

Introduced by Buffaloe

First Reading 5-6-24

Second Reading 5-20-24

Ordinance No. 025663

Council Bill No. B 104-24

AN ORDINANCE

amending Chapter 21 of the City Code to provide an opportunity for the police chief to obtain an extension of time to reconsider a preliminary determination after receiving findings and a recommendation from the board; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 21 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 21-52. Board review of police chief's preliminary determination on complaints and recommendation.

(a) The board shall review the record of the initial police department investigation and may request the police chief to order further investigation, as may be allowed by RSMo § 590.502. Subject to the availability of appropriated funds, the city may contract with independent investigators to assist the board in its investigations of alleged misconduct.

(b) The board, as part of the review of an appeal, may interview and hear comments from witnesses to the incident under investigation. The board shall not allow comments by the general public as part of the review.

(c) The police chief and all employees shall cooperate with the board in its review of appeals from the police chief's preliminary determination. Cooperation shall include, but not be limited to, appearing before the board upon request and answering all questions honestly and thoroughly. Failure to cooperate shall be grounds for disciplinary action up to and including dismissal. Notwithstanding the foregoing, any police officer(s) under investigation shall have the rights provided in article VII of chapter 19 and RSMo § 590.502.

(d) The board shall provide timely updates on the progress of the review and any follow-up investigation to the complainant and the police officer, unless the specific facts of the review and investigation would prohibit such updates.

(e) The board may decline further action on an appeal if it determines that the alleged acts of misconduct are false and that the complainant knew they were false when the appeal was filed.

(f) After completing its review and investigation, the board shall provide written notice of its findings and recommendations on the preliminary determination and any preliminary recommendation for disciplinary action to the city manager, the police chief, and the police officer. The board shall provide written notice of its findings and recommendations on the preliminary determination to the complainant.

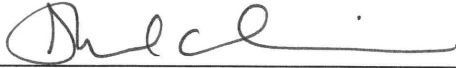
(g) If the board has issued findings and recommendation that agree with the police chief's preliminary determination on the complaint, the board shall also give notice to the complainant of the right to further appeal of the police chief's preliminary determination as provided in section 21-53.

(h) If the board recommends a disposition of the complaint other than the preliminary determination made by the police chief, the police chief shall have five (5) business days to reconsider the preliminary determination and either reaffirm or modify it. Subject to the limitations on time provided in section 19-252 of this code and RSMo § 590.502, the police chief may extend this time period for good cause with written notice to the board, the complainant, the police officer, and the city manager. The written notice shall include the date by which the police chief shall either reaffirm or modify the preliminary determination. The police chief shall give written notice of the police chief's reconsidered preliminary determination and reconsidered recommendation for disciplinary action to the board, the city manager, and the police officer. The police chief shall give written notice of the police chief's reconsidered preliminary determination to the complainant. The police chief shall also give notice to the complainant of the right to appeal the reconsidered preliminary determination as provided for in section 21-53. If the police chief takes no action within five (5) business days after the date of the board's findings and recommendation, or to such other date as extended for good cause, the preliminary determination and preliminary recommendation for disciplinary action are automatically reaffirmed and the board shall give notice to the complainant of the right to appeal the chief's decision as provided in section 21-53.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this 20th day of May, 2024.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor