

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

RODNEY BROWN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:18-cv-389
	)	
DONALD J. TRUMP, THE CITY OF ST.	)	JURY TRIAL DEMANDED
LOUIS, MATTHEW BOETTIGHEIMER,	)	
JOSEPH STEIGER, STEVEN KORTE, PHIL	)	
HARDEN, and JOHN DOES 1-3,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff Rodney Brown, by and through his undersigned counsel, for his complaint against defendants Donald J. Trump, the City of St. Louis, Matthew Boettigheimer, Joseph Steiger, Steven Korte, Phil Harden, and John Does 1-3, alleges as follows:

**INTRODUCTION**

1. This action is brought pursuant to 42 U.S.C. § 1983 and Missouri state law to redress the violation of Plaintiff Rodney Brown’s constitutional rights.

2. The claims in this lawsuit stem from Rodney Brown’s arrest on March 11, 2016 at a campaign rally for then-presidential candidate Donald J. Trump, and his subsequent municipal prosecution. Rodney Brown seeks redress for damages and loss of liberty he suffered after he was arrested for nothing more than laughing. Defendants pursued a charge against Rodney despite having no probable cause to do so. Following a bench trial, Rodney was acquitted of the peace disturbance violation with which he was charged. He now seeks compensatory and punitive damages from Defendants for violation of his constitutional rights, as well as injunctive relief to

prevent being unlawfully seized, retaliated against, or maliciously prosecuted for exercising his constitutional rights in the future.

### **PARTIES**

3. Plaintiff Rodney Brown is a Black resident of the City of St. Louis, Missouri, and is over eighteen years of age. Rodney is a community organizer, urban strategist with the St. Louis Action Counsel, and advocate for social and racial justice in the St. Louis area.

4. Defendant Donald J. Trump (“Trump”) is the former host of a reality television game show, a former part-owner of the Miss Universe pageant, an occasional featured guest on WWE’s *Wrestlemania*, and the current President of the United States. At all times relevant to the events described herein, Defendant Trump was one of several candidates for President of the United States. Defendant Trump is sued in his individual capacity.

5. Defendant City of St. Louis (“City”) is a constitutional charter city created and organized pursuant to the Missouri Constitution and laws of the State of Missouri. The City oversees various agencies and departments, including but not limited to the St. Louis Metropolitan Police Department (“SLMPD”). The City has direct supervision and control of its employee-officers, including the SLMPD Defendants named herein.

6. Defendant Matthew T. Boettigheimer is or was an employee of the City as a member of the SLMPD during the relevant time period and is identified in the relevant incident report as Rodney Brown’s arresting officer. At all times relevant to the events described herein, Defendant Boettigheimer was acting under color of law and within the scope of his employment with the City and SLMPD. Defendant Boettigheimer is sued in his individual capacity.

7. Defendant Joseph Steiger was an employee of the City as a member of the SLMPD during the relevant time period and wrote the incident report related to arrests made at the Peabody

Opera House on March 11, 2016. Upon information and belief, Defendant Steiger is currently an investigator with the St. Louis County prosecutor's office. At all times relevant to the events described herein, Defendant Steiger was acting under color of law and within the scope of his employment with the City and SLMPD. Defendant Steiger is sued in his individual capacity.

8. Defendant Steven Korte is or was an employee of the City as a member of the SLMPD during the relevant time period and assisted with Rodney's arrest, or documenting Rodney's arrest, on March 11, 2016. At all times relevant to the events described herein, Defendant Korte was acting under color of law and within the scope of his employment with the City and SLMPD. Defendant Korte is sued in his individual capacity.

9. Defendant Phil Harden is or was an employee of the City as a member of the SLMPD during the relevant time period and assisted with Rodney's arrest, or documenting Rodney's arrest, on March 11, 2016. At all times relevant to the events described herein, Defendant Harden was acting under color of law and within the scope of his employment with the City and SLMPD. Defendant Harden is sued in his individual capacity.

10. Defendants John Does 1-3 (collectively, the "Doe Defendants") are or were employees of the City as members of the SLMPD during the relevant time period and assisted with Rodney's arrest or detention, or documenting Rodney's arrest or detention, on March 11, 2016. At all times relevant to the events described herein, these Doe Defendants were acting under color of law and within the scope of their employment with the City and SLMPD. The Doe Defendants are sued in their individual capacities.

