary License. No temporary license will be issued to corporate security advisors.

(8) Special Assignment. A licensed corporate security advisor may perform the duties of a corporate security advisor within the guidelines of this chapter, on a temporary basis, for a company other than his/her primary employer, with the approval of the commander of the private security section or his/her designee, providing the company(s) involved meets the licensing requirements for the employment of a corporate security advisor as specified in this chapter.

(9) License Renewal. A corporate security advisor's license is valid for one (1) year from the date of issuance and must be renewed in the month of expiration.

(A) A St. Louis Metropolitan Police Department computer inquiry will be made with regard to each corporate security advisor renewing his/her license. If this inquiry reveals an open arrest within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the renewal process will not be completed until final disposition of the charge.

(B) A corporate security advisor wishing to renew his/her license must report to the private security section in the month of license expiration, bringing:

1. The license identification (ID) card which is about to expire;
2. A letter from his/her employer requesting renewal; and
3. The fee for the renewal.

(C) The corporate security advisor, to renew a license, must successfully complete firearms requalification through a firearms course approved by the private security section and complete an eight (8)-hour protective service refresher course approved by the private security section.

(D) If a licensee does not renew his/her license during the month it expires, the licensee shall have no authority to perform the duties of a corporate security advisor, unless the holder has previously applied to the commander of the private security section and received an extension of time for license renewal.

(10) License Transfer. A license holder may work only for the company, agency or business entity named on the license/ID card, except as provided in section (8) of this rule. A St. Louis Metropolitan Police Department computer inquiry will be made with respect to each corporate security advisor requesting license transfer. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the transfer process will not be completed until final disposition of the charge. If a license holder changes employers, s/he may not act as a corporate security advisor for the new employer until the time as the license holder appears in person at the private security section to:

(A) Submit a current dated letter, no more than (10) days prior to application, from the new employer, addressed to the St. Louis St. Louis Metropolitan Police Department, outlining the duties of the new job and requesting the transfer of license;

(B) Submit his/her current license/ID card;

(C) Pay the fee established for processing transfer; and

(D) Submit:

1. A statement by his/her new employer setting forth the total number of the new employer's employees at locations in Missouri;
2. Proof that the new employer is insured for liability in an amount not less than one (1) million dollars and a statement that the corporate security advisor will be included as a named insured; and
3. An agreement, in a form acceptable to the St. Louis Metropolitan Police Department, executed by applicant's new employer, where the new employer agrees to hold harmless and indemnify the St. Louis Metropolitan Police Department in connection with any claims and causes of action which may arise from the licensing and employment of the applicant as a corporate security advisor.

(11) License Reinstatement. A licensed corporate security advisor who resigns may apply for reinstatement of his/her license under the following requirements and procedures:

(A) The application must be made within three (3) months of the resignation date;

(B) The applicant must have resigned while his/her license was in good standing;

(C) The applicant must appear at the private security section with a currently dated letter from an employer requesting reinstatement;

(D) The applicant must pay the fee established for processing license reinstatement; and

(E) A St. Louis Metropolitan Police Department computer inquiry will be made on each corporate security advisor requesting reinstatement of license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the reinstatement process will not be completed until final disposition of the charge.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 5.045 Personnel Records and Fees**

(1) Personnel Records. The private security section will maintain the personnel records of each license holder. These records and all information pertaining to the individual shall be the property of the private security section. Applicants and license holders are personally responsible for immediately notifying the private security section of any change in name, address, telephone number or employer.

(2) Fees. The St. Louis Metropolitan Police Department, from time-to-time, will establish a schedule of fees for various services provided by the private security section. The schedule of fees shall be posted in the private security section office. Fees are not refundable, except on the day they are paid.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 5.055 Training**

(1) Length and Content. The training program shall consist of forty (40) hours of training. Within that period, eight (8) hours shall be devoted to firearms training, responsibility, liability and qualification. Classroom activities shall consist of the study of departmental regulations, the use of firearms or specialized training in personal protective service or a combination of these.

(2) Absences. Candidates for licensing who are absent and remain away unexcused from any class sessions may be disqualified or required to reschedule attendance at a future class.

(3) Final Test. Each applicant required to successfully complete the forty (40) hour specialized training course, as prescribed in this chapter, must take a written test on the subject matter presented in class and must attain a passing score of at least seventy percent (70%).

(A) Applicants who fail to achieve a seventy percent (70%) score will be allowed one (1) opportunity to retest. Retesting must be done within sixty (60) days of the first test.

(B) A second failure will cause the applicant to be disqualified for licensing for six (6) months from the date of the second examination. After this period, the applicant may reapply for licensing.

(4) Firearms Qualification. On the firing range an applicant must display the ability to safely and properly handle his/her weapon(s) and must achieve a score(s) at or above the standard established by the St. Louis Metropolitan Police Department for recruits.

(A) All applicants for licensing as corporate security advisors must attain the same level of firearms proficiency as required of police officers of the St. Louis Metropolitan Police Department.

(B) An applicant who does not attain the minimum score on the firing range will be given two (2) additional opportunities to qualify. The retest time will be determined by the private security section.

(5) Training Fee. A nonrefundable training fee established by the St. Louis Metropolitan Police Department must be paid before an applicant is enrolled in a training session.

(6) Exemptions. Applicants who meet the necessary requirements for licensing listed in Section 5.035(2) shall only be required to complete the firearms qualifications for licensing.

(7) Oath. Prior to issuance of his/her license, the applicant must swear the following oath:

I DO SOLEMNLY SWEAR that I am a citizen of the United States, or a legal resident-alien, that I will faithfully support the Constitution and Laws of the United States, the Constitution and Laws of the State of Missouri, and the Charter and City Ordinances of the City of St. Louis; that I have never been convicted of a felony; that I have no physical or mental disability or habit that disqualifies me from performing the duties of a corporate security advisor; that I will carry such license/ID card as the St. Louis Metropolitan Police Department designates; that I will, to the best of my skill and ability, diligently and faithfully, without partiality or prejudice, discharge my duties according to the Constitution and Laws of the State of Missouri and Charter and Ordinances of the City of St. Louis; that I will strictly obey all lawful orders and regulations of the St. Louis Metropolitan Police Department; the Chief of Police, or any officer placed by them over me; that I will not cease to perform my duties until my resignation is accepted by the St. Louis Metropolitan Police Department; that I will not become a member of, or affiliate myself with, any organization of any kind or character whatsoever, membership which will or may impose upon me obligations inconsistent with the full performance of my duties as a corporate security advisor, or commissioners and to comply with its lawful orders, rules and regulations, or which will or may in any degree interfere with the performance of my duties as a licensed corporate security advisor.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939*

### **Section 5.065 Authority**

(1) Authority On Company Property. While on company property, the corporate security advisor shall have all the authority of a licensed security officer and may carry a firearm, make arrests and search for and seize evidence in connection with an arrest. All these actions may be carried out pursuant to the same conditions as may apply to commissioned officers of the St. Louis Metropolitan Police Department.

(A) A corporate security advisor may perform arrests for a felony, misdemeanor and city ordinance violation committed in his/her presence (on-view);

(B) An attempted commission of a felony or misdemeanor occurring in his/her presence;

(C) May arrest for a felony or misdemeanor not committed in his/her presence when s/he has probable cause to believe that the offense was committed by the person to be arrested; and

(D) Off his/her licensed premises when in hot pursuit for an on-view felony is involved. (For an on-view felony, offense is an offense the corporate security advisor sees committed.)

(2) Authority Off Company Property. When on-duty, but not on company property, the corporate security advisor shall have the following authority within the geographical boundaries of the City of St. Louis:

(A) S/he may carry a firearm.

(B) S/he may perform arrests as indicated in subsections (1)(A)–(C) for felonies, misdemeanors and city ordinance violations which occur off company property, but which are directly related to the safety and welfare of his/her employer's personnel, property or guests warranting special security consideration; and

(C) S/he may effect arrests as set forth in subsections (1)(A)–(C) or, when in hot pursuit for an on-view felony which occurred off company property, if the offense is directly related to the safety and welfare of her/his employer’s/principal’s personnel, family, property or guests warranting special security consideration.

(3) Limitations of Authority. Failure by a corporate security advisor to observe and comply with the following limitations and restrictions may result in suspension or revocation of the corporate security advisor’s license:

(A) All authority granted to a corporate security advisor in this chapter shall be strictly construed and none of this authority may be exercised outside the geographical boundaries of the City of St. Louis;

(B) All authority granted to a corporate security advisor in this chapter may be exercised solely when the corporate security advisor is actively on duty and engaged on behalf of an employer authorized by the private security section; and

(C) A corporate security advisor may not exercise any authority granted in this chapter in connection with the service of process or in connection with investigative activities on behalf of an attorney engaged in either civil or criminal practice.

(4) Manner of Effecting Arrest. An arrest is performed by the physical restraint of the arrestee, or by the arrestee’s submission to the arrest authority of the corporate security advisor. The arrest authority for corporate security advisors is established by the St. Louis Metropolitan Police Department pursuant to section 84.343, RSMo, which grants the St. Louis Metropolitan Police Department authority to regulate and license all private security personnel.

(A) When effecting an arrest, a corporate security advisor may use only the minimum amount of force necessary to accomplish his/her lawful objectives indicated in this chapter.

(B) Once an arrestee has been physically restrained, a corporate security advisor may employ no force against the arrestee except as may be necessary to prevent escape.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

**Section 5.075 Duty to Cooperate With Police**

(1) Duties. It is the duty of every licensed corporate security advisor to:

(A) Observe and obey these regulations and to obey all lawful orders of any commissioned St. Louis police officer in all matters involving the need for police services;

(B) Assist St. Louis police officers in preserving the peace or in taking other action as may be necessary to effect an arrest at the location, and during the time, of his/her assignment;

(C) Cooperate with St. Louis police officers in the performance of their duties upon request.

1. Participation by licensed corporate security advisors, on- or off-duty, in police action where police officers are on the scene, shall be limited to identifying themselves to the officer(s) and offering assistance, when not in conflict with obligation to principal.

2. The judgment of the officer(s) shall prevail in any situation where police are present. they are responsible for the proper handling and reporting of the incident in accordance with departmental policies.

3. Failure to cooperate with a St. Louis police officer may be cause for disciplinary action against a licensed corporate security advisor.

4. Failure to assist a law enforcement agency or to aid in prosecution of a crime may be cause for disciplinary action against a corporate security advisor.

5. Any failure to aid or otherwise cooperate with any law enforcement agency is expressly permitted only if the refusal is felt necessary in order to protect the corporate security advisor's company personnel, family, property or guests of the company or personnel that warrant special security consideration; and

(D) Notify the St. Louis Metropolitan Police Department when an arrest has been made by the corporate security advisor, to furnish all pertinent facts and evidence to any police officer(s) and to surrender the custody of any prisoner to the officer(s).

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 5.085 Uniforms**

(1) All corporate security advisors should be aware of the following guidelines:

(A) Corporate security advisors will not be required to wear a uniform but must have their identification (ID) cards in their possession at all times while performing duties as corporate security advisors;

(B) No buttons, insignia or decorations which are marked in any way with the St. Louis Metropolitan Police Department imprint may be worn by a licensed corporate security advisor; and

(C) The use of company vehicles for security purposes must conform with the rules established by City Ordinances. The word police will not be displayed on any of these vehicles.

(2) Uniform Exemption Conduct. Each licensed corporate security advisor possesses the privilege of carrying an authorized loaded firearm on his/her person while traveling in either direction between place of residence and place of assignment by the most direct route; provided, that s/he is also carrying a valid corporate security advisor's ID card. At other times, the corporate security advisor will obey the laws of the jurisdiction with respect to carrying firearms.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 5.095 Equipment**

(1) Equipment Issue. At the conclusion of the training period and upon final approval by the St. Louis Metropolitan Police Department, each corporate security advisor shall receive from the private security section one (1) identification (ID) card/license and one (1) corporate security advisor's manual. These items are departmental property. They must be returned to the private security section by any corporate security advisor who resigns, is suspended or has his/her license revoked.

(2) Equipment Responsibility. It is the responsibility of the corporate security advisor to care for and safeguard this departmental property.

(A) After the cost has been determined, all issued items of departmental property lost, stolen, damaged or destroyed must be replaced by the licensee.

(B) The loss of any item must be reported immediately to the private security section. No formal police report is required. The corporate security advisor then becomes responsible for appearing at the private security section to obtain and pay for a replacement.

(C) Careless handling of departmental property may result in disciplinary action.



(3) ID Card. The ID card which is issued by the private security section to a licensed corporate security advisor is an easily recognized symbol of authority and responsibility.

- (A) The ID card is stamped with an issue date and an expiration date.
- (B) It must be returned to the private security section upon resignation, suspension or license revocation.
- (C) Tampering, defacing or altering of this card may result in disciplinary action or revocation.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 5.105 Weapons**

(1) Inspection and Registration. All firearms used by corporate security advisors must be inspected by the departmental armorer and must be registered with the private security section.

- (A) Only one (1) approved firearm at a time may be carried while on duty.
- (B) Only weapons approved for use by the St. Louis Metropolitan Police Department may be carried.
- (C) The firearm may be worn on a belt at the waist or in a shoulder holster. It may be concealed from the public.
- (D) Corporate security advisors are required annually to requalify with their firearm(s) during the month of license renewal. Corporate security advisors must qualify with the St. Louis Metropolitan Police Department-approved weapon(s) they intend to use.

(2) Discharge of Firearms. A corporate security advisor may not discharge a firearm in the performance of his/her duties (other than for practice or training at a firing range or similar authorized location), except:

- (A) When reasonably necessary, in defense of him/herself or another, in order to prevent death or serious bodily harm; and
- (B) Authorization to carry a firearm may be revoked if the weapon is used in violation of this rule.

(3) Shots Fired Report. A corporate security advisor, upon firing his/her weapon or using force to make an arrest, or both, shall notify the nearest police district and request that an official police report be prepared and that a copy be forwarded to the commander of the private security section.

(4) Safety First Rules for Gun Handling. The licensed corporate security advisor is responsible at all times for his/her weapon whether in or out of his/her possession. The following rules shall be observed:

- (A) All weapons should be handled with care and respect;
- (B) The weapon should be checked for ammunition each time it is handled;
- (C) The barrel and action must be cleared of obstructions before use;
- (D) The weapon must be kept in good working condition;
- (E) The weapon should not be drawn or pointed at any person unless the situation justifies this action;
- (F) When the weapon is unattended, it must be secured against access by children and curious people; and



(G) Ammunition carried on duty must be new factory service ammunition. No reloads or wad cutter ammunition is permitted.

(5) Nonlethal Weapons. Corporate security advisors may carry only the following nonlethal defensive weapons or equipment:

- (A) Leather pocket baton or slapper;
- (B) Aerosol tear gas dispenser;
- (C) Baton or nightstick; and
- (D) Handcuffs.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 5.115 Field Inspection**

(1) Standards of Conduct. Corporate security advisors are required to conduct themselves at all times in a manner reflecting the highest standards of professional behavior. Any conduct on the part of a corporate security advisor which, in the judgment of a commissioned officer of this department, may be harmful to the good order, discipline or reputation of this department, may be punished by oral or written reprimand, suspension for a designed period of time or permanent revocation of license.

(2) Field Inspections. All corporate security advisors are subject to unannounced field inspections by officers of the St. Louis Metropolitan Police Department to insure that the corporate security advisor is in compliance with the provisions of this chapter. This inspection will determine that the corporate security advisor has:

- (A) In his/her possession a proper identification (ID) card issued by the St. Louis Metropolitan Police Department; and
- (B) Not disregarded or deviated from this chapter.

(3) Failure to Cooperate. Failure by any corporate security advisor to cooperate with a commissioned member of the St. Louis Metropolitan Police Department in the inspection procedures will constitute grounds for disciplinary action.

(4) Arrest of Corporate Security Advisor. If it is discovered during an inspection that a corporate security advisor has been arrested for a felony, misdemeanor or infraction involving moral turpitude or license violation, the corporate security advisor's ID card will be seized and forwarded to the private security section of the St. Louis Metropolitan Police Department with a copy of the arrest report. The corporate security advisor shall be suspended and shall not be permitted to continue working until the matter is resolved by the private security section. If arrested for a felony violation, a formal suspension number will be obtained in the normal manner. The private security section will conduct any necessary investigation or make notification to the jurisdictional agency.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

### **Section 5.125 Complaint/Disciplinary Procedures**

(1) Complaints. Investigation of complaints against a licensed corporate security advisor will be handled by the private security section. The results of the investigation will be forwarded in the form of a report with recommendations through the chain of command to the Chief of Police. The Chief of Police will render a judgment concerning disciplinary action. The individual concerned and his/her employer will be informed by the private security section of all decisions made by the St. Louis Metropolitan Police Department.

(2) Reprimands. In instances of misconduct not sufficiently serious to merit suspension or revocation of a license, the license holder may be reprimanded orally or in writing. Any violation of the provisions of these rules may be grounds for a reprimand. Reprimands will be a factor considered upon a licensee's application for a renewal of license or upon the occasion of any later disciplinary action. There is no appeal from a reprimand.

(3) Suspension. In instances where a corporate security advisor is arrested for a felony, the commander or watch commander of the district or any officer acting in that capacity will suspend the corporate security advisor.

(A) In instances where a corporate security advisor is arrested for a crime or ordinance violation, other than a felony, the commander or watch commander of the district, or any officer acting in that capacity, has the choice of suspending the corporate security advisor or contacting the commander of the private security section, who will determine whether or not the corporate security advisor is to be suspended. If unable to contact the commander of the private security section, the report of the incident will be forwarded to the private security section at the earliest opportunity.

(B) Whenever a licensed corporate security advisor is suspended, s/he shall surrender his/her identification (ID) card until final disposition by the commander of the private security section or the St. Louis Metropolitan Police Department, as may be appropriate.

(C) Where no warrant is issued or no cause for discipline is apparent, the corporate security advisor's return to duty shall be determined by the commander of the private security section.

(4) Revocations. A license may be revoked by order of the St. Louis Metropolitan Police Department for any violation of the rules.

(5) Notification/Appeal. Whenever the license of a corporate security advisor is suspended or revoked by the St. Louis Metropolitan Police Department, the private security section shall notify the licensee in writing of the action. The licensee shall have ten (10) days from the date of notification to request a review of the disciplinary action. The request shall be directed in writing to the commander of the private security section. The request shall state all pertinent information in support of the corporate security advisor's position and in rebuttal of the St. Louis Metropolitan Police Department's decision.

(A) The commander of the private security section may meet with the licensee and discuss his/her request for review, shall conduct a further investigation of the disciplinary case, or both.

(B) The commander, within thirty (30) days of appeal, shall render a decision affirming or reversing the original disciplinary action. The commander then shall send his/her decision and report to the Chief of Police for final action.

(C) Judgment and decision of the Chief of Police concerning appeals in disciplinary matters are final, except as otherwise may be provided by law.

(6) Disciplinary Action or Punishment.

(A) The Chief of Police retains final authority in all disciplinary matters, including reinstruction, verbal reprimand, written reprimand, suspension and revocation.

(B) Licensed corporate security advisors, whether on or off duty, are subject to disciplinary action for violations of these rules. Offenses meriting disciplinary action shall include, but not be limited to, the following:

1. Convictions of a felony, misdemeanor or city ordinance violation;
2. Intoxication or drinking on duty;

3. Possession or illegal use of narcotic or potent drugs (controlled substance);
4. Assumption of police authority when not on duty;
5. Conduct contrary to the public peace and welfare;
6. Interference with any police officer engaged in the performance of his/her duties;
7. Overbearing or oppressive conduct during the performance of duty;
8. Failure to obey a reasonable order by an officer of the St. Louis Metropolitan Police Department while conducting official business as a corporate security advisor;
9. Any conduct or actions which might jeopardize the reputation or integrity of the St. Louis Metropolitan Police Department or its members;
10. The carrying of any unapproved/unauthorized weapon while performing the duties of a corporate security advisor;
11. Failure to have his/her weapon(s) inspected by the department armorer, not having a record of his/her weapon(s) on file with the private security section, or both;
12. The carrying of more than one (1) authorized weapon on duty;
13. Failure to carry a valid ID card issued by the St. Louis Metropolitan Police Department while on duty;
14. Serving or acting as a licensed corporate security advisor for any agency or other business entity other than the one listed on his/her ID card(s), without the prior approval of the private security section as specified in this chapter;
15. Work as a corporate security advisor while under suspension;
16. The illegal carrying of a firearm when not actually engaged in duty as a corporate security advisor;
17. Any conduct constituting a breach of security or confidence;
18. Neglect of duty;
19. Failure to notify the private security section;
20. Failure to aid in prosecution;
21. Alteration or defacing of the ID card; and
22. The carrying of unauthorized nonlethal weapons, protective devices, or both.

(7) Categories of Discipline. The Chief of Police retains final authority in all disciplinary matters, including reinstruction and firearm training, verbal reprimand, written reprimand, suspension and revocation. Judgments and decisions of the Chief of Police are final.

(8) When a license is ordered revoked by the Chief of Police, the ID card/license will be surrendered and all power to act as a corporate security advisor ceases.

(9) Individuals who resign while under investigation will not be considered for a license in the future.

*AUTHORITY: section 84.343, RSMo 1986.\**

*\*Original authority: 84.340, RSMo 1939.*

**Section 5.135 Contract Security Agency**

(1) A contract security agency that meets the criteria set forth in this chapter for licensing of a corporate security advisor may provide a licensed corporate security advisor to perform duties for an employer or individual who does not meet the criteria for licensing.

(2) The employees of the authorized contract security agencies each shall be subject to all of the provisions of this chapter and each shall be individually licensed as a corporate security advisor, subject to all disciplinary action mentioned in this chapter for any breach or neglect of any rule in this chapter.

(3) The contract security agencies authorized by subsection Section 5.035 (1)(A) shall be fully responsible for the acts of its corporate security advisor/employees when providing services and the St. Louis Metropolitan Police Department shall have the authority to suspend or revoke the authority of a contract security agency referred to in Section 5.035(1)(A) to provide services because of any act or omission in contravention of these rules an individual corporate security advisor employed by the company.

*AUTHORITY: section 84.343, RSMo (2012).\**

*\*Original authority: 84.340, RSMo 1939.*

## RULE 5

### BUREAU OF INVESTIGATION AND SUPPORT

#### Section 5.001 Organization of Bureau

The Bureau of Investigation and Support will consist of the following:

- A. Office of the Chief of Detectives and Administrative Staff;
- B. Crimes Against Persons and Property Division; **and**
- C. Support Operations Division.

#### Section 5.002 Mission of the Bureau

To provide assistance to the Patrol Divisions by providing specialized technical investigative, tactical and support services for selected areas of criminal activity.

#### Section 5.003 Responsibilities of the Chief of Detectives, Bureau of Investigation and Support

The Chief of Detectives will report directly to the Chief of Police and have authority over all divisions outlined in Section 5.001.

#### Section 5.004 Responsibilities of the Support Operations Commander

**The Support Operations Division Commander will be responsible for the operation of the Sections under his/her command and ensure that the orders of the Chief of Police are obeyed, with uniform interpretation in each of the Sections in the Support Operations Division.**

### CRIMES AGAINST PERSONS AND PROPERTY DIVISION

#### Section 5.101 Organization of Crimes Against Persons and Property Division

The Crimes Against Persons and Property Division will consist of the following:

- A. Homicide Section;
- B. Sex Crimes/Child Abuse/Domestic Abuse Response Team (DART);
- C. Polygraph Examination Section;
- D. Bomb and Arson Section;
- E. Cyber Crime Section;
- F. **Juvenile Section;**
- G. Circuit Attorney's Investigators/Court Liaison;
- H. Warrant and Fugitive Section; **and**
- I. Prisoner Processing Section.

**HOMICIDE SECTION**

**Section 5.102 Responsibilities of the Homicide Section**

The Homicide Section will have complete City-wide responsibility for the investigation of the following offenses and incidents:

- A. criminal homicide-murder;
- B. manslaughter;
- C. aggravated assaults, when death appears imminent or later occurs;

- D. abortions performed by unlicensed person(s) wherein the mother dies;
- E. assisting another in the commission of self-murder;
- F. all other sudden or violent deaths of a suspicious nature;

NOTE: Incidents of suspicious child deaths will be jointly investigated with the Child Abuse Section.

- G. all incidents where a police officer is shot or where an officer shoots a suspect in the performance of duty;
- H. all deaths of persons in custody, whether or not suspicious circumstances exist; and
- I. all incidents where an individual is either seriously injured or killed as the result of a police chase will be jointly investigated with the Accident Reconstruction Team.

### **SEX CRIME/CHILD ABUSE/DART SECTION**

#### **Section 5.103 Responsibilities of the Sex Crime Unit**

The Sex Crime Unit will have City-wide responsibility for the investigation of the following offenses (except those incidents in which death or critical injury to the victim results, in which event the Homicide Section will have responsibility for investigating the incident): **(42.1.4)**

- A. rapes;
- B. sodomy incidents;
- C. attempts of the above crimes; and
- D. all incidents involving “Reckless Exposure” to the HIV virus.

#### **Section 5.104 Responsibilities of the Child Abuse Unit**

The Child Abuse Unit will investigate incidents involving the following:

- A. felony cases of abuse or neglect; **(42.1.4)**
- B. incest of juveniles; and **(42.1.4)**
- C. hotline referrals from Children’s Division. **(42.1.4)**

NOTE: Incidents where death or critical injury results will be jointly investigated with the Homicide Section.

### **DOMESTIC ABUSE RESPONSE TEAM (DART) UNIT**

#### **Section 5.105 Responsibilities of the Domestic Abuse Response Team Unit**

The Domestic Abuse Response Team (DART) will have City-wide responsibility for investigation of the following cases involving persons in a domestic relationship: **(42.1.4)**

- A. serious felony assaults;
- B. Order of Protection violations;
- C. stalking; and

- D. elder abuse cases.

## **POLYGRAPH EXAMINATION SECTION**

### **Section 5.106 Responsibilities of the Polygraph Examination Section**

The Polygraph Examination Section will be responsible for:

- A. administering polygraph examinations to persons brought to the Crimes Against Persons and Property Division by employees of the Department in accordance with established Department procedures;
- B. providing polygraph services for other law enforcement agencies in connection with the investigation of criminal cases, with the approval of the Deputy Chief of the Bureau; and
- C. maintaining special files on polygraph examinations.

## **BOMB AND ARSON SECTION**

### **Section 5.107 Responsibilities of the Bombing and Arson Section**

The Bomb and Arson Section will have complete City-wide responsibility for the investigation of the following offenses or incidents (except those in which a death results, in which event this section will share responsibility for the investigation of the death with the Homicide Section): **(42.1.4)**

- A. arson and suspected arson;
- B. assault with explosives (bombing);
- C. escaping gas or fumes threatening the health or safety of citizens;
- D. extortions based on threats of assault with explosives;
- E. unlawful use, possession, etc., of explosives; disposal of explosive devices;
- F. explosions;
- G. all fires of three alarms or more when requested by the Fire Department;
- H. investigation of critical or fatal injuries which are the result of fire, explosion, carbon monoxide poisoning, smoke inhalation or toxic gases; and
- I. aircraft crashes where death occurs.

## **CYBER CRIMES SECTION**

### **Section 5.108 Responsibilities of the Cyber Crimes Section**

The Cyber Crimes Section will be responsible for: **(42.1.4)**

- A. providing technical assistance to the Intelligence Division and District Detectives regarding bank thefts and fraud cases;
- B. handling all correspondence from other jurisdictions relating to computer crimes, and performing required investigations;
- C. conducting all computer and cell phone forensic examinations for the Department;



- D. maintaining liaison with banks and lending institutions;
- E. keeping Station Executive Officers, District Commanders, and District Detective personnel informed of activity within their districts involving computer crimes (to include the dissemination and possession of child pornography); and
- F. performing specialized investigations involving computer-related crimes, and providing assistance to Department units investigating such crimes. (42.1.4)

**JUVENILE SECTION**

**Section 5.109 Responsibilities of the Juvenile Section**

**The Juvenile Section will consist of the officers assigned as juvenile officers and school crews, who will be responsible for:**

- A. identifying, through group identification procedures, individual juveniles and their associates;
- B. the complete processing of juveniles in accordance with the state statutes governing juveniles;
- C. maintaining regular contact with representatives from the Juvenile Family Court to keep up-to-date Department policies and procedures relating to juveniles;
- D. maintaining close contact with Area and District Commanders regarding juvenile problem areas and providing necessary assistance; and
- E. handling all other matters involving juveniles. (42.1.4) (44.1.1)

Section 5.201 Deleted 02/20/13

Section 5.202 Deleted 02/20/13

Section 5.203 Deleted 02/20/13

**Section 5.204 Deleted 02/20/13**

**Section 5.205 Deleted 02/20/13**

**Section 5.206 Deleted 02/20/13**

**WARRANT/FUGITIVE/PRISONER PROCESSING UNIT**

**Section 5.207 Organization of the Warrant/Fugitive/Prisoner Processing Unit**

The Warrant/Fugitive/Prisoner Processing Unit will consist of the following sections:

- A. Warrant Section;

- B. Fugitive Apprehension Section;
- C. Sex Offender Registration Section;
- D. Missing Adult Section;
- E. Fugitive Extradition Section;
- F. Uniform Transportation Section; and
- G. Prisoner Processing Section.

**Section 5.208 Responsibilities of the Warrant Fugitive and Prisoner Processing Units**

The Warrant Fugitive and Prisoner Processing Unit will be responsible for:

- A. investigating reported incidents of missing adults;
- B. conducting final investigations on unclaimed bodies for the City Medical Examiner;
- C. fulfilling the legal requirements connected with fugitive cases, writs of habeas corpus and extradition proceedings;
- D. maintaining records of, and executing, detention orders requested by law enforcement and parole officers on prisoners confined in the City Justice Center, City of St. Louis Medium Security Institution (workhouse), or in the custody of this Department;
- E. coordinating all matters pertaining to suppressed warrants and bench warrants with the courts, the districts and other Department units involved;
- F. registering convicted sex offenders as required under State law, maintaining up-to-date records concerning their whereabouts, regularly conducting investigations to locate unregistered sex offenders and maintaining the public sex offender list;
- G. maintaining the security, safety and proper processing of prisoners and documents forwarded from Patrol Division stations, the Bureau of Investigation and Support and other units until surrendered to City Justice Center staff;
- H. providing the proper processing and disposition of bail bonds; and
- I. retrieving prisoners with active warrants from local Law Enforcement Agencies.

**SUPPORT OPERATIONS DIVISION**

**Section 5.301 Organization of the Support Operations Division**

The Support Operations Division will consist of the following:

- A. Traffic Safety/Mounted Patrol Unit;
- B. Canine Unit;
- C. Emergency Management Unit; **and**
- D. Public Transportation Unit.

## TRAFFIC SAFETY/MOUNTED PATROL UNIT

### Section 5.302 Organization of Traffic Safety/Mounted Patrol Unit

The Traffic Safety/Mounted Patrol Unit will be commanded by an officer who will report directly to the Commander, Support Operations.

#### TRAFFIC SAFETY SECTION

##### Section 5.302.1 Responsibilities of the Traffic Safety Section

The Traffic Safety Section will be responsible for City-wide enforcement of all traffic laws and ordinances, the investigation of traffic accidents involving critical injuries or fatalities, and other duties as assigned by the Commander, Support Operations. (61.1.1.d)

#### MOUNTED PATROL SECTION

##### Section 5.302.2 Responsibilities of the Mounted Patrol Section

The Mounted Patrol Section will have patrol responsibility for Forest Park and other assignments as directed by the Commander, Support Operations.

