

**CIVIL SERVICE RULE XIX**

**POLICE DEPARTMENT DISCIPLINARY PROCESS**

Section 1. COMMISSIONED OFFICERS:

The following procedures shall apply in connection with the administration of discipline and other corrective action to commissioned members of the Police Department ("member(s)"):

A. Reinstruction, verbal or written reprimand, suspensions of fifteen (15) days or less

1. Reinstruction, verbal or written reprimand

The member shall not have any right to a summary hearing board or any appeal rights but if he/she disagrees with the statement of offense, he/she may so indicate on the applicable form and submit a written statement. The discipline or other corrective action will be imposed within thirty (30) days after notice of such action.

2. Suspensions of fifteen (15) days or less

The member will have five (5) working days after notice of suspension to decide whether to accept the recommended discipline or have the matter heard by a summary hearing board (SHB). If the member waives a summary hearing and accepts the discipline, discipline will be imposed within fourteen (14) days.

If the member does not accept the discipline, the procedures under Section C of this rule shall be followed, except with respect to Police Officer Trainees and Probationary Police Officers, other than those whose position is held due to a reduction in rank. Such members shall not have any right to a SHB or any appeal rights.

B. Suspension of more than fifteen (15) days, reduction in rank or dismissal.

If the recommended discipline is termination and the member accepts the termination, the termination will take effect immediately. If the recommended discipline is a suspension or a reduction in rank and the member accepts such discipline, the discipline will be imposed within fourteen (14) days. If the member does not waive his/her right to a pre-disciplinary or pre-termination review and any appeal, the procedures under Section D

of this Rule shall be followed. Neither this provision, nor the provisions of Section D shall apply to Police Officer Trainees or Probationary Police Officers, except those who hold such position due to a reduction in rank.

C. Summary Hearing Board

1. When the proposed discipline is a suspension of fifteen (15) days or less, unless accepted by the member, such discipline shall be determined by a SHB.
2. A SHB panel is selected every six (6) months from a pool of volunteers at all ranks of Police Officer and above. One (1) commissioned member and an alternate from each rank shall be selected from the pool of volunteers to serve on the panel. Unless a current CBA provides otherwise, such members shall be selected by the Chief. Officers assigned to IAD or officers employed as commissioned officers less than three (3) years are not eligible to be selected for a SHB panel or hearing board.
3. When a member requests a SHB, the SHB shall consist of: a command rank officer at the rank of Captain or above (who shall serve as Chairperson of the SHB); an officer of the same rank as the accused member, and; a member one (1) rank above that of the accused member. When a SHB must be assembled, the Chief or his designee shall notify the officer at the same rank as the accused and the command rank officer at the rank of Captain or above from SHB panel in writing that a summary hearing has been requested. These two (2) members of the SHB shall appoint the third member, who shall be an officer at the appropriate rank from the SHB panel.
4. Neither the Deputy Chief, Bureau of Professional Standards, nor any other employee assigned to IAD, shall discuss the case with any member of the SHB outside the hearing or otherwise attempt to influence the SHB's decision. There shall be no intimidation or retaliation against any officer for serving on the SHB.
5. Once the SHB members have been notified in writing that a Summary Hearing has been requested, a hearing will be held within twenty-one (21) calendar days, unless good cause is shown for postponing the hearing.

6. The proceedings of the SHB will be informal and will be recorded.
  7. The member requesting the hearing may be represented by counsel.
  8. The SHB shall make its decision by majority vote and forward its decision, which shall be in writing to the Chief within seven (7) days following the conclusion of the summary hearing. Any discipline shall be imposed within fourteen (14) days following the Chief's receipt of the decision.
  9. The decision of the SHB may be appealed by the member or Police Department to the Civil Service Commission, under existing Civil Service procedures.
- D. Pre-disciplinary and pre-termination reviews and appeal from disciplinary suspensions over fifteen (15) days, reductions in rank and dismissals.
1. When the proposed discipline is a suspension over fifteen (15) days, a reduction in rank or dismissal and the member does not waive his/her right to a pre-disciplinary or pre-termination review, then such a review shall be conducted prior to the imposition of such discipline in accordance with Department of Personnel Administrative Regulation 117.
  2. If, after a pre-disciplinary or pre-termination review, the Chief determines that termination is warranted, such termination will take effect immediately. If the Chief determines that a suspension of more than fifteen (15) days or a reduction in rank is warranted, such discipline will be imposed within fourteen (14) days after such determination.
  3. If, after a pre-disciplinary or pre-termination review, the Chief determines that a suspension of fifteen (15) days or less is warranted, the member will have five (5) working days after notice of suspension to decide whether to accept the recommended discipline or have the matter heard by a summary hearing board. If the member waives a summary hearing and accepts the discipline, discipline will be imposed within fourteen (14) days. If the member does not accept the discipline, the procedures under Section C of this rule shall be followed.

4. If the member appeals from the imposition of a suspension over fifteen (15) days, a reduction in rank or dismissal, such appeal and a hearing on such appeal shall proceed and be conducted in accordance with the "Evidentiary Hearing Process" policy adopted by the Civil Service Commission, to the extent such policy is not inconsistent with Section 84.344.8 RSMo., except to the extent modified herein:
  - a. Section VII of said policy concerning reductions of back pay shall not apply if the case is continued at the written request of the officer and with the consent of the Chief until the conclusion of the criminal matter in trial court.
  - b. Notwithstanding the provisions set forth in Section VI of such policy, within ten (10) calendar days of the date of the accused member's signature indication that he/she intends to appeal the discipline imposed, the Department shall produce or, at the Department's option, make available to the accused member or his/her attorney the following items in the Internal Investigation File pertaining to the discipline imposed and the underlying charges and investigation of those charges.
    1. Any statements of the accused and witnesses (video, audio and written);
    2. Any tangible or physical evidence relating to the charges at issue, including but not limited to items such as surveillance videos or photos, 911 tapes, bank or credit card statements and phone and other records;
    3. Inter-office memoranda relating substantively to the investigation or charges, excluding any attorney-client communications;
    4. All investigative reports, including I-Leads reports, ICAD reports, INET reports and incident reports;
    5. ARTS form and any attachments;
    6. Investigation Information Sheet;

7. Advice of rights forms, video or audio recordings;
8. ECARD;
9. Warrant application; and
10. Notice of Discipline

c. Further, notwithstanding the provisions set forth in Section VI of such policy, in the case of terminations appealed to the Civil Service Commission, each party shall be entitled to take up to three (3) depositions upon reasonable notice to the other party. Upon request in extraordinary circumstances, the hearing officer acting on behalf of the Civil Service commission may, in his/her discretion allow additional depositions.

#### E. Administrative Suspensions

Any member placed on administrative suspension may appeal such administrative suspension to the Civil Service Commission within ten (10) calendar days of the date the member is notified of the suspension to determine whether good cause exists for placement on administrative suspension.

#### Section 2. CIVILIAN EMPLOYEES

The disciplinary process for all former civilian employees of the St. Louis Police Board who were converted to City employees shall be governed by the Civil Service Rules and Department of Personnel Administrative Regulations.

Adopted and effective January 8, 2015