11. Defendants Boettigheimer, Steiger, Korte, Harden, and Doe Defendants are collectively referred to herein as the "SLMPD Defendants." The SLMPD Defendants and Trump

are collectively referred to herein as the “Individual Defendants.” The Individual Defendants and the City are collectively referred to herein as the “Defendants.”

### **JURISDICTION AND VENUE**

12. Plaintiff brings this action pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of the Plaintiff’s rights as secured by the First and Fourth Amendments to the United States Constitution, as incorporated against States and their municipal divisions through the Fourteenth Amendment. This Court therefore has jurisdiction pursuant to 28 U.S.C. § 1331. Plaintiff also brings parallel state claims under the Missouri Constitution, and requests supplemental jurisdiction of those claims pursuant to 28 U.S.C. § 1367.

13. Venue is appropriate in this district pursuant to 28 U.S.C. § 1391(e) because a substantial part of the events giving rise to the claims asserted in this action occurred in this judicial district. Divisional venue is proper in the Eastern Division because a substantial part of the events giving rise to Plaintiff’s claims arose in the City of St. Louis. E.D.Mo. L.R. 2.07(A)(1), (B)(1).

### **FACTS**

#### ***History of Retaliation and Assault Against Protesters at Trump Campaign Rallies***

14. Freedom of speech is critical to sustaining a healthy democracy. But since Donald J. Trump started his campaign for President of the United States, the right to dissent has been under attack.

15. Trump’s campaign rallies were events at which Trump incited audiences with the expression of racist and misogynistic viewpoints. Along the campaign trail, a pattern of retaliation and violence against protesters quickly developed. On more than one occasion, peaceful dissenters at Trump rallies or campaign appearances were met with violence by Trump supporters—violence often incited or encouraged by Trump.



16. For example, on November 21, 2015 in Birmingham, Alabama, a local activist interrupted a Trump rally with shouts of “Black lives matter!” In response, Trump shouted to the crowd: “Get him the hell out of here, will you, please? Get him out of here. Throw him out!”<sup>1</sup> In a video taken at the time, individuals in the crowd can be seen kicking and punching the activist. During an appearance on the Fox News Channel the following morning, Trump commented “Maybe he should have been roughed up, because it was absolutely disgusting what he was doing.”<sup>2</sup>

17. On February 1, 2016, at a campaign rally in Cedar Rapids, Iowa, Trump told supporters to “knock the crap out of” hecklers, promising to pay their legal fees if they did so.<sup>3</sup>

18. Three weeks later at a campaign rally in Las Vegas, Trump said of a protester being escorted out: “I’d like to punch him in the face.”<sup>4</sup>

19. On March 4, 2016, at a campaign rally in Warren, Michigan, Trump complained about “political correctness” when handling protesters at his events. At one point when Trump was interrupted by a protest voice, Trump called out: “Get him out. Try not to hurt him. If you do, I’ll defend you in court.” He then asked the crowd, “Are Trump rallies the most fun? We’re having a good time,” before waxing nostalgic about an incident at a New Hampshire rally where a protester

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<sup>1</sup> Johnson and Jordan, *Trump on rally protester: ‘Maybe he should have been roughed up’*, WASHINGTON POST (Nov. 22, 2015), [https://www.washingtonpost.com/news/post-politics/wp/2015/11/22/black-activist-punched-at-donald-trump-rally-in-birmingham/?utm\\_term=.f87d2286443b](https://www.washingtonpost.com/news/post-politics/wp/2015/11/22/black-activist-punched-at-donald-trump-rally-in-birmingham/?utm_term=.f87d2286443b).

<sup>2</sup> *Id.*

<sup>3</sup> Daniel White, *Donald Trump Tells Crowd to ‘Knock the Crap Out Of’ Hecklers*, TIME (Feb. 1, 2016), <http://time.com/4203094/donald-trump-hecklers/>.