Section 5.303 Deleted 02/20/13

Section 5.303.1 Deleted 02/20/13

#### CANINE UNIT

##### Section 5.303.2 Responsibilities of the Canine Unit

**The Canine Unit will be commanded by an officer who will report directly to the Commander, Support Operations.** The Canine Unit will assist patrol units and respond to crime scenes where tracking, building searches, crowd control issues in the event of an Office in Need of Aid, or the services of a narcotics or bomb-sniffing dog or similar functions are required. In cases where no Canine Unit Supervisor is present, the Canine Unit officer will follow the reasonable directions of District Commanders or Supervisors. When encountering an incident of District responsibility, a Canine Unit officer will take action to preserve order and will immediately summon a District officer who will assume the police action necessary and prepare the report. (41.1.4)

##### Section 5.303.3 Responsibilities of the Canine Training School

The Canine Training School will provide initial and refresher training for all personnel assigned to the Canine Section and be responsible for the procurement of dogs and for the custody of all dogs not assigned to officers.

## EMERGENCY MANAGEMENT UNIT

### Section 5.304 Responsibilities of the Emergency Management Unit

The Emergency Management Unit will be commanded by an officer who will report directly to the Commander, Support Operations. The Emergency Management Unit will coordinate with internal and external agencies in the development of advance plans for coping with natural and man-made disasters.

### Section 5.305 Deleted 02/20/13

## PUBLIC TRANSPORTATION UNIT

### Section 5.306 Responsibilities of the Public Transportation Unit

The Public Transportation Unit consists of St. Louis City and County officers and is responsible for patrolling, on foot, the Metro Link trains, train platforms and any adjacent Metro Link parking facilities in Missouri, and enforcing city ordinances and state laws.

## CIRCUIT ATTORNEY'S INVESTIGATORS/COURT LIAISON

### Section 5.401 Responsibilities of the Circuit Attorney's Investigators

Circuit Attorney's Investigators are assigned to work with the Courts and prosecuting officials to:

- A. provide investigative services to the Circuit Attorney's staff;
- B. serve as liaison between this Department and the various courts, prosecuting officials and associated agencies concerning criminal justice issues affecting the Department and those agencies, to include the scheduling of officers for court appearances and court standby during on-duty time whenever possible; and
- C. maintain records concerning the appearance of officers in court or their absence from court.

## **RULE 6**

### **BUREAU OF AUXILIARY SERVICES**

#### **Section 6.001 Organization of Bureau**

The Bureau of Auxiliary Services will consist of the following commands:

- A. Office of the Deputy Chief, Auxiliary Services;
- B. Telephone Reporting and Records Division;
- C. Fleet Services Division;
- D. Buildings Division;
- E. Communications Division;
- F. Communications Service Center;
- G. Laboratory Division; and
- H. Property Custody Division

#### **Section 6.002 Responsibilities of the Deputy Chief, Bureau of Auxiliary Services**

The Deputy Chief, Bureau of Auxiliary Services, will report directly to the Chief of Police and have authority over the units outlined in Section 6.001.

#### **Section 6.003 Mission of Bureau**

To provide the necessary support services required by various units of the Department. Such services will include providing radio communications and fleet support to various sectors of the City of St. Louis, the receipt and dispatch of calls, building maintenance, records procedures, criminalistic services, firearms identification, technical arts, processing of evidence, identification, and property/evidence custody, storage, and disposition.

### **TELEPHONE REPORTING AND RECORDS DIVISION**

#### **Section 6.101 Responsibilities of the Telephone Reporting and Records Division**

The Telephone Reporting and Records Division will be responsible for:

- A. providing access to police reports and records of arrest to the public as directed in procedures established by the Chief of Police;
- B. providing services to police officers and criminal justice agencies as directed in procedures established by the Chief of Police; and
- C. preparing police reports and providing teleprocessing services as determined by the management staff.

## **FLEET SERVICES DIVISION**

### **Section 6.201 Responsibilities of the Fleet Services Division**

The Fleet Services Division will be responsible for:

- A. operating the Department fleet maintenance, repair, machine shop and satellite fueling facilities;
- B. completing records for each vehicle in the fleet to determine its cost effectiveness;
- C. maintaining and instituting fleet management programs to develop vehicle specifications, automotive tests, life-cycling costs, along with the acquisition and disposal of Department vehicles to insure that the short and long range goals of the Department fleet are accomplished; and
- D. servicing of City vehicles.

## **BUILDINGS DIVISION**

### **Section 6.301 Responsibilities of the Buildings Division**

The Buildings Division will be responsible for:

- A. providing building maintenance and custodial service at designated Department facilities; and
- B. reviewing all requests for physical changes and/or new construction for recommendations, changes and technical input.

## **COMMUNICATIONS DIVISION**

### **Section 6.401 Responsibilities of the Communications Division**

The Communications Division will be responsible for:

- A. evaluating all calls for emergency services to determine the urgency of the request and whether police resources will be dispatched or the call should be transferred to the Fire Department or EMS; and
- B. dispatching calls for service to appropriate police personnel while providing pertinent details, and monitoring subsequent radio transmissions.

## **COMMUNICATIONS SERVICE CENTER**

### **Section 6.501 Responsibilities of the Communications Service Center**

The Communications Service Center will be responsible for:

- A. administering, maintaining and repairing radio, telephone equipment and miscellaneous electronics equipment used by the Department;
- B. administering, maintaining and repairing radio equipment for City of St. Louis agencies; and
- C. supplying materials and parts used by the Department in the maintenance of the radio and phone communications systems.

## LABORATORY DIVISION

### Section 6.601 Organization of the Laboratory Division

The Laboratory Division will consist of the following sections:

- A. **Biology/DNA Section;**
- B. **Drug Section;**
- C. **Evidence Technician Unit;**
- D. **Firearms Section;**
- E. **Graphic Arts;**
- F. **Identification Section;**
- G. **LIMS Administration;**
- H. **Photography Section;**
- I. **Quality Assurance; and**
- J. **Support Staff (Laboratory Clerks, Lab Administrative Coordinator, Support Supervisor)**

### Section 6.602 Responsibilities of the Laboratory Division

The Laboratory Division will be responsible for:

- A. **Biology/DNA Section** – Examining evidence thought to contain bodily fluids or thought to have come in contact with an individual related to a crime, photographing evidence as necessary, consulting with other sections as necessary regarding evidence, sampling or swabbing evidence, performing DNA analysis on these samples, reporting the findings and testifying in court; maintaining and administering the local Combined DNA Index System [CODIS], uploading forensic unknown and mixture samples and suspect samples to the State CODIS Administrator, and processing all hits between samples; writing for, and administering upon receipt, grants for federal funding sources; responding to crime scenes for cases presenting unusual or technical issues; providing training in all aspects of the Biology/DNA section to members of the St. Louis Metropolitan Police Department and other agencies upon request with approval of the Commander of the Laboratory Division; and providing assistance in criminal matters to outside agencies regarding forensic biological screening and/or forensic DNA analysis upon request and approval of the Commander of the Laboratory Division;
- B. **Drug Section** – Evaluating and identifying physical evidence to determine if the evidence contains a controlled substance; providing forensic chemistry services to St. Louis Metropolitan Police Department employees; providing forensic chemistry services to outside agencies in the investigation of criminal cases upon the approval of the Commander of the Laboratory Division; and assisting in the adjudication of controlled substance cases in State and Federal Court;



- C. **Evidence Technician Services** – responding to requests for service 24 hours a day as determined by the Deputy Chief of the Bureau of Auxiliary Services; and processing all major crime scenes to identify, preserve and collect physical evidence, taking photographs, and searching for and lifting latent fingerprints; and collecting samples for DNA analysis (83.1.1);
- D. **Firearms Identification** – Examining firearm evidence to determine whether a specific bullet or firearm can be related to a particular crime; performing such other tests as will aid in the investigation of criminal cases, including tool mark identification and the restoration of eradicated or altered serial numbers; instructing all employees of the Department in the proper methods of collecting, marking and preserving physical evidence with particular reference to firearms; swabbing guns, magazines, and cartridges for DNA upon request; and with the approval of the Commander, Laboratory Division and the Deputy Chief of the Bureau of Auxiliary Services, providing firearms identification services for other law enforcement agencies in connection with the investigation of criminal cases;
- E. **Graphic Arts** – creating maps, timelines, charts, graphs, and diagrams of crime scenes, including courtroom displays as requested by Department employees or the Circuit Attorney’s Office; creating neighborhood, district, and city maps as requested; preparing the SLMPD Quarterly Newsletter and the Laboratory Division Annual Report; creating printable and/or electronic forms, brochures, handouts, and signs to be used by the Laboratory Division in accordance with procedures established by the Deputy Chief of the Bureau of Auxiliary Services;
- F. **Identification Section Services** – verifying arrested subjects by using AFIS (Automated Fingerprint Identification System); maintaining ten print fingerprint cards of department employees, adult criminals and juveniles; maintaining palm print cards; fingerprinting of the public, department employees, the deceased and juveniles (during normal business hours); photographing and providing juvenile photo line-ups; utilizing ACE-V to examine latent print evidence; searching latent fingerprint and palm prints in AFIS; photographing latent print evidence; chemical processing of latent print evidence; writing of latent print reports; testifying in court;
- G. **LIMS Administration** – maintaining, securing and correcting data in the Laboratory Information Management System (LIMS). This data includes, but is not limited to, case information, exam notes and documentation, communications with customers and final laboratory reports; maintaining the I-Results website and training all lab personnel in the proper use of the system;
- H. **Photography Section** – Photographing and processing photographs of Department employees; serving as the principle police photographer; developing and printing photographs from digital media received from multiple units; maintaining digital photographs using the Digital Imaging Management System (DIMS); testifying in court concerning crime scene photographs and chain of custody of negatives and digital images; and maintaining all photography files;
- I. **Quality Assurance** – Coordinating and administering activities required to implement and maintain quality throughout the Laboratory Division including compliance with the ISO 17025 International Standard, through comprehensive staff training and continuing education programs, casework reviews, proficiency testing, corrective and preventive action programs, document review and control, audits, method and reagent validations and courtroom testimony critiques; and

J. **Support Staff – (Laboratory Clerks, Lab Administrative Coordinator, Support Supervisor)**

**Laboratory Clerks – taking in and scrutinizing evidence from SLMPD Officers and, in special circumstances, other Law Enforcement Agencies, and entering the evidence into the computerized evidence and property tracking system (LIMS); conveying evidence to the Property Custody Division after analysis is completed; conveying and retrieving evidence to and from the Missouri State Highway Patrol for specialized analysis; scanning, filing, shredding, and maintaining Laboratory reports, miscellaneous evidence forms, subpoenas, etc.; and monitoring alarms on freezers/refrigerators.**

**Lab Administrative Coordinator – performing administrative functions for the entire Laboratory Division, including but not limited to the maintenance of all section schedules, contact information and other administrative files, the ordering of supplies from the Supply Division, and the preparing of basic statistics; completing specialized tasks in the LIMS system such as entering reports from outside agencies and data conformity checks.**

**Support Supervisor – assisting with planning and preparing the annual budget for the Laboratory Division, paying invoices, updating and monitoring the budget spread sheet; maintaining budget files; maintaining Division sick records and monitoring the Evidence Room to ensure evidence is properly packaged and flows smoothly to the appropriate locations.**

## **PROPERTY CUSTODY DIVISION**

### **Section 6.701 Responsibilities of Property Custody Division**

The Property Custody Section will be responsible for receiving, retaining custody, and disposing of items of evidence and property seized and forwarded, in accordance with procedures established by the Deputy Chief of the Bureau of Auxiliary Services.

## RULE 7

### COMPLAINT AND DISCIPLINARY PROCEDURES

#### Section 7.001 Department Policy

The purpose of this rule is to establish a system of complaint and disciplinary procedures which will maintain the integrity of the Department by insuring a prompt and fair disposition of complaints. The procedures will subject the Department member to corrective action if improper conduct is evident, and will protect those who discharge their duties properly.

#### Section 7.002 Applicability

The procedures apply to all commissioned members of the Department and, where applicable, to civilian employees.

#### Section 7.003 Scope of the Rule

- A. The provisions of this rule shall apply to complaints from the following sources:
1. those complaints reported to supervisory officers by members of the Department;
  2. those resulting from observation by supervisory or commanding officers;
  3. those made, reported or filed by private citizens or citizen groups;
  4. those referred to the Department by any person or agency;
  5. those uncovered during the course of a complaint investigation; and
  6. those resulting during the course of litigation.

#### Section 7.004 Standards of Conduct (26.1.1)

- A. A member of the Department shall be subject to disciplinary action for the violation of the rules of conduct set forth by the Department as described herein. These rules of conduct are neither intended to cover every situation, nor be exclusive of any other Department directive or pronouncement by the Board of Police Commissioners, the Chief or his delegates, or of a superior officer.
- B. Every member of the Department shall, at all times, maintain reasonable standards of courtesy in his/her relations with the public and with other members of the Department and shall conduct him/herself in such a manner that no discredit will be brought upon the Department in general or him/herself in particular.
- C. Acts contrary to good conduct shall include, but not be limited to, the following:
1. Conviction of a felony, misdemeanor or ordinance violation under any statute or ordinance. A conviction includes a finding of guilt by the trier of fact, a guilty plea, an Alford plea and/or any acknowledgement of guilt (Suspended Execution/Imposition of Sentence).
  2. Use of controlled substances not medically prescribed.
  3. Any conduct unbecoming to a member which is contrary to the good order and discipline of the Department, on or off duty. For example, such conduct shall include, but not be limited to:
    - a. Withdrawing or resigning or absenting him/herself from duty without leave, or failing to report for duty at his/her regularly appointed time. **Each day an employee is absent from duty without leave is considered an offense;**
    - b. Neglect of duty, improper performance of duty or sleeping or loafing while on duty;

- c. Accepting anything of value for permitting/ignoring illegal acts;
  - d. Using an official position for personal gain;
  - e. Failing to obey a reasonable order of a superior officer;
  - f. Insubordination or disrespect toward a superior officer;
  - g. Abuse of subordinates by superior officers;
  - h. Reporting for duty in an intoxicated condition or drinking of alcoholic beverages of any kind, while on duty, or while in any part of the uniform which would readily identify the individual as a member of the Metropolitan Police Department;
  - i. Knowingly associating, on or off duty, with convicted criminals or lawbreakers under circumstances which could bring discredit upon the Department or impair an officer in the performance of his/her duty;
  - j. Any conduct detrimental to the public peace or welfare;
  - k. Failing to take appropriate action, on or off duty, when an incident requiring action comes to the attention of a police officer;
  - l. Any member being under felony indictment;
  - m. Fighting and/or quarreling with Department member while either on or off duty, which would bring discredit upon the Department or disrupt the work place is prohibited.
  - n. Ingestion/consumption of medication, medicinally prescribed to another.
  - o. Failure to ensure the civil treatment and the observance of rights of all persons that he/she has contact with (Uncivil Treatment);
  - p. Failure to make reports in conformity with established procedures, on all matters that come to his/her attention that require reporting (Failure to Make Required Report); and
  - q. Appearing in a Board Trial or Summary Hearing for the purpose of providing expert/opinion-based testimony without permission of the Chief of Police.
4. In dealing with the public – advising, procuring or in any other manner seeking to solicit the employment of any attorney to prosecute or defend a civil suit or defend criminal proceedings.
  5. Receiving money, gifts, gratuities, rewards or compensation for services rendered or expenses incurred, except while engaged in approved secondary employment, without consent of the Board.
  6. Soliciting, collecting or receiving money or other things of value for charitable, gift or testimonial purposes, while in uniform or on duty, or when representing oneself as an employee of the St. Louis Police Department, without consent of the Board.
  7. Soliciting for attorneys, bondsmen or other business persons for personal gain.
  8. Borrowing, obtaining, receiving, soliciting or accepting any money, securities, property, other valuable thing, or credit or guarantee of credit either directly or indirectly from any person under investigation or against whom a complaint has been made or an arrest warrant has been issued or in official custody or free on bond or any relative or employee of such persons.

9. Initiating, making or filing a third party claim, suit or other action arising out of a work related injury, in an attempt to obtain, collect, or receive any money, securities, property, or other valuable thing from any person or company without first having notified the Department's Medical/Benefit Office.
10. Soliciting or accepting the aid of any person, or knowingly permitting any person to influence hiring, promotion or transfer on the member's behalf, except by established procedures relating to request for transfer.
11. Failing to devote one's time and attention to the business of the Department during scheduled duty hours.
12. Engaging in any other occupation or business for profit while off-duty, without first obtaining written permission from the chain of command to engage in secondary employment.
13. Failing to properly exercise the duties and functions associated with the Department member's rank or position.
14. Causing or procuring any person other than a licensed attorney to intercede with a member of the Board or another member of the Department on one's behalf while one is under suspension or under charges; interfering with, or tampering with any person who may be a witness against one while under suspension or under charges.
15. Interfering with, or tampering with a witness, potential witness or one in a position to appear in any capacity in any department hearing.
16. Failing to take appropriate action to prevent any misconduct, against any citizen by another member of the Department. Failing to immediately notify the Internal Affairs Division or the Command Post if no one is on duty at the Internal Affairs Division, of the misconduct of another Department member.
17. Any civilian member failing to immediately notify the Internal Affairs Division, or the Command Post if no one is on duty at the Internal Affairs Division, of any misconduct, against any citizen by another member of this Department.
18. Failing to conduct a proper investigation of suspected criminal activity or a non-criminal incident which requires police action.
19. Permitting a prisoner to escape through carelessness or neglect.
20. Failing to acknowledge a radio call or to respond to a dispatched call for service.
21. Failing to follow radio procedures.
22. Failing or refusal to qualify with a Department owned/approved firearm.
23. Failing upon receipt of proper notice, to attend any trial, hearing, or proceeding before a court, board, bureau or tribunal of the United States, State of Missouri, political subdivision of the State of Missouri, or City of St. Louis, and to remain in attendance until the conclusion of the applicable proceeding or until excused by the person causing such an appearance.
24. Failing to notify his/her supervisor or commander, when reporting for duty, of any recent use or ingestion of potentially behavior influencing prescription material or other medication.
25. Failing to follow, adhere to, or be compliant with prescribed medical protocol during the course of treatment for a work related injury or illness.
26. Failing to promptly report notification (by the Department Medical Provider or private physician) of one's ability to return to duty, to his/her commanding officer or acting commanding officer, and report at the earliest normal time that he/she is scheduled for duty.

27. Feigning illness **or excessive undocumented illness** (as outlined in SO 3-03, "Sick Reporting and Medical Procedures") shall be subject to disciplinary action (see Annex #1) and commanding officers are held responsible for assuring that members of their command, when reporting sick, are making a true report of their condition.
28. When not on duty, being absent from one's place of residence for a period exceeding forty-eight hours without first notifying the commanding officer and providing information sufficient to permit emergency contact.
29. Changing place of one's residence and/or telephone number without notifying commanding officer within twenty-four hours after the change.
30. Wearing the police uniform while not engaged in the service of this Department on assigned duty, or when going to or from duty, unless otherwise authorized by the Chief of Police. Permission to wear the Department's police uniform while engaged in secondary employment must be approved by the Chief of Police. Non-duty activity (e.g., menial tasks, non-emergency simple manual labor) in uniform is inconsistent with the dignity associated with the uniform and is prohibited.
31. Engaging in a strike, work stoppage, or work slowdown against the Department, with the exception of non-violent informational picketing.
32. Receiving discipline, in any form, five (5) times within a three (3) year period. This does not include "unsatisfactory inspections" which consists of snap-outs and verbal warnings.
33. Suspension/revocation of driver's license; failing to promptly notify superior/supervisor of suspension/revocation.
34. Failing to promptly report to the Legal Division any legal service in a lawsuit which resulted from official acts or conduct.
35. Electronically recording the conversation or videotaping/photographing actions of another Department member or a member of the public without that person's prior knowledge and approval unless otherwise approved by other rules, regulations or special orders, or unless done in conjunction with a sanctioned investigation in which the said recording is specifically authorized and approved in advance of the recording by the Board, the Chief of Police, a Deputy Chief or the Internal Affairs Division.

NOTE: Refer also to Rule 9: General Duty Regulations.

#### **Section 7.005 Standards of Conduct Related to Political Activity**

The purpose of this Rule is to set forth the permissible limits within which members of this Department, commissioned and civilian may participate in the elective process of any level of government and engage in political activity. It is intended to give Department members the right to engage in political activity consistent with the primary objective of preventing any real or apparent misuse or abuse of a position within the Department in the area of political activities and in the exercise of the right of suffrage. (26.1.1)

##### **A. Permissible Activity**

1. All members of this Department are free to engage in political activity in the widest extent consistent with the restrictions imposed by law and Section 7.005. Each member retains the right to:
  - a. register to vote in any election;
  - b. express his/her opinion as an individual on political subjects and candidates. The expression of an opinion by a Department member regarding a political candidate through the medium of distributing handbills is permitted provided said Department member does not represent himself/herself to be a member of the Department, any police organization or to be expressing the views of the Department as a whole. Any police officer engaged in such activity must be off duty and in civilian attire;

- c. display a yard sign, political picture, sticker, badge, button or political symbol except during the time for which compensation is received as a member of the Department and whenever in uniform whereby he/she is identified as a member of this Department;
  - d. participate in the non-partisan activities of a civic community, or social, labor, or professional organization, or a similar organization;
  - e. be a member of a political party or other political organization, and participate in its activities to the extent consistent with law and Section 7.005;
  - f. attend a political convention, rally, fund-raising function or other political gathering;
  - g. sign a political petition as an individual;
  - h. make a financial contribution to a political party or organization;
  - i. take an active part as an independent candidate or in support of, or opposition to, an independent candidate in a partisan election provided that before taking any such part as aforesaid the member shall resign his/her position in the Department, or with the consent of the Board of Police Commissioners in its sole discretion, take a leave of absence as to the position;
  - j. be politically active in connection with a question which is not specifically identified with a political party, such as constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character; or
  - k. otherwise participate fully in public affairs, except as prohibited by law or Annex #1, in a manner which does not materially compromise his/her efficiency or integrity as a member of this Department or the neutrality, efficiency or integrity of this Department.
2. Paragraph A-1 of Section 7.005 does not authorize a member of this Department to engage in any political activity while on duty for which compensation is being paid, or while in uniform that identifies him/her as a member of this Department. The Chief of Police may prohibit or limit the participation of a member or class of members of this Department in an activity permitted by said Paragraph A-1 of this Section, if participation in the activity would interfere with the efficient performance of official duties, or create a conflict or apparent conflict of interests.

**B. Use of Official Authority - Prohibition**

A member of this Department may not use his/her official authority, position or influence for the purpose of interfering with or affecting the result of an election.

**C. Political Management and Political Campaigning - Prohibition**

- 1. A member of this Department may not take an active part in political management or in a political campaign, except as permitted in Section 7.005.
- 2. Activities prohibited by Paragraph C-1 of this Section include, but are not limited to:
  - a. serving as an officer of a political party, a member of a national, state or local committee of a political party, an officer or member of a committee, a political club, or a candidate for any of these positions;
  - b. organizing or reorganizing a political party organization or political club;
  - c. directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions or other funds for a political purpose;

- d. organizing, selling tickets to, promoting, or actively participating in a fundraising activity of a political candidate, political party or political club;
- e. taking an active part in managing the political campaign of a candidate for public office or political party office;
- f. becoming a candidate for or campaigning for an elective public office;
- g. soliciting votes in support of, or in opposition, to a candidate for public office or political party office;
- h. acting as recorder, watcher, challenger, or similar office at the polls on behalf of a political party or candidate;
- i. driving voters to the polls on behalf of a political party or candidate;
- j. endorsing or opposing a candidate for public office or political party office in a political advertisement, broadcast, campaign literature or similar material;
- k. serving as a delegate, alternate or proxy to a political party or convention; and
- l. addressing a convention, caucus, rally or similar gathering of a political party in support of, or in opposition to, a candidate for public office or political party office.

**D. Determination of Questioned Activities – Appeal**

- 1. A member of this Department may request, in advance, that a determination be made whether a given activity is permitted or prohibited. The request shall be made in writing and shall clearly set forth all the facts pertaining to, or connected with, the activity in which the member wishes to engage. The request shall be directed to the Chief of Police (or the person designated by the Board).
- 2. A written determination shall be made and delivered to the member making such request no later than thirty (30) days after receipt of such request.
- 3. A member aggrieved by such a determination may appeal to the Board within ten (10) days after receipt of the determination. The appeal shall be in writing and shall clearly set forth the reason why the determination is alleged to be incorrect.
- 4. The decision of the Board based on the written submissions of the parties (unless the Board requests additional information) on such appeal shall be a final decision and binding on all parties.

**Section 7.006 Complaint Defined**

A complaint is defined as an allegation that a Department member has violated a Department rule, special order, or regulation, a federal or state statute, or a city ordinance.

**Section 7.007 Procedure of Receiving Complaints**

**A. Accepting Citizen Complaints (52.1.1)**

- 1. A complaint may be filed in person, in writing or by telephone to the Department, Area Stations, Internal Affairs Division, Civilian Review Board or the Command Post in the Office of the Chief of Police. At the time of filing the complaint, or at anytime thereafter, any citizen may be accompanied by counsel or by an interested observer to assist in the filing.
- 2. Any Department member who receives a complaint from a citizen shall:



- a. obtain information including the nature of the alleged violation, the name, address, and telephone number of the complainant and the name of the Department member involved;
  - b. notify his/her supervisor who will judge the seriousness of the complaint and either fill out an Employee Misconduct Report (EMR) or refer the complaint to the District/Unit commander or the Internal Affairs Division;
 

**NOTE:** If a Command Post officer or Communications Division personnel receives the complaint, he/she will notify the Watch Commander or Supervisor of the unit where the member is assigned, or the Internal Affairs Division, depending upon the seriousness of the violation.
  - c. for allegations that are serious in nature, the complainant will be asked if he/she would like to appear personally at the Internal Affairs Division. Transportation shall be arranged, if needed; and
  - d. notify the Internal Affairs Division, providing the information required in (1) above. If no one is on duty in the Internal Affairs Division, the Command Post shall be notified.
3. It is preferable that complainants be interviewed by a Unit/Watch Commander or Supervisor who shall take the following action upon receiving a complaint from a citizen:
    - a. if the allegation is of a minor nature, the Unit/Watch Commander or Supervisor will complete the Employee Misconduct Report and forward the signed form to the Internal Affairs Division;
    - b. if the allegation is of a serious nature, the Unit/Watch Commander or Supervisor will immediately notify the Internal Affairs Division, or if after normal office hours, contact the Command Post; and
    - c. if the complainant refuses to sign the EMR or is unable or unwilling to go to the Internal Affairs Division, the Unit/Watch Commander or Supervisor shall complete the Employee Misconduct Report as fully as possible. The Unit/Watch Commander or Supervisor shall then make arrangements for the form to be delivered to Internal Affairs or the Command Post as soon as possible.
  4. Complaint forms shall be available at each police facility for use by a citizen in recording a complaint against a Department member.
  5. Citizens may opt to complete the complaint form at a later time, in which case they will be instructed to take or mail the completed form to the Internal Affairs Division. Citizens shall be given a copy of the complaint form. IAD will mail a receipt notice to the complainant when a complaint form is mailed by a citizen.
  6. If the complainant appears personally at the Internal Affairs Division, it shall be the responsibility of that office to complete the "Allegation of Employee Misconduct Report."
  7. When it appears that the complainant is under the influence of an intoxicant/drug, suffering from a mental disorder, or exhibits any other behavior or condition bearing on the complainant's credibility, these conditions will be noted on a separate Intra-Departmental Memorandum, by the person receiving the complaint. All such remarks and statements will be followed by the signature of the member making the remarks. The separate memorandum will be attached to the original EMR or complaint form and forwarded to the Internal Affairs Division. The memorandum containing the observations should not be provided to the complainant.
  8. Photographing Complainant:
    - a. If a complainant alleges any manner of physical abuse or injury to his/her person during an encounter with an officer, the person receiving the complaint should digitally photograph any purported injury. A photograph of the complainant's face shall also be taken.
    - b. If photographs are taken, same should be documented in a memorandum. The digital files of the photographs taken shall be forwarded to the Internal Affairs Division with the EMR.

9. Courts are the proper venue for complaints which deal solely with differences of opinion between an officer and a citizen concerning the issuance of a traffic ticket or summons, absent an allegation of violation of department rules or a law violation against the officer. These differences should not be considered complaints and should not be investigated; an Allegation of Employee Misconduct Report should not be prepared.

**B. Complaints Internally Generated by Supervisors or Command Officers**

1. Less serious violations of departmental rules internally initiated, will not be immediately referred to the Internal Affairs Division. Instead, normal investigative procedures shall be followed.
2. If the initial investigation reveals that an allegation will be made against the employee, then the Allegation of Employee Misconduct Report shall be prepared.
3. The investigating commander, under procedures established by the Chief of Police, may prepare the “Expedited Consent to Accept Recommended Discipline– Request for Hearing/Investigation” form (ECARD) to adjudicate the violation of departmental rules. **(26.1.5)**
4. After consenting to the recommended punishment, the offending member may include a short statement if he/she does not agree with the Statement of Offense. The investigating commander will then submit the form through the proper chain of command for final disposition. **(52.1.1.a) (52.1.1.b)**
5. Complaints against civilian employees and their subsequent investigation should be handled as reflected in Article 10 of the Memorandum of Understanding between the Board of Police Commissioners and the Civilian Personnel Division.

**Section 7.008 Authority and Responsibilities**

Each member of the Department shall perform the duties and assume the obligation of his/her rank in the investigation of complaints or allegations of misconduct. Supervisory and command personnel will themselves initiate investigations when the person complained of or observed in an infraction is within the scope of their authority. **(26.1.5)**

**Section 7.009 Referral of Complaints to Internal Affairs Division**

- A. Complaints Requiring Immediate Referral to Internal Affairs Division:
1. All complaints initiated by a citizen;
  2. Any alleged criminal violation; or
  3. Serious violations of departmental rules.
- B. In all instances outlined in this section, the “Allegation of Employee Misconduct Report” must be completed; a copy of the citizen complaint form if prepared shall be attached when forwarded.
- C. The Internal Affairs Division shall maintain a database of all complaints referred to IAD, and each complaint received shall be assigned a number. **(52.1.2)**

**Section 7.010 Complaints Alleging Criminal Violation (52.1.1) (CBA 2011 Art. 9, Sec. 6)**

- A. If the complaint alleges a violation of the criminal law, or if during the investigation, evidence is obtained to support a criminal violation, the Internal Affairs Division shall immediately notify the Inspector of Police. If there is probable cause to believe that a Department member has committed a criminal violation, the Inspector of Police shall cause a criminal investigation to be initiated. **The criminal investigation will be separate from the internal investigation of an allegation of the Rules of Conduct.**

- B. In a criminal investigation, the assigned investigator will prepare an incident report as defined in 610.100.1(4), RSMo. The criminal investigator may share information with the internal investigator. Because the internal investigation is prepared for the purpose of disciplining an employee and not as part of the criminal investigation, this information is not shared with the criminal investigator and is treated as a closed record under 610.100.2, RSMo.
- C. Documents prepared as part of the internal investigation which may never be shared with a criminal investigator include, but are not limited to, the Administrative Report Transmittal Sheet (ARTS), disciplinary history of officer, Consent to Accept Discipline, Employee Activity inquiry, compelled statement including transcripts and an IAD administration card file. Reports prepared by the internal investigator as a result of the investigation are also included. These reports are confidential and will be treated as personnel records, unless otherwise ordered by a court of competent jurisdiction.

### **Section 7.011 Duties of the Inspector of Police - Complaints (52.2.1)**

- A. Upon receipt of a complaint, the Inspector of Police may, at his/her discretion:
  - 1. refer it to an appropriate command;
  - 2. make a preliminary investigation and then assign it to an appropriate command to complete the investigation; or
  - 3. assign the investigation to the Internal Affairs Division.
- B. The Internal Affairs Division shall have sole responsibility for proceeding with serious complaints and serious violations of Departmental rules and regulations, unless another designation of responsibility is made by the Chief of Police or Board.
- C. As indicated, the Internal Affairs Division shall complete the "Allegation of Employee Misconduct Report" whenever a complaint is received and include any complaint form prepared by a citizen, if applicable, unless the EMR has previously been completed by another Department member.
- D. The Internal Affairs Division will notify each complainant in writing that his/her complaint has been received and that he/she will be advised of the outcome in writing.
- E. The Internal Affairs Division will conduct an investigation at the request of any Department member who feels threatened by a false accusation on a contrived situation involving false evidence against the Department member. Any Department member may report such a situation directly to the Internal Affairs Division, unless it involved a member of the Internal Affairs Division, in which case the Inspector of Police will designate by whom and what manner an investigation will be conducted.
- F. Any Department member upon whom a complaint has been filed, and any Department member who has been suspended, will be notified immediately in writing of the circumstances of the complaint and the name of the complainant, if known. The Department member's immediate supervisor will also be notified. If the nature of the complaint is such that the Department member's knowledge of the complainant would impede the investigation, the Department member need not be notified immediately. (52.2.5)

### **Section 7.012 Power to Suspend**

The power to suspend, vested by State Statute in the Board of Police Commissioners, is hereby delegated to officers of command rank, including acting command rank. (52.2.7)

### **Section 7.013 Administrative Suspension (52.2.7)**

- A. A member of the Department may be placed on administrative suspension if unfit for duty or when there is evidence of serious misconduct reflecting upon the integrity of the individual or the Department and the nature of the misconduct necessarily requires immediate relief from duties. However, in the following cases, the member will be placed on administrative suspension: (1) pursuant to the provisions of RSMo. 84.120 in the event a felony indictment is issued against the member; and (2) where the recommended discipline for any alleged infraction is that the member be terminated from the rolls of the Department.
- B. Except when the administrative suspension is ordered by the Chief of Police or the Board of Police Commissioners, it must be reported immediately to the Chief for approval; the Chief has the authority to set aside such administrative suspension and restore the member to duty.
- C. While under administrative suspension, a member shall surrender all Department property in his/her possession to his/her Commander, upon such demand. If uniformed, the uniform insignia of rank may not be worn. In cases where a commissioned officer owns his/her personal weapon, the privilege of carrying the weapon is revoked during the period of administrative suspension and the officer will be so warned.

- D. A member of the Department under administrative suspension shall obey all Department rules, regulations and orders not in direct conflict with his/her rights as an accused.
- E. A member of the Department who has been placed on administrative suspension will receive no salary, holidays, recreation days or other benefits, with the exception of payment for health insurance premiums. Whenever an administrative suspension is upheld by the Chief of Police, earned holidays, vacation days and accrued overtime of the suspended member may, at the discretion of the member, be used upon written notification to the Paymaster. Payments for earned holidays, vacation days and accrued overtime will occur on the Department's regular bi-weekly pay dates and no one payment may exceed the suspended member's regular bi-weekly compensation. The Department will continue to pay the health insurance premiums of a member who is on either administrative or disciplinary suspension; and also any combination of family coverage, for up to one year, while the member is on either administrative or disciplinary suspension. A member on administrative suspension and the member's family will also be allowed to use the services of the Department's Employee Assistance Program. At the conclusion of the matter the Board has the authority to order that any withheld compensation be restored to the member for the administrative suspension period. The policy contained in this paragraph does not apply to suspensions imposed for discipline, with the exception of the payment for health insurance premiums.

#### **Section 7.014 Proceedings of Administrative Suspensions Upheld by the Chief of Police**

- A. If the administrative suspension of a member is upheld by the Chief of Police, the Internal Affairs Division Commander will set a date and time for a meeting of the Suspension Advisory Committee and will notify all concerned persons. The Suspension Advisory Committee will consist of a police officer, a sergeant, a command rank officer and three alternates, one of each equivalent rank who will serve for a period of four months. When a Suspension Advisory Committee member is unable to attend a meeting, an alternate of equivalent rank will serve in his/her place. Members of the Internal Affairs Division shall not serve on the Suspension Advisory Committee, nor shall persons assigned to the same district or division as the suspended member. The Secretary to the Board of Police Commissioners shall make the appointments to the Suspension Advisory Committee from officers of the rank of 'police officer' through lieutenant colonel and in his/her discretion shall appoint such additional members as are required. No officer may serve on this committee more than once in a one-year period.
- B. The Suspension Advisory Committee shall convene no later than 72 hours after the original suspension. The proceedings shall be closed and informal, and the committee may call upon any Department member to submit oral testimony or a written report. The suspended member may submit any information deemed appropriate; however, he/she shall not be required to submit evidence directly to the committee. The suspended member may be represented by counsel if he/she so chooses. (A Suspension Advisory Committee will not convene if the officer is suspended under Rule 7.013 A(1) or A(2).)
- C. Within twenty-four hours following its meeting, the Committee, by majority vote, shall submit a written recommendation to the Chief. If the Committee finds that there is substantial evidence of misconduct of a type which warrants relieving the member of duty, or that the member is unfit for duty, it shall recommend that the member remain in suspended status until final disposition by the Board of Police Commissioners. The Committee shall consider whether continued active employment would tend to bring the Department into disrepute or would reflect discredit upon, or impair the operation of the Department. If the Committee recommends that the suspension be lifted, it shall make any recommendation concerning assignment or transfer which it deems appropriate.
- D. Upon receipt of the Suspension Advisory Committee's recommendation, the Chief of Police shall, within twenty-four (24) hours either authorize the suspension to continue or make any other order deemed appropriate.
- E. If the Chief of Police orders the suspension to remain in effect, the suspended member shall be served with charges and specifications within 5 business days following the Chief's order. The Chief shall report the suspension at the next meeting of the Board of Police Commissioners and a date for a Board Hearing shall be set.

## **Section 7.015 Conduct of Investigations – Preliminary Considerations**

- A. Citizen complaints reduced to writing on the “Allegation of Employee Misconduct Report” and signed by the complainant will be investigated. In some cases a Department member or member’s supervisor may be the person making the allegation in writing. Complainants and the accused employee will be provided with a completed copy of this report unless the name of the complainant is withheld. **(52.2.1)**
- B. In the instance of receipt of an anonymous telephone complaint or an unsigned letter, an “Allegation of Employee Misconduct Report” will NOT be immediately prepared. Instead, the Internal Affairs Division will conduct a preliminary investigation to determine if there exists sufficient evidence to warrant further investigation. When such evidence of a possible rule violation is established, the “Allegation of Employee Misconduct Report” will be prepared and established procedures followed in the matters of investigation, report and recommendation. On the other hand, if the preliminary investigation reveals that the information provided by such anonymous telephone call or unsigned letter does not merit or warrant formal investigation, the information will, with the approval of the Commander of Internal Affairs Division be filed in a pertinent information file, and no further action will be taken. If at a later date, additional information is forthcoming which reinforces the original information to justify a formal investigation, the matter will be reopened. **(52.1.1)**
- C. If a complaint alleges a violation of criminal law or if during the internal investigation, evidence is obtained to support a criminal violation, the member under investigation (prior to said member being questioned) shall be immediately advised of his/her rights under Miranda. The member shall also be advised that he/she may be required to answer questions relating to his/her departmental duties, under penalty of dismissal or other action, even though there is a criminal aspect of the case.
- D. If a voluntary statement is obtained after a member has been advised of and waived his/her Miranda rights, it shall be included in both the internal investigation report and the criminal offense report.
- E. If a member refuses to waive his/her constitutional rights, he/she shall thereafter be advised that he/she must answer questions relating to his/her departmental duties for purposes of the internal investigation.
  - 1. If he/she fails to answer questions, he/she can be disciplined up to dismissal.
  - 2. In the event he/she thereafter makes a statement after refusing to waive his/her Miranda rights, that statement shall not be used against him/her in any criminal prosecution; however, the statement will be included in the internal investigative report.
- F. A Department member may have counsel present when being questioned with respect to a complaint if the member:
  - 1. is the subject of a written Allegation of Employee Misconduct;
  - 2. is specifically named in a complaint and is being questioned in order to determine whether an Allegation of Employee Misconduct should be filed against him/her, and/or;
  - 3. if the focus of an investigation has turned upon said Department member and consideration is being given to filing an Allegation of Employee Misconduct against said Department member.
- G. Any Command Ranking Officer or Civilian Director/Manager may require an accused Department member to submit to reasonable physical or psychological tests for purposes of determining fitness to perform duties or whether there has been a violation of rules. Such physical tests may include blood or urinalysis tests, the results of which shall be used for Department disciplinary processes only, if necessary. The accused Department member may request such tests at his/her own expense. **(52.2.6)**
- H. At any time during the course of the investigation, the Department member, the complainant, the attorney for either or any community representative may submit relevant evidence to the investigating unit and such information shall become part of the investigation.

- I. If a complainant withdraws his/her complaint, the investigating unit may, with the approval of the Inspector of Police cease the investigation. Reports concerning withdrawn complaints shall include the investigating officer's opinion and the complainant's explanation for withdrawing the complaint.
- J. If the investigation reveals that the complaint was made maliciously, in bad faith, or with knowledge that the accusation was false, steps shall be taken, whenever possible, to prosecute the complainant for making a false report of a law violation.
- K. Internal investigations shall proceed without delay, even though there is a criminal investigation or civil litigation to the case. If there is a pending criminal investigation or civil litigation, final reports of complaints or commencement of hearings will be delayed only at the request of the prosecutor or Board of Police Commissioners. In cases where criminal action or civil litigation is pending, the Inspector of Police shall advise the appropriate prosecutor or Legal Division when the final report is ready for submission to the Chief of Police.

#### **Section 7.016 Classification of Complaint Investigation Reports (52.2.8)**

- A. Each forwarded complaint investigative report shall specify the allegation(s) which are to be classified in one of the following five (5) categories:
  - 1. **Unfounded** – The complaint was not based on fact, as shown by the investigation, or the incident complained of did not occur.
  - 2. **Exonerated** – The action complained of did occur, but the investigation disclosed that the actions were reasonable, lawful and proper.
  - 3. **Complaint Withdrawn** – Complainant withdrew complaint.
  - 4. **Not Sustained** – Insufficient evidence is available to either prove or disprove the allegations in the complaint.
  - 5. **Sustained** – Investigation disclosed sufficient evidence to support the allegations in the complaint.
- B. In any instance when a complaint is finally disposed of as “Unfounded,” “Exonerated,” or “Complaint Withdrawn,” records pertaining to the complaint and its disposition shall be expunged, subject to purging guidelines.

#### **Section 7.017 Administration of Discipline (52.2.7)**

- A. The Board has the power and authority to discipline any member of the Department by dismissal, suspension, reduction in rank, written reprimand or other appropriate action.
- B. Definitions as used in this Section:
  - 1. **Disciplinary Leave** – Leave without pay as the result of disciplinary action imposed by, or with the authority of, the Board of Police Commissioners. The authority imposing the disciplinary action does not deem that the complaint investigation revealed evidence of serious misconduct reflecting upon the integrity of the individual or the Department and, therefore, does not find it necessary to have the employee surrender his/her Department weapon and badge.
  - 2. **Disciplinary Suspension** – Leave without pay as the result of disciplinary action imposed by, or with the authority of, the Board of Police Commissioners. The authority imposing the disciplinary action deems that the complaint investigation revealed evidence of serious misconduct reflecting upon the integrity of the individual or the Department and, therefore, finds it necessary to have the member surrender his/her Department weapon and badge for the period of suspension.
- C. Included in the range of recommended disciplinary actions are: reinstruction, oral reprimand, written reprimand, disciplinary leave (without pay), disciplinary suspension (without pay), reduction in rank and dismissal.

- D. When the recommended discipline is reinstruction, oral reprimand, written reprimand, 1-15 disciplinary leave (without pay), or 1-15 disciplinary suspension (without pay), it may, under procedures established by the Chief of Police, be administered through the “Expedited Consent to Accept Recommended Discipline – Request for Hearing/Investigation” form (ECARD).
- E. When the recommended discipline is 16 or more days disciplinary leave (without pay), 16 or more days of disciplinary suspension (without pay), reduction in rank or dismissal, it will be administered through complaint investigations reported via administrative reports, with recommendations.

**Section 7.018 Complaint Investigation Reports and Expedited Consent to Accept Recommended Discipline – Request for Hearing/Investigation Forms Completed by Commands Other Than Internal Affairs**

- A. Complaint investigation reports or “Expedited Consent to Accept Recommended Discipline – Request for Hearing/Investigation” (ECARD) completed by commands other than the Internal Affairs Division will, immediately upon completion, be submitted through the chain of command to the Commander of the Internal Affairs Division and the Inspector of Police, where the reports will be reviewed for content and completeness. Prior to submitting the complaint investigation report or “ECARD,” the Commander will confer with his/her Deputy Bureau Commander and Bureau Commander concerning the report or “ECARD” contents. This fact will be included in the report.
- B. When the final recommended discipline is reinstruction, oral reprimand, written reprimand, 1-15 days disciplinary leave, or 1-15 days disciplinary suspension, the Inspector of Police will notify the Commander of the concerned employee in writing to administer the discipline.
- C. The Chief of Police may, at his/her discretion, recommend no specific disciplinary action, but recommend instead that the involved person be afforded a trial before the Board of Police Commissioners on the charge and that the Board determine the appropriate disciplinary action. The Board shall retain the prerogative of requiring the Chief of Police to make a recommendation.

**Section 7.019 Complaint Investigation Reports/ECARDs/Investigations Completed by the Internal Affairs Division**

- A. Complaint investigation reports or “Expedited Consent to Accept Recommended Discipline – Request for Hearing/Investigation” forms (ECARD) completed by Internal Affairs will be, immediately upon completion, submitted by the Commander of the Internal Affairs Division, to the Inspector of Police who will review the reports for content and completeness.
- B. When the recommended discipline is reinstruction, oral reprimand, written reprimand, 1-15 days disciplinary leave, or 1-15 days disciplinary suspension, the Inspector of Police will notify the Commander of the concerned employee in writing to administer the discipline.
- C. If the recommendation of the Chief of Police is for 16 or more days disciplinary leave, 16 or more days disciplinary suspension, reduction in rank or dismissal, the Internal Affairs Division Commander shall administer the discipline.
- D. The Chief of Police may, at his/her discretion, recommend no specific disciplinary action but recommend instead that the involved person be afforded a hearing before the Board of Police Commissioners on the charge and that the Board determine the appropriate disciplinary action. The Board shall retain the prerogative of requiring the Chief of Police to make a recommendation.

**Section 7.020 Imposing Discipline**

- A. **Commander of Involved Employee (26.1.5)**
  - 1. When the recommendation for discipline, in a complaint investigation report, is reinstruction, oral reprimand or written reprimand and the concerned Commander has been notified of the concurrence of the Inspector of Police, the Commander of the employee in question will notify the employee, during the employee’s first available tour of duty, impose the discipline and document this fact in a memorandum. The memorandum, stating that the discipline has been imposed will become a part of the complaint investigation report and will



be submitted to the through the chain of command, to the Chief of Police. The Chief of Police will forward the complaint investigation report to the Internal Affairs Division through the Inspector of Police.

2. When the “Expedited Consent to Accept Recommended Discipline – Request for Hearing/Investigation” (ECARD) is used by Commands other than the Internal Affairs Division and the recommended discipline is reinstruction, oral reprimand or written reprimand, the Commander of the employee in question upon receipt of the “ECARD” bearing the concurring signature of the Inspector of Police, will have the “ECARD” presented to the employee, during the employee’s first available tour of duty. The employee will accept the recommended discipline by signing the “ECARD.” If the employee does not agree with the “Statement of Offense,” he/she may give a short statement regarding his/her disagreement. The employee will initial the appropriate space on the “ECARD” and the Commander will attach the statement to the form. Once the employee has signed the “ECARD” on the “Employee Signature” line, the employee’s Commander will impose the recommended discipline within 30 days and prepare a memorandum reflecting the fact that the discipline has been imposed. The “Allegation of Employee Misconduct Report” (EMR), “ECARD” and the memorandum attesting to the imposition of the discipline will be included in the file and be forwarded to the Inspector of Police within 15 days of the imposition of the discipline.
3. When the “ECARD” is used by Commands other than the Internal Affairs Division, AND the recommendation is for 1-15 days disciplinary leave or disciplinary suspension, the Commander of the employee in question will have the completed “ECARD” presented to the employee, during the employee’s first available tour of duty. The “ECARD” will list the charge(s) and the recommended discipline, along with the signatures of the concerned Deputy Bureau Commander, Bureau Commander, Commander of the Internal Affairs Division and the Inspector of Police, as a show of their concurrence in the discipline. The employee will have five (5) working days to decide whether to accept the recommended discipline or request a Summary Hearing (commissioned) or Investigation (civilian).
4. When the Internal Affairs Division has conducted an investigation and the Inspector of Police has concurred with the recommended discipline, the employee’s Commander shall prepare an “ECARD” to document the presentation of discipline including reinstruction, oral reprimand, written reprimand or 1-15 days disciplinary leave/disciplinary suspension; or to request a Summary Hearing. Upon receipt of the notification bearing the concurring signature of the Inspector of Police, the employee’s Commander will have the completed “ECARD,” listing the charges and the recommended discipline, presented to the employee, during the employee’s first available tour of duty. The employee will have five (5) working days to decide whether to accept the recommended discipline or request a Summary Hearing (commissioned) or Investigation (civilian).
5. If a member chooses not to sign the ECARD and accept the discipline recommended by his/her commander, the discipline for the specific charge under consideration will never exceed the original discipline recommended by the employee’s Commander for that charge; however, if the subsequent investigation reveals other violations, additional discipline may be recommended for the newly revealed violations.

a. Acceptance of Discipline

The employee will sign the “ECARD” on the “Employee Signature” line, signifying his/her acceptance of the recommended disciplinary action. Once the employee has signed the ECARD, the recommended discipline will be imposed within 30 days and the employee’s Commander will prepare a memorandum documenting this fact. The “Allegation of Employee Misconduct Report,” “ECARD,” the “Notification of Suspension” form (when applicable) and the memorandum verifying the imposition of the discipline-will become a part of the file of this incident, and will be forwarded to the Inspector of Police within 15 days of the imposition of the discipline.

b. Request for Hearing/Investigation

If the employee elects not to accept the recommended discipline, the employee will denote his/her desire to have a hearing (commissioned) or investigation (civilian) by marking the appropriate box on the “ECARD” and signing the “ECARD” on the “Employee Signature” line. The employee’s Commander will immediately notify the Commander of the Internal Affairs Division that a hearing or

investigation has been requested via the Department's email system and by forwarding the original "ECARD" to the Commander of the Internal Affairs Division. The Office of the Chief of Police will schedule a Summary Hearing according to Rule 7, Section 7.022.

**B. Internal Affairs Division (26.1.5)**

1. When the proposed recommendation of the Chief of Police for discipline is 16 or more days disciplinary leave or disciplinary suspension, or reduction in rank, Internal Affairs shall give the member an opportunity to accept it by signing a Board Waiver form, which will become a part of the complaint investigation report. The provisions of the waiver are contingent upon subsequent approval by the Board. Whenever a member declines to accept the recommended discipline, the Board will be informed of the need for a Board Hearing.
2. When the proposed recommendation is for dismissal, a waiver will not be applicable and the involved member will have the option of a Board Hearing or termination of employment with the Department. When the disciplinary action is a recommendation for dismissal and the involved member rejects the option of termination, the Board will be informed of the need for a Board Hearing.
3. When the recommendation of the Chief of Police is that the involved person be afforded a trial before the Board to determine the appropriate disciplinary action, Internal Affairs shall so notify the member. In such instances, the involved member will not be afforded the opportunity to sign a waiver, but will be served the appropriate charges and specifications in the prescribed manner.
4. In all discipline cases involving commissioned members of the rank of Captain or above, wherein the recommended discipline is greater than a written reprimand and the affected member does not waive a hearing, those cases will be referred to the Board for a hearing as outlined above.

**Section 7.021 Summary Hearings (26.1.6) (CBA 2011 Art. 11, Sec. 1)**

- A. A Summary Hearing Board will consist of three members, a command rank officer of the rank of Captain or above (who will be chairperson of the board); one member will be one rank above the accused officer and one member, the same rank as the accused officer. Members of a hearing board will be appointed by the Chief of Police from a list of officers who have volunteered to serve. No officer can serve longer than six months in a calendar year. Officers assigned to the Internal Affairs Division may not serve on a Summary Hearing Board.
- B. **A Summary Hearing Board for Bargaining Unit employees will consist of a command rank officer of the rank of Captain or above and an alternate, appointed by the Chief of Police from a list of officers who have volunteered to serve. The Police Officers Association will appoint the officer member and alternate officer member from the list of officers who have volunteered to serve. The third member and alternate third member will be randomly picked by the other two members from the pool of volunteers of the appropriate rank. No officer can serve longer than six months in a calendar year. Officers assigned to the Internal Affairs Division or officers who have been employed by the Department for less than three (3) years may not serve on a Summary Hearing Board.**
- C. An attorney, retained by the Commander of Internal Affairs may sit in on Summary Hearings in the capacity of a Hearing Advisor, and may be present during the entire hearing. The Hearing Advisor will assist the Hearing Board with legal, procedural, and evidentiary matters, and determinations made by the Hearing Board.
- D. When the Summary Hearing Board is notified in writing, that a member has requested a hearing, a hearing will be set within ten (10) working days.
- E. The Summary Hearing Board may, upon application of the accused or the Department representative, postpone the hearing for good cause shown. Each side shall receive only one such continuance, which shall not exceed two (2) weeks.

- F. The proceedings of a Summary Hearing Board will be informal and will be recorded for the record. Any transcript of same will be at the expense of the requesting party.
- G. The member requesting the hearing may be represented by counsel.
- H. The Department will be represented by the Commander who made the initial recommendation for discipline, or a Commander designated by the Commander of Internal Affairs. The Department has the right to have an attorney present its case if it so chooses.
- I. The parties have a right to discovery in preparation for the hearing or to present to the Summary Hearing Board, and may subpoena witnesses for attendance at the summary hearing.

- J. The Hearing Board will base its determination on facts and evidence presented during the investigation and hearing only. **The Inspector of Police or any other employee of the Internal Affairs Division will not discuss the case with members of the Summary Hearing Board outside of the hearing or otherwise try to influence the decision of the Summary Hearing Board.**
- K. At least two (2) members of the hearing board must vote for a finding to sustain the original allegations.
- L. The Hearing Board may affirm, increase the recommended discipline (up to a maximum of 15 days), decrease the recommended discipline or may recommend that a full hearing by the Board of Police Commissioners be held.
- M. The Summary Hearing Board shall notify the accused member of its decision in writing within one (1) week after the conclusion of the hearing.
- N. Either the Chairperson of the Summary Hearing Board or the Hearing Advisory Officer will prepare Findings of Fact and Conclusions of Law within thirty (30) days of the decision of the Summary Hearing Board.
- O. **An Officer will have the right of appeal on all matters relating to discipline which involve suspension from duty, loss or rank/demotion or termination. Such appeals are controlled by Chapter 536 of the Revised Statutes of the State of Missouri.**
- P. The Summary Hearing Board shall notify the Inspector of Police and the Chief of Police in writing of its decision.
- Q. **There will be no intimidation or retaliation against an officer serving on a Summary Hearing Board.**

#### **Section 7.022 Board Hearings (26.1.6)**

When a hearing is requested and mandated under Rule 7.020, such hearing shall be before a quorum of the Board of Police Commissioners, and shall be conducted in accordance with the provisions of Chapter 536, Revised Statutes of Missouri, and the Administrative Review Rules of the Board of Police Commissioners as contained in Annex #2 to Rule 7. The Board may delegate the hearing authority to a non-Board Member Hearing Officer. The Board of Police Commissioners retains final authority over disciplinary matters.

#### **Section 7.023 Annual Summary**

An annual summary of the results of complaint investigative reports shall be prepared by the Inspector of Police and submitted through the Chief of Police to the Board, for inclusion in the Annual Report of the Board. Such summary shall include a tabulation and the statistical data relative to complaints received, classifications assigned and disposition.

#### **Section 7.024 Citizen Appeals**

- A. If the proposed recommendation is that a complaint be classified "Exonerated", "Unfounded", or "Not Sustained", the complainant may, within twenty (20) days of the mailing of the proposed recommendation, make objection in writing or by personally appearing at the office of the Commander of the Internal Affairs Division.
- B. If objection is made, the citizen shall consult with the Commander of the Internal Affairs Division in an attempt to reconcile any differences.
- C. If the complainant remains unsatisfied, he/she may request further investigation.
- D. The request for further investigation shall be considered an appeal by the complainant. This appeal shall be made in writing on a form furnished by the Department. The complainant shall state in writing any additional facts not previously submitted to the Department or not considered by the investigating unit in its investigation. Further, the complainant shall state his/her objections, if any, to the manner in which the complaint was investigated.

- E. The appeal and request for further investigation shall then be forwarded to the Secretary to the Board of Police Commissioners. The Secretary shall then determine whether the complainant has presented sufficient evidence not previously considered in the investigation or has shown that the complaint was not properly investigated. Should the Secretary determine that evidence necessary to prepare a complete and accurate report was not known or considered by the investigating unit, or that the investigation was improperly conducted, then the Secretary shall order Internal Affairs to reinvestigate the complainant's charges in light of the new evidence or inadequate report. If the Secretary determines there is no need for further investigation, the complainant shall be so notified.

- F. The purpose of this procedure is to insure a fair and impartial investigation of the complainant's charges based on all the information and facts known to the complainant.

**Section 7.025 Disciplinary Code (26.1.1)**

- A. The Disciplinary Code which is contained in Annex #1 on the following pages provides penalties which are to be used when recommending or imposing disciplinary action. Penalties for manual violations not specifically identified in the Annex shall be reprimand to dismissal.
- B. The Board of Police Commissioners may in its discretion increase the punishment set forth in the Disciplinary Code where the total disciplinary record of the accused reflects a course of conduct which has been contrary to the good order and discipline of the Department, or the Board finds it is otherwise appropriate to do so.
- C. Revisions will be made to the Disciplinary Code from time to time as the rules and regulations of the Police Manual are amended, revoked, or added to as circumstances or the good of the service may dictate.
- D. Discipline to be imposed as the result of more than one sustained allegation shall be administered consecutively or concurrently, at the discretion of the Summary Hearing Board or Board of Police Commissioners.

**Section 7.026 Civilian Review Board**

**A. Introduction**

Pursuant to its powers as established within Chapter 84 of the Missouri Revised Statutes, the Board of Police Commissioners hereby authorizes the creation of a Civilian Review Board (hereinafter referred to as the "CRB") which will be authorized to receive complaints from citizens concerning alleged misconduct by police officers. The CRB members will be nominated by the Mayor of the City of St. Louis and confirmed by the members of the Board of Police Commissioners. The CRB will present independent recommendations to the Chief of Police concerning allegations of officer misconduct. This section provides the details concerning the composition, authority, responsibility, functions and limitations of the CRB.

**B. Definitions**

1. **Civilian Review Board (CRB)** – A board comprised of members of the public which has the authority to receive complaints concerning misconduct by police officers and to submit independent recommendations to the Chief of Police.
2. **Internal Affairs Division (IAD)** – A division within the St. Louis Police Department which investigates allegations of misconduct by Department officers and employees.
3. **Law Enforcement Professional** – A person with experience as a police officer, criminal investigator or special agent, or a managerial or supervisory employee who has exercised substantial policy discretion in law enforcement matters in a Federal, State or local law enforcement agency.

**C. Composition of the St. Louis Civilian Review Board (CRB)**

1. The St. Louis CRB will consist of seven (7) members of the public confirmed by the Board of Police Commissioners upon nomination by the Mayor.
2. A CRB member must be a city resident. No person with a conviction of a felony or misdemeanor violation may serve as a CRB member. In addition, no person who has ever pled guilty to a felony or misdemeanor and has received a suspended imposition of sentence or a suspended execution of sentence may serve as a Board member. Each CRB member will be required to submit to mandatory drug testing and attend training as provided by the Department prior to serving as a CRB member. No CRB member may hold another public office or employment, including active employment as a law enforcement professional.

3. Each member of the CRB will serve for four (4) years except as provided herein with respect to the initial members, with terms expiring on December 31<sup>st</sup> of the designated year or when their successors are appointed as provided herein, whichever is later. The initial members shall be appointed for the terms set forth as follows: members from even numbered Civilian Review Board Districts shall be appointed for a term expiring on December 31, 2008; members from odd numbered Civilian Review Board Districts shall be appointed for a term expiring December 31, 2010. Members of the CRB will serve without compensation. The Board of Police Commissioners will promptly notify the Mayor of a vacancy on the CRB and shall, within thirty (30) days of the Mayor's nomination of a new member, vote on the confirmation of the new member to fill the unexpired portion of the term.
4. CRB members are confirmed by the Board of Police Commissioners and may be removed by the Board of Police Commissioners at any time. Upon removal, members of the CRB are not entitled to, and will not receive, a hearing or other proceeding whereby their removal will be reviewed.
5. The CRB will select an executive director and an administrative assistant by majority vote. The CRB will maintain administrative offices at a location to be determined by the CRB with the approval of the Police Board.
6. The CRB, prior to beginning operations, will submit to the Board of Police Commissioners for approval its recommended operating procedures, which will include, but not be limited to its meeting and administrative protocols.
7. The Police Board shall include the CRB as part of its annual budget request to the City.

**D. Authority of the Civilian Review Board (CRB) and Duties of Police Department**

1. The CRB will have the authority to receive complaints by members of the public alleging misconduct of a St. Louis police officer involving:
  - a. excessive use of force;
  - b. abuse of authority;
  - c. discourtesy; or
  - d. use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability.
2. The CRB may conduct an independent review of all facts and evidence pertaining to an incident or complaint against an officer following the completion of an investigation by the Police Department's Internal Affairs Division (hereafter referred to as "IAD").
3. The findings and recommendations of the CRB will be submitted to the Chief of Police. No CRB finding or recommendation may be based solely upon an unsworn complaint or statement. The CRB may recommend that a specific complaint be resolved through a process of voluntary mediation between the parties involved.
4. The Chief of Police shall report, in writing, to the CRB and to the Police Board any actions taken in cases in which the CRB submitted a finding or recommendation to him. If the Chief's actions are inconsistent with the CRB's recommendation, then the Chief's written report shall include an explanation of and the reasons for those differences.
5. The CRB quarterly shall issue a report to the Board of Police Commissioners which describes and summarizes its activities. This report will contain the number of complaints received by the CRB, the type and/or category of such complaints, the number of investigative reviews conducted by the CRB and the number of complaints for which the CRB made a recommendation to the Chief of Police. The report will be made available to the public.

6. The CRB annually shall issue a report to the Board of Police Commissioners. The annual report shall identify any systematic problems, challenges or opportunities and shall analyze aggregate data derived from the prior year's complaints and responses, as well as analyze responses provided on its own feedback forms. The report may also include policy and procedure recommendations. The report will not contain any confidential information. The report will be made available to the public.

**E. Processing of Complaints by Civilian Review Board**

1. The CRB may accept a signed written complaint of alleged misconduct by a police officer directly from a citizen.
2. The CRB will, after receipt of the complaint, refer it to the Police Department's Internal Affairs Division for an investigation.
3. The CRB will conduct an independent review of all facts and evidence pertaining to the citizen complaints against City police officers following the completion of an investigation by the Police Department's Internal Affairs Division but before IAD issues findings and recommendations.
4. The CRB may, as part of its independent review:
  - a. hold an independent review of the investigation of any complaint initially submitted to the CRB, to include the ability to request follow-up questions or further investigative effort;
  - b. attend interview sessions of the complainant conducted by IAD, if requested by the complainant; and
  - c. attend interviews of civilian witnesses if the witness has no objection; however, the Board shall prohibit the CRB from attending interviews of Department employees.
5. The CRB may examine all documents pertaining to any investigation conducted by IAD which resulted from a formal complaint by a member of the public to the CRB. When submitting confidential information to the CRB, the IAD member furnishing such information will place identifying marks on the documents, or otherwise inform the CRB as to which files are confidential.
6. The CRB may not accept or investigate a complaint from a police officer or member of the Board of Police Commissioners which pertains to another police officer or Police Board member for which City or Police Department rules provide a grievance or appeal procedure.

