

MOTION TO AMEND:

MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

MOTION: I move that Council Bill     B 258-21     be amended as set forth on this amendment sheet.

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**Section 1 is amended as follows:**

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

Sec. 19-250. Applicability.

Notwithstanding anything contained in chapter 19 of this code to the contrary, this division shall apply to police officer disciplinary investigations and shall supersede any conflicting provisions contained in chapter 19 related to the subject matter of this division. Nothing in this chapter shall prohibit the City and the authorized bargaining representative for represented police officers from reaching written agreements providing disciplinary procedures more favorable than those provided for in this chapter and such procedures would supersede the provisions of this chapter.

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Sec. 19-251. Definitions.

The following definitions apply to this division:

*Department director.* The director of the investigating department. In the police department, the chief of police shall be deemed to be the director.

*Investigating department.* The ~~department(s)~~ police department, human resources department, city manager's office, and/or designee conducting the investigation on behalf of the city.

*Police officer and officer.* A commissioned law enforcement officer, other than the chief of police, who has the power of arrest and who is employed as an employee in the police department.

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Sec. 19-252. Police officer rights in investigations.

(a) This section shall only apply to a police officer who is under administrative investigation or subjected to administrative questioning that the officer reasonably believes may lead to disciplinary action, demotion, dismissal, transfer or placement on a status that could lead to economic loss as those terms are defined in Section 590.502 RSMo.

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Sec. 19-253. Police officer appeals to the personnel advisory board.

(a) A police officer who is suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss, as that term is defined in section 590.502 RSMo., shall be entitled to a full due process hearing before the personnel advisory board. A hearing shall be scheduled as soon as possible and shall be conducted by procedures and rules established by the personnel advisory board and consistent with this chapter. The city shall provide the police officer or the officer's attorney and the complainant seven (7) days' written notice of the hearing date and time. At least seven (7) days in advance of the hearing, the city shall also provide to the police officer or the officer's attorney an opportunity to access and review documents that are in the city's possession and that were used as a basis for the disciplinary action. The hearing shall be closed.

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(c) Each party, as well as the board, may engage counsel and call witnesses. The board shall, upon request of any party, issue subpoenas and shall in a proper case issue subpoenas duces tecum for the hearing, but not for depositions. Subpoenas shall be issued, served and enforced in the same manner as subpoenas issued under chapter 536 RSMo., by agencies created by the constitution or state statute. Technical rules of evidence shall not apply. After hearing and consideration of the evidence and within ten (10) working days after the hearing, the board shall render its recommendations in writing to the city manager. As soon as possible after the hearing, a certified written transcript of the hearing along with all exhibits produced at the hearing shall be delivered to the city manager. The city manager shall review the transcript and exhibits and, within the time set forth in section 590.502 RSMo., render a decision supported by findings of fact and conclusions of law. The findings shall consist of a concise statement upon each issue in the case. The decision ~~which~~ shall be final, binding and not subject to further administrative appeal except to the extent allowed by state law. A copy of the decision or order accompanying findings and conclusions along with the written action and right of appeal, if any, shall be delivered or mailed promptly to the police officer or the officer's attorney.

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