<sup>4</sup> Jeremy Diamond, *Donald Trump on protesters: ‘I’d like to punch him in the face’*, CNN (Feb. 23, 2016), <https://www.cnn.com/2016/02/23/politics/donald-trump-nevada-rally-punch/index.html>.

started “swinging and punching” and audience members “took him out.” It was, in Trump’s opinion, “really amazing to watch.”<sup>5</sup>

20. Just two days before Trump made that comment, protesters were assaulted by Trump supporters at an event in Louisville, Kentucky.<sup>6</sup>

21. At a rally on March 9, 2016 in Fayetteville, North Carolina, Trump goaded his supporters: “See, in the good old days this doesn’t happen because they used to treat them very, very rough. And when they protested once, you know, they would not do it again so easily.” At that same event, a Trump supporter punched a protester in the face as he was removed.<sup>7</sup>

22. Two days later, on March 11, 2016, Trump called for the removal of Rodney Brown. SLMPD officers complied.

***SLMPD Presence at the Trump Rally in St. Louis, and Rodney Brown’s Arrest***

23. Rodney Brown attended the Trump rally at the Peabody Opera House in St. Louis on March 11, 2016 (the “Rally”). He acquired a ticket to the Rally through EventBrite, and attended not as a supporter of the then-candidate, but as a concerned and engaged citizen and registered voter.

24. A large number of SLMPD police officers were on duty at the Rally. Attached hereto as **Exhibit A** is a true and correct copy of a SLMPD Intra-Department Report and

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<sup>5</sup> *Trump Says Fight at Rally ‘Amazing to Watch’*, CBS NEW YORK/ASSOCIATED PRESS (Mar. 4, 2016), <http://newyork.cbslocal.com/2016/03/04/trump-rally-fight/>.

<sup>6</sup> Steve Bittenbender, *Protesters in Kentucky claim they were assaulted at Trump rally*, REUTERS (Mar. 3, 2016), <https://www.reuters.com/article/us-usa-election-trump-protesters/protesters-in-kentucky-claim-they-were-assaulted-at-trump-rally-idUSMTZSAPEC33HI5U9Q>.

<sup>7</sup> Bethonie Butler, *About that viral video of Donald Trump talking about ‘the good old days’*, WASHINGTON POST (Oct. 14, 2016), [https://www.washingtonpost.com/news/arts-and-entertainment/wp/2016/10/14/about-that-viral-video-of-donald-trump-talking-about-the-good-old-days/?utm\\_term=.995a207bf43d](https://www.washingtonpost.com/news/arts-and-entertainment/wp/2016/10/14/about-that-viral-video-of-donald-trump-talking-about-the-good-old-days/?utm_term=.995a207bf43d); David A. Graham, *The Lurking Menace of a Trump Rally*, THE ATLANTIC (Mar. 10, 2016), <https://www.theatlantic.com/politics/archive/2016/03/donald-trump-fayetteville/473169/>.

Correspondence Sheet dated March 10, 2016, which details Trump’s itinerary, and the assignments of individual SLMPD officers and detectives on detail that day.

25. In Defendant Steiger’s own words, “[p]retty much the whole department was working that day....” One of the reasons SLMPD had such a large number of officers assigned to the event was because of issues at prior Trump campaign rallies—including those issues described above.

26. Defendants Boettigheimer, Harden and Korte and the Doe Defendants were assigned to the Peabody Opera House on March 11, 2016. Defendant Harden was assigned to the mass arrest team and Defendant Korte was assigned to the site interior response squad. *See* Exhibit A.

27. Defendant Steiger is not trained in civil disobedience and was not at the Peabody Opera House on March 11, 2016. He was assigned to the mass arrest booking team and was stationed at the SLMPD Central Patrol Division at 919 North Jefferson Avenue in St. Louis. He did not personally witness the events leading up to Rodney’s arrest, but he did write the incident report describing those events.

28. Rodney Brown was engaged in lawful and peaceful assembly at the Rally when he was arrested on March 11. Immediately prior to his arrest, Rodney was engaged in activities protected under the First Amendment, including peacefully attending the Rally and, at one point, laughing in response to a comment by Trump.

29. In response to the laughter, Trump paused and then called from the podium: “Get him out of here! Get him out! Get him out of here!” The crowd responded with loud cheering, shouting, clapping, and “USA” chants.

30. In compliance with Trump's commands, Defendants Boettigheimer and Korte physically escorted Rodney out of the Rally. As they led Rodney down the aisle, audience members jeered loudly.