**F. Maintaining Confidentiality of Information**

1. The CRB, in reviewing any complaint which contains references to personnel records or any records protected from disclosure by law, must hold closed meetings in compliance with State law (RSMo. Section 610.021). CRB members are required to maintain the confidentiality of any file, record or data received concerning an incident or complaint.
2. The members of the CRB receive their authority from the Board of Police Commissioners and are bound by the same rules of confidentiality as are imposed upon the members of the Board of Police Commissioners. As a natural consequence of the CRB's functions, its members will have access to personnel, disciplinary and other confidential documents. The CRB members will be required to maintain the confidentiality of all documents and other information pursuant to Section 610 of the Missouri Revised Statutes. CRB members may not discuss or otherwise disclose confidential material with any person other than the Chief of Police, other CRB members, the Board of Police Commissioners or the General Counsel for the Chief of Police and the Board of Police Commissioners.
3. If the CRB members have any questions pertaining to statutory construction as to what records are confidential, the CRB must contact the General Counsel for the Board of Police Commissioners and are, then, bound to act according to the legal opinion provided by the General Counsel. If there is any question concerning the



confidential nature of a document or information, CRB members must act as if that document or information was confidential until the CRB has requested and received a legal opinion from the General Counsel.

4. Release of confidential information to any person unauthorized to receive such information will result in removal of the CRB member from the board.

#### **G. Complaint Review Process**

1. The CRB will create an open and convenient process for citizens to submit complaints. The CRB shall have the responsibility of informing the public about the CRB, its duties and complaint process.
2. Complaints received by the CRB directly from citizens will be forwarded within 24 hours to IAD for review and disposition on forms established by the CRB and approved by the Board of Police Commissioners.
3. Within ninety (90) days of receiving a complaint from the CRB, IAD, after completion of the Department's internal review process, will forward a copy of its findings, recommendations and basis therefore to the CRB for review. The Chief of Police may, as warranted, authorize additional time for IAD to respond to a specific complaint and notify the CRB of this fact.
4. The CRB will review the findings and recommendations of IAD within 30 days.
5. If a majority of the CRB members agree with the IAD findings and recommendations, a written statement indicating such agreement will be forwarded to the Chief of Police.
6. If a majority of the CRB members disagree with the IAD findings and recommendations, the CRB will present inquiries and suggestions to IAD for further investigation. The CRB may request that the Chief of Police command the presence of designated members of IAD at any meeting of the CRB during which an investigative review is conducted.
7. CRB review of an incident, complaint or request for review, whether received by the CRB from the Chief of Police directly from a citizen or otherwise, shall be postponed pending:
  - a. completion of the IAD investigation; or
  - b. the conclusion of all criminal proceedings relating to a city police officer's conduct in the incident or complaint.

- H. The Chief of Police will report in writing to the CRB and the Board of Police Commissioners any actions taken in a case in which the CRB submitted a finding or recommendation to the Chief of Police with respect to a complaint.

#### **I. Limitations of Civilian Review Board**

1. The CRB process may not conflict with the authority of the Board of Police Commissioners as contained in Chapter 84 of Revised Missouri Statutes, nor limit, interfere with or impair the authority or duties of the Chief of Police and the Board of Police Commissioners to discipline members of the Police Department.
2. The CRB process may not limit or impair the rights of members of the St. Louis Police Department with respect to disciplinary action, including, but not limited to, the right to notice and hearing, which may be established by law or by the manual of the Board of Police Commissioners.
3. The CRB process may not 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, district attorney, or other authorized officer, agency or body.

**J. Indemnification and Defense**

The CRB members will be entitled to indemnification and defense as are applied to all Police Department members according to the standards and guidelines delineated in the Special Order entitled "Indemnification and Defense in Civil Litigation," Section XII of SO 3-05.

**K. Board May Secure Attorney for Complaints**

The Board of Police Commissioners may, in its judgment, with respect to any particular complaint, secure the services of an attorney who shall act in an advisory capacity on each such complaint and may present, or assist in presenting, said complaint on behalf of the Department at a Board hearing.

Manual/ Special Order Reference	Finding	Penalty Provided			Time Frame
		1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	
3.106	Failure to properly supervise subordinates	Reprimand to 5 days	5 days to 15 days	30 days to dismissal	
3.107 I	Failure to follow evidence, property handling procedures	Reprimand to 5 days	5 days to 15 days	30 days to dismissal	
7.004 B	Engaging in any conduct or acts, on or off duty, which could bring discredit upon the Department or its personnel	Reprimand to dismissal			
7.004 C 1	Conviction of a Felony to include a guilty plea, an Alford plea and/or any acknowledgement of guilt (Suspended Execution/Imposition of Sentence)	Dismissal			
7.004 C 1	Conviction of a Misdemeanor to include a guilty plea, an Alford plea and/or any acknowledgement of guilt (Suspended Execution/Imposition of Sentence)	30 days to dismissal	Dismissal		
7.004 C 1	Conviction of Ordinance Violation to include a guilty plea, an Alford plea and/or any acknowledgement of guilt (Suspended Execution/Imposition of Sentence)	Reprimand to dismissal	30 days to dismissal		
7.004 C 2	Use of controlled substance not medicinally prescribed	Dismissal			
7.004 C 3 a	Withdrawing, resigning or absent from duty without leave	Reprimand to 5 days	5 days to 15 days	30 days to dismissal	2 years
7.004 C 3 a	Failure to report for duty at appointed time	Reprimand to 5 days	Reprimand to 15 days	Reprimand to 30 days	1 year
7.004 C 3 b	Neglect of duty, improper performance of duty or sleeping or loafing while on duty	Reprimand to dismissal	10 days to dismissal	30 days to dismissal	
7.004 C 3 c	Accepting anything of value for permitting / ignoring illegal acts	Dismissal			

**Annex #1****Issued: May 16, 2012**  
**Effective: May 16, 2012**

<b>7.004 C 3 d</b>	Use of position for personal gain	Reprimand to Dismissal			
<b>7.004 C 3 e</b>	Failure to follow reasonable order of superior officer, supervisor or commissioner (includes written or oral orders)	Reprimand to dismissal	30 days to dismissal	Dismissal	
<b>7.004 C 3 f</b>	Insubordination-Disrespect to superior officer	Reprimand to 10 days	10 days to dismissal	30 days to dismissal	
<b>7.004 C 3 g</b>	Superior abusing a subordinate in any manner	Reprimand to dismissal			
<b>7.004 C 3 h</b>	Intoxication – On duty	30 days to dismissal	Dismissal		

## Annex #1

Manual/ Special Order Reference	Finding	Penalty Provided			Time Frame
		1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	
7.004 C 3 h	Drinking alcoholic beverages while on duty, except within the scope of assignment	5 days to dismissal	16 days to dismissal		
7.004 C 3 h	Intoxication – off duty and in uniform	10 days to dismissal	30 days to dismissal	Dismissal	
7.004 C 3 i	Knowingly associating on or off duty, with convicted criminals or lawbreakers under circumstances which could bring discredit upon the Department or impair an officer in the performance of his/her duty	10 days to dismissal			
7.004 C 3 k	Failing to take appropriate action on or off duty, when an incident requiring police action comes to the attention of a Police Officer	Reprimand to dismissal	10 days to dismissal		
7.004 C 3 m	Fighting or quarreling with Department member while either on or off duty, which would bring discredit upon the Department or disrupt the work place	Reprimand to Dismissal			
7.004 C 3 n	Ingesting or consuming medication medicinally prescribed to another	Reprimand to Dismissal	10 Days to Dismissal	30 Days to Dismissal	
7.004 C 3 o	Uncivil Treatment	Reprimand to Dismissal	10 Days to Dismissal	30 Days to Dismissal	
7.004 C 3 p	Failure to Make Required Report	Reprimand to Dismissal	10 Days to Dismissal	30 Days to Dismissal	
7.004 C 3 q	Appearing in Board Trial or Summary Hearing for expert/opinion-based testimony without permission of Chief of Police	Reprimand to Dismissal	10 Days to Dismissal	30 Days to Dismissal	
7.004 C 5	Receiving/soliciting money, gifts, rewards, gratuities or compensation for services rendered or expenses incurred, without Board approval, except for secondary employment	Reprimand to 30 days	30 days to dismissal	Dismissal	3 years
7.004 C 7	Soliciting for attorneys, bondsmen or other business person for personal gain	30 days to dismissal	Dismissal		2 Years
7.004 C 9	Initiating or making/filing of claim/suit or other action, for work related injury in an effort to obtain/receive money or other item of value without notifying Department's Benefits Office	Reprimand to 5 days	10 days to dismissal	Dismissal	

## Annex #1

Manual/ Special Order Reference	Finding	Penalty Provided			Penalty Provided
		1 <sup>st</sup> Offense	2nd Offense	3rd Offense	
<b>7.004 C 10</b>	Accepting an offer, whether made by a Department member or other individual, to provide assistance in influencing a hiring, transfer or promotion decision with the knowledge that money or thing of value shall be offered as inducement	30 days to dismissal	Dismissal		
<b>7.004 C 10</b>	Offering money or other thing of value to an individual, whether a Department member or otherwise, for the purpose of directly or indirectly influencing a hiring, transfer or promotion decision	30 days to dismissal	Dismissal		
<b>7.004 C 12 SO 3-07</b>	Engaging in any other occupation or business for profit while off-duty, without first obtaining written permission from the Chief of Police to engage in secondary employment.	Reprimand to dismissal			
<b>7.004 C 13</b>	Failing to properly exercise the duties and functions associated with an individual's rank or position	Reprimand to dismissal			
<b>7.004 C 14</b>	Interfering or interceding with a Board member, witness or potential witness, while under suspension or under charges	10 days to dismissal			
<b>7.004 C 16 &amp; C 17</b>	Failure of any Department member to promptly report any misconduct against any citizen by another Department member or the failure of a commissioned member to take the appropriate action to prevent any misconduct	Reprimand to dismissal	15 days to dismissal	30 days to dismissal	*
<b>7.004 C 18</b>	Failing to conduct a proper investigation of suspected criminal activity or a non-criminal incident which requires police action.	Reprimand to 30 days	10 days to dismissal	30 days to dismissal	
<b>7.004 C 19</b>	Permitting prisoner to escape through carelessness or neglect	Reprimand to 10 days	10 days to 30 days	30 days to dismissal	
<b>7.004 C 20</b>	Failing to acknowledge a radio call or to respond to a dispatched call for service	Reprimand to 5 days	5 days to 30 days	30 days to dismissal	2 years
<b>7.004 C 21</b>	Failing to follow radio procedure	Reprimand to 5 days	Reprimand to 15 days	Reprimand to 30 days	1 year

Manual/ Special Order Reference	Finding	Penalty Provided			Time Frame
		1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	
7.004 C 22	Unfit for duty-Failing/Refusing Firearms Qualification	5 days to dismissal	15 days to dismissal	Dismissal	2 years
7.004 C 23	Failing, upon receipt of proper notice, to attend any trial, hearing or proceeding or to remain in attendance until the conclusion thereof or excused	Written reprimand	1 day suspension	3 day suspension	3 years
7.004 C 24	Failure to notify supervisor when reporting for duty of recent use of potentially behavior influencing prescription or other medication	5 days to dismissal	10 days to dismissal	Dismissal	2 years
7.004 C 26 SO 3-03	Violation of Department Sick Reporting Policy	Reprimand to 5 days	5 days to 15 days	30 days to dismissal	2 years
7.004 C 27 SO 3-03	Excessive Use of Undocumented Sick Leave	1 day suspension & cancellation of all secondary employment for 30 days	3 day suspension & cancellation of all secondary employment for 60 days	6 day suspension & cancellation of all secondary employment for 90 days	12-month period
7.004 C 27 SO 3-03	Feigning illness / malingering	Reprimand to dismissal	30 days to dismissal	Dismissal	
7.004 C 28	Failure to provide emergency contact when off duty and away from residence in excess of 48 hours	Reprimand to 5 days	10 days to 30 days	30 days to dismissal	2 years
7.004 C 29	Changing place of residence or telephone number without notifying commanding officer within 24 hours after change	Reprimand to 5 days	5 days to 30 days	30 days to dismissal	2 years
7.004 C 30	Wearing of police uniform, or any part thereof, while off-duty unless otherwise authorized by the Chief of Police	Reprimand to 30 days	30 days to dismissal	Dismissal	3 years
7.004 C 31	Engaging in a strike, or other work stoppage, work slowdown, or other job action against the Department, with the exception of non-violent informational picketing	Dismissal			
7.004 C 32	Receiving discipline five (5) times within a three (3) year period, excluding "unsatisfactory inspections" which consist of snap-outs and verbal warnings	5 days to Dismissal			

## Annex #1

Manual/ Special Order Reference	Finding	Penalty Provided			Penalty Provided
		1 <sup>st</sup> Offense	2nd Offense	3rd Offense	
<b>7.004 C 33</b>	Suspension/revocation of drivers license; failure to notify superior/supervisor of suspension/revocation	Reprimand to 5 days	5 days to 15 days	10 days to 30 days	
<b>7.004 C 34</b>	Failing to promptly report to the Legal Division any legal service in a lawsuit which resulted from official acts or conduct	Reprimand to dismissal			
<b>7.005</b>	Violation of Department Policy related to prohibited political activity	Reprimand to 5 days	5 days to 15 days	30 days to dismissal	
<b>8.005</b>	Violation of Department Residency Policy	Dismissal			
<b>9.101</b>	Failing to make required reports	Reprimand to dismissal	10 days to dismissal	30 days to dismissal	
<b>9.206 SO1-01</b>	Using unnecessary force in effecting an arrest. Any abuse of prisoners, either by word or act, is wrongful and forbidden.	Reprimand to Dismissal			
<b>9.401-9.404 SO 1-01</b>	Violation of Use of Force Policy	Reprimand to dismissal	15 days to dismissal	Dismissal	
<b>10.002 – 10.007</b>	Violation of appearance standards-uniform or personal	Reprimand to 5 days	Reprimand to 15 days	Reprimand to 30 days	1 year
<b>10.026 B</b>	Loss or damage to Department property through carelessness or neglect	Reprimand to 30 days			
<b>SO 5-05</b>	Violation of Department Pursuit Policy	Reprimand to dismissal	15 days to dismissal	Dismissal	2 years



**ADMINISTRATIVE REVIEW RULES  
OF THE  
ST. LOUIS METROPOLITAN POLICE DEPARTMENT**

**A. GENERAL****1. Applicability**

- a. These Rules shall apply to all administrative reviews, as hereinafter defined. These Rules, and any subsequent amendments thereto, shall become effective immediately upon their approval by the Board of Police Commissioners, and shall, to the extent practicable, in the **judgment of the Board, or any successor-in-interest to the Board for purposes of applying these Rules**, be applied to any administrative reviews pending at the time of approval.
- b. These Rules, and any subsequent amendments thereto, shall supersede any and all other Board or Department rules, procedures, bulletins or other written documents governing or purporting to govern the conduct of administrative reviews, as hereinafter defined.
- c. The provisions of these Rules may be cited as “Rule (section).(subsection).(sub-subsection)” (e.g., the instant provision would be cited A.1.c).
- d. A copy of these Rules, and any subsequent amendments thereto, shall be kept by the Board Secretary, and shall also be published in the Police Manual; however, the Board Secretary’s copy of the Rules, and any subsequent amendments thereto, shall be the authoritative Rules, in the event of any discrepancies in text with what is published in the Police Manual.

**2. Definitions**

As used throughout these Rules, the following terms, unless a different meaning is plainly required by the context, shall be defined as hereinafter set forth:

- a. **“Administrative Review”** means an internal process in which review of a decision made in a Rule 7 Proceeding or a Rule 8 Proceeding is undertaken, culminating in a hearing;
- b. **“Hearing”** means an evidentiary proceeding in which the adversarial parties to the proceeding are informed of all evidence offered or considered, with the opportunity to test, examine, explain or refute such evidence, and have the right to present their contentions and to support them by proof and argument;
- c. **“Hearing Officer”** means an attorney, licensed in the State of Missouri, who has been approved and designated by the **Tribunal** to conduct evidentiary proceedings and to make determinations on matters in controversy;
- d. **“Parties”** means the Respondent and the Department, and their respective attorneys; when notice is provided for hereafter in this Order, said notice shall be given and/or received by the attorney for a party, but if no attorney has been identified, then by the party itself;
- e. **“Respondent”** means a person aggrieved by an adverse administrative action who has been notified the adverse action has been taken or will be taken;
- f. **“Rule 7 Proceeding”** means a proceeding culminating in a hearing authorized pursuant to any of the provisions of Section 7.020.B of the Police Manual;
- g. **“Rule 8 Proceeding”** means a proceeding culminating in a hearing authorized pursuant to Section 8.421.B.6 of the Police Manual.

h. "Tribunal" means the administrative body with the power to make rules and/or to make final adjudications in contested cases pursuant to Chapter 536, RSMo., when a quorum of the members of said administrative body is present.

### 3. Forms

- a. The Board may from time to time approve the creation, use and/or revision of forms in connection with administrative reviews, in which event said forms shall be made available through the Board Secretary. Any request for said forms must be made in writing to the Board Secretary, and the Board Secretary may place conditions on the availability or number of forms provided, and on the duration or effective date of forms.
- b. A copy of any form approved by the Board or its successor-in-interest for use in administrative reviews shall be published in the Police Manual. In the event a form approved by the Board or its successor-in-interest is intended to replace an existing form, the existing form shall be removed from the Police Manual.
- c. Any form which has been in use for administrative reviews as of the time of the Board's approval of these Rules shall continue to be used and effective until such time as it is replaced.
- d. Any form approved by the Board or its successor-in-interest shall be the exclusive form to be used in administrative reviews, and any other writing attempted to be used other than such form shall be null and void.

### 4. Time Computation, Extension

- a. In computing any period of time prescribed or allowed under these Rules, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is neither a Saturday, Sunday nor a legal holiday.
- b. When provision is made in these Rules for the time to submit something in writing to the Tribunal, Board Secretary, or hearing officer, copies to all others authorized to receive same shall be served on the same date as the original.
- c. When by these Rules an act is required or allowed to be done at or within a specified time, for cause shown, the time limit may be extended upon written request, if the request was made before the expiration of the period prescribed. However, no such extension shall be allowed for the process of striking names identified in the hearing officer panel, as set forth in Rule E.1.c. The discretion for granting such a request lies with the Tribunal; however, the Tribunal may delegate such discretion to a hearing officer, if one has been appointed.

### 5. Service, How Made, On Whom

- a. Any writing made in the course of an administrative review, including any form filled out, shall be copied for and contemporaneously served upon the following:
  - 1) The attorney for the adverse party;
  - 2) The hearing officer, if one has been designated;
  - 3) The Board Secretary.

- b. The original of any writing served or transmitted shall include information showing upon whom copies of the writing were served or transmitted, and shall be signed by the person serving or transmitting said writing.
- c. When provision is made in these Rules for a writing to be served or transmitted on another person, except for service of charges and specifications on a Respondent and the original of a subpoena on a witness, service may be accomplished by United States mail, by facsimile transmission, or by electronic transmission. If served by electronic transmission, there must be an actual writing, prepared in portable document format (pdf), which shall be attached to the e-mail.

## B. ADMINISTRATIVE REVIEW, IN GENERAL

### 1. Administrative Reviews, What Governs

- a. All administrative reviews shall be conducted in accordance with the provisions of Chapter 536, RSMo.
- b. To the extent any provision of these Rules is determined to conflict with Chapter 536, RSMo., it shall be deemed of no force and effect.

### 2. Tribunal's Discretion Over Administrative Reviews

- a. The Tribunal's discretion over the holding of a hearing is set forth in the City Charter.
- b. When a hearing is requested, it may be held before the Tribunal, or the Tribunal may delegate its hearing authority to a hearing officer.
- c. For those matters in which the Tribunal exercises its discretion to hold its own hearing, nothing herein shall prohibit the Tribunal from delegating any or all other pre-hearing administrative review functions mentioned in Sections C, D, and E of these Rules to a hearing officer, in which case the Board Secretary shall notify the parties, and the selection of the hearing officer shall be made pursuant to Rule E.1.c.

### 3. Respondent's Requests, Tribunal's Discretion

- a. A Respondent may request waiver of a hearing before the Tribunal and instead have the hearing before a hearing officer. Such request shall be made in writing and received by the Board Secretary no later than seven (7) calendar days after the date the Board Secretary sends written notice acknowledging the initiation of administrative review. Nothing in this provision shall be construed to affect the Tribunal's discretion to delegate any hearing to a hearing officer.
- b. Hearings shall be open to the public, unless a Respondent requests the hearing to be closed and the hearing is reasonably likely to involve:
  - 1) Firing or disciplining of particular employees by a public governmental body when personal information about the employee is discussed or recorded.
  - 2) The disclosure of mental or physical health information involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
- c. Such request shall be made in writing and received by the Board Secretary no later than seven (7) calendar days after the date the Board Secretary sends written notice acknowledging the initiation of administrative review. The request shall specify the reason(s) from among subparagraphs 1) and/or 2) above for closing the hearing. The Tribunal shall have the discretion to determine whether the request for closed hearing shall be granted, but may request a recommendation from the hearing officer, if one has been appointed, on the propriety of closure. Nothing in this paragraph shall be construed to limit

the access of witnesses identified pursuant to Sections C.4.c, C.4.d and C.4.e of these Rules, persons not employed by the Department performing necessary administrative functions in connection with the hearing, and administrative personnel in the Department charged with tasks related to the hearing to be present at any hearing. Nothing in this paragraph shall be construed to prohibit the accessibility of records from any proceeding closed pursuant to this paragraph to administrative personnel in the Department for internal purposes.

## C. PROCEDURES APPLICABLE TO ALL HEARINGS

### 1. Initiation of an Administrative Review

- a. An administrative review is initiated as follows:
  - 1) If a Rule 7 Proceeding, once it is determined that a hearing is required under Rule 7 and SO 6-02, the Internal Affairs Commander shall transmit a memorandum to the Board Secretary requesting an administrative review;
  - 2) If a Rule 8 Proceeding, once a request for hearing has been received, the Commander of the Human Resources Division shall determine whether the request for hearing was timely made pursuant to Rule 8 and SO 3-03, and shall as soon thereafter as practicable, transmit a copy of the request for administrative review, accompanied by a memorandum on whether or not the request was timely, to the Board Secretary.
- b. Upon receipt of the information in the previous paragraph, the Board Secretary shall open a file for the administrative review, assign a unique identification designation, and prepare a written notice to the Respondent, with a copy of same to the Internal Affairs Commander if a Rule 7 Proceeding, or the Commander of the Human Resources Division if a Rule 8 Proceeding. If the request for hearing was untimely, the notice shall so state and shall notify the requester that no further administrative proceedings are contemplated. If the request was timely, the notice shall acknowledge the initiation of an administrative review and shall advise the recipients as follows:
  - 1) That the administrative review has been assigned a unique identification designation, which shall be referenced on all future pleadings and correspondence;
  - 2) That a hearing shall be scheduled, at a date to be determined;
  - 3) That the hearing, and all matters preliminary to the hearing, shall be governed by the provisions of Chapter 536, RSMo., and these Rules;
  - 4) That the Respondent has the right to be represented by an attorney, through the Respondent's own arrangement, and that if the Respondent makes arrangement for representation by an attorney, written notice of this representation should be sent to the Board Secretary as soon as possible;
  - 5) Such other information as the Board Secretary deems relevant to the administrative review.

### 2. Pre-Hearing Matters

- a. Hearings shall be set for a date no later than ninety (90) days after the Board Secretary notifies the parties and the hearing officer of the selection of the hearing officer pursuant to Rule E.1.e. Hearing dates are solely within the discretion of the **Tribunal**; however, if a hearing officer is appointed, said discretion shall lie with the hearing officer, subject to compliance with all provisions imposed by state statute and these Rules. Hearing dates for hearings before the **Tribunal** shall be communicated by the Board Secretary to all interested parties. These hearings shall be set at the **Tribunal**'s discretion

on weekdays, weekends, or evenings. Hearing dates for hearings before a hearing officer only shall be communicated by the hearing officer to all interested parties.

- b. Any pre-hearing issue, comment, question, or request directed to the **Tribunal** shall be in writing, either in the form of a formal pleading or a letter, and should be addressed and transmitted to the Board Secretary.
- c. Pre-hearing matters conducted by a hearing officer shall not be electronically recorded or transcribed unless the parties and the hearing officer all consent thereto. However, any pre-hearing determination by a hearing officer of a motion, discovery dispute, or other matter in controversy shall be made in writing by the hearing officer and provided to the parties and the Board Secretary.

**3. Notices Related to Proceedings**

- a. This provision and its subparagraphs apply only to Rule 7 Proceedings:
  - 1) At least thirty (30) calendar days prior to the date set for the hearing, a copy of the Charges and Specifications, together with a subpoena designating the time and place for the hearing, shall be served on the Respondent personally, or on a family member over the age of fifteen (15) years at his/her residence, or to an attorney designated by the Respondent.
  - 2) If by reasonable diligence such service of the copy and subpoena cannot be made, service may be made by certified mail to the last known address of the parties.
  - 3) Service may be made by any officer designated by the Chief of Police or the **Tribunal**.
- b. Notice of any hearing shall be publicly posted in accordance with any requirements under Chapter 610, RSMo. If the hearing has been closed pursuant to Rule B.3.b, the notice shall so state, giving the reason for closure.

**4. Pre-Hearing Procedures**

- a. Pre-hearing discovery, in the form of depositions of witnesses, including the use of subpoenas to compel the attendance of witnesses, is hereby authorized.
- b. Any discovery dispute between the parties shall first be reasonably attempted to be resolved by the parties themselves. The party objecting to discovery or objecting to the sufficiency of a party's response to discovery shall communicate orally or in writing to the adverse party the basis for the objection. Once this has occurred, if a dispute continues, either party may file a written motion seeking relief. Said motion shall fully detail the nature of the dispute, the justification for whatever the party seeks, and a statement detailing the attempts made to resolve the dispute, including the times when communication was made in an attempt to resolve the dispute.
- c. The responding party may respond to all allegations in writing. Any response shall be made no later than seven (7) calendar days following the initial motion.
- d. In the interest of scheduling, the following information shall be disclosed, in accordance with the deadlines specified:
  - 1) A party shall disclose in writing and transmit the name and address of any person the party intends to call as a witness, other than an expert witness, at hearing no later than fourteen (14) calendar days prior to the date of hearing.
  - 2) A party shall disclose in writing and transmit the name, address, and qualifications of each non-rebuttal expert witness the party intends to call at the hearing no later than twenty-eight

- (28) calendar days prior to the date of hearing. In addition, each party shall disclose the subject matter and nature of the testimony each witness is expected to offer, and shall at the same time furnish to the adverse party all materials said expert reviewed at the time of disclosure, as well as any journals, articles, or authoritative documents relied upon in connection with rendering opinions. A party requesting the deposition of any such expert witness shall communicate said request to the adverse party no later than three (3) calendar days after receiving notice of the disclosure, and the party intending to call the expert witness shall produce such expert witness for deposition if requested, no later than ten (10) calendar days after receiving said communication from the adverse party. If an expert witness has prepared a report, the report shall be produced to the adverse party no later than fourteen (14) calendar days prior to the date of hearing.
- 3) A party shall disclose and transmit the name, address, and qualifications of each rebuttal expert witness the party intends to call at the hearing no later than ten (10) calendar days prior to the date of hearing. In addition, each party shall disclose the subject matter and nature of the testimony each witness is expected to offer, and shall at the same time furnish to the adverse party all materials said expert reviewed at the time of disclosure, as well as any journals, articles, or authoritative documents relied upon in connection with rendering opinions. A party requesting the deposition of any such rebuttal expert witness shall communicate said request to the adverse party no later than three (3) calendar days after receiving notice of the disclosure, and the party intending to call the expert witness shall produce such rebuttal expert witness for deposition if requested, no later than four (4) calendar days after receiving said communication from the adverse party.
- e. The **Tribunal**, through the Board Secretary, shall issue subpoenas for deposition upon the written request of any party. Such subpoenas shall be processed in accordance with the provisions of Chapter 536, RSMo. No such subpoena shall be considered valid and enforceable unless accompanied by the applicable witness fee prescribed in § 491.280, RSMo. and, if appropriate, the travel fee prescribed in § 491.280, RSMo. However, no travel fee shall be required to compel attendance of a current St. Louis Metropolitan Police Department employee at a hearing held at Police Headquarters.
- f. Requests for subpoenas for hearing shall be directed to the Board Secretary, and must be received no later than seven (7) calendar days before the first scheduled date of the hearing. Any requests for subpoenas *duces tecm* shall also include the name of the person to be served, the date for his/her appearance, and a description of any documents or tangible materials sought to be produced. Motions to quash subpoenas shall be directed to the Board Secretary and any hearing officer assigned and must be received no later than fourteen (14) calendar days prior to the date of hearing.
- g. Subpoenas for hearing shall be served no later than seven (7) days in advance of the first scheduled date of the hearing, except for good cause shown. Additional subpoenas shall not thereafter be allowed, but persons timely served remain under subpoena until the party subpoenaing the witness has concluded its evidence. Copies of all subpoenas issued, regardless of which party may have requested them, shall be transmitted to the Board Secretary by the parties.
5. **Continuances**
- a. Any request for continuance of a hearing shall be made in writing. Only one request for continuance of a hearing, other than a request based on extraordinary and emergency circumstances, shall be entertained based upon good cause shown.
- b. No request for continuance shall be granted unless made no later than ten (10) calendar days prior to the date of hearing, except when extraordinary and emergency circumstances warrant and are clearly and sufficiently explained in writing.

- c. Prior to requesting a continuance, the requesting party shall contact the other parties to determine whether they object to the continuance and to determine mutually acceptable dates to which the hearing may be rescheduled, and that information shall be included in the party's request for continuance. If the request for continuance is made on behalf of the Respondent, the request shall contain a statement indicating that the Respondent was personally consulted about the request and consented to it.
- d. Any request for a continuance made because of an attorney's otherwise busy schedule shall include a sworn statement made by the attorney in which he/she lists all upcoming trials, hearings, appellate briefs, depositions, or any other scheduling impediment which the attorney believes merit continuing the hearing. This statement shall also include the jurisdiction of the case(s), the cause number(s), the style of the case(s) and the upcoming trial date(s) of the cases.
- e. If the request for continuance is approved, the parties shall be notified in writing of the new hearing date within a reasonable time in advance of the new hearing date. Any order granting a continuance shall be served on the parties by certified mail or personal service.

**6. Policy on the Expediency of Hearings**

- a. The **Tribunal** recognizes the practical limitations of administrative hearings which depend on the availability of the hearing officer, the parties, the facilities, and witnesses. It is the **Tribunal's** policy that in the interest of expediency, as much of the administrative hearing as can be completed within the parameters of the available time scheduled should be then and there completed, and if additional time is thereafter needed, then such additional time shall be arranged and scheduled as the parties require.
- b. To effectuate the **Tribunal's** policy on the expediency of hearings, the hearing officer, prior to the day the hearing is to commence, shall conduct a pre-hearing conference with the parties. During the pre-hearing conference, each party shall estimate the length of time it would take to present its case. The hearing officer may require the parties to provide information on the total number of witnesses, the number of witnesses under subpoena, the nature and estimated length of witnesses' testimony, and any circumstances regarding a witness's availability. The hearing officer is entitled to rely on the information provided by the parties in making any subsequent rulings. The hearing officer shall have the power to excuse, release or otherwise provide for the scheduling of the appearances of witnesses, including those under subpoena. In the event the hearing officer does excuse, release or otherwise provide for the appearances of witnesses, it shall be the duty of the party intending to call the witness to notify said witness that the witness need not appear as scheduled.
- c. Any subpoenas timely served and not quashed remain valid during the pendency of the administrative review until such time as the party issuing the subpoena has concluded its evidence. In the event a subpoenaed witness is excused from the scheduled appearance or otherwise does not complete his/her testimony on the date originally subpoenaed, the party shall send written notice to the witness of the rescheduled date when said witness is scheduled to appear. Said notice shall be transmitted so as to provide reasonable advance notice to the witness of the date and time for appearance. The notice may include a statement advising the witness that a previously served subpoena is still valid and in force.

