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P. Hrngs. \_\_\_\_\_  
Pgs. 6  
Filed: 10-27-20

Sponsored by: McClure

First Reading: November 2, 2020

Second Reading: November 16, 2020

COUNCIL BILL 2020- 249

SPECIAL ORDINANCE 27410

AN ORDINANCE

1 AMENDING Special Ordinances 23765, 24472, and 25460 establishing and defining  
2 the Police Civilian Review Board to increase the size of the Board from  
3 five members to seven members, to modify the process by which Board  
4 members are appointed, and to modify the minimum qualifications for  
5 Board members to be eligible for appointment.  
6  
7

8 WHEREAS, the Police Civilian Review Board (“PCRB”), previously known as the  
9 Police Civilian Appeal Board, was established by City Council with the passage of  
10 Special Ordinance 23765 on December 13, 1999; and  
11

12 WHEREAS, modifications were made to the organization of the PCRB with the  
13 passage of Special Ordinance 24472 on November 24, 2003; and  
14

15 WHEREAS, the name of the PCRB was changed with the passage of Special  
16 Ordinance 25460 on August 11, 2008; and  
17

18 WHEREAS, City Council desires to make further modifications to the  
19 organization of the PCRB.  
20

21 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
22 SPRINGFIELD, MISSOURI, as follows, that:  
23

24 NOTE: Added language is underlined, deleted language is ~~stricken~~.  
25

26 Section 1 – Special Ordinance 23765, as amended by Special Ordinances 24472  
27 and 25460, establishing and defining the Police Civilian Review Board, Section 2,  
28 ‘Organization of the Board,’ is hereby amended as follows:  
29

30 Organization of the Board. The organization membership, and qualifications of  
31 the Board members shall be as follows:  
32

33 1. The Board shall be composed of seven ~~five~~ members.

34  
35 2. All members shall be nominated and appointed confirmed by a majority  
36 vote of the Council acting as a committee of the whole. ~~Three of the members~~  
37 ~~shall be selected by Council, and two of the members shall be recommended to~~  
38 ~~the Council by the City Manager.~~

39  
40 3. All members shall possess the same qualifications as for advisory  
41 board members generally under City Charter Section 15.5. Also, no member  
42 shall have any criminal felony convictions from any federal court or court of any  
43 state, be a party to any pending litigation against the City or be a defendant in  
44 any pending criminal prosecution. The Police Department shall obtain a criminal  
45 history of all applicants for membership on the board and advise the City Council  
46 of any convictions for violations of federal, state or local law.

47  
48 4. ~~(a)~~ All members shall be appointed for a three-year ~~two-year~~ term.  
49 Members may be reappointed for one three-year ~~two-year~~ term. Members not  
50 replaced upon the expiration of their terms shall serve until their successors are  
51 appointed and confirmed. In the event of a vacancy, members may also be  
52 appointed to serve the remainder of an unexpired term. ~~All Board members~~  
53 ~~appointed after the end of the regular or extended terms of the current Board~~  
54 ~~members as described in subsection 4(b) below shall be appointed for terms of~~  
55 ~~three years and may be appointed for one three-year term.~~ As of the effective  
56 date of this Ordinance, the currently serving Board members selected by the City  
57 Manager shall continue to serve on the Board until the expiration of their current  
58 terms. Upon expiration of their current terms, they may be reappointed, if eligible,  
59 by City Council, or their replacements shall be selected by City Council as  
60 described in subsection 2 above.

61  
62 ~~(b) To implement the continuation of the Board as set out in subsection 5~~  
63 ~~below, following the expiration of the terms of the current Board members, each~~  
64 ~~of whom have serve through appointment and reappointment two full terms,~~  
65 ~~three members, consisting of two of the members selected by the Council and~~  
66 ~~one of the members selected by the City Manager, shall be appointed to the~~  
67 ~~Board to replace three of the current members. The two members not replaced~~  
68 ~~shall be deemed to have their current existing terms extended for one additional~~  
69 ~~year and shall be replaced at the end of their extended term. Thereafter, all~~  
70 ~~appointments and reappointments shall be as described in subsection 4(a)~~  
71 ~~above. The Board shall by vote determine which of its members shall be~~  
72 ~~replaced and extended; or, in the event the Board is unable to decide, the~~  
73 ~~Council and City Manager shall so designate with respect to their respective~~  
74 ~~selections.~~