31. Later at the Rally, Trump complained that there used to be consequences for protesters, but "there are none anymore," and that protesters like Rodney Brown "are the people that are destroying our country."<sup>8</sup>

32. Defendants Boettigheimer and Korte led Rodney into a booking area SLMPD had established in a hallway within the Peabody Opera House. Once there, Defendant Korte removed Rodney's personal property from his person and conducted a pat-down search. Upon information and belief, multiple unknown SLMPD officers were filming this entire encounter. At this time, after Rodney asked repeatedly what he was being arrested for, an SLMPD officer informed Rodney that he was under arrest for a general peace disturbance.

33. Defendant Harden and the Doe Defendants assisted with the arrest of Rodney Brown and escorted Rodney to a police vehicle outside. An unknown SLMPD officer continued to film the encounter until Rodney was placed in the back of a police van.

34. Rodney was photographed, processed and released after spending hours in custody of the SLMPD.

35. Thirty other individuals were arrested at the Rally that day, all of whom, like Rodney Brown, were photographed at the time of their arrest and charged with general peace disturbance.

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<sup>8</sup> Dara Lind, *The problem with violence at Trump rallies starts with Trump himself*, VOX (Mar. 13, 2016), <https://www.vox.com/2016/3/11/11202540/trump-violent>.

***Rodney Brown's Municipal Prosecution and Acquittal***

36. On or about April 6, 2016, the City of St. Louis filed formal charges against Rodney Brown in the St. Louis Municipal Division, 22nd Judicial Circuit, Case No. D00643145-9. Based in whole or in part upon the information contained in the incident report prepared by Defendant Steiger, the City charged Rodney with peace disturbance in violation of Section 15.46.030 of the St. Louis City Municipal Ordinance Code.

37. Section 15.46.030 of the St. Louis City Municipal Ordinance Code states:

Any person who shall disturb the peace of others by noisy, riotous or disorderly conduct, or by violent, tumultuous, offensive or obstreperous conduct or carriage, or by loud and unusual noises, or by unseemly, profane, obscene, indecent, lewd or offensive language, calculated to provoke a breach of the peace, or by assaulting, striking or fighting another in any park, street, alley, highway, thoroughfare, public place or public resort within the City, or any person who, in the City, shall permit any such conduct in or upon any house or premises owned or possessed by him or under his management or control, so that others in the vicinity are disturbed thereby, shall be guilty of a misdemeanor.

38. Although not codified in the ordinance itself, the Missouri Supreme Court's opinion in *City of St. Louis v. Tinker* places a limitation on verbal conduct impacted by the City's general peace disturbance ordinance, holding the scope of the ordinance is limited to "conduct which tends to excite immediate violence." 542 S.W.2d 512, 519 (Mo. banc 1976).<sup>9</sup>

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<sup>9</sup> See also *State v. Swoboda*, 658 S.W.2d 24, 25 (Mo. 1983) (finding that, under existing and long-standing Missouri law, ordinances such as the one at issue here are only constitutional and enforceable "to the extent that they prohibit only that speech which is likely to incite others to immediate violence") (citing *Tinker*, 542 S.W.2d 512, and *City of Kansas City v. Thorpe*, 499 S.W.2d 454 (Mo. 1973)); *State v. Carpenter*, 736 S.W.2d 406, 408 (Mo. 1987) (holding that Missouri statutes abridging speech are constitutional only to the extent they prevent "fighting words," which are "personally abusive, addressed in a face-to-face manner to a specific individual" and "have a direct tendency to cause an immediate violent response by a reasonable recipient") (citing *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942)).

39. Upon information and belief, Defendants are not properly trained or instructed on the *Tinker* “fighting words” limitation to the City’s general peace disturbance ordinance. *See Tinker*, 542 S.W.2d at 519.

40. The original charging instrument claimed that Rodney “unlawfully disturbe[d] the peace of others by noisy, riotous, or disorderly conduct, in a public place, or did then and there use indecent, lewd or offensive language, calculated to provoke a breach of the peace.” *See Exhibit B* (Information). After undersigned counsel filed a motion for bill of particulars, the City narrowed its allegations to “noisy, riotous or disorderly conduct.” *See Exhibit C* (Bill of Particulars). These allegations were narrowed a third time on the day of trial, over undersigned counsel’s objections, to include the phrase “loud and unusual noises,” and to add the general penalty clause, Section 1.12.010 of the St. Louis City Municipal Ordinance Code. *See Exhibit D* (September 18, 2017 Judgment at 1.