**7. Conduct of Hearings**

- a. All hearings shall be transcribed by a court reporter/stenographer.
- b. All testimony shall be given under oath or affirmation. All oaths or affirmations administered to witnesses shall be administered by a notary public of the State of Missouri.



- c. Exhibits offered on behalf of the Department shall be identified by Arabic numeral; exhibits offered on behalf of the Respondent shall be identified by letter.
- d. The order of proceeding at the hearing shall be: the Department shall proceed first, and then followed by the Respondent, and then followed by rebuttal by the Department. However, nothing in this provision shall be construed as prescribing the burden of proof in any hearing, this provision being intended only to set forth an orderly procedure for hearings.
- e. The parties shall furnish a sufficient number of copies of any exhibits offered for the hearing officer, the adverse party, and the court reporter/stenographer. The originals of all exhibits offered at the hearing shall be kept by the court reporter/stenographer and shall be appended to the original transcript. The original transcript shall be transmitted to the Board Secretary.
- f. The **Tribunal**, through the Board Secretary, shall issue subpoenas for hearing upon the written request of any party. Such subpoenas shall be processed in accordance with the provisions of Chapter 536, RSMo. Requests for subpoenas for hearing shall be directed to the Board Secretary, with a copy of same served simultaneously on the adverse party, and must be received no later than seven (7) calendar days before the scheduled date of the hearing. No such subpoena shall be considered valid and enforceable unless accompanied by the applicable witness fee prescribed in § 491.280, RSMo. and, if appropriate, the travel fee prescribed in § 491.280, RSMo. However, no travel fee shall be required to compel attendance of a current St. Louis Metropolitan Police Department employee at a hearing held at Police Headquarters.
- g. Motions to quash subpoenas shall be directed to the Board Secretary and any hearing officer assigned and must be received no later than fourteen (14) calendar days prior to the date of hearing. Hearing officers shall make a reasonable attempt to rule on motions to quash subpoenas in advance of the scheduled hearing date.
- h. A party shall be deemed to have waived the right to present evidence or rebut evidence:
  - 1) By failing to appear at the hearing; or
  - 2) By oral statement at the hearing, entered on the record.
- i. In the event a hearing cannot be concluded due to scheduling conflicts or the unavailability of a witness, the hearing may be suspended and continued to a different date. If the hearing is before the **Tribunal**, the **Tribunal** shall have the discretion to determine whether to continue a hearing and if so, to determine the date to which the hearing is continued. If the hearing is before a hearing officer only, the hearing officer shall have the discretion to determine whether to continue a hearing and if so, to determine the date to which the hearing is continued.
- j. In the interest of convenience, expediency or fairness, the parties may agree to make exceptions to the prescribed order of proceeding at the hearing, with the consent of the **Tribunal** if the hearing is before the **Tribunal**, or the hearing officer if the hearing is before a hearing officer only.
- k. No evidence shall be admissible during the course of the hearing which is offered solely for relevance to the issue of punishment. The issue of admissible evidence on punishment in Rule 7 proceedings shall be governed by Rule C.9.

**8. Post-Hearing Matters**

- a. After all of the evidence has been submitted, the parties may voluntarily file or, if ordered, may be required to file, suggested findings of fact and conclusions of law within fourteen (14) calendar days of the receipt of the transcript from the court reporter/stenographer. The parties may also file briefs, if so desired. No other pleadings or submissions shall be accepted.

- b. For hearings before a hearing officer, once the period for post-hearing submissions specified in Rule C.8.a has expired, the hearing officer shall proceed to issue in writing recommended findings of fact and conclusions of law. These recommended findings of fact and conclusions of law shall be furnished to the Board Secretary.
- c. **The Board Secretary, upon receipt of the recommended finding of fact, shall transmit them, along with copies of the record of the entire proceedings, including any transcripts, exhibits and recordings, to the Tribunal.**

9. **Evidence on Punishment in Rule 7 Proceedings**

This provision and its subsections apply to Rule 7 Proceedings only:

- a. Where:
  - 1) In hearings before the **Tribunal**, the **Tribunal** issues a decision to sustain any or all charges; or
  - 2) In hearings before a hearing officer, the officer issues recommended findings of fact and conclusions of law to sustain any or all charges;
- b. the parties shall be notified, and may, no later than twenty-one (21) days after the date of issuance, submit evidence on the issue of punishment. Such submissions shall be furnished to the Board Secretary, with a copy to the adverse party.
- c. Only the following evidence shall be deemed relevant and admissible to the issue of punishment:
  - 1) The Department may submit by documentary evidence the following:
    - a) The text of the Police Manual showing the range of punishment for any or all charges which were sustained against the Respondent;
    - b) A record of the Respondent's disciplinary history. Any such record shall be verified by affidavit from the custodian of the record.
  - 2) The Respondent may submit by documentary evidence the following:
    - a) Prior written decisions of the Board **or its successor-in-interest** showing the punishment imposed for any or all of the same charges which were sustained against the Respondent;
    - b) A transcript of a deposition of the Respondent, made with proper notice to and the opportunity for cross-examination by the adverse party, solely concerning the mitigation or reduction of punishment for any or all of the charges sustained against the Respondent. Any objections to form or relevance shall be made upon the record of the deposition.
  - 3) No evidence on punishment shall be considered by the **Tribunal** until the **Tribunal** has first decided to sustain one or more of the charges against the Respondent. Any evidence submitted on the issue of punishment shall be kept sealed by the Board Secretary. However, the Board Secretary may review the submissions to ensure compliance with Rule C.9. If any submission fails to comply with Rule C.9, the Board Secretary shall redact, remove or otherwise retract that portion of the submission which fails to comply.
- d. In the event the **Tribunal** decides to sustain one or more charges against the Respondent where the hearing officer's recommended findings of fact and conclusions of law had not recommended the

sustaining of any charges, the Board Secretary shall provide notification to the parties of the **Tribunal**'s determination, at which time the parties may submit evidence on the issue of punishment in accordance with the time limits and procedures set forth in Rule C.9.a-b.

#### D. PROVISIONS SPECIFIC TO HEARINGS BEFORE THE **TRIBUNAL**

##### 1. Procedures, Use of Hearing Advisor

- a. For hearings before a quorum of the **Tribunal**, the **presiding member of the Tribunal**, or in the absence thereof, **member designated to act in his/her stead**, or another **Tribunal** member designated by the **presiding member of the Tribunal**, shall preside over the hearing. In any such hearing, an attorney currently retained by the Department as a "hearing advisor" may be present and seated next to the **Tribunal** members during all or a portion of the hearing. This individual may be referred to as the Hearing Advisor. A person who serves as a hearing officer for the Department may serve in the capacity of Hearing Advisor, provided said person was not previously stricken by one of the parties pursuant to Rule E.1.c.
- b. The **Tribunal** members may question any witness.
- c. If requested by the presider, the Hearing Advisor will assist the **Tribunal** members with legal matters and evidentiary rulings.

##### 2. **Tribunal** Discretionary Matters

- a. After all evidence is received at the hearing, the **Tribunal** may deliberate and may reach an informal decision on whether to sustain any or all of the charges, but no decision of the **Tribunal** shall be official until it is reduced to writing, including or accompanied by findings of fact and conclusions of law.
- b. The **Tribunal** may instruct the Board Secretary, with the assistance of the Police Department's General Counsel, to prepare findings of fact and conclusions of law for its consideration.

#### E. PROVISIONS SPECIFIC TO HEARINGS BEFORE HEARING OFFICER

##### 1. Selection of Hearing Officer

If the **Tribunal** exercises its discretion to delegate, hearings may be conducted before a Hearing Officer, who shall be selected as follows:

- a. No sooner than eight (8) calendar days after the date the Board Secretary sends written notice acknowledging the initiation of administrative review, the Board Secretary shall notify all hearing officers in the available pool of the request for hearing. The notification shall include the name of the Respondent, as well as any other information the Board Secretary deems relevant. Upon receipt of this notification, all hearing officers shall respond, indicating any reason that may recuse them from hearing the case. If any hearing officer fails to respond within three (3) calendar days of the notification, s/he shall be deemed to have no reason to be recused. The Board Secretary shall have the discretion to determine whether any basis offered for recusal is acceptable.
- b. The Board Secretary shall then select from among the available pool who have not been disqualified, five (5) hearing officers to make the available panel of hearing officers for selection for the hearing. The Board Secretary shall create the panel with a preference for those hearing officers who have gone the longest time without presiding over a hearing. The Board Secretary shall advise the parties in writing identifying the panel of available hearing officers from which the selection shall be made.

- c. Once the Board Secretary has advised the parties of the identity of the hearing officers on the panel, each party shall have the opportunity to strike two names from the list, in the following manner:
  - 1) The parties shall alternatively and independently strike names from the list, with the Department proceeding first. Each party shall give written notification of its strike to the Board Secretary, and to the other party. Each party shall have seven (7) calendar days to make its strike, starting from the date written notice was received, as applicable, from the Board Secretary as to the identity of the panel, or from the other party of its strike. If after seven (7) calendar days no strike has been made, it shall be deemed as a waiver of said strike, and the procedure for strikes shall continue as if a strike had been made on the seventh calendar day.
  - 2) The hearing officer shall be chosen by the Board Secretary from among the identified panel who have not been stricken.
- d. As an alternative to the procedure in the preceding paragraph, once the Board Secretary has identified the five hearing officers for the panel, the parties may confer and, prior to any strikes being made, may notify the Board Secretary that they have agreed upon the selection of a hearing officer. If such agreement is reached, the parties shall file a writing, directed to the Board Secretary, stating that they have agreed to waive the **aforementioned** strike procedure, and identifying the hearing officer from among the panel who they have agreed to select.
- e. Once the hearing officer has been selected, the Board Secretary shall notify the hearing officer and the parties of the selection.
- f. If at any time after being selected the hearing officer determines that recusal is required, the hearing officer shall notify the Board Secretary, who shall determine whether the basis for recusal is sufficient. If the basis for recusal is sufficient, a new hearing officer shall be selected in the following manner:
  - 1) If there are any hearing officers from the previous panel of five who were not stricken by one of the parties, the Board Secretary shall select one of the hearing officers not stricken.
  - 2) If there are no hearing officers from the previous panel of five who were not stricken, the Board Secretary shall notify the parties and ask the parties to confer and determine whether the parties can agree on the selection of a hearing officer from among those on the panel who were stricken. The parties shall then have seven (7) calendar days to confer and notify the Board Secretary if they have agreed on the selection of a hearing officer. If no notification is received by the Board Secretary within seven (7) calendar days, it shall be deemed that the parties could not agree on a selection, in which event the Board Secretary shall make a selection. The Board Secretary may select a hearing officer from among any and all available hearing officers in the pool, including any hearing officers not included in the original panel of hearing officers.

## 2. **Hearing Officer Responsibilities**

- a. Hearing officers shall rule on all pre-hearing matters, including continuances.
- b. Any ruling on a pre-hearing dispute or other decision made by a hearing officer shall be communicated in writing to the Board Secretary at the same time it is communicated to the parties. This includes, but is not limited to, requests for continuance and discovery disputes.
- c. In addition to a transcript, hearings conducted before a hearing officer shall be recorded on video, and a video record shall be provided to the **Tribunal**, along with the transcript and all exhibits admitted into evidence, so that the **Tribunal** may personally consider the portions of the record cited or referred to in the arguments or briefs.

- d. Hearing officers are acting at the behest of the **Tribunal** when they preside over the evidentiary portions of hearings. All requirements which pertain to a hearing before the **Tribunal** shall likewise apply to a hearing before a hearing officer.
- e. A hearing officer shall make recommended findings of fact and conclusions of law to the **Tribunal** upon receiving the transcript of the proceedings. **A copy** of the recommended findings of fact and conclusions of law shall be transmitted to the Board Secretary.
- f. In the event that a hearing officer, for any reason, does not make recommended findings of fact and conclusions of law to the **Tribunal** within a reasonable time after receiving the transcript of the hearing, the **Tribunal** may notify the hearing officer that it has chosen to reassert its jurisdiction over the matter, in which event the hearing officer shall cease further consideration of the matter. The **Tribunal** shall then review the transcript and/or video recording of the hearing, as well as exhibits admitted into evidence at the hearing, and shall, with the assistance of the Department's General Counsel, make findings of fact and conclusions of law and enter its decision and order. The written decision or decisions of the **Tribunal**, once compliant with Rule F.1.a herein, shall be deemed a final decision, for purposes of Chapter 536, RSMo.

## F. ISSUANCE OF FINAL DECISION

### 1. What Constitutes Final Decision

- a. For purposes of Chapter 536, RSMo., a final decision shall be a writing or combination of writings, signed by at **a majority of** the members of the **Tribunal**, which disposes of all issues relative to:
  - 1) In a Rule 7 proceeding, a Respondent's guilt on charges and specifications, and punishment, if any, on said charges and specifications; or
  - 2) In a Rule 8 proceeding, a Respondent's fitness for duty.
- b. A final decision shall be deemed to have been issued on the date the Board Secretary certifies service of the decision.

### 2. **Tribunal** Action

- a. In reaching a final decision, the **Tribunal** may, in addition to the transcript, exhibits, and video record, consider:
  - 1) The recommended findings of fact and conclusions of law of a hearing officer, if one was appointed;
  - 2) Any post-hearing submissions by the parties; or
  - 3) Any advice from the Police Department's General Counsel.
- b. The final decision shall be signed by at least **a majority of the** members of the **Tribunal**.
- c. Following the issuance of a final decision, the Board Secretary shall retain the original for record-keeping and mail copies of the final decision to:
  - 1) The parties;
  - 2) The hearing officer, if any; or

- 3) The Internal Affairs Commander, if a Rule 7 Proceeding, or the Director of Human Resources, if a Rule 8 Proceeding.
- d. The final decision shall contain a certificate of service, identifying the date of the mailing and the parties to whom a copy of the final decision was mailed, which shall be signed by the Board Secretary.

Annex #2

Administrative Subpoena

METROPOLITAN POLICE DEPARTMENT

ST. LOUIS METROPOLITAN POLICE DEPARTMENT, )
)
Plaintiff, )
v. ) No.
)
)
Respondent. )
)

To:
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

GREETING: PURSUANT TO SECTION 84.120 OF THE MISSOURI REVISED STATUTES:

YOU ARE HEREBY COMMANDED, that setting aside all manner of excuse and delay, you be and appear at:

\_\_\_\_\_
on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_ o'clock \_\_.m., and thereafter from time to time until the case be disposed of or you are finally discharged.

[ ] To testify on behalf of \_\_\_\_\_

THIS SUBPOENA IS NOT VALID UNLESS THE SIGNATURE AND SEAL OF THE SECRETARY APPEAR BELOW.

MARK LAWSON
SECRETARY TO THE BOARD

\_\_\_\_\_
Date \_\_\_\_\_

NOTICE TO RECIPIENT: THIS SUBPOENA IS VALID ONLY IF SERVED WITHIN THIRTY (30) DAYS OF THE DATE OF ISSUANCE (THE DATE ABOVE). IF THIS SUBPOENA IS NOT SERVED WITHIN THIS THIRTY (30) DAY PERIOD, THIS SUBPOENA IS NULL AND VOID AND MAY BE DISREGARDED.

The attorney or party requesting attendance of witness is:

\_\_\_\_\_

RETURN-MUST BE COMPLETED TO BE VALID

Executed the within Subpoena by delivering original to \_\_\_\_\_, at the address of

\_\_\_\_\_.

Annex #2

Administrative Subpoena Duces Tecum

METROPOLITAN POLICE DEPARTMENT

ST. LOUIS METROPOLITAN POLICE DEPARTMENT, )  
 )  
 Plaintiff, )  
 ) No.  
 v. )  
 )  
 \_\_\_\_\_, )  
 )  
 Respondent. )

To:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

GREETING: PURSUANT TO SECTION 84.120 OF THE MISSOURI REVISED STATUTES:

YOU ARE HEREBY COMMANDED, that setting aside all manner of excuse and delay, you be and appear at:

\_\_\_\_\_

on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_ o'clock \_\_.m., and thereafter from time to time until the case be disposed of or you are finally discharged.

- To testify on behalf of \_\_\_\_\_
- To produce the following: \_\_\_\_\_

**THIS SUBPOENA IS NOT VALID UNLESS THE SIGNATURE AND SEAL OF THE SECRETARY APPEAR BELOW.**

MARK LAWSON  
SECRETARY TO THE BOARD

Date \_\_\_\_\_

**NOTICE TO RECIPIENT: THIS SUBPOENA IS VALID ONLY IF SERVED WITHIN THIRTY (30) DAYS OF THE DATE OF ISSUANCE (THE DATE ABOVE). IF THIS SUBPOENA IS NOT SERVED WITHIN THIS THIRTY (30) DAY PERIOD, THIS SUBPOENA IS NULL AND VOID AND MAY BE DISREGARDED.**

The attorney or party requesting attendance of witness is:

\_\_\_\_\_

**RETURN-MUST BE COMPLETED TO BE VALID**

Executed the within Subpoena by delivering original to \_\_\_\_\_, at the address of \_\_\_\_\_.



## RULE 8

### PERSONNEL REGULATIONS

#### APPOINTMENTS

##### Section 8.001 System Used

The appointment of all members of the Department is, by law, vested in the Board.

##### Section 8.002 Applications

All applications for appointment must complete an "Applications Request Card" form. All persons appearing at the Human Resources Division for the purpose of seeking employment with the Department shall be given the opportunity to complete the applications request card. If the completed form indicates the applicant meets the basic requirements the applicant will then be given a formal application to be filled out completely and filed with Human Resources. If the completed form indicates that the applicant does not meet the basic requirements the applicant may be denied further consideration for appointment by denial of a formal application.

##### Section 8.003 Appointments

Appointments to the Force are to enter at rank of probationary police officer and no such appointment shall be made without Board approval. Appointments to civilian positions will be made either from persons not in the service of the Department or by promotion from among employees, as the Chief may determine.

##### Section 8.004 Applications, How Made

All questions on the application forms must be truthfully and fully answered.

##### Section 8.005 Qualifications of Applicants

No person is eligible for appointment who has been convicted of a felony, or against whom any indictment or information may be pending for any criminal offense.

##### A. Residency

Each applicant for a full-time position with the Police Department must be able to prove eligibility to be legally employed in the United States and acquire his/her primary residence in the City of St. Louis within ninety (90) days after the date of appointment.

**Any civilian** employee of the Police Department **hired prior to September 1, 2013** must maintain residency in the City of St. Louis for a total of seven (7) years. Once **such employee has** achieved seven (7) years of residency in the City of St. Louis, **he/she** will no longer be required to maintain primary residency in the City. **Such** employees who have satisfied the seven (7) year requirement and opt to move outside the City must reside within one-hour response time.

**Any commissioned employee of the Police Department must maintain residency in the City of St. Louis for a total of seven (7) years. Once such employee has achieved seven (7) years of residency in the City of St. Louis, he/she will no longer be required to maintain primary residency in the City. Such employees who have satisfied the seven (7) year requirement and opt to move outside the City must reside within one-hour response time.**

B. Primary Residence

Primary residence for the purpose of this rule, will mean that home, dwelling place or other abode an employee has certified to the Department as being the place to which the employee ordinarily returns to receive his/her daily housing accommodations, including for sleeping and other repose, at the conclusion of the day's activity outside of the home, dwelling place or abode. In the case of a married member, it will be presumed that his/her primary residence is the same as that of his/her spouse and, as the case may be, children or minor dependents, absent certification of a legal separation or initiation of dissolution proceedings.

C. Married Department Employees

**Department** employees who are married **to each other** may exercise the most liberal residency option available to either employee under this rule.

D. **Waivers of Residency Requirements**

The residency requirements herein are expressly made a condition of employment, and failure to comply within the time specified shall be grounds for dismissal. The Board understands that there is a balance between conditions of employment, organizational needs and **employees' personal and** family needs. In recognition of this, the Board, at its sole discretion, may consider waiving the residency requirement under the following circumstances:

1. **When the** position **of employment requires** specialized scientific, mechanical, educational or professional qualifications;
2. When the employee has a child who has a long-term disability and the needs of the child, in the judgment of the Board, are not available to the applicant as a resident of the City of St. Louis;
3. **When the employee himself/herself has a long-term disability and, in the judgment of the Board, the employee's city residency unreasonably interferes with the employee's ability to obtain such long-term care as would enable the employee to continue employment in the employee's current position; or**
4. When the employee himself/herself must provide long-term care to a disabled parent, and, in the judgment of the Board, the employee's city residency unreasonably interferes with the employee's ability to provide such long-term care to his/her disabled parent. The employee may only be granted a waiver during the period of time he/she is providing care to a parent.

If the employee believes he/she may meet one of the criteria, the employee shall provide the Board Secretary with all documentation that demonstrates the need for a waiver. The Board shall notify the employee of its decision within (60) days of the Board Secretary receiving all necessary documentation and a request for a waiver. Furthermore, if the Board does grant a waiver and later determines that the facts supporting such waiver no longer exist, the Board shall, at its sole discretion, revoke the waiver and the employee shall have (180) days within which to establish their residency within the city limits of the City of St. Louis.

**Section 8.006 Requirements for Civilian Recruit in Training**

A. All applicants for Civilian Recruit in Training must:

1. be at least 21 years of age, as of the date of appointment. Proof of age is mandatory.
2. be a high school graduate or possess a certificate of equivalency.

B. Effective July 1, 1996, possess at least 30 college credit hours from an accredited institution of higher education at the time they are hired or will attain those 30 hours no later than 24 months after being commissioned. The probationary period of officers who have not attained the required 30 college credit hours will be extended from its current 12 months from date of commissioning as a probationary police officer, to a maximum of 24 months from that same date to allow the officer time to complete this requirement. Probationary Police Officers not in compliance with the 30 hour requirement at the completion of those 24 months will be dropped from the rolls. Personnel hired prior to July 1, 1996 are exempt from this requirement. Proof of education is mandatory.

**Section 8.007 Examination for Civilian Recruit in Training**

- A. All eligible applicants for civilian recruits in training shall in the order described below and at the direction of the Human Resources Director:
1. be administered a written examination, as prescribed by the Board;
  2. be interviewed by an oral review board;
  3. be administered a physical abilities test;
  4. be evaluated via a background investigation;
  5. be given a psychological evaluation; and
  6. be given a physical examination, including a drug screen.

B. Failure to satisfactorily pass any of these may be cause for rejection.

**Section 8.008 Applicants Files**

The Human Resources Division shall maintain a complete file of all applications.

**Section 8.009 Academy Training for Civilian Recruits in Training**

Civilian recruits in training shall be required to complete and satisfactorily pass a prescribed course of instruction in the Police Academy and shall be required to take examinations from time to time during their service as civilian recruits in training.

**Section 8.010 Appointments and Swearing-In of Probationary Police Officers**

Upon successful completion of the prescribed course of instruction in the Police Academy, civilian recruits in training shall be appointed probationary police officers and, upon appointment, shall subscribe to an oath of office in such form as may be prescribed by the Board, as set forth in Rule 1 of the Police Manual.

**Section 8.011 Assignment of Probationary Police Officers**

Probationary police officers shall be assigned police duties at the direction of the Chief of Police.

**REINSTATEMENT**

**Section 8.101 After Military Service**

An employee of the Department who resigned to enter the armed forces of the United States will be eligible for reinstatement at his/her former rank provided he/she has been honorably discharged from such service and makes application for reinstatement within 90 days after such discharge.

**Section 8.102 Former Employees**

Former employees of the Department who terminated their service by accepted and honorable resignations will be eligible for reinstatement. Before such application for reinstatement to the Force will be considered by the Board, the applicant must successfully complete a physical examination and the physical abilities test, as well as undergo a character investigation.

**Section 8.103 Bar to Reinstatement**

**No one will be reinstated who has resigned while under criminal charges/investigation or resigned under investigation when, upon completion of that investigation, the recommended discipline is reduction in rank or termination. Further, no one will be reinstated whose prior service with the Department is judged to be unsatisfactory after review by the Chief of Police. This review shall include but not be limited to: past performance appraisals, Internal Affairs records, recommendations of past Commanders and a current criminal background check.**

**Section 8.104 Policy Determination**

The policy for the reinstatement of officers to this Department will be determined by the Chief of Police and the Board of Police Commissioners.

**PROMOTIONS**

**Section 8.201 Promotions**

When any vacancy will take place in any grade of officers it will be filled by the next lowest grade except as may be provided by state statute. Promotions will be made according to fitness and merit, as determined by the Board. The Director of Human Resources will be responsible for administering the promotional process.

**Section 8.202 Eligibility for Promotion – (34.1.6.c)**

- A. A Probationary Police Officer will serve at least twelve months after being sworn in as a Probationary Police Officer before being eligible for promotion to Police Officer. A Police Officer will serve at least five years and Sergeants at least two years in their respective grades before being eligible for promotion to the next higher grade. Lieutenants will serve at least one year before being eligible for promotion to Captain. Captains will serve at least one year before being eligible for promotion to the next higher grade.
- B. Effective July 1, 1996, sixty-four college credit hours and/or an Associate's Degree from an accredited institution of higher education is required for promotion from Police Officer to Sergeant. Personnel hired prior to July 1, 1996 are exempt from this requirement.
- C. Effective July 1, 1996, a Bachelor's Degree from an accredited institution of higher education is required for promotion from Sergeant to Lieutenant and all subsequent promotions. Personnel hired prior to July 1, 1996 are exempt from this requirement.
- D. In no case will the Chief be selected from employees of the Force below the rank of Captain. (Chapter 84.170 RSMo)

**ASSIGNMENTS, TRANSFERS, AND OFFICERS FROM OTHER LAW ENFORCEMENT AGENCIES**

**Section 8.301 General Requirements**

Assignments to duty and transfers of employees of the Department will be the responsibility of the Chief of Police who will review the established prerequisites for the various assignments within the Department and assign qualified personnel as needed.

If personnel are assigned under a contract for law enforcement services, the employment rights of assigned personnel will not be abridged by this Department.

**Section 8.302 No Assignment Near Home**

No employee of the Force will be assigned to duty in the precinct area within which he/she resides except in case of emergency or by special permission of the Chief of Police. Employees of the Force, if so assigned, will report this condition immediately to their commanding officer.

**Section 8.303 Transfer**

- A. Procedures for the transfer of personnel from one unit to another will be contained in a Special Order issued by the Chief of Police. Transfers of employees of the Department will be accomplished and finalized via Personnel Action Orders or other source documents.
- B. A District or Division Commander is authorized to reassign personnel within a unit, when no change in assignment code is involved, and in accordance with established departmental policies.
- C. The qualifications and prerequisites for officers assigned within the Department will be developed and regularly reviewed by the Director of Human Resources who will report those qualifications to the Chief of Police. No officer will be transferred to positions designated as specialized by the Director of Human Resources without having completed three (3) years as a commissioned officer in this Department. Under extraordinary circumstances the Chief of Police may transfer an officer with less than three years of commissioned service to a specialized assignment.  
**(42.2.5)**

**Section 8.304 Detachments (CBA 2011 Art. 7, Sec. 2)**

Upon formal justification by both the requesting/supplying units and approval by the Chief of Police, qualified personnel may be temporarily assigned to units which are experiencing a need for manpower in order to perform their designated functions. A detachment will not exceed one (1) year in duration. If a detachment does exceed one (1) year, the position will be posted and filled using the procedures for filling new positions and vacancies.

**Section 8.305 Officers From Other Law Enforcement Agencies**

Any law enforcement officer employed as such by the State of Missouri or by any other law enforcement agency in the State of Missouri who is currently licensed by the Missouri Peace Officer Standards and Training (POST) Commission and who is authorized to perform law enforcement activities in the City of St. Louis pursuant to an intergovernmental agreement between the Board of Police Commissioners or its successor in interest and the officer's employer, will be deputized to perform any and all law enforcement activities in the City of St. Louis which could be performed by a St. Louis Metropolitan Police Department officer. Any such officer will be subject to all rules, regulations, special orders, and temporary directives of the St. Louis Metropolitan Police Department and will obey all commands and directives of any superior officers of the St. Louis Metropolitan Police Department and will be subject to administrative action including, but not limited to, termination of the officer's deputization and authority to perform law enforcement activities in the City of St. Louis and/or notification of the officer's employer.

**SICKNESS OR NON-DUTY CONNECTED INJURY (22.2.1.c)**

**Section 8.401 General Rule**

A member of the Department shall report sick only when suffering from an illness or non-duty connected injury that would prevent performance of duty. The manner of reporting shall be in accordance with the procedure established by the Chief of Police. Feigning illness will be subject to disciplinary action and commanding officers are held responsible for assuring that employees of their command, when reporting sick, are making a true report of their condition.

**Section 8.402 Compensation**

Members may be granted pay, in full or in part, for absence due to illness or non-duty-connected injury at the discretion of the Board.

**Section 8.403 Sick Leave Credits**

A. Sick leave credits may be accumulated, subject to the following restrictions:

1. commissioned and civilian employees hired prior to April 20, 2011 shall be credited with one (1) sick leave credit (eight hours) on the first day of the calendar month and may accrue sick time until they terminate from the Department;
2. new employees and ordinary reinstatements hired on or after April 20, 2011 will be credited with four (4) hours of sick leave on the first day of each calendar month after they have been employed for thirty (30) days. These employees may accumulate a maximum bank of 480 hours of sick time;
3. military reinstatements will be eligible to receive sick leave credits on the first day of the calendar month following the date of their reinstatements. In addition, military reinstatements will be credited, on the day of their reinstatement, with the number of sick leave credits accumulated prior to entering the military. The number of sick leave credits to be earned and credited will be determined by the original date of hire prior to military leave;
4. every two hundred forty (240) cumulative hours in which employee is carried absent without leave, suspended without pay, furlough without pay or family leave without pay will result in the employee losing eight hours of sick leave credit.

**Section 8.404 Deduction of Sick Leave Credits**

Employees of the Department who will have been absent from duty due to sickness will be charged only the number of working hours lost; vacation credits will accrue.

**Section 8.405 Sick Records**

Commanding officers will maintain accurate records of sick time credits and sick leave hours of every employee of their command.

**Section 8.406 Exhaustion of Sick Credits**

Employees who have exhausted their sick credits and all other accrued time off and family leave and are unable to report for duty due to illness or non-work-related injury, may request a furlough without pay, or to be carried absent without leave. Earned vacation days from the current year will not be used.

**Section 8.407 Sick Bonus Days**

- A. Employees not absent on sick leave between January 1<sup>st</sup> and June 30<sup>th</sup> will receive two (2) bonus days off to be taken eight (8) hours at a time, within the following six months. Those not absent on sick leave between July 1<sup>st</sup> through December 31<sup>st</sup> will be granted two (2) bonus days to be taken eight (8) hours at a time in the following six months.