75  
76 5. The Board shall sunset, or cease further activities and disband after the  
77 passage of four years from the effective date of this ordinance, unless the Board  
78 is specifically authorized and empowered to continue by Council ordinance, and  
79 then only to the extent authorized by such Ordinance. The Board is hereby

80 authorized and empowered to continue its activities after its December 12, 2003  
81 sunset date described above, with the ability to exercise its full powers and duties  
82 as defined in this ordinance, as such may be amended from time to time, both  
83 with respect to any existing or new matters which may be or come before the  
84 Board, subject to any future action as may be taken by ordinance regarding the  
85 continued existence of the Board.  
86

87 6. Members must attend a training program, such as the Citizens Police  
88 Academy, sponsored by the Police Department, or other such training as ~~may be~~  
89 ~~provided by the Police Department~~ and approved by the City Manager. Members  
90 of the Board who apply to participate in the Citizens Police Academy shall be  
91 given priority for placement by the Police Department.  
92

93 7. Members are required to treat confidential information which they may  
94 have occasion to see in the course of their duties in an appropriate manner, and  
95 refrain from any disclosure of such information not permitted or authorized by law  
96 or ordinance, or to persons in contexts outside of their duties as members of the  
97 Board. Members who disclose any confidential employee and/or law  
98 enforcement-related information to any persons in violation of any laws, Merit  
99 System Rules or ordinances may be subject to removal from the Board by the  
100 City Council, and/or prosecution and punishment as provided in Section 1-7 of  
101 the City Code. Provided that, the Board may vote to conduct all or part of an  
102 appeal hearing in closed session, provided that no closed or confidential records  
103 or documents are disclosed during any open session, and no information that is  
104 reasonably likely to pose a clear and present danger to the safety of any victim,  
105 witness, undercover officer, or other person; or jeopardize a criminal  
106 investigation, including records which would disclose the identity of a source  
107 wishing to remain confidential or a suspect not in custody; or which would  
108 disclose techniques, procedures or guidelines for law enforcement investigations  
109 or prosecutions, is disclosed by any Board members in such open session. To  
110 the extent possible, within the guidelines set forth above, the Board shall  
111 endeavor to hold all or part of its meeting in open session.  
112

113 Section 2 – This Ordinance shall be in full force and effect from and after  
114 passage.  
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116 Passed at meeting: November 16, 2020  
117

118   
119 \_\_\_\_\_  
120 Mayor

121 Attest:  \_\_\_\_\_, City Clerk  
122  
123

124 Filed as Ordinance: November 16, 2020  
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126

127 Approved as to form: , Assistant City Attorney

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130 Approved for Council action: , City Manager

## **EXPLANATION TO COUNCIL BILL 2020 - 249**

FILED: 10-27-20

ORIGINATING DEPARTMENT: City Manager

PURPOSE: To modify the organization of the Police Civilian Review Board by expanding its membership, modifying the process by which members are appointed, and modifying the minimum qualifications for prospective members to be eligible for appointment.

BACKGROUND INFORMATION: The Police Civilian Review Board ("PCRB"), originally known as the Police Civilian Appeals Board, was established in 1999 by Special Ordinance 23765. The purpose of the PCRB is to review appeals made by private citizens of determinations made by the Police Department regarding matters of officer conduct. The PCRB as originally established consisted of five members, each appointed to a two-year term.

Special Ordinance 24472, passed in 2003, made multiple modification to the organization of the PCRB. At that time, board member terms were expanded from two years to three years, a staggered reappointment process was established, a sunset provision contained in Special Ordinance 23765 was removed, and the PCRB was authorized to hold certain portions of its hearings in open session.

In 2008, the name was officially changed to the Police Civilian Review Board with the passage of Special Ordinance 25460.

This bill, if passed, would make further modifications to the organization of the PCRB. Specifically:

- The membership of the board would be expanded from five members to seven members.
- All members would be appointed by City Council acting as the Committee of the Whole, as opposed to the current system where three members are appointed by City Council and two are appointed by the City Manager.
- Language that governed the transition from two-year terms to three-year terms would be removed, as that transition is complete and all currently serving members are serving three-year terms.
- The requirement that an individual complete the Citizens Police Academy in order to be eligible to serve on the PCRB is removed.

- The Police Department will obtain the criminal history of applicants and provide to City Council any conviction history for use in considering potential appointments. This process was previously completed as part of the application process for the Citizens Police Academy.

Submitted by:

Approved by:

  
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Collin Quigley, Deputy City Manager

  
\_\_\_\_\_  
Jason Gage, City Manager