41. The City pursued this charge against Rodney despite not having probable cause to do so. Upon information and belief, the City had a video at its disposal at the time it filed the charge against Rodney which showed that Rodney did not make any remarks calculated to provoke a breach of the peace. And the arresting officer, Defendant Boettigheimer, was not able to testify that Rodney Brown made any such remarks.

42. The lack of probable cause did not matter because, upon information and belief, the City maintains a “no drop” prosecution policy against activists and protesters. That policy applies regardless of whether probable cause exists at the time of their arrest, the weight of the evidence against a defendant, or the constitutionally-protected nature of any alleged conduct on the day in question.

43. Judge Newton McCoy conducted a bench trial on July 12, 2017. Defendants Boettigheimer and Steiger both testified for the City.

44. On September 18, 2017, Judge McCoy entered a judgment of acquittal. A true and correct copy of the Judgment is attached hereto as **Exhibit D** (the “Judgment”).

***SLMPD’s Recent History of Biased Policing against Unwanted Speech***

45. The City of St. Louis and its police department, SLMPD, have a history of biased police practices against unwanted speech, including speech challenging the status quo or calling for racial justice.

46. On September 15, 2017, Missouri Circuit Judge Timothy Wilson acquitted former SLMPD Officer Jason Stockley of first-degree murder (and its lesser included homicide offenses) in the shooting death of Anthony Lamar Smith. In response, public protests began later that day in multiple locations across the City and surrounding areas. Over the next eighteen days, SLMPD arrested over 300 protesters or demonstrators.<sup>10</sup>

47. In response to these protests—which called attention to what many felt was an unjust verdict influenced by institutional racism and pro-law enforcement bias—SLMPD employed aggressive crowd control techniques, including kitting and deploying various chemical agents.

48. On one night in particular, SLMPD officers appropriated an activist chant, shouting at a group of protesters who had gathered in front of police headquarters downtown: “Whose streets? Our streets!”<sup>11</sup>

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<sup>10</sup> Patrick Strickland, *St. Louis police arrest 307 protesters in 18 days*, AL JAZEERA (Oct. 5, 2017), <https://www.aljazeera.com/news/2017/10/st-louis-police-arrest-307-protesters-18-days-171005104005733.html>.

<sup>11</sup> See, e.g., Cait Bladt, *St. Louis Protests: Everything You Should Know*, ROLLING STONE (Sept. 21, 2017), <https://www.rollingstone.com/culture/news/st-louis-protests-everything-you-should-know-w504565>; Susan Hogan, *St. Louis officers chant 'whose streets, our streets' while arresting protesters*,

49. Shortly thereafter, four individuals filed a putative class action lawsuit against the City regarding the aggressive and retaliatory actions of the SLMPD during protests in the aftermath of the Stockley verdict. On November 15, 2017, federal District Court Judge Catherine Perry entered a preliminary injunctive order finding credible evidence that, among other things, the City has a custom or policy of retaliating against protesters: “Plaintiffs’ evidence—both video and testimony—shows that officers have exercised their discretion in an arbitrary and retaliatory fashion to punish protesters for voicing criticism of police or recording police conduct.” *Ahmad v. City of St. Louis, Missouri*, No. 4:17 CV 2455 CDP, 2017 WL 5478410, at \*17 (E.D. Mo. Nov. 15, 2017).<sup>12</sup>

50. The St. Louis region is no stranger to demonstrations in the face of police violence and racial injustice. The City’s custom, policy or practice of retaliating against protesters who express disapproval of law enforcement officers predates the 2017 Stockley verdict.