- B. Employees absent on sick leave eight (8) hours or less between January 1<sup>st</sup> through June 30<sup>th</sup> will be granted one (1) bonus day to be taken in an eight (8) hour period within the following six months. Those absent on sick leave eight (8) hours or less between July 1<sup>st</sup> through December 31<sup>st</sup> will be granted one (1) bonus day to be taken in an eight (8) hour period within the following six months.
- C. Bonus day(s) not used within the allotted six (6) month period are forfeited.
- D. **Employees hired on or after April 20, 2011 will not be eligible to receive sick bonus time.**

#### **Section 8.408 Limited Duty – Non-Work-Related Illness/Injury**

- A. Non-Work related limited duty is usually granted an employee who as a result of a non-work related health issue has been prescribed that status by their private health care provider. The limited duty status can be removed and the employee carried on accrued personal time as determined by the Human Resources Division.
- B. Any employee placed on limited duty status by his/her private physician or by a Department physician will be allowed up to 720 working hours of limited duty status for any one non-work-related illness or injury. A maximum cumulative total of 1,440 non-duty limited duty hours will be allotted to an employee during his/her tenure with the Department. Limited duty is a benefit usually given an employee by the Department to allow him/her to recuperate from an injury or illness to a point where he/she can return to full, unrestricted duty and not suffer a loss of income, the intent being that the Department and employee both benefit in some degree during the limited duty period. The employee is placed in a job within his/her physical abilities and in return the Department receives a certain amount of labor that would not otherwise have been realized.
- C. The 720 non-duty related limited duty hours are to be cumulative for each separate illness/injury over the length of employment with the Department. The employee must use accumulated sick credits, sick bonus days, overtime, court time, holidays, discretionary holidays, recreation days, or earned vacation days after the 720 working hours of limited duty have been exhausted. An employee on limited duty status or an employee who has exhausted his/her allotted limited duty time and is being carried on personally accrued time, will be evaluated every 30 days by his/her personal physician. A copy of the evaluation will be submitted in person, or faxed to the Benefits Section the next working day following the physician appointment. The documentation will include a diagnosis, a prognosis for recovery and an approximate date of return to full duty. The employee may be ordered to submit to a "Fit for Duty" evaluation by the Department Medical Director in certain situations.

EXCEPTIONS: For purposes of limited duty taken in conjunction with pregnancy, the 720 hour limited duty policy will not apply. Nor shall inability to take, or failure of, a fitness test by a pregnant commissioned employee trigger the aforesaid 720 hour limitation. When used in conjunction with pregnancy, limited duty will be available for the duration of the pregnancy.

NOTE: Refer to Special Order titled "Work Related Injury, Illness, and Limited Duty" for all rules and facets of, and procedures to be followed on subjects addressed in Rules 8.401 through 8.423.

### **WORK RELATED INJURY**

#### **Section 8.409 General Rules**

Employees of the Department who have received a work related injury and are unable to perform their assigned duties will report sick in accordance with procedures established and set by the Chief of Police. At the time of such reporting, they will, without fail, specify their illness as a result of a work related injury. All work related injuries will be forwarded to the Third Party Administrator through the Benefits Office.

#### **Section 8.410 Deduction of Sick Leave Credits**

Sick leave credits will not be deducted when an employee is absent from duty due to a work related injury. No recreation days will accrue when an employee is absent from duty due to a work related injury, but vacation days and holidays will accrue. (22.2.1.c)

**Section 8.411 Compensation**

The Department will grant 100% salary continuation, on a taxable basis, to an employee for lost time due to a work related injury. The salary continuation program is only applicable to duty related injuries.

**Section 8.412 Responsibility of Injured Employee**

- A. Immediately notify superior of injury;
- B. Secure witnesses and if possible, have them remain until arrival of the supervisor; and
- C. Remain at the scene unless immediate medical attention is necessary.

**Section 8.413 Responsibility of Immediate Supervisor**

- A. Immediately respond to the scene and take the necessary action relative to providing medical attention for the injured employee, through the Department's Health Care Provider or hospital;
- B. Investigate the circumstances of the injury, including interviewing witnesses;
- C. Prepare or cause to be prepared (1) a full and complete police report concerning the circumstances and cause of the injury when required by Special Order; and (2) an "Employee Injury Report", MPD Form Human Res-70, and immediately forward the report(s) to the commanding officer for review;
- D. Contact the Command Post and secure an injury number for the Injury Report Form; and
- E. E-mail Benefits and the Director, Human Resources with all pertinent information. Serious injuries must be reported immediately to the Director of Human Resources, Benefits and the Department's Third Party Administrator.

**Section 8.414 Responsibility of Commanding Officer**

- A. The Commanding Officer of the injured employee will review the police report (if applicable) and Employee Injury Report of the incident, insuring accuracy and completeness, and have a copy of the report and the original of the Employee Injury Report hand-carried to the Benefits Office by the next working day.
- B. Recommend classification of the injury as either work related or not work related. If the employee disagrees with the commander's recommendations, an administrative report briefly describing the incident, including the recommendation will be prepared. The administrative report, with a copy of the injury report, will be forwarded directly to the Benefits Office, and Director of Human Resources.
- C. It will be the responsibility of the Unit Commander to insure that the employee's sick record and the computerized duty roster accurately reflect the duty status of the employee.

**Section 8.415 Responsibilities Relating to Final Determination of Compensability of Injury**

- A. The Benefits Office will review the police report (if applicable), Employee Injury Report and the administrative report of the injured employee (in those cases where a dispute exists) and forward same to the Third Party Administrator **preliminarily to** a final determination as to the injury being work related or not work related. **The** Benefits Office will notify the commanding officer of the involved employee of the final determination, **once the determination process as set forth in subsection C herein is completed and the Board or its authorized representative notifies the Benefits Office.**
- B. The Benefits Office will coordinate all administrative activities concerning Workers' Compensation and be responsible for maintaining a current record of any Workers' Compensation claims made by Department employees.

- C. The process for final determination of whether an injury is work related or not work related will adhere to the following guidelines:
1. Under the contract between the Board and its Third Party Administrator, the scope of services provided by the Third Party Administrator includes the evaluation of claims. Such evaluations include determining, after adequate investigation, whether a claim is covered by the Worker's Compensation law (the "Law.") A determination is not required under the Law until thirty (30) days after a claim has been filed. An investigation does not begin until after a report of injury is received, and a conclusion cannot be reached until facts are assembled and a diligent investigation is completed. Under the Law, an initial determination may be changed if later warranted by the facts.
  2. Whether to characterize an injury as work related or not is ultimately a determination to be made by the Board; however, such determination will strongly consider the Third Party Administrator's evaluation. Accordingly, no representation of compensability or non-compensability should be made except by written determination of the Board or the Board's authorized representative. All other employees or representatives of the Police Department should refrain from making any representations about compensability or non-compensability until such formal determination is reduced to writing.

### **Section 8.416 Work Related Injury - Payment of Medical Costs/Workers' Compensation Final Awards**

The Department will pay for the medical costs when an employee sustains a work related injury. Employees who sustain a work related injury may be eligible for Workers' Compensation benefits under Chapter 287 of the Revised Statutes of the State of Missouri. Once an employee is in receipt of a final Workers' Compensation award, any subsequent medical costs for the said work related injury will not normally be defrayed by either the Department or by a Department sponsored health care program.

### **Section 8.417 Repayment of Department Expenses**

- A. When the Department pays for medical, hospital, salary, and other related expenses for a member receiving a work related injury, the Department shall have a lien against any claim, settlement, or judgment in which the member may be entitled against another party should the injured employee collect damages from another party, the employee will reimburse the Department for expenses in accordance with the Missouri Workers' Compensation Law.
- B. It will be the responsibility of the injured employee to notify the Department's Benefits Office, in writing at the time he/she makes, initiates, or files any third party claim, lawsuit, or other cause of action against another party because of a work related injury, other than a Workers' Compensation claim.

NOTE: Refer to Special Order titled "Work Related Injury, Illness, and Limited Duty" for all rules and facets of, and procedures to be followed on subjects addressed in Rule 8.401 through 8.423.

### **DUTY-RELATED LIMITED DUTY**

#### **Section 8.418 Limited Duty Status (Work Related)**

- A. If, as a result of an injury or illness arising out of the course and scope of employment, the Department Medical Provider, or any physician in the chain of referral of the Medical Director, places restrictions on an employee which renders him/her unable to perform the essential functions of the position for which employed, but able to work in a light duty capacity, his/her status will be amended to "limited duty." Limited duty is granted an employee by the Department to allow him/her to recuperate from a work-related injury or illness to a point where he/she can return to full, unrestricted duty and not suffer a loss of income. The intent being that the Department and employee both benefit in some degree during the limited duty period. The employee is placed in a job within his/her physical abilities and in return the Department receives a certain amount of labor that would not have otherwise been realized. The employee shall not suffer any decrease in pay by reason of said limited duty.
- B. Unless otherwise expressly provided in the Police Manual, the maximum time an employee may be carried on limited duty for each duty-related injury (combined with any other status less than full duty, i.e., S/I, or any personally accrued time) is 12 consecutive months or 365 days.
- C. In certain cases, as reviewed on an ad hoc basis, an employee may exceed the maximum 365 day rule. Criteria on which an extension would be based include, but are not limited to, the severity and number of injuries; surgeries required and their necessary timing; recovery periods; and the treating physician's opinion that the employee will more than likely be able to return to full duty within the foreseeable future, but due to the nature of the malady, additional time is required. The extended period will not exceed 90 calendar days and will be reviewed during that period at least every thirty (30) days.

NOTE: Refer to Special Order titled "Work Related Injury, Illness, and Limited Duty" for all rules and facets of, and procedures to be followed on subjects addressed in Rule 8.401 through 8.423.

### **PRESCRIPTION DRUG REGULATION**

#### **Section 8.419 Prescription Drug Regulation**

When an employee is prescribed a drug or controlled substance that may be detrimental to the employee's or other's safety or welfare, or negatively affect the ability to perform the essential functions of his/her position, that employee must promptly notify his/her supervisor or commander in writing prior to reporting for duty. If in fact the medication must be taken prior to

or during working hours, the employee may be placed on limited duty for the time period in question. If the prescribing physician indicates in writing that timely ingestion of dosage would mitigate the effects of the medication during duty hours, limited duty may not be necessary. If the prescription is part of long-term therapy, the employee will not be deemed fit for full duty unless the treating physician indicates the employee is being closely monitored, and that the medication is not impairing his/her judgment, cognitive abilities, reaction time, driving skills, or performance abilities. The above is subject to review and approval of the Department Medical Director. (Refer to Special Order entitled "Sick Reporting and Medical Procedures...") (26.1.1)

## **MEDICAL/PSYCHOLOGICAL "FIT FOR DUTY" EVALUATIONS (22.3.2)**

### **Section 8.420 Medical/Psychological "Fit for Duty" Evaluations**

- A. When a question exists as to whether an employee is currently able or will be able in the foreseeable future, to perform the essential functions of his/her position, he/she may, as a condition of continued employment, be ordered to submit to a "fit for duty" evaluation/examination. If an employee is ordered to submit to a "physically" fit for duty examination/evaluation, it will be conducted at the direction of the Department's Medical Director. If the examination/evaluation is of a psychological nature, it will be performed by the Department contracted psychologist. Fit for duty examination/evaluation will be performed at no cost to the employee. (22.3.1)
- B. It will be the sole responsibility of the Human Resources Division to order a "fit for duty" examination/evaluation by either the Medical Director or contracted psychologist. A request by an employee's Commanding Officer, Director, or Manager will be forwarded in an ARTS to the Director of the Human Resources Division.
- C. An employee directed to submit to a "fit for duty" evaluation/examination may, as part of the examination, be required by the Medical Director to undergo a functional capacity evaluation (FCE) to aid in the fit-for-duty determination. The FCE will be based on the essential functions criteria as recorded in the job description of that position.
- D. A request for a "fit for duty" examination is appropriate if a question exists as to whether an employee is currently able or will be able in the foreseeable future to perform the essential functions of his/her position. Such a question would exist if:
  - 1. it is believed an employee is not obeying the dictates of the Police Manual or special orders concerning sick or limited duty policies, and a determination of whether or not the employee is able to perform the essential functions of his/her position is required;
  - 2. it is believed that an employee is not medically or psychologically fit for duty based on specific, contemporaneous, articulable observations, objective facts, and reasonable inferences drawn from those observations and facts;
  - 3. it is asserted by an employee that he/she is not medically or psychologically fit for duty but the employee can not produce documentation from a private medical source to that effect;
  - 4. an employee is placed at full-duty status by his/her private physician, medical or psychological professional following an extended period of a status other than full-duty, and a question exists as to whether that determination by the private physician was knowingly made regarding the essential functions of the position as defined by the Department;
  - 5. if at any time, irrespective of the employee's working status, the treating physician has determined that the employee is at maximum medical improvement (MMI) yet is unable to return to full-duty status (perform the essential functions of the job) in the foreseeable future or permanently;
  - 6. an employee incurred an illness or injury, which by its nature, definitely renders him/her unable to perform the essential functions of his/her position, irrespective of whether they have reached MMI;

7. it is imminent an employee will, in the near future, exhaust the maximum of 365 days of a status other than full-duty following any single duty-related illness or injury;

NOTE: The above paragraphs, D.1 through 7 are not meant to be exhaustive of all situations where a question exists as to whether an employee currently or in the foreseeable future will be able to perform the essential functions of his/her position. Each case will be reviewed on an ad hoc basis.

- E. When an employee has been sent to the Department Medical Director/Psychologist for evaluation, the report of the Medical Director/Psychologist will be forwarded directly to the Human Resources Division and Benefits Office by the contracted medical provider. The report will contain the opinion of the Medical Director/Psychologist regarding a prognosis for recovery; whether the employee has reached maximum medical improvement (MMI); if not at MMI, an approximate date that will transpire; if prior to or after attaining MMI he/she will have any permanent restrictions that would preclude him/her from performing the essential functions of his/her position; and, if applicable, an approximate date of return to full duty.

#### Section 8.421 Inability to Perform Essential Functions of the Job

- A. **If prior to, or at reaching MMI, permanent restrictions are placed on an employee by his/her treating physician, and/or the Department Medical Director,** which would preclude him/her from performing the essential functions of his/her position, written notice will be given to the employee, **by the Director, Human Resources, either in person or via certified mail.**

- B. Commissioned Employees

1. A commissioned employee will be given notice **either in person or** by certified letter that the Board intends to dismiss him/her for cause, and that the specific cause for dismissal is "Inability to Perform the Essential Functions of his/her Position."

NOTE: "Inability" is not to be considered a "charge", and will not be asserted on an Allegation of Employee Misconduct Report. Dismissal for this particular cause is not of a disciplinary nature and will not be reflected as such on the employee's record.

2. **The employee will be placed on Salary Continuance for 130 days from the date the Medical Director placed permanent restrictions on the employee. The notice will also explain that the employee must apply for a disability pension within 15 business days of receiving this notice. If this requirement is not met, the Board will apply for the disability pension for the employee. The 130 days of salary continuance will continue until the first occurring of the following:**
  - a. **the employee's application for pension is approved; or**
  - b. **the employee reaches MMI (Maximum Medical Improvement).**
3. **If the 130 days of salary continuance are exhausted, the employee has not reached MMI (Maximum Medical Improvement) and the employee has not received approval for a disability pension, the employee will begin being paid by the Department's 3<sup>rd</sup> Party Administrator at 66 2/3% of pay with no Federal, State or Local taxes being withheld. The Department will assume all premium payments for the employee and his/her dependents for the medical and dental plans until the employee either reaches MMI (Maximum Medical Improvement) or is approved for a disability pension.**
4. **If the employee reaches MMI (Maximum Medical Improvement) and is still not approved for a disability pension, the employee will begin using all accrued Sick, Vacation and Holiday time. If the employee exhausts all accrued time and the disability pension has not been approved, the Department will begin in the process of dropping the employee from the rolls.**

5. If in the instance where the Medical Director/Psychologist has issued an opinion that an employee is unable or unwilling to perform the essential functions of their position in the present or foreseeable future the affected employee may request a hearing under this rule, before the Board of Police Commissioners to refute the contention of the Medical Director/Psychologist.
6. The request must be made in writing to the Secretary of the Board within 7 days of receipt of the notice letter.

C. Civilian Employees

1. The civilian employee shall be given notice **either in person or** by certified letter that the Board intends to dismiss the employee.
2. **The employee will be placed on Salary Continuance for 130 days from the date the Medical Director placed permanent restrictions on the employee. The notice will also explain that the employee must apply for a disability pension within 15 business days of receiving this notice. If this requirement is not met, the Board will apply for the disability pension for the employee. The 130 days of salary continuance will continue until the first occurring of the following:**
  - a. **the employee's application for pension is approved; or**
  - b. **the employee reaches MMI (Maximum Medical Improvement).**
3. **If the 130 days of salary continuance are exhausted, the employee has not reached MMI (Maximum Medical Improvement) and the employee has not received approval for a disability pension, the employee will begin being paid by the Department's 3<sup>rd</sup> Party Administrator at 66 2/3% of pay with no Federal, State or Local taxes being withheld. The Department will assume all premium payments for the employee and his/her dependents for the medical and dental plans until the employee either reaches MMI (Maximum Medical Improvement) or is approved for a disability pension.**
4. **If the employee reaches MMI (Maximum Medical Improvement) and is still not approved for a disability pension, the employee will begin using all accrued Sick, Vacation and Holiday time. If the employee exhausts all accrued time and the disability pension has not been approved, the Department will begin in the process of dropping the employee from the rolls.**
5. **The Director of Human Resources will serve notice to the employee either in person or by certified mail and will state that the employee is not being dropped from the rolls for cause, but specifically for his/her inability to perform the essential functions of his/her position. Copies of this letter will be sent to the employee's Commander and Bureau Commander.**

**Section 8.422 Accommodations**

- A. When an employee is certified as not able to perform the essential functions of the position in which employed, a written memorandum may be directed to the Department ADA Coordinator (Director of Human Resources), detailing what the employee believes would be a non-commissioned "reasonable accommodation" of his/her disability on the part of the Department. If the ADA Coordinator determines the proposal is reasonable and acceptable to the Department, it will be implemented.
- B. The proposal may be refused as unreasonable or unacceptable, or if another option exists for a non-commissioned reasonable accommodation which would be more beneficial to the Department, it will be offered to the employee. If in any case, the employee's proposal is denied, an alternative non-commissioned "reasonable accommodation" will be offered to the employee, if one exists.
- C. If no non-commissioned "reasonable accommodation" is available, or if that which was offered by the Department is declined by the employee, notice to that effect will be sent to the employee. A period of 15 days (excluding Saturdays, Sundays and holidays) will be given, to begin with that notice, for the employee to apply for retirement.

**Section 8.423 Board Hearings Under Rule 8**

When a hearing is requested under Rule 8.421.B.(4), such hearing may be held before a quorum of the Board of Police Commissioners, and conducted in accordance with the provisions of Chapter 536, Revised Statutes of Missouri, and the Administrative Review Rules of the Board of Police Commissioners as contained in Annex #2 of Rule 7. The Board may delegate the hearing authority to a non-Board Member Hearing Officer. The Board of Police Commissioners retains final decision authority.

**OTHER ABSENCES**

**Section 8.501 Leave of Absence**

Employees of the Department may request leave of absence, without pay. Such requests will be in writing, in accordance with procedures set out by the Chief of Police, and will state the reason for the request. Employees granted such leave will be subject to the regulations set forth by the Board. No recreation days or holidays will accumulate to the employee during such extension of leave. Vacation days that would normally accrue to the employee will be prorated to reflect each hour of cumulative absences



without pay by the employee. Sick leave credits that would normally accrue to the employee will be prorated to reflect each 240 hours of cumulative absences without pay by the employee. These provisions do not apply to military furloughs. (22.2.1.a)

**Section 8.502 Funerals of Relatives (CBA 2011 Art. 18, Sec. 1)**

- A. Employees of the Department will be granted three (3) working days leave of absence with pay for the purpose of attending the funeral or arranging the funeral of any of the following persons: (22.2.1.a)
1. parents;
  2. foster parents or step-parents;
  3. spouse;
  4. domestic partner;
  5. child(ren), foster child(ren) or step-child(ren);
  6. brother or sister;
  7. in-laws within immediate relationship to the employee; and
  8. grandparents or grandchildren of the employee.
- B. If the employee desires to be absent for more than three (3) working days, he/she may utilize previously earned, unused, paid leave and receive compensation for each day's absence at the normal rate of pay, upon approval of his/her supervisor/commander.

**Section 8.503 Excused Absences**

Any Watch Commander or equivalent rank may, for proper reason, excuse an employee of the Department from reporting to duty, or may excuse an employee during a tour of duty. (22.2.1.a)

**Section 8.504 Recreation Day**

Every employee of the Department will be granted 104 recreation days each year. The Board may from time to time grant additional recreation days each year when, in the judgment of the Board, the granting thereof will not materially impair the efficiency of the Department.

**Section 8.505 Overtime**

Employees of the Department will receive and be compensated for overtime in accordance with procedures outlined in Special Order entitled "Compensation Procedures" as set out by the Chief of Police.

**Section 8.506 Bi-Weekly Pay**

The salary and pay of all employees of the Department will be paid bi-weekly.

**VACATIONS, HOLIDAYS**

**Section 8.601 Vacations (22.2.1.d)**

- A. Vacation time is accrued on an hourly basis. No employee of the Department will be entitled to or allowed to take any vacation until after 90 days of continuous employment, from the date of employment. Vacation time accumulated during one calendar year will normally be taken during the next calendar year. Employees who have been employed an entire year will receive a full vacation with pay the following calendar year.
- B. Employees:
1. in their first year of employment will accrue at the hourly equivalent of three weeks per year. An employee beginning work on July 1<sup>st</sup> (midway through the calendar year) would accrue 7.5 days of vacation that could be used beginning January 1<sup>st</sup>. The following January 1<sup>st</sup> the employee would be eligible for a full vacation with pay as indicated in paragraph A above;
  2. will receive four weeks vacation in the calendar year in which their twelfth anniversary date occurs; however, the fourth week of vacation will not be earned or taken until after the twelfth anniversary date at which time the fourth

week of vacation will be added to the employees vacation balance and their accrual rate adjusted so that the following calendar year four weeks of vacation will be available;

3. will receive five weeks vacation in the calendar year in which their twenty-first anniversary date occurs; however, the fifth week of vacation will not be earned or taken until after the twenty-first anniversary date at which time the fifth week of vacation will be added to the employees vacation balance and their accrual rate adjusted so that the following calendar year five weeks of vacation will be available; and
4. will receive six weeks vacation in the calendar year in which their thirtieth anniversary date occurs; however, the sixth week of vacation will not be earned or taken until after the thirtieth anniversary date at which time the sixth week of vacation will be added to the employees vacation balance and their accrual rate adjusted so that the following calendar year six weeks of vacation will be available.

- C. For purposes of this section, one week will consist of forty work hours plus additional recreation time totaling seven days.
- D. All service as a Department employee (commissioned and civilian) will be counted in determining the number of weeks vacation to which an employee is entitled. However, commissioned officers who retire and are rehired as civilian employees will be considered new employees for vacation purposes.
- E. The Chief of Police will determine procedures governing seniority in the selection of vacation periods.
- F. Reinstated employees will not be entitled to any vacation time in the calendar year of reinstatement. In the calendar year following reinstatement, the employee will be entitled to one vacation day for each full or partial month of service during the year in which reinstated. However, commissioned officers who retire and are rehired as civilian employees will be considered new employees for vacation purposes.

EXCEPTION: An employee who was reinstated by the Department following active military duty will be credited for the entire length of such military service for vacation eligibility and seniority purposes, provided: (a) the employee was employed by the Department immediately prior to his/her entry on active military duty; and (b) the employee made application for reinstatement with the Department within 90 days of honorable discharge or separation from active military duty.

- G. Employees in the following categories will be allowed to carry forward up to one year's vacation to the next calendar year, to be used or accumulated at the employee's discretion, subject to procedures established by the Chief of Police:
  1. all exempt employees as defined in special orders; and
  2. non-exempt employees with at least 12 years of service.
- H. Carryover vacation days may be accumulated from year-to-year and be taken in subsequent years or paid at termination, subject to the following limitations:

Annual No. Hours Vacation to Which Entitled	Maximum No. Hours Vacation Which Can be Carried Forward
120	120
160	160
200	200
240	240

NOTE: For final compensation purposes, carryover vacation days are in addition to any unused vacation days earned the previous year and hours earned during the current calendar year.

- I. **All provisions in Section 8.601 apply only to employees hired by the Police Department prior to September 1, 2013.**

### Section 8.602 Limits of Vacation and Recreation

Employees may not take more than 35 consecutive days of any combination of vacation, recreation and compensatory time without the approval of the Chief of Police. Employees may not take more than 10 consecutive days of any combination of recreation and compensatory time without the approval of the Chief of Police.

### Section 8.603 Fixed Holidays

Ten holidays will be granted annually to each employee of the Department, according to procedures set by the Chief of Police. (22.2.1.b)

### Section 8.604 Discretionary Holidays

**For employees hired prior to September 1, 2013, an additional** five discretionary holidays will be granted annually to employees employed an entire calendar year. Discretionary holidays may not be used until earned. Two **discretionary** holidays will be earned on January 1<sup>st</sup> and one **discretionary** holiday earned on April 1<sup>st</sup>, July 1<sup>st</sup>, and October 1<sup>st</sup>. New employees whose employment commenced during calendar year **2013, prior to September 1, 2013**, will be granted a number of **discretionary** holidays **for calendar year 2013** according to a quota outlined in procedures established by the Chief of Police. Employees will not be entitled to request or to be compensated for a discretionary holiday until the completion of 30 days of continuous employment. (22.2.1.b)

### Section 8.605 Field Training Days

For field training officers, one field training officer compensation day will be granted for every six weeks of probationary officer training completed. See Special Order entitled "Field Training Program" for further information.

## TERMINATION (22.2.2) (22.2.4)

### Section 8.701 General Rules

Termination of services of an employee of the Department is accomplished through retirement, resignation, death or dismissal. Employees who terminate by retirement or resignation will submit written notice of same to their commanding officer. The commanding officer of a deceased employee will prepare the written notice for the deceased employee.

### Section 8.702 Retirements

A. Employees may retire as follows:

1. Commissioned

Commissioned employees may retire as provided by their pension plan.

2. Civilian

Civilian Employees may retire as provided by their pension plan. However, no civilian employee will be compelled to retire solely because of age, unless he/she falls within the exceptions of the Age Discrimination in Employment Act.

**Section 8.703 Benefits at Termination**

An employee will be entitled to and compensated for all accrued salary, vacation earned in a prior year that remains in their balance of vacation available for use during the current year, vacation earned during the current year, overtime and accrued holidays earned up to the date of termination, consistent with established policies and procedures. Commissioned employees with 30 years of service and civilian employees with normal retirement or who have met the Rule of 85 (combination of years of service and age of employee) and possessing at least 2,200 accrued sick leave hours, will receive compensation for one-half of their accumulated sick leave hours. Commissioned employees who have at least 20 years of service and civilian employees retiring from the Department, who possess at least 1,600 accrued sick leave hours, will receive compensation for one-fourth of their accumulated sick leave hours, and also receive 173.33 hours pay (2080 hours divided by 12). All other employees, hired prior to March 16, 2011, terminating their employment with the Department will receive compensation for one-fourth of their accumulated sick leave hours at the time of termination. These benefits are not granted to employees who have plead guilty, been found guilty or otherwise convicted of a crime prior to termination. In the event of a dispute, the decision of the Board will prevail.

**Beginning on March 9, 2011, the payout for accrued leave at termination will be in three equal installments paid over a two year period. The initial one-third will be paid immediately upon separation. The next one-third will be paid the following year and the final one-third will be paid the second year following termination. If the accrued leave balance is \$3,000 or less, the entire amount will be paid at termination.**

#### **Section 8.704 Vacation Termination Benefits**

- A. Employees of the Department who terminate prior to the completion of the probationary period of 90 days continuous employment from date of appointment will not be entitled to or compensated for any vacation. All other employees will receive the unused portion of their vacation balance earned and available from prior calendar years plus vacation earned during the current year. Vacation that was earned in prior years but not used or carried over following the policies set forth in this Manual and published Special Orders will not be paid out.

NOTE: If an employee terminates in the calendar year in which the employee's twelfth anniversary date occurs, the employee will not be entitled to four weeks vacation, for vacation termination benefits, until after the employee's twelfth anniversary date. In addition, if an employee terminates in the calendar year in which the employee's twenty-first anniversary date occurs, the employee will not be entitled to five weeks of vacation, for vacation termination benefits, until after the twenty-first anniversary date. If an employee terminates in the calendar year in which the employee's thirtieth anniversary date occurs, the employee will not be entitled to six weeks of vacation, for vacation termination benefits, until after the employee's thirtieth anniversary date.

- B. Employees of the Department inducted into the military service will be entitled to and compensated for vacation days before leaving for military service and, if reinstated after military service, will then accrue vacation days as specified in Section 8.600.

#### **Section 8.705 Death of Department Employee**

- A. Whenever a police officer is killed in the line of duty, all Patrol Division Stations and other Department buildings will fly the flag at half-staff and display black crepe from the day of the death through the date of the funeral. During this period, uniformed officers will wear the memorial badge covering and civilian employees will wear the identification tag memorial coverings.
- B. Whenever a current Department employee, commissioned or civilian dies, other than in the line of duty, black crepe will be displayed at the Patrol Division Stations or Division where the deceased employee was assigned. The black crepe will be displayed from the day of the death through the day of the funeral.

#### **Section 8.706 Call Up of Employees Serving as Military Reservists to Active Duty**

- A. In order to fully comply with state law, the Board will pay employees called to active duty full salaries for the first fifteen days of absence, or for however many unused military days an individual employee may have remaining in the current federal fiscal year (October – September).
- B. Employees called to active duty will be paid the difference between their military compensation and compensation they would have earned had they remained in their Department positions.
- C. The Department will permit the accrual of sick leave, vacation days and designated holidays during the entire time employees are called from National Guard or Reserve military status to active duty.
- D. The Department will not assume payment of any part of employee health and dental insurance, other than the first thirty days as required by law, when employees are called up for active service in the military. Employees with family coverage may elect COBRA coverage and will be billed at family plan rates for the entire active duty period.

### **GIFTS AND REWARDS**

### **Section 8.801 Duty of Employee**

When an employee of the Department is tendered money, gift, gratuity, reward of compensation (except secondary employment), or witness fees, he/she may receive same into his/her custody but will immediately report such fact, together with the nature of the service or expense performed, to his/her commanding officer. The employee will further make written application, addressed to the Board, forwarded through normal channels, to retain same. If the tender is money, it is to be turned over to the Board immediately, to be disposed of in accordance with the rules set forth in the succeeding sections.

### **Section 8.802 Duty of Commanding Officer**

Upon receipt of an application from an employee of the Department the Commanding Officer will investigate such application and forward his/her report and recommendation concerning the matter through the normal chain of command to the Chief of Police for presentation to the Board. If the subject of the compensation is witness fees, the officer will be allowed to retain same only if he/she was subpoenaed for a civil matter in which the officer's involvement was not in an official capacity, and requested appearance was during non-duty time.

### **Section 8.803 Action of Board**

The Board, upon consideration of such report and application, will determine whether to approve or disapprove the application. If disapproved, the employee will be ordered to return the tender to the donor. Where application is made for the tender by two or more employees, the Board will apportion the tender among the claimants on such basis as it may determine is fair and equitable according to the merit and extent of the respective services rendered. The Board will exercise the discretion vested in it by law and these rules to discourage neglect of police duty to pursue a case where a reward may be the chief or only incentive.

## **GRIEVANCE PROCEDURES**

### **Section 8.901 Purpose**

The purpose of this policy is to provide a procedure whereby commissioned and non-bargaining civilian employees may resolve disputes concerning the terms or conditions of their employment and to establish an orderly system for the review of grievances filed by employees of the Department. **(25.1.1)**

### **Section 8.902 Policy (25.1.1.a)**

- A. The Board of Police Commissioners/St. Louis Metropolitan Police Department recognizes that every employee has the right to be treated fairly in matters arising from his/her employment. Each employee should have the opportunity to be heard any time that he/she believes that his/her right to fair treatment has been violated. A carefully designed grievance process can help to reduce employee dissatisfaction, increase morale, identify problems in the organization, improve working conditions, boost overall operations and strengthen the positive perception employees have of this Department. Therefore, whenever an employee believes that he/she has been treated unfairly with regard to the terms and conditions of his/her employment, he/she may initiate proceedings as specified in this policy in order to resolve those matters.
- B. All grievances levied against the Chief of Police, commissioned officers and/or civilian employees reporting directly to the Chief of Police, the Secretary to the Board of Police Commissioners, commissioned officers and/or civilian employees reporting directly to the Secretary to the Board of Police Commissioners, and all members of the Board of Police Commissioners are to be referred to the Human Resources Generalist. **(25.1.2)**
- C. Grievances levied against the Chief of Police, commissioned officers and/or civilian employees reporting directly to the Chief of Police, the Secretary to the Board of Police Commissioners, commissioned officers and/or civilian employees reporting directly to the Secretary to the Board of Police Commissioners, and members of the Board of Police Commissioners, other than the President, will be reported directly to the President of the Board of Police Commissioners by the Human Resources Generalist. Grievances levied against the President of the Board of Police Commissioners will be reported directly to the Vice President of the Board of Police Commissioners and to the Secretary to the Board of Police Commissioners by the Human Resources Generalist. **(25.1.2)**

## INSURANCE

### Section 8.1001 Health, Medical and Disability Insurance

Any employee hired by the Police Department prior to September 1, 2013 shall receive such insurance benefits providing life, health, medical, and disability coverage to the same extent as provided by the Board of Police Commissioners pursuant to the terms of Section 84.160, RSMo. as it existed immediately prior to September 1, 2013.

