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March 30, 2012

Mr. Jeff Rainford
Chief of Staff
Office of the Mayor
City of St. Louis
Room 200 City Hall
St. Louis, Missouri 63103

Dear Jeff,

You have asked for an opinion on various aspects of the ballot initiative known as A Safer Missouri Initiative Petition.

First, you have asked whether the petition would preclude the City from establishing a Civilian Review Board. It would not; the statutory changes that would be brought about by the petition would have no impact on the City's ability to establish a Civilian Review Board or upon the powers of any such board. Currently, Missouri Revised Statute section 590.653 provides that the City may establish a Civilian Review Board, and it provides for any such board's powers. This statute would remain unchanged upon passage of the petition language, as the petition does not even refer to section 590.653 or mention a civilian review board in any way. Nor does it contain any provisions that conflict with section 590.653. The City's ability to establish a Civilian Review Board would continue to co-exist with statutes establishing the police department just as it does now; that department simply would be City-controlled rather than State-controlled.

Second, you have asked whether the petition would change the sunshine law, which currently restricts access to personnel records by making them confidential. The portions of the petition that address the civil service commission's purview over police disciplinary

Jeff Rainford

3/30/2012

Page 2

matters do nothing to change current sunshine or other confidentiality laws. This portion of the petition language is important because, as City employees are by Charter subject to the civil service system, this petition language provides a mechanism for transitioning employees from the current Police Board to the City. This is all this section does; it does not impact any existing law with regard to civilian review or public versus confidential records.

Third, you have asked whether the petition would remove the Police Chief's role in discipline. It does not; what it does is transfers authority over disciplinary appeals from the current Police Board, which would be abolished, to the Civil Service Commission. This is necessary since Police Board employees would become City employees.

Please let me know of any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Patricia A. Hageman" followed by a stylized flourish.

Patricia A. Hageman
City Counselor
City of St. Louis

PAH/dl