51. In 2014, individuals gathered throughout the City in response to the death of Michael Brown and the decision not to indict SLMPD Officer Darren Wilson. On the evening of November 24, 2014, SLMPD fired tear gas canisters at demonstrators gathered at or in MoKaBe’s coffeehouse at Arsenal Street and Grand Avenue in the City of St. Louis—without first giving any announcement or dispersal order. SLMPD also fired tear gas in the alley behind MoKaBe’s, so many individuals were trapped inside as the coffeehouse filled with tear gas.<sup>13</sup>

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WASHINGTON POST (Sept. 18, 2017), [https://www.washingtonpost.com/news/morning-mix/wp/2017/09/18/st-louis-officers-chant-whose-streets-our-streets-while-arresting-protesters-against-police-killing/?utm\\_term=.5d214b44cbbf](https://www.washingtonpost.com/news/morning-mix/wp/2017/09/18/st-louis-officers-chant-whose-streets-our-streets-while-arresting-protesters-against-police-killing/?utm_term=.5d214b44cbbf).

<sup>12</sup> See also, e.g., Radley Balko, *Federal judge says St. Louis police targeted protesters for retaliation*, WASHINGTON POST (Nov. 16, 2017), [https://www.washingtonpost.com/news/the-watch/wp/2017/11/16/federal-judge-says-st-louis-police-department-targeted-protesters-for-retaliation/?utm\\_term=.51de3def9fbc](https://www.washingtonpost.com/news/the-watch/wp/2017/11/16/federal-judge-says-st-louis-police-department-targeted-protesters-for-retaliation/?utm_term=.51de3def9fbc).

<sup>13</sup> See, e.g., Rachel Lippmann, *Settlement reached: Police must warn before use of tear gas or other chemical agents*, ST. LOUIS PUBLIC RADIO (Mar. 26, 2015),



52. The following day, SLMPD again used chemical agents against protesters blocking part of a highway in the City.

53. One year later, concerned citizens gathered to mourn and protest another shooting death of a young black man, Mansur Ball-Bey, who was killed by an SLMPD officer during the execution of a search warrant. People were gathered at the intersection of Walton Avenue and Page Boulevard when SLMPD officers again used chemical agents against protesters, without warning.<sup>14</sup>

54. These are just a small sample of SLMPD's history of police practices biased against individuals who use their freedoms of speech and assembly to call for social justice and police reform. In the face of demonstrations throughout the St. Louis area, SLMPD took and continues to take advantage of broadly and vaguely worded ordinances—including the one under which Rodney Brown was prosecuted—which give officers broad discretion in determining whether and when to arrest someone engaged in First Amendment activity.

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **Unlawful Seizure/False Arrest pursuant to 42 U.S.C. § 1983 (against all Individual Defendants)**

55. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

56. As alleged above, Defendants Boettigheimer, Korte, Harden, and Doe Defendants arrested Rodney Brown for lawfully exercising his constitutional right of free speech and assembly, took custody of Rodney, and detained him hours—all after being told by Defendant

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<http://news.stlpublicradio.org/post/settlement-reached-police-must-warn-use-tear-gas-or-other-chemical-agents#stream/0>.

<sup>14</sup> Robert Patrick, *ACLU Sues St. Louis police, claiming abuse of protesters in 2015*, ST. LOUIS POST-DISPATCH (Sept. 29, 2017), [http://www.stltoday.com/news/local/crime-and-courts/aclu-sues-st-louis-police-claiming-abuse-of-protesters-in/article\\_a617ed5b-40fc-5496-99ac-6e4ca9cb3cb7.html](http://www.stltoday.com/news/local/crime-and-courts/aclu-sues-st-louis-police-claiming-abuse-of-protesters-in/article_a617ed5b-40fc-5496-99ac-6e4ca9cb3cb7.html).

Trump to “Get him out!” Defendant Steiger prepared an incident report which gave the illusion that Rodney Brown was part of a larger group of protesters who were arrested after him, and that there was probable cause to support the arrest when, in fact, there was not. At the time of Mr. Brown’s arrest, all SLMPD Defendants were employees of the City.

57. Defendants did not have probable cause to detain or arrest Rodney. Their seizure of Rodney was unreasonable and unlawful, and deprived Rodney of his right to be free from unreasonable seizure of his person in violation of the Fourth and Fourteenth Amendments to the United States Constitution, and his right not to be retaliated against for exercising his First Amendment rights.

58. On information and belief, Individual Defendants conspired to and acted together under color of state law, violated Plaintiff’s civil rights and deprived him of the rights, privileges, and immunities secured by the Constitution and laws of the United States.