### Section 8.1002 Insurance for Retirees

Any employee hired by the Police Department prior to September 1, 2013, upon having met the requirements for retirement from employment with the Board of Police Commissioners, or any successor-in-interest to said Board, and actual retirement therefrom, shall receive such medical and life insurance coverage to the same extent as provided by the Board of Police Commissioners pursuant to the terms of Section 84.160, RSMo. as it existed immediately prior to September 1, 2013.

### Section 8.1003 Insurance for Spouse and Dependents

The spouse and dependent(s) of any employee hired by the Police Department prior to September 1, 2013 shall have the ability to acquire through purchase medical and life insurance providing coverage upon such employee's having met the requirements for retirement from employment with the Board of Police Commissioners, or any successor-in-interest to said Board, to the same extent as provided by the Board of Police Commissioners pursuant to the terms of Section 84.160, RSMo. as it existed immediately prior to September 1, 2013.

The spouse and dependent(s) of any employee hired by the Police Department prior to September 1, 2013, in the event of such employee's death, if receiving pension benefits pursuant to Sections 86.200 to 86.366, RSMo. as a result of that employee's service, shall have the ability to acquire through purchase medical and life insurance at the rate such spouse's or dependent's would cost under the appropriate plan if the deceased were living.

## RULE 9

### GENERAL DUTY REGULATIONS REPORTS: ARREST & DETENTION: CRIMINAL INVESTIGATIONS DISCHARGING FIREARMS

#### Section 9.001 Integrity in Criminal Investigation – Race

In keeping with the oath administered to the officers of the police force by which each officer solemnly pledges to uphold the Constitutions of the United States and the State of Missouri and to discharge his/her duties diligently and faithfully, without partiality or prejudice, no officer, when deciding whom to place under suspicion and/or surveillance, will in any manner whatsoever equate the race of any person with criminality or otherwise use racial status in the absence of, or in lieu of, probable cause or reasonable suspicion that a crime has been or is about to be committed. (1.2.9.a)

#### Section 9.002 General Duty Regulations

- A. In addition to the specific duties of each individual rank and position, as set forth elsewhere in this Manual, the following general duty provisions are applicable to all employees of the Department and must be observed: (26.1.1)
1. all rules and regulations set forth in this Manual, and all amendments thereto, must be obeyed;
  2. all orders of a superior must be observed and obeyed. If any such order appears to be unjust or improper, the order will be obeyed and appeal may then afterwards be made through established channels and by procedures set forth by the Chief of Police;
  3. an employee is not bound to, and should not follow any directive that is unlawful;
  4. an employee will follow the order of the highest ranking officer/employee should the employee receive conflicting orders from two officers/employees of a higher rank or position. If both officers/employees giving the orders are of the same rank, the employee will follow the order of that superior who is in his/her chain of command. If neither superior is in the employee's chain of command, he/she will follow the most recent order given;
  5. name, rank or position, badge number, and similar identifying information will be given in a civil manner to any person who may inquire. **Commissioned Officers not in full uniform and civilian employees will respond to requests to view Department identification by displaying the requested item;**
  6. aid will be promptly given to persons requesting service, insofar as is consistent with duty obligations;
  7. no police information, of any nature, will be disclosed unless it is proper and necessary under the circumstances;
  8. interfering with the course of justice in any fashion whatsoever is forbidden;
  9. no advice or information will be given to any arrested person, or to others for him/her, in relation to the defense or prosecution against him/her;
  10. each Department employee will properly inform himself/herself about all orders, regulations and memorandums governing his/her duty;
  11. a Department employee will notify his/her superior of information concerning police matters that comes into his/her possession;
  12. an officer will remain neutral to both parties in any civil case or dispute and will act only to prevent a breach of the peace or to suppress a disturbance;



13. every officer must assist and protect, and come to the aid of, other employees of the Department in need of aid or assistance; and

14. neglect of duty, improper performance of duty, sleeping or loafing while on duty, is subject to disciplinary action.  
*See Complaint and Disciplinary Procedures*

## **REPORTS**

### **Section 9.101 Reports to be Made**

Each employee of the Department will make reports from time to time as may be required by any superior officer or the Board and, in addition, reports will be made on all matters within the scope of his/her work and duty or concerning the welfare and discipline of the Department. Reports will be forwarded in accordance with the procedures set forth by the Chief of Police, through approved channels.

### **Section 9.102 Completion of Reports**

No employee will leave the preparation of required reports to the employee who relieves him/her, unless authorized to do so by Supervisor or Watch Commander.

### **Section 9.103 Duty Rosters and Arrest Registers**

These reports will be completed, signed and forwarded in accordance with existing procedures set forth in special orders.

### **Section 9.104 Responsibility for Reports**

Any report, official or administrative, becomes the responsibility of the superior who signs it as it ascends through the chain of command; such responsibility includes accountability for accuracy and completeness.

### **Section 9.105 False Reporting**

Will not be tolerated and will be subject to disciplinary action.

### **Section 9.106 Reports of Incidents Involving Department Employees**

- A. No Police Officer will perform the official investigation or prepare the official Department report of an incident of the following kinds in which he/she was involved while on or off duty:
  1. motor vehicle accident, in which the officer was a driver, passenger, pedestrian, victim or participant in any capacity;
  2. use of firearms by the officer, in which any person was injured or killed; and
  3. assault, robbery, disturbance or any other incident in which the officer was a victim or participant in any capacity, not related to his/her performance as a Police Officer.

NOTE: The word "incident" as used in this rule will include all events which normally require a police investigation or report.

### **Section 9.107 Responsibility of Involved Employee**

- A. Any Department employee so involved in an incident will promptly inform the appropriate District or jurisdiction. The District will cause an independent investigation to be made by an officer having no prior association with the incident. The investigating officer will prepare an official report of the incident, following standard reporting procedures. When the incident is of the category normally investigated by a specialized unit, the unit will be immediately advised by the District and the investigation assumed by the specialized unit. In any investigation of an incident involving a Department employee, the employee's statements or explanation will not be given more consideration or acceptance than would be given the statements of any credible participant who is not a Department employee.

- B. At first opportunity the involved employee will notify his/her Commander or Supervisor of the incident and present a personal report about it.
- C. Subsequent to the investigation, the Department employee personally involved will obtain a copy of the investigating officer's report. If the involved employee finds the investigating officer's report inaccurate or incomplete he/she will prepare a memorandum stating the additional information; the procedure for the disposition of this memorandum will be prescribed by the Chief of Police.
- D. If the incident occurs in a jurisdiction other than the City of St. Louis, the involved employee will have the police of that jurisdiction prepare an official report, and the employee will present a copy of that report, along with his/her own personal report, to his Commander or Supervisor.
- E. If the incident is one that would require an Administrative Report with recommendations to be forwarded through the chain of command (e.g., shots fired), a copy of the incident report will be attached to the Administrative Report.

**Section 9.108 Disposition of Report**

A copy of every report, with the exception of complaint investigation and internal investigation reports involving disciplinary action affecting an employee of the Department, will be forwarded to the Human Resources Division and filed in the employee's personnel jacket. Complaint investigations and internal investigations involving disciplinary action will be maintained only at the office of the Internal Affairs Division.

**Section 9.109 Report of Damages Involving Department**

- A. Whenever any person is injured, or any property damaged, as the result of police action (e.g., shots fired, vehicle accident, etc.) employees of the Department will be governed by the following rules:
  - 1. They will not admit any liability of the Department or the City of St. Louis or any other governmental jurisdiction, nor make any recommendation as to the collection of claims, except as specifically provided for hereinafter in this rule. This prohibition extends to formal and informal, oral and written, admissions, including any statement that could be used in legal proceedings against the Department or the City of St. Louis.
  - 2. They will not require, recommend or suggest that repair to damaged property be done by any certain person or organization. They will likewise not require, recommend or suggest that any professional assistance desired as the result of damage or injury be obtained from any certain professional person; the term "professional person" includes, but is not limited to, doctors and lawyers.
  - 3. The Department employee involved in such inquiry or damage case will instruct the citizen involved to write a letter or go in person to the City Counselor to make his/her claim for damages.
  - 4. The involved Department employee's commanding officer will ensure that a copy of the police report of the incident is hand-delivered to the Office of the City Counselor and Secretary to the Board.
- B. Commanding Officers are charged with the responsibility of ensuring continuing adherence to these rules.

*(See also Rules 8.409 through 8.417: Work Related Injury).*

**ARREST AND DETENTION**

**Section 9.201 Laws of Arrest**

It is the duty of every employee of the Force to learn and know the laws of arrest, including informing the accused of his/her rights. It is the duty of every superior officer to instruct his/her subordinates on the changes in laws as they occur.

### **Section 9.202 Arrest Defined**

Arrest is made by the actual restraint of the person being arrested, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise.

### **Section 9.203 Arrest Without Warrant**

Every officer of the Force is empowered to arrest without a warrant whenever he/she has reasonable cause to believe that the person he/she is arresting committed or attempted to commit an offense, whether or not in the officer's presence or view. An offense is defined as a felony, misdemeanor, ordinance violation, or infraction punishable by law.

### **Section 9.204 Duty to Arrest**

It is the duty of every officer of the Force to arrest, with or without warrant, as specified in Section 9.202. The exercise of the power to arrest without warrant should be accompanied by prudence and discretion, with enough reasonable cause and supporting evidence to support the arrest.

### **Section 9.205 Arrest on Charge of Another**

When any person charges another with the commission of an offense and insists that the person so charged be taken into custody, the officer of the Force making the arrest will compel the accuser to accompany him/her to the station.

### **Section 9.206 Use of Necessary Force**

In making an arrest no more force will be used than is absolutely necessary for the safe custody of the prisoner or for overcoming any resistance that may be offered and for insuring the delivery of the prisoner into safekeeping. Any abuse of prisoners, either by word or act, is wrongful and is forbidden.

### **Section 9.207 Pursuit of Escaped Persons**

If any person arrested escapes or is rescued, the officer of the Force from whose custody he/she escaped or was rescued may immediately pursue and overtake him/her at any time and within any place in the state and may command assistance, as in making arrests in other cases.

### **Section 9.208 Right of Forcible Entry**

An employee of the Force in pursuit of a person who has committed a felony or misdemeanor, if such person takes refuge in a dwelling house, building or other enclosure, is given the right of forcible entry, by law, but the right should only be exercised in cases requiring an immediate arrest or where failure to arrest would endanger the public welfare. Prior to using forcible entry, which is defined as the breaking open of a door or window to enter the enclosure for the purpose of arresting the offender, the officer of the Force must state his/her office and purpose of gaining admission and be refused entry or admission. Prudence and caution must accompany the exercise of the right of forcible entry.

### **Section 9.209 Arrested Person, Where Taken**

Every person arrested or taken into custody will be conveyed at once to the police station, except in cases where medical attention is required for wounds or injuries, as he/she must then be conveyed to a hospital for treatment prior to being taken to the police station.

### **Section 9.210 Investigation by Commander and Booking of Arrested Person**

Every person taken under arrest to any police station will be immediately brought before the District Commander, or an officer designated by the District Commander, who will ascertain whether the acts complained of constitute an offense under the law and whether there is reasonable grounds to believe that the offense charged was committed by the person accused. If satisfied upon these points, he/she will cause the arrest to be entered in the arrest register.

### **Section 9.211 Care of Prisoners**

Every Commander of police installations where prisoners are confined is charged with the responsibility of inspecting the place of confinement, and the welfare of the prisoners. Such Commanders are held accountable for the application of warrants or information against the confined prisoner, for the record keeping attendant on each prisoner, for the observance of all regulations regarding the rights of the prisoner, and for the proper forwarding of, or release of, the prisoner within the specified times set by law and by the procedures set forth by the Chief of Police.

### **Section 9.212 Release of Bail Bond**

Procedures and regulations regarding the release of prisoners on bail bonds are issued by the Chief of Police, with the approval of the Board, and will be strictly followed.

### **Section 9.213 Recognizance Releases**

In addition to the restrictions specified in Rule 9.212 regarding the qualifications of bondsmen, it is further specified that no Department employee, either commissioned or civilian, may serve as a sponsor on a recognizance release for any person.

## **CRIMINAL INVESTIGATIONS**

### **Section 9.301 Criminal Investigations in General**

Normally, criminal investigations of crimes and suspected crimes are assigned to detectives of the Bureau of Investigations and Support, the District Detectives, and officers of specialized units. Criminal investigations involving employees of the Department are to be conducted by the Internal Affairs Division.

### **Section 9.302 Specific Criminal Investigations**

- A. In making criminal investigations, Detectives and Officers will be guided by the procedures set forth in Rule 4 of this Manual.
- B. District Commanders may, in the exercise of their authority, assign other personnel of their command to handle investigations into police matters inherent to the operation of their command. **(42.1.4)**

## **USE OF FORCE**

### **Section 9.401 Philosophy**

Officers will use the least amount of force reasonably necessary to effectively bring an incident under control, while protecting the lives of the officers and others. **(1.3.1)**

### **Section 9.402 Non-Deadly Force**

Officers may use non-deadly force to protect themselves or others from physical harm, to restrain or subdue a resistant individual, or to bring any unlawful situation safely and effectively under control.

### **Section 9.403 Deadly Force**

- A. Deadly force may be exercised in the proper performance of police duty only under the following circumstances: **(1.3.2)**
  - 1. to protect the officer or others from what is reasonably believed to be an immediate threat of death or serious physical harm;
  - 2. when reasonably necessary to prevent the escape of a person when ALL of the following conditions apply:

- a. the officer has probable cause to believe that the person committed a felony involving the infliction or attempted infliction of serious physical harm; AND
- b. the officer reasonably believes that the person is armed with a firearm or other item which can cause death; AND
- c. the officer has probable cause to believe that the person poses a significant threat to human life, should escape occur.

**Section 9.404 Restrictions**

A. The following restrictions will apply to the discharge of firearms:

- 1. an officer will not discharge a firearm, when to do so would endanger a bystander or hostage;
- 2. an officer will not discharge a firearm at or from a moving vehicle, nor at a suspect in a moving vehicle;
- 3. before shooting at a suspect, an officer will identify him/herself as an officer and state his/her intent to shoot, whenever possible;
- 4. warning shots are prohibited; and **(1.3.3)**
- 5. other than at inspections, training and other legitimate administrative purposes, an officer will only draw or exhibit a weapon when he/she has reasonable cause to believe that it may be necessary to use that weapon in compliance with this policy.

**Section 9.405 Procedures**

Procedures governing the use, reporting and investigation of deadly and non-deadly force will be established by the Chief of Police.

**SECURITY AND RELEASE OF RECORDS**

**Section 9.501 Policy Statement – Missouri Open Records Law**

A. It is the policy of the Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis (Board) to comply with the provisions of Chapter 610, RSMo, commonly referred to as the Sunshine Law. In furtherance of this policy, it is stated that:

- 1. The Board has appointed a custodian of records who is responsible for the maintenance of its records, and the identity and location of the custodian will be made available upon request. The custodian will make records available as required by law to persons submitting requests for records in accordance with the Sunshine Law.
- 2. The custodian of records for any record pertaining to an Internal Affairs investigation or document is located within the Internal Affairs Division. The exact identity of this custodian will also be made available upon request.
- 3. The Board will charge all reasonable fees allowed by the Sunshine Law for providing access to or furnishing copies of public records. The Board requests prepayment of fees as allowed by law. The Board may require prepayment of an estimated amount before commencing the work necessary to comply with a request. The Board will refund any fees paid in excess of the actual cost, but it will also require prepayment of any additional fees over and above the original estimate.
- 4. All records retained by the Board, whether created internally or obtained from any other source, are closed to the extent allowed by law. This includes, but is not limited to, records allowed to be closed, described or referenced within any portion of Sections 610.021, 610.100, 610.150 and 610.200. These records are allowed to be closed for various public policy reasons more fully delineated within the Sunshine Law itself; including issues of

privacy, public safety and health, protecting law enforcement sensitive information and documents, protecting victims of crimes, ensuring the prosecution of criminal defendants is not jeopardized by premature release of investigatory information, protecting citizens from risks of identity theft, and protecting the identity of juveniles.

5. The Board reserves its right to have any record request reviewed by its Legal Division to ensure it is complying with the Sunshine Law.

#### **Section 9.502 Release of Records**

The release of records will be accomplished in accordance with procedures as established by the Chief of Police. **(82.1.1.c)**

## RULE 10

### UNIFORMS, WEAPONS & INSIGNIA: AWARDS MILITARY COURTESIES, CEREMONIES

#### UNIFORMS

##### Section 10.001 Board to Prescribed Uniforms

These regulations prescribe the uniform, insignia, ornamentation, accessories and occasion for wearing of the uniform by employees of the Department. Such items are furnished by the Board of Police Commissioners, are the property of the Department, and are to be surrendered by each employee upon separation from the Department. Only uniforms and items prescribed in this Order will be worn. Personnel who wear the uniform will be held responsible for conforming to regulations. Off-duty wearing of the uniform is restricted. (22.2.5)

##### Section 10.002 Uniforms, When Worn

Each employee of the Department, except Detectives and employees otherwise directed by the Chief, will wear the proper uniform when on duty, when appearing before the Board and when participating in Department ceremonies. For appearances in court (City, State Federal, Juvenile, Grand Jury or any judicial hearing), officers who customarily wear the uniform should, if possible, wear the uniform. If civilian clothing is worn, male and female officer will dress in business attire. (41.3.4)

##### Section 10.003 Dress Uniform, When Worn

Employees of the Department will wear the appropriate dress uniform at Department ceremonies, funerals, when appearing before the Board and/or when ordered by the Board or the Chief.

##### Section 10.004 Option to Wear Winter/Summer Uniform

Officers may at their discretion, wear the winter or summer duty/dress uniform as they consider appropriate for the weather conditions on their daily watch **between March 15 and November 14 of each year. The winter duty/dress uniform is mandatory between November 15 and March 14 of each year.**

##### Section 10.005 Caps

The wearing of the uniform cap **Department-issued round Garrison cap** with the police uniform is optional, except when attired in the dress uniform. When the uniform is worn without sidearm, the cap will not be worn. **When attired in the dress uniform, ONLY the Department-issued round Garrison cap will be worn.** The wire grommet inside the uniform cap is not to be removed or altered. Although caps do not have to be worn by either police officers or sergeants except in situations previously stated, caps MUST be in the officer's possession at roll call. Caps are considered issued equipment and should be readily available during the officer's tour of duty. **No skull cap will be allowed to be worn for any weather related reasons.**

##### Section 10.006 Accessories (41.3.4)

Neckties, hose and shoes worn with the uniform will be black in color. Shoes will be of plain design, either buckle-type or center laced. (Solid black athletic shoes that are center laced and can be polished are acceptable). All leather and nylon accessories will be black. All snaps will be brass. T-shirts, if visible, will be white in color (or navy blue if the body armor is blue) and will be maintained in clean, neat condition.

##### Section 10.007 Jewelry (41.3.4)

No dangling jewelry may be worn. Female officers may wear one pair of stud earrings of reasonable size (one in each ear). Employees in uniform may wear a wristwatch and/or identification bracelet. Rings may be worn; only one ring on each hand is permitted (a wedding set is considered one ring). Necklaces and similar decorative jewelry worn around the neck are prohibited, unless concealed.



**Section 10.008 Hair (26.1.1)**

- A. The appearance of an officer's hair is an extension of the uniform, and should be professional at all times. To insure officer safety and promote a professional appearance, the Department has adopted the following regulations regarding hair. Hair will be neat, clean, a natural color, and trimmed to present a groomed appearance. It will not be of such length to prevent the uniform hat from fitting securely on the head. Specific guidelines will be outlined in the appropriate Special Order approved by the Chief of Police.
- B. The face will be left clean-shaven, except that a well trimmed mustache is permissible. If worn, the mustache will not extend below or beyond the line of an individual's upper lip. Handlebar mustaches, beards, goatees, mutton chop and other facial hair are prohibited, except sideburns which may not exceed below the ear lobes, nor flare out at the base.

**UNIFORMS FOR LIEUTENANTS AND HIGHER RANKS**

**Section 10.009 Initial Uniform Issue**

Upon promotion to the rank of Lieutenant an officer will be issued one Eisenhower jacket, six white long sleeve shirts, six white short sleeve shirts, body armor and appropriate body armor carrier. Officers may elect not to wear short sleeve shirts and will be issued eight long sleeve shirts. The dress blouse will only be issued to **the Chief of Police, Lieutenant Colonels and Majors** in addition to the Eisenhower jacket.

**Section 10.010 Summer Dress Uniform**

- A. The summer dress uniform will consist of regulation trousers, white long sleeve shirt, buttoned at the sleeves and collar, black necktie, duty leather with black accessories and **round Garrison** cap. Body armor can be worn with the appropriate exterior body armor carrier.
- B. Officers may elect to wear the summer dress uniform, and they may also purchase and wear a nylon mesh **round Garrison** cap in place of the issued military cap.

**Section 10.011 Summer Duty Uniform**

The summer duty uniform will consist of regulation trousers, white short sleeve shirt, open at the collar, and duty leather with black accessories. Jackets will not be worn with the summer duty uniform. Body armor can be worn with the appropriate exterior body armor carrier.

**Section 10.012 Winter Dress Uniform**

The winter dress uniform will consist of regulation trousers, white regulation long sleeve shirt, black necktie, duty leather with black accessories, **Department-issued round Garrison** cap and Eisenhower jacket. Majors and above will wear the **dress** blouse **or** the Eisenhower jacket.

**Section 10.013 Winter Duty Uniform**

The winter duty uniform will consist of regulation trousers, white long sleeve shirt, buttoned at the sleeves and collar, black necktie, and duty leather with black accessories. Jackets and police blue colored v-neck military sweaters may be worn as the outer garment; however when the v-neck sweater is worn it will be tucked inside the trousers. Body armor can be worn with the appropriate exterior body armor carrier. **The trooper fur style hat may be worn with the winter duty uniform.**

**Section 10.014 Option to Wear Winter/Summer Uniform**

Command officers may, at their discretion, wear the winter or summer duty/dress uniform as they consider appropriate for the weather conditions on their daily watch **between March 15 and November 14 of each year. The winter duty/dress uniform is mandatory between November 15 and March 14 of each year.**

### Section 10.015 Option for Female Command Rank Officers

Female officers of command rank have the option to wear a black cross bow tie, a wave hat and a regulation skirt with hemline tailored below the bottom of the knee, not to exceed two inches. Nylons or hosiery of a natural color and full-length are required; net hose will not be worn. All accessories will conform to Section 10.022a of this Rule.

## UNIFORMS FOR SERGEANTS AND 'POLICE OFFICERS'

### Section 10.016 Initial Uniform Issue (CBA 2011 Art. 23, Sec. 2)

**Initial issue for** each commissioned officer will **include the following uniform apparel:**

**One Eisenhower jacket; one combination lightweight jacket;** three pair of regulation trousers; **one pair regulation dress trousers; one pair cargo pants\*;** six blue long sleeve shirts; six blue short sleeve shirts; two black neckties; one **round Garrison** cap; one trooper fur hat; one baseball cap; one pair of black gloves; one raincoat; one name bar; one belt; one pair handcuffs with key; one magazine case; one leather radio pouch; one zippered summon pouch; one under belt; one mace pouch; one body armor and appropriate external body armor carrier; **one reflective vest;** one flashlight; one nightstick; one nightstick holder; one handcuff case; one regulation holster; four belt keeps; and one whistle.

**\*NOTE: All Sergeants and Police Officers will be issued one pair of cargo pants each fiscal year. Individual purchase of the Department-approved cargo pants is allowed ONLY when purchased from the authorized distributor.**

### Section 10.017 Summer Dress Uniform

The summer dress uniform will consist of regulation trousers, blue long sleeve shirt, buttoned at the sleeves and collar, body armor, black necktie, duty leather with black accessories and **round Garrison** cap.

### Section 10.018 Summer Duty Uniform

The summer duty uniform will consist of regulation trousers **or cargo pants,** blue short sleeve shirt, open at the collar, body armor, and duty leather with black accessories. Jackets will not be worn with the summer duty uniform. Officers may purchase and wear a nylon mesh **round Garrison** cap instead of the issued cap.

### Section 10.019 Winter Dress Uniform

The winter dress uniform will consist of blue long sleeve shirt, buttoned at the sleeves and collar, body armor, black necktie, duty leather with black accessories, **round Garrison** cap, **Eisenhower jacket and matching dress trousers.**

### Section 10.020 Winter Duty Uniform

The winter duty uniform and will consist of regulation trousers **or cargo pants,** blue long sleeve shirt, body armor, black tie, and duty leather with black accessories. A mock T-shirt with SLMPD imprinted on the neck may be worn under the uniform shirt without a tie. Police blue colored, v-neck military sweater or jackets may be worn as the outer garment; however when the v-neck military sweater is worn it will be tucked inside the trousers.

### Section 10.021 Option to Wear Winter/Summer Uniform

Sergeants and 'police officer' personnel may, at their discretion, wear the winter or summer duty/dress uniform as they consider appropriate for the weather conditions on their daily watch **between March 15 and November 14 of each year.** **The winter duty/dress uniform is mandatory between November 15 and March 14 of each year.**

**Section 10.022 Option for Female Sergeants and ‘Police Officer’ Personnel**

Female officers have the option to wear a black cross bow tie, a wave hat and a regulation skirt with hemline tailored below the knee, not to exceed two inches. Nylons or hosiery of a natural color and full-length are required; net hose will not be worn.

**Section 10.022a Accessories – (41.3.4)**

A. Shoes - the uniform shoe will be either an oxford or pump which meets the following specifications:

1. oxfords are to be of smooth leather, black in color, with heels not less than one inch nor more than one and a half-inches in height when measured from the inside portion of the heel;
  2. pumps will be of smooth leather, black in color, with closed toes and heels, and will be of a conservative side cut. The heels will measure not less than one and one-half inches nor more than two inches in height when measured from the inside section of the heel; and
  3. boots will be of smooth leather, black in color, with plain toes. The heel will measure not less than one and one-half inches in height and no more than two inches in height, when measured from the inside of the heel. Boots will only be worn with the uniform slacks.
- B. Hose - Hose will be of silk, rayon, or nylon, beige or neutral in color and full length. Net hose will not be worn.
- C. **Round Garrison** Cap/Trooper Fur Hat/Wave Style Hat/Baseball Cap – Female officers will wear the wave style hat or **round Garrison** cap with the dress uniform. The baseball cap will not be worn when a female officer wears the skirt as a duty uniform or with a long sleeve shirt.
- D. Mufflers - Mufflers will be navy blue in color of plain design.
- E. Jewelry - No dangling jewelry may be worn. Stud earrings may be worn.
- F. Handbags - Handbags are not issued by this Department but are optional equipment and, if desired, must be purchased by the individual officer.

**MEMBERS OF THE FORCE  
ASSIGNED TO PLAINCLOTHES DUTY**

**Section 10.023 Uniform to be Maintained**

All commissioned officers in plain clothes assignments will maintain their normal duty uniform issue.

**Section 10.024 Clothing Allowance**

- A. All officers, regardless of rank, whose duties require civilian attire, may receive a clothing allowance at a rate set by the Missouri General Assembly. This allowance, **if paid**, will be paid to officers who have served a full payroll period in a plain clothes assignment.
- B. If paid, Commanders are responsible to make any necessary adjustments for clothing allowance when officers are transferred into or out of their Units.

**CARE AND DISPOSAL OF UNIFORMS AND EQUIPMENT**

**Section 10.025 Replacement Items**

The Uniform Section will replace worn or damaged items so that all officers and uniformed civilian employees will have the proper number of items prescribed for initial issue and that each item presents a suitable appearance. In cases of loss, theft or damage, the procedures established by the Chief will be followed.

**Section 10.026 Care of Uniforms and Equipment**

- A. So that each officer will present a well attired appearance, uniforms worn are to be kept cleaned and pressed, brass items and leather accessories polished. Officers will not paint or coat leather equipment with any substance injurious to the leather.

- B. All Department employees are responsible for the good care, proper maintenance and serviceable condition of Department property assigned to their use. The loss, theft or damage of any property will be promptly reported and disposed in the manner prescribed in Department procedures.
- C. If the loss, theft or damage to Department property was due to the employee's failure to exercise reasonable care, the Board of Police Commissioners may order the employee to reimburse the Department for the cost of repair or replacement of the item. The authority to order reimbursements of \$300 or less is delegated to the Chief of Police. The Chief of Police will make periodic reports to the Board of Police Commissioners regarding such reimbursements. The Chief of Police is delegated the authority to excuse the liability for lost, damaged or stolen Department property when the Department employee is not at fault.

**Section 10.027 Return of Uniforms, Insignia, Weapons and Equipment**

Upon separation from the Department, each employee will return all Department-issued items of equipment in accordance with the instructions on the "Terminal Payment Release," MPD Form GEN-16.

**Section 10.028 Personally Owned Police Equipment**

Personally owned items of police equipment utilized in lieu of regularly issued Department equipment will conform to standards or equipment issued by the Board. Such items may be carried only with the prior approval of the Chief. **(41.3.4)**

**Section 10.029 Personal Property**

Officers may be reimbursed for loss or damages to personal property which occurred in the line of duty. Such reimbursement shall be based on the circumstances surrounding each individual incident and shall be done with the final approval of the Board of Police Commissioners. Restitution shall be limited to replacement, repair, and/or reimbursements for items which an officer can reasonably be expected to carry to meet his/her daily needs. Expensive or sentimental items should not be worn while on duty. The authority to provide reimbursements of \$300 or less is delegated to the Chief of Police. The Chief of Police will make periodic reports to the Board of Police Commissioners regarding such reimbursements.

**Section 10.030 Uniform Trousers**

Officers will not alter uniform trouser legs in any other manner than the prescribed method, i.e., the trouser leg will have a slight "break" and the inseam will come to the top of the shoe above the heel.

**UNIFORMS  
SPECIALIZED UNITS (41.3.4)**

**Section 10.031 Uniforms-Specialized Unit**

- A. Only employees assigned to the following specialized units that require dress specifically designed for that unit are permitted to wear that uniform and accessories.
  - 1. Accident Reconstruction Officers;
  - 2. Aviation Unit Officers;
  - 3. Bicycle Officers;
  - 4. Canine Officers;
  - 5. Civil Disobedience Team (CDT) Officers;
  - 6. Evidence Technician Unit Officers;

7. Honor Guard Officers;
  8. Motor Carrier Safety Assistance Program (MCSAP) Officers;
  9. Metrolink Officers;
  10. SWAT Officers;
  11. Motorcycle Officers;
  12. Mounted Patrol Officers;
  13. Property Custody Officers; and
  14. Weapons of Mass Destruction (WMD) Officers.
- B. These units are also allowed to wear shoulder patches or other emblems relative to the respective unit, with prior approval from the Chief of Police.

