

800

POLITICAL
EYE

79

Sun shines in on Slay's police board

St. Louis
American
St. Louis, MO
Circ. 70000
From Page:
10
12/17/2009
11996



Comes now Circuit Judge **Philip D. Heagney**, with a welcome blast of common sense, enlivened by a touch of populist outrage:

"The Court is confident that the Board of Police Commissioners believes that, if anyone should obey the law, the Metropolitan Police Department should.

Nevertheless, the defenses that the Board has raised in this case and that the Board has repeated again and again without offering any concrete evidence to back up its assertions, lead the Court to believe that the Board of Police Commissioners simply wants to have itself and the Metropolitan Police Department be declared exempt from complying with any requirements of Missouri's Sunshine Law that it finds contrary to traditional police ways of doing business."

Wow! Preach it, judge!

Just who are the members of this St. Louis Board of Police Commissioners who behave as if they and the police department they ostensibly oversee should be exempt from open records laws?

Heagney ruled last Friday on an amended petition filed by **John Chasnoff** and his attorney **Anthony E. Rothert** (both of the ACLU of Eastern Missouri, though that organization is not named in court documents). This petition was filed Oct. 5, 2007. At that time, **Chris Goodson** was president of a board that also included Mayor **Francis G. Slay**, **JoAnn F. Morrow**, **Julius K. Hunter** and **Vincent J. Bommarito**.

By the time the board filed an answer to the petition on April 23, 2008, Morrow had been termed out and replaced by **Todd H. Epsten** (appointed Feb. 27, 2008). The board was finished presenting evidence to

the Court by the time Goodson was termed out and replaced on the board by **Betty Battle-Turner** and by Epsten at the helm as president.

So, like so much else we have been reading about in the papers these days, the board that flaunted the Missouri Sunshine Law in this case featured **Chris Goodson** as president and **Francis Slay** as the most senior member – and the only elected member. In an oddity that dates back to the Civil War, the St. Louis police force is governed by a group of four gubernatorial appointees joined by the mayor as ex officio member. Slay has been mayor and police commissioner since April 2001; the next most senior current board member, **Hunter**, joined him nearly five years later in February 2006.

What were the records Chasnoff wants opened to public scrutiny? The department's Internal Affairs investigation into a complaint filed on Halloween of 2006 by **Eric Johnson**. Johnson claimed that four days previously, two City coppers arrested him for scalping World Series tickets. Johnson said they seized \$2,600 in cash from him, refused to provide a receipt, then returned only \$539. At that time, Goodson was board president, Slay was the most senior board member and (the third name that usually appears in this roll call) **Joe Mokwa** was police chief.

The internal investigation into Johnson's complaint, according to court documents, focussed on the misuse of World Series tickets rather than the alleged outright theft of Johnson's money. Heagney points out that this focus allowed Circuit Attorney **Jennifer Joyce**, who also investigated the incident, to

claim that the officers in question behaved in a manner that was "ethically and morally wrong," but not criminal.

Chasnoff, apparently, was not buying that and, as a tax-paying citizen (and activist on police issues), he wanted to review the public records for himself. He had to take the Goodson/Slay police board to court to do so. Heagney dismissed the board's objections, citing over and over again that the board provided no evidence for any of its claims as to why the police department (a public agency) should be exempt from public records laws in this matter. Here is one specimen of Heagney's many refutations:

"Although Missouri's Sunshine Law has been in effect for more than 30 years and has been repeatedly amended since its original adoption in 1973, the Board offers no legislative history and no Missouri case law (or decisions from other jurisdictions with similar Sunshine Law statutes) to support its contention that law enforcement agencies should not have to comply with open records rules because it would be too hard to do so."

The failure of board counsel to substantiate the board's position is interesting, in light of the fact that the most senior member of the board at every point in this process – Mayor and Police Commissioner Slay – is an attorney. Perhaps Slay is waiting for local control before he begins to exercise his oversight responsibility over that aspect of the police department as well.

So what happened to Eric Johnson's money, and why couldn't Internal Affairs finger a culprit? The judge's order becomes final only after 10 days, and the board may appeal this ruling. John Chasnoff –





and the rest of the taxpaying public – may have to wait still longer for the sun to shine in.

Joe Gregg Keaveny Christian

The EYE has been sitting on this item, for good reasons, for about a month, but in Sunday's *Post-Dispatch* **Jake Wagman** reports on some grumbling that has been going around amongst the more independently minded City Democrats.

As Wagman reported, **Gregg Christian** – one of the South Side committeepeople who voted for **Joe Keaveny** to replace **Jeff Smith** in the Missouri Senate – already has received \$5,000 from Keaveny's campaign committee via his consulting firm Gladius

Communications. Christian also has been retained as campaign manager in Keaveny's effort to seek a full term.

Needless to say, both Keaveny and Christian denied there was any payola going on here.

However, Wagman's report is slightly misleading and leaves out a few additional details of note.

The committee vote was September 12, and the first payment to Christian/Gladius was on October 1 – as Wagman says, "about three weeks after the vote."

However, Keaveny and Christian already were seen together in Jefferson City at the veto session on September 16 – just *four days* after the vote.

Also, Wagman quotes Keaveny saying that Christian's vote was not critical because

Keaveny beat state Rep. **Rachel Storch**, 78-52. That is true – in round two. In round one of the voting, the tally was much closer, 49-41. In that round, when Keaveny had four votes and Christian had four votes, the Keaveny/Christian alliance – whatever motivated it – was essential to Keaveny advancing to the second round of voting.

Wagman's report also fails to mention another interesting payment, which lines up nicely with the \$5,000 that Keaveny paid to Christian – and that would be the \$5,001 that **Rex Sinquefield** donated to Keaveny in the same cycle.

Finally, to tie a nice little Christmas bow around all this, Christian already has assumed Keaveny's role as treasurer of the City Democrats committee.

St. Louis
American
St. Louis, MO
Circ. 70000
From Page:
10
12/17/2009
11996



When the police board denied the Sunshine Law request upheld last week in district court, Joe Mokwa was police chief, Chris Goodson was board president and Mayor Francis G. Slay was the most senior police commissioner.