59. Given Trump’s position as a public figure, and command to SLMPD to remove Rodney from the Rally, he is considered a “state actor” for Section 1983 purposes. Trump received significant aid from state officials the day of the Rally in the form of safety and security provided by SLMPD, and was a willful participant in the detention and arrest of Rodney Brown. As alleged above, Trump told SLMPD to remove Rodney from the Peabody auditorium, as he did at prior campaign events which turned violent against protesters.

60. As a direct result of the Defendants’ conduct described above, Plaintiff suffered damages through the loss of liberty. Furthermore, he fears future unlawful seizures should he observe or participate in protest activity.

61. Defendants’ actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff’s clearly established constitutional rights.

WHEREFORE, Plaintiff Rodney Brown requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendants;
- B. Award compensatory and punitive damages against the Individual Defendants;
- C. Award Plaintiff's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- D. Allow such other and further relief as the Court deems just and proper.

**COUNT II**

**Malicious Prosecution pursuant to 42 U.S.C. § 1983  
(against all Individual Defendants)**

62. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

63. Individual Defendants instigated a quasi-criminal charge against Plaintiff, with Defendants Boettigheimer and Steiger serving as the complaining witnesses identified in the charging information; Defendants Korte, Harden and Doe Defendants assisting with or documenting the arrest; and Defendant Trump commanding SLMPD officers to remove Rodney from the Peabody auditorium. *See* Exhibit B.

64. Given Trump's position as a public figure, and command to SLMPD to remove Rodney from the Rally, he is considered a "state actor" for Section 1983 purposes. Trump received significant aid from state officials the day of the Rally in the form of safety and security provided by SLMPD, and was a willful participant in the detention and arrest of Rodney Brown. As alleged above, Trump told SLMPD to remove Rodney from the Peabody auditorium, as he did at prior campaign events which turned violent against protesters.

65. Individual Defendants did so despite the fact that there was no probable cause that Rodney violated the City's general peace disturbance ordinance. Specifically, there was no evidence that he spoke any "fighting words," as constitutionally required for a speech-based peace

disturbance. *See Tinker*, 542 S.W.2d at 519. Nevertheless, Individual Defendants knowingly and recklessly instigated proceedings against Rodney Brown.

66. To the extent that Individual Defendants claim they believed that the arrest and instigation of criminal charges against and prosecution of Rodney was supported by probable cause, Defendants' belief was objectively unreasonable, because there was no evidence from any witness that Rodney disturbed the peace through fighting words. Indeed, any such account is belied by video evidence in the Defendants' possession, custody, or control at the time the incident report was written and the charge filed.

67. Despite this knowing lack of probable cause, Defendants would not dismiss the charges due, in whole or in part, to the City's aforementioned "no drop" prosecution policy against activists and protesters.

68. The charge was eventually resolved in Rodney's favor through a judgment of acquittal. *See Exhibit D*.

69. As a direct result of the Defendants' conduct described above, Plaintiff suffered damages through the loss of liberty.

70. Defendants' actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.

WHEREFORE, Plaintiff Rodney Brown requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendants;
- B. Award compensatory and punitive damages against the Individual Defendants;
- C. Award Plaintiff's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- D. Allow such other and further relief as the Court deems just and proper.

**COUNT III**

**Conspiracy to Violate Plaintiff's Civil Rights pursuant to 42 U.S.C. § 1983  
(against all Individual Defendants)**

71. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

72. Individual Defendants conspired and acted together in arresting, charging, and prosecuting Rodney without probable cause and in retaliation for Rodney's exercise of his clearly-established constitutional rights to free speech and lawful assembly.

73. Each of the Individual Defendants engaged in multiple overt acts in furtherance of their conspiracy, including arresting and detaining Rodney without probable cause, preparing a misleading incident report which attempted to create the illusion of probable cause, and assisting the City in prosecuting Rodney for a general peace disturbance despite the lack of probable cause for the charge.

74. As a direct and proximate result of the Individual Defendants' misconduct, Rodney suffered injuries as more fully alleged above, including but not limited to the loss of liberty.