## **WEAPONS**

### **Section 10.101 Weapons to be Carried**

- A. Each employee of the Department, when on duty, while in the State of Missouri, will carry a firearm as authorized by the Board and prescribed by Order.
- B. The carrying of a firearm, when off-duty and not in uniform will be left to the discretion of the individual officer.
- C. Only Department-issued or personally owned firearms which have been inspected and approved by the Department Armorer may be carried while on or off-duty. All other weapons carried by armed employees of the Department must be issued by the Department. Only Department-approved ammunition may be used in weapons carried by armed employees of the Department. **(1.3.9.e)**
- D. The carrying of personally owned shotguns, rifles, and similar weapons is prohibited. However, the Chief of Police may grant permission for the issuance of unusual weapons to officers assigned to undercover units or on special assignments requiring their use.
- E. The carrying of privately-owned collapsible batons is authorized as outlined in procedures set down by the Chief of Police.

### **Section 10.102 Privately-Owned Firearms**

When an officer desires to carry a privately-owned firearm, on or off-duty, the procedures set out in the pertinent Special Orders are to be followed.

### **Section 10.103 Firearms Leaving Officer's Control**

All repairs, modifications, or alterations of Department firearms must be made by the Department Armorer or his/her designated representative. No firearm may ever be removed from an officer's immediate control without notification being made to the Department.

## INSIGNIA

### Section 10.201 Badges and Cap Pieces

- A. Badges and cap pieces for all officers will be approved by the Board and will contain the coat of arms of the State of Missouri.
- B. While in uniform, officers will keep their badges in sight and display them immediately above the left breast pocket of the shirt, blouse, jacket or other outer garment.
- C. Officers are required to carry their badge at all times, whether on or off-duty.
- D. No officer will allow his/her badge or cap piece to be reproduced or duplicated in any way without the written permission of the Board.

### Section 10.202 Insignia of Rank

- A. Insignia Designating Rank for Sergeants
  - 1. Chevrons will be worn four and one-half to five inches below the seam of the shoulder on the blouse, jacket, reefer, overcoat, and long sleeve shirt.
  - 2. Chevrons will be worn three to four inches below the seam of the shoulder on short sleeve shirts.
  - 3. Sergeants may wear brass collar chevrons or soft shoulder boards on the shoulder of the police, v-neck military sweater, when it is the outermost garment. Metal chevrons will be worn on the shoulder with the outer and bottom edges of the insignia centered one inch from the bottom and front edge of the collar. At no time will the chevrons be sewn on the sleeve of the police blue, v-neck military sweater.
- B. Insignia Designating Rank for Command Rank Officers
  - 1. Insignia designating the rank for Lieutenants and higher will be worn on the collar of the shirt at all times, except when the Eisenhower jacket, blouse or overcoat is the outermost garment, with the outer and bottom edges of the insignia centered one inch from the bottom and front edges of the collar.
  - 2. Insignia designating rank for Lieutenants and higher will be worn on the shoulders of the Eisenhower jacket, blouse or overcoat when it is the outermost garment, with the outer edge of the insignia centered one inch from the seam of the shoulder.
  - 3. Soft shoulder boards may be worn with the police blue, v-neck military sweater for the rank of Lieutenant and higher.

### Section 10.203 Reproduction of Insignia Prohibited

No employee of the Department will permit his/her badge, cap piece, or other distinctive insignia of the Metropolitan Police Department to be reproduced or duplicated for any commercial purpose without the written permission of the Board.

### Section 10.204 Certain Insignia Prohibited

**Only Department-approved and sanctioned pins, insignias, or awards may be worn on the uniform. Those acceptable include the service star pins, award insignias, FBINA and PERF pins.** No employee of the Department, while in uniform, will wear any insignia, badges, buttons or patches which are not issued by the Board or the Department. When shirts and neckties are worn as part of the uniform a tie clasp or tie tack may be worn, but must be plain and simple in design.

### **Section 10.205 Service Stripes**

- A. Service stripes for officers above the rank of Sergeant will be gold.
- B. The Chief of Police will wear four stripes on each sleeve of the blouse, each stripe to be one-half inch in width and one-quarter inch apart, the lower stripe one-half inch above the double seam on the outside half of the left cuff.
- C. The Assistant Chief will wear three stripes on each sleeve of the blouse with the same measurements as noted above.
- D. Lieutenant Colonels will wear two stripes only on the left sleeve with the same measurements as noted above.
- E. Majors, Captains and Lieutenants will wear one gold stripe, one-eighth inch in width for each five years of service. The first stripe will be one-half inch above the double seam on the outside half of the left cuff and each additional stripe will be one-quarter inch above the other.
- F. Sergeants and Police Officers will wear blue service stripes in the same manner as for Majors, Captains and Lieutenants.

### **Section 10.206 Service Stars Bar**

- A. Each star on the silver service star bar represents five years of commissioned service. The bar is to be worn on the outer garment above the name tag.
- B. The star on the gold service star bar represents thirty years of service with each additional star representing five years of service.

### **Section 10.207 Buttons**

Uniform buttons worn on an Eisenhower jacket or nylon wind breaker will be brass and will be furnished by the Department. Shirts and blouses will be buttoned at all times when worn in view of the public.

### **Section 10.208 Marksmanship Buttons**

Marksmanship buttons awarded by the Police Academy will be worn on the left lapel of the blouse, parallel to the first point of the lapel from the top and centered between the width of the lapel.

### **Section 10.209 Name Bars**

- A. While in uniform Department employees will wear their name bar on the outer garment, located on the flap of the right breast pocket, centered just below the top seam line of the pocket.
- B. On outer garments without breast pockets it will be worn on the right side of the garment, centered across from the badge.
- C. On nylon jackets it will be worn on the flap of the right pocket centered just below the top seam of the pocket.
- D. Officers in civilian attire will wear the name bar at the discretion of their Commander

### **Section 10.210 Department Patches**

Patches should be worn on the left shoulder of all outer garments including sweaters, one inch down from the shoulder seam.

### **Section 10.211 Medals**

The Distinguished Service Citation Medal, Meritorious Service Citation Medal and the Woman's Crusade Against Crime Medal of Valor may be worn at Department ceremonies, funerals, parades and for other special occasions.



### **Section 10.212 Breast Bars**

Breast bars for the Distinguished Service Citation, Meritorious Service Citation, Chief's Letter of Commendation and the FBI National Academy may be worn anytime the uniform is worn, at the officer's discretion. The Chief encourages officers to wear their breast bars with their uniform of the day. The medals and breast bars will be worn as follows:

- A. on the left breast of the outer garment, one-half inch below and in a line horizontal with the badge;
- B. in order of precedence from the wearer's right to left and in one or more lines as required one-fourth inch between the lines. No line will contain more than three medals and no line will contain fewer medals than the line above it. Breast bars will not be worn on occasions when the corresponding medal is worn; and
- C. honor guard pins will be worn below the left shirt pocket flap, under the badge.

### **Section 10.213 Identification Cards**

Each employee of the Department will carry his/her identification card of all times, whether on or off-duty. In addition, all employees, except officers in uniform, are required to prominently display their building identification badge whether on or off-duty when entering and while in Department facilities. All personnel issued a Universal ID card must have it in their possession at all times.

## **AWARDS (26.1.2)**

### **Section 10.301 Purpose of Awards**

Employees of the Department may be recognized with an award for performance of duty above and beyond that normally expected in the routine accomplishment of their duties.

### **Section 10.302 Definition of Awards**

- A. Department awards are listed below in the order of their degree of recognition, with the highest listed first.
  - 1. *Distinguished Service Citation* – may be awarded by the Board to an employee of the Police Force who in the line of duty performs an act of outstanding bravery at the risk of imminent personal danger to his/her life. In addition to the medal, the award of the Distinguished Service Citation of Valor will merit an award of \$250.00. Posthumous awards, if authorized by the Board, will be \$250.00 to the recipient's widow or other direct dependent(s).
  - 2. *Meritorious Service Citations* – may be awarded by the Board to an employee of the Police Force who distinguished him/herself in the face of personal danger and in doing so brings credit to the Police Department by a highly creditable or unusual act in performance of police duty. This award will be evidenced by a silver medal and an appropriate certificate.
  - 3. *Chief's Letter of Commendation* – may be awarded by the Chief of Police to any employee of the Department for an act of intelligent and valuable police service demonstrating special faithfulness or perseverance, including especially important arrest accomplishing through highly intelligent police performance. This award will be evidenced by a breast bar for commissioned employees and accompanying appropriate certificate for commissioned and civilian employees.
  - 4. *Award of Excellence* – may be awarded at the District, Division or Unit Commander to any employee of the Department for related performance of duty that demonstrates intelligent and valuable police performance for community service, faithfulness, perseverance, unselfishness, initiative or job performance that does not meet the Chief's criteria for a Letter of Commendation. This award will be evidenced by an appropriate certificate.
- B. Only one award to each qualifying employee will be made for the same act or achievement.

- C. A copy and/or record of the Distinguished Service Citation, the Meritorious Service Citation, and the Chief's Letter of Commendation will be recorded in the Office of the Secretary to the Board and maintained in the Department employee's personnel file in the Human Resources Division. A copy and/or record of the Award of Excellence will be maintained in the employee's unit of assignment.

### **Section 10.303 Initiation of Awards**

Commanding officers may make recommendations for Department recognition following the procedure in Section 10.304.

### **Section 10.304 Recommendations for Awards**

District, Division and Unit Commanders or Acting Commanders will carefully investigate all cases occurring within their commands for which officers may be qualified for one of the awards mentioned and defined in 10.302. If the recommendation of award is the Distinguished Service Citation for Valor, Meritorious Service, or Chief's Letter of Commendation, a written description of the act or performance for which the award is recommended will be prepared within thirty (30) days of the incident. Should circumstances require time beyond this thirty (30) days, reasons for the delay will be embodied in the written report. Supporting documents will be attached and a copy of the complete recommendation will be given to the Department employee involved. The Commander's recommendation concerning the Distinguished Service and Meritorious Citation then will be forwarded, through channels, to the Chief of Police and with his recommendations, to the Board of Police Commissioners. The Chief's Letter of Commendation will be forwarded with recommendations to the Chief of Police, for his/her approval or disapproval.

### **Section 10.305 Award of Excellence**

The Award of Excellence will be awarded by the District, Division or Unit Commander and will not be forwarded to the Chief of Police. A copy of the Award of Excellence will be maintained in the employee's unit personnel file only.

### **Section 10.306 Chief's Letter of Commendation**

- A. The Chief of Police will have the authority to issue a Chief's Letter of Commendation when, in his/her opinion, an employee of the Department has earned the award.
- B. In those cases where the Chief had indicated a desire to issue a Chief's Letter of Commendation and the act for which the letter is to be issued, in the opinion of the Board, deserves recognition higher than the Chief's Letter of Commendation, the Board may award a Citation for Distinguished Service or a Citation for Meritorious Service. The Board may also award citations in cases which qualify under Section 10.302, even though no award has been recommended by the Chief of Police.

### **Section 10.307 Awarding of Medals**

- A. Medals awarded to employees of the Police Force by the Board will be made as follows:
  - 1. *Distinguished Service Medal* – A circular gold medal, in the center of which is the coat of arms of the State of Missouri, surrounded by the circular inscription, "FOR DISTINGUISHED SERVICE, ST. LOUIS POLICE." On the reverse side there will be engraved, "Awarded by the Board of Police Commissioners" and the recipient's name and the year of the award, with a spray of laurel to the left of the inscription. The bar from which the medal is suspended will be plain gold. The ribbon will be of gold watered silk.
  - 2. *Meritorious Service Medal* – A circular silver medal, in the center of which is the coat of arms of the State of Missouri, surrounded by the circular inscription "FOR MERITORIOUS SERVICE, ST. LOUIS POLICE." The reverse side will be identical to the reverse side of the Distinguished Service Medal. The bar from which the medal is suspended will be plain silver, and the ribbon will be of silver watered silk.
- B. Each additional award of the above medals will be designated by affixing a rosette of appropriately colored silk to the ribbon up to three rosettes.

C. Employees of the Police Force receiving awards will also receive in recognition of their services, breast bars as follows:

1. *Distinguished Service Medal* – A gold breast bar, enameled in blue. Each additional award will be designated by affixing a gold star up to three stars.
2. *Meritorious Service Medal* – A silver breast bar, enameled in red. Each additional award will be designated by affixing a silver star up to three stars.

NOTE: For wear with civilian clothing, a label rosette is authorized for holders of the above medals. The rosette will be made of the same material from which medals are hung.

3. *Chief's Letter of Commendation*
  - a) A green breast bar will be awarded for a commendation and the bar will represent one, and not more than three, commendations. No additional green breast bars will be awarded for a second or third commendation. A green lapel rosette will be awarded with the green breast bar, and authorized for wear with civilian clothing. A green rosette will represent one, and not more than three commendations.
  - b) A blue breast bar will be awarded for a fourth commendation, and will represent four or more commendations. No additional blue breast bars will be awarded for commendations beyond the fourth. A blue lapel rosette will be awarded with the blue breast bar and authorized for wear with civilian clothing. The blue rosette will represent four or more commendations. Upon issuance of a blue breast bar, the officer will discontinue wearing the green breast bar.

#### **Section 10.308 Citizen Service Award**

The Board of Police Commissioners recognizes that private citizens and groups often perform outstanding acts or service in assisting law enforcement; therefore, the Board has established an awards program for the proper recognition of citizens. Complete details concerning the awards available to citizens and the process for granting them are contained in a Special Order issued by the Chief of Police.

### **MILITARY COURTESIES**

#### **Section 10.401 Saluting Superior Officers**

Whether the superior officer is in uniform or not, each officer will salute another officer of higher rank and the superior officer will return the salute except that police officers are not required to salute sergeants and sergeants will not require salutes of police officers. The salute is rendered only once except that, when conversation ensues, the salute is rendered again at parting.

#### **Section 10.402 Officers in a Group**

When several officers are in a group, but not in formation, all will rise and salute a superior officer.

#### **Section 10.403 Officers in Formation**

When several officers are in formation, the salute will be given to a superior officer by the senior officer or Commander of the formation.

#### **Section 10.404 Return of Salute**

When subordinate officers give the hand salute to a group of superior officers, the highest ranking officer of the group will return the salute.

#### **Section 10.405 Classroom Courtesies**

When a superior officer enters a classroom, the instructor will call the class to "attention," unless he/she is of rank equal to or higher than the visiting superior officer. The class will rise to "attention" and await the order of the superior officer.

**Section 10.406 Saluting the National Colors**

The National colors are entitled to the hand salute. A uniformed officer will render the hand salute whether or not a hat is worn. The officer will rise to attention, face the colors, and salute. In civilian clothes, an officer salutes by facing the colors, removing his/her hat with his/her right hand and holding it against his/her left shoulder. In civilian clothes, without a hat, an officer pays his/her respect by standing at attention.

**Section 10.407 The National Anthem**

The National Anthem of the United States, or the National Anthem of a foreign power played in honor of a representative of that power, is entitled to the salute. Whenever the anthem is played, officers should halt or rise, face the colors, salute at the first note and hold the salute until the last note. If in the color guard, the officers will execute rifle salute, and the bearer of the state flag will dip the flag in salute.

**CEREMONIES**

**Section 10.501 Police Details, Escorts, and Funeral Ceremonies**

Procedures for the furnishing of officers for details, escorts and funeral ceremonies will be determined by the Chief of Police.

**HONOR GUARD**

**Section 10.601 Honor Guard**

- A. The Honor Guard will be responsible for ensuring that the proper flag(s) is present at the funeral of a slain officer.
- B. The request for Honor Guard will be made through Public Information, which will contact the Chief of Police for final approval.
- C. If an officer is detailed to act as a pallbearer or is participating in the funeral ceremony, he/she will be dressed in appropriate dress uniform. All other officers attending the funeral will be dressed in the summer dress uniform; long sleeve shirt, tie, **round Garrison** hat and jacket when applicable.

**Section 10.602 Memorial Badge Cover**

The memorial badge cover will be obtained from the Uniform Section. When applicable, the badge cover should be displayed diagonally across the badge from the top left of the badge to the bottom right when worn.

**COMMISSIONED AND CIVILIAN SERVICE AND RETIREMENT AWARDS**

**Section 10.701 Commissioned and Civilian Employee Service Awards**

- A. Department service pins and accompanying certificates will be awarded monthly to all civilian employees who have completed five (5) to fifty (50) years of service and all commissioned employees who have completed five (5) to forty (40) years of service at five-year increments.
- B. Pins and certificates for civilian employees with fifty (50) years of service will be awarded at ceremonies deemed appropriate by the Board.

**Section 10.702 Retirement Ceremonies**

Commissioned and civilian employees who retire will **receive a retirement plaque. Each division/district is responsible for scheduling a ceremony for the retiree, if he/she chooses to do so, at headquarters or at the area station(s).** Families of retirees are encouraged to attend the ceremony, which is open to the public.

## RULE 11

### PURCHASING REGULATIONS (17.3.1)

#### Section 11.001 Policy

Authority to make purchases, enter into contracts or otherwise obligate the Board for any expense whatsoever is vested solely in the Board. For all purchases of supplies, materials and equipment, all agreements for contractual services, and all expenditures for fixed and miscellaneous expenses, the Purchasing Member is authorized to act for and in the name of the Board.

#### Section 11.002 Delegation of Authority

No employee of the Department will make any purchase, enter into any agreement, sign any contract, or otherwise make any commitment to or contact with any dealer, vendor, contractor, individual or organization for or in the name of the Board unless specific approval to do so has been given by the Purchasing Member or his/her authorized representative, **except as hereinafter set forth:**

- A. **The Chief of Police or his/her designee is authorized to purchase, enter into any agreement, sign any contract or otherwise commit to expending funds, not in excess of \$10,000, on any single investigation into allegations of police misconduct;**
- B. The Director of Information Technology or his/her designee is authorized to contact solution providers to explore alternative hardware and software products without receiving specific approval by the Purchasing Member or his/her authorized representative. At the time it is determined that a specific product meets the business and technical requirements, the Division will continue to follow the authorized purchasing processes.

#### Section 11.003 Procedure

All requests for supplies, materials and equipment and payments of repairs or other contractual services or any non-salaried items will be made on departmental requisitions as provided in special orders.

#### Section 11.004 Purchase Orders

No purchase order will be prepared without a signed approved requisition that has been cleared by Budget and Finance for availability of funds.

#### Section 11.005 Specifications

If specifications are required for proper requisitioning, or if the services of a dealer or contractor representative are required, the Purchasing Member or the Director of Procurement and Records Retention will contact appropriate dealers or contractors and arrange for their assistance. Requests for such assistance will be made to the Director of Procurement and Records Retention. On all orders requiring bids, complete specifications must be furnished by the requesting unit and submitted with the requisition. The Director of Procurement and Records Retention may furnish assistance whenever necessary or requested.

#### Section 11.006 Salesmen's Access

- A. No employee of the Department will invite or permit any dealer, vendor or contractor to discuss proposed purchases for which no purchase order has been issued. However, the last successful supplier or contractor may be contacted for new cost estimates.
- B. Any dealer, vendor or contractor who desires to contact Department personnel regarding products or services for the purpose of soliciting business or demonstrating a product will first obtain permission from the Purchasing Member of the Board or the Director of Procurement and Records Retention with the understanding that the order must be processed by the Director of Procurement and Records Retention.
- C. The dealer, vendor or contractor will obtain a pass from the Director of Procurement and Records Retention which will include the date of the pass, the name of the dealer, vendor or contractor, and the Department unit(s) to be visited.

- D. All orders will be placed through the Director of Procurement and Records Retention in accordance with current procedure. Any dealer, vendor or contractor who violates this provision may be barred from further consideration in the awarding of Department contracts.

**Section 11.007 Emergency Purchases**

If any condition imperiling the safety of Department personnel or property requires the immediate purchase of commodities or use of contractual services, the Chief of Police, Acting Chief of Police, or Secretary of the Board may, if a member of the Board is not available, authorize such purchases or services. The Department head requesting such emergency purchase will submit to the person who authorized the purchase, on the next working day, a requisition setting forth the circumstances and conditions leading to the action, the items or services used, the name of the vendor or contractor and the cost of the items of service.

**Section 11.008 Prisoner Meals**

Commanders purchasing food for prisoners are authorized to provide such food in compliance with the procedures set forth in special orders.

**Section 11.009 Automotive Supplies and Parts**

The Commander of the Fleet Services Division is authorized to purchase certain automotive supplies, material and parts as have been agreed to by the Purchasing Member, and will submit Fleet Services Division purchase orders to the Purchasing Member.



## **RULE 12**

### **DISCRIMINATION AND HARASSMENT (26.1.3)**

#### **Section 12.001 Purpose**

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination. State and Federal laws provide for the protection of classes of persons based on race, color, religion, sex, national origin, age, disability or sexual orientation.

#### **Section 12.002 Policy**

It is the policy of the Board of Police Commissioners to provide a work environment free from unlawful harassment and discrimination. The Board will not tolerate, condone or allow unlawful harassment or discrimination by employees or non-employees who conduct business with the Department and will consider such acts as serious employee misconduct. Further, the Board will take direct and immediate action to prevent such behavior and to remedy all verified instances of unlawful harassment and discrimination.

#### **Section 12.003 Referral or Complaints**

- A. All complaints of unlawful harassment and discrimination are to be referred to the Human Resources Generalist, where an investigation will be conducted per the procedures outlined in the Discrimination and Harassment Special Order.
- B. Any allegations of discrimination or retaliation which come before the grievance committee should be handled in one of two ways: (a) the grievance committee should refer the matter to the Human Resources Generalist for review, or (b) the complainant should be specifically told that he/she should take those allegations to the Human Resources Generalist for review. The committee should document what it does and how it instructs the complainant in these situations.
- C. Discrimination and harassment complaints levied against the Chief of Police, commissioned officers and/or civilian employees reporting directly to the Chief of Police; the Secretary to the Board of Police Commissioners, commissioned officers and/or civilian employees reporting directly to the Secretary to the Board of Police Commissioners; and members of the Board of Police Commissioners, other than the President, will be reported directly to the President of the Board of Police Commissioners by the Human Resources Generalist. Discrimination and harassment complaints levied against the President of the Board of Police Commissioners will be reported directly to the Vice President of the Board of Police Commissioners and to the Secretary to the Board of Police Commissioners by the Human Resources Generalist.
- D. All reported incidents of harassment and discrimination will be reported directly to the Board of Police Commissioners on a quarterly basis via the Chief of Police. These reports will include the name and assignment of the involved parties, specific details regarding reported information, outcome of the investigation and proposed resolutions.

## RULE 13

### LABOR RELATIONS

#### Section 13.001 Collective Bargaining, Generally

In light of the Missouri Supreme Court's ruling in Independence National Education Association v. Independence School District, 223 S.W.3d 131, 136 (Mo. Banc 2007), the Board of Police Commissioners for the Saint Louis Metropolitan Police Department finds it necessary to establish a framework for certain public employees to engage in collective bargaining.

While RSMo. § 105.510 otherwise excludes certain employees, including police officers, from coverage, this framework will only apply to full time employees of the St. Louis Metropolitan Police Department.

#### Section 13.002 Collective Bargaining Overview

##### A. COLLECTIVE BARGAINING PROCESS

While not required by law to reach a collective bargaining agreement, the Department will engage in "meet and confer" discussions with the recognized bargaining unit representing non-probationary commissioned personnel holding the rank of police officer and the recognized bargaining unit representing certain non-exempt civilian personnel. The purpose of these discussions will be the potential development of collective bargaining agreements between the Department and employee bargaining unit(s).

##### B. COLLECTIVE BARGAINING TEAM (24.1.1.a)

The Department's collective bargaining team consists of a representative designee(s) of the Board of Police Commissioners; Chief of Police and/or his/her designee(s); the Department's Director of Human Resources; an outside labor attorney retained by contract to the Department; and others as selected by the Board of Police Commissioners or the Chief of Police. The outside labor attorney will serve as the principal negotiator.

##### C. BARGAINING UNITS (24.1.1.b)

1. Pursuant to the Collective Bargaining Agreement ratified May, 25, 2011, the Board hereby recognizes the St. Louis Police Officers Association as the sole and exclusive collective bargaining representative for the purpose of collective bargaining on matters relating to wages, hours, and other terms and conditions of employment of full-time commissioned personnel of the St. Louis Metropolitan Police Department holding the rank of Police Officer or Probationary Police Officer from the date of its execution until June 30, 2014.
2. **The Board hereby recognizes the St. Louis Police Leadership Organization as the sole and exclusive collective bargaining representative for the purpose of collective bargaining on matters related to wages, hours, and other terms and conditions of employment of full time commissioned personnel of the St. Louis Metropolitan Police Department holding the rank of Sergeant, except for Sergeants holding the following assignments who are excluded: Chief's Office, and all subunits thereunder; Human Resources Division; Intelligence Division; Internal Affairs Division; Legal Division; Office of the Board of Police Commissioners; and Sergeants in staff positions under the command of Deputy Chiefs in the following Bureaus: Bureau of Auxiliary Services; Bureau of Community Policing; Bureau of Investigation and Support; and Bureau of Professional Standards.**
3. At the recommendation of the Chief of Police, the Board of Police Commissioners has recognized the Civilian Personnel Division as the exclusive representative for eligible non-exempt civilian personnel as agreed upon.
4. Members of the bargaining unit may have access to confidential information that could affect the collective bargaining process. These members may be asked to agree to sign a confidentiality agreement.

##### D. COLLECTIVE BARGAINING AGREEMENT

1. The Department is committed to participating in "good faith" negotiations with the recognized bargaining unit(s). **(24.1.1.c)**
2. The Department is committed to abide by the ground rules for collective bargaining that arise out of the collective bargaining process. **(24.1.1.d)**

3. The Department is committed to abide by a collective bargaining agreement, in both letter and spirit, should one be signed by the Board of Police Commissioners, labor representatives and ratified by the bargaining unit(s). **(24.1.1.e)**

4. A collective bargaining agreement that has been signed and ratified will have a finite duration within the terms of the agreement.

### **Section 13.003 Establishment of Appropriate Bargaining Unit**

Any Labor Organization seeking to represent any employees of the Department must submit a request for representative status containing a specific, written description of the bargaining unit sought, any proposed specific exclusions to the bargaining unit and verifiable evidence that it represents no fewer than twenty-five percent (25%) of the members of the proposed bargaining unit to the Board of Police Commissioners via certified mail addressed to the Board of Police Commissioners.

- A. Within fourteen (14) days of receipt, the Board of Police Commissioners will appoint a five (5)-person Personnel Committee, which will consider the adequacy of the evidence of representation presented and the appropriateness of the requested unit and recommend that the Board either (a) reject the evidence of representation and deny the request, (b) accept the adequacy of the evidence of representation and agree to the unit, (c) send the description back to the Labor Organization for further specificity, or (d) reject the unit as being inappropriate with specific, written reasons for the rejection. The Personnel Committee will elect from its members one person to serve as Committee Chairperson.
- B. The Board of Police Commissioners' decisions with respect to the adequacy of the evidence of representation presented and the appropriateness of the bargaining unit will be final and binding.
- C. In evaluating the adequacy of the evidence of representation and/or appropriateness of the proposal bargaining unit, the Board of Police Commissioners may consider, but is not bound by, precedent from other cities, other states and/or under the National Labor Relations Act.

### **Section 13.004 Determining Representative Status of the Labor Organization**

- A. Within forty-five (45) days after accepting the adequacy of the evidence of representation and establishing the appropriate bargaining unit, there will be a secret ballot election to determine whether the majority of employees in the bargaining unit want to be represented by the Labor Organization for purposes of collective bargaining.
- B. No Labor Organization will be recognized as representing any employee by any other means.
- C. The election will be held by secret ballot. The ballot will be on a form substantially similar to the form utilized by the National Labor Relations Board for conducting union elections. Any Labor Organization that seeks to represent the proposed bargaining unit and can provide verifiable evidence that it represents at least twenty-five percent (25%) of the members of the proposed bargaining unit will be included on the ballot.
- D. The election will be conducted by either the Federal Mediation and Conciliation Services or by the Missouri Department of Labor (or their designee). In the event that both the Federal Mediation and Conciliation Services and the Missouri Department of Labor decline to conduct the election, the Board of Police Commissioners will select an arbitrator to conduct the election by requesting a panel of five (5) arbitrators from the Federal Mediation and Conciliation Services and then selecting one of the arbitrators from the list to conduct the election.
- E. After the election has concluded, the person conducting the election will immediately and publicly count the ballots and issue a Report on Election indicating how many ballots were cast for representation by the Labor Organization and how many votes were cast against representation.
- F. Any disputes concerning the election must be referred for decision to the Board of Police Commissioners for consideration within seven (7) calendar days of the date of the election. The decision of the Board of Police Commissioners on such disputes will be final and binding.
- G. If there is no dispute concerning the election, then the results of the election will become final seven (7) days after the Report on Election is issued.
- H. After the results of the Election become final, if a majority of the members of the bargaining unit voted to be represented by the Labor Organization, the Board of Police Commissioners will consider the Labor Organization as

representing the employees of the bargaining unit.

- I. No Labor Organization may seek to represent any single bargaining unit (or portion of any bargaining unit) by secret ballot more than once in any consecutive, twelve (12) month period.
- J. In the event that the majority of the employees in a designated bargaining unit determine that they no longer wish to be represented by a recognized Labor Organization, they may revoke their designation of the Labor Organization by tendering a signed and dated petition for revocation to the Board of Police Commissioners. Upon receipt of such a petition, the Board of Police Commissioners will designate a five (5)-person Personnel Committee, made up of the Chief of Police and members of the Board of Police Commissioners, to investigate the veracity of the petition. If the Personnel Committee determines that the petition to revoke representation is authentic, they will so report to the Board of Police Commissioners, which will then revoke recognition of the Labor Organization.

### **Section 13.005 Collective Bargaining Process**

In the event that the majority of members of the bargaining unit vote to be represented by the Labor Organization for purposes of collective bargaining, the collective bargaining team as identified in Section 13.002 above will meet with the Labor Organization to confer and discuss wages, benefits and other terms and conditions of employment with the goal of reaching a mutually satisfactory proposed collective bargaining agreement to be submitted to the Board of Police Commissioners for approval.

- A. If the Department and the Labor Organization reach an agreement on a proposed collective bargaining agreement, the proposed agreement will be submitted to the Board of Police Commissioners as an agenda item for consideration on their next scheduled meeting. At that meeting, the Board of Police Commissioners will approve, reject, or hold the proposed collective bargaining agreement open for further discussion.
- B. If the Department and the Labor Organization cannot reach an agreement on the terms of a proposed collective bargaining agreement after substantial negotiations, the Department may unilaterally submit its proposed collective bargaining agreement to the Board of Police Commissioners for consideration as set forth above.
- C. The decision of the Board of Police Commissioners with regard to approving or rejecting a proposed collective bargaining agreement will be final and binding.

### **Section 13.006 Legal Compliance**

In accordance with RSMo. § 105.530, strikes and other unlawful conduct by any Employee, whether individually or in concert with others, including sympathy, unfair labor practices, or wildcat strikes, sit downs, slow downs, work stoppages, boycotts, any acts honoring a picket line, or any other acts that interfere with the City of Saint Louis' operations will be prohibited.

### **Section 13.007 Management Rights**

It is the policy of the Board, in the best interests of the Department, that any collective bargaining agreement will recognize the following management rights:

- A. To maintain executive management and administrative control of the Police Department and its properties and facilities and the staff.
- B. To plan, direct, control, assign and determine the operations or services to be conducted by officers of the Police Department.
- C. To determine the methods, processes, means, job classifications and number of personnel by which the Police Department operations are to be conducted.
- D. To select, hire, promote, schedule, train, transfer, assign and evaluate work of bargaining unit officers.
- E. To direct and supervise the entire working force of the Police Department, including the establishment of work standards.

- F. To demote, suspend, discipline, or discharge officers for just cause and to discipline or terminate probationary officers with or without just cause.
- G. To make, add, delete, alter, and enforce procedures, rules and regulations.
- H. To introduce new or improved methods, equipment or facilities.
- I. To contract out for goods and services.
- J. To maintain the sole authority to determine the purpose and mission of the Police Department.