75. Individual Defendants' actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.

WHEREFORE, Plaintiff Rodney Brown requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendants;
- B. Award compensatory and punitive damages against the Individual Defendants;
- C. Award Plaintiff's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- D. Allow such other and further relief as the Court deems just and proper.

**COUNT IV**

**Retaliation for Exercise of First Amendment Rights in Violation of First and Fourteenth**

**Amendments to the United States Constitution pursuant to 42 U.S.C. § 1983  
(against all Individual Defendants)**

76. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Court.

77. On March 11, 2016, Plaintiff was engaged in protected First Amendment activity—namely, exercising his right to free speech and assembly by attending the Trump Rally and, at one point, laughing in response to a comment by the then-presidential candidate.

78. As a result of this activity, and in retaliation for the activity, SLMPD Defendants arrested Rodney. Rodney was charged with a general peace disturbance, despite the fact that there was no probable cause for such a charge.

79. Defendants lacked probable cause to arrest or prosecute Rodney.

80. This arrest, detention, and prosecution is sufficiently adverse as to chill a person of ordinary firmness from engaging in such protected activity. Rodney had to take time off work to make multiple appearances in municipal court, retain the assistance of counsel, and attend trial before, 18 months after being arrested, he was finally acquitted.

81. SLMPD Defendants' adverse actions in arresting, detaining, and prosecuting Rodney—at Trump's direction, or with his encouragement—were done for the improper purpose of deterring or discouraging Rodney and other activists or would-be activists from engaging in First Amendment activities.

82. Upon information and belief, the Individual Defendants conspired to and acted together under color of state law and violated Rodney's civil rights as alleged above.

83. Given Trump's position as a public figure, and command to SLMPD to remove Rodney from the Rally, he is considered a "state actor" for Section 1983 purposes. Trump received significant aid from state officials the day of the Rally in the form of safety and security provided by SLMPD, and was a willful participant in the detention and arrest of Rodney Brown. As alleged

above, Trump told SLMPD to remove Rodney from the Peabody auditorium, as he did at prior campaign events which turned violent against protesters.

84. As a direct and proximate result of the Defendants' misconduct, Rodney suffered injuries as more fully alleged above, including but not limited to the loss of liberty. Furthermore, he fears future retaliation should he observe or participate in protest activity.

85. Defendants' actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.

WHEREFORE, Plaintiff Rodney Brown requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendants;
- B. Award compensatory and punitive damages against the Individual Defendants;
- C. Award Plaintiff's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- D. Allow such other and further relief as the Court deems just and proper.

**COUNT V**

***Monell Claim for Violations of First, Fourth, and Fourteenth Amendments to the United States Constitution pursuant to 42 U.S.C. § 1983 (against the City of St. Louis)***

86. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

87. The City of St. Louis maintains, condones, and is deliberately indifferent to unconstitutional policies, customs and practices of the SLMPD, including but not limited to: falsely arresting individuals for speech allegedly in violation of the City's general peace disturbance ordinance absent "fighting words" and without probable cause, in violation of the Fourth Amendment; enforcing the general peace disturbance ordinance and similar City ordinances in a manner which infringes on free expression and as an improper means for retaliating against protected expression, in violation of the First Amendment; and pursuing baseless municipal

prosecutions for alleged disturbance of the peace, without probable cause, with malice and for improper retaliatory purposes.

88. Furthermore, the City maintains and condones a policy, practice and custom of refusing to drop ordinance prosecutions against activists or protesters, regardless of whether probable cause exists at the time of their arrest, the weight of the evidence against a defendant, or the constitutionally-protected nature of any alleged conduct on the day in question, in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

89. These customs and practices are so pervasive that they constitute *de facto* policies of the City of St. Louis.

90. In addition, by its actions the City has ratified the unlawful conduct of the Individual Defendants herein.

91. The aforementioned policies, customs and practices directly caused and were the moving force behind Rodney Brown's constitutional deprivations and resulting injuries alleged herein, including but not limited to the loss of liberty. Furthermore, he fears future unlawful seizures should he observe or participate in protest activity.

WHEREFORE, Plaintiff Rodney Brown requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendant City of St. Louis;
- B. Issue a permanent injunction against the City of St. Louis;
- C. Award compensatory damages against the City;
- D. Award Plaintiff's reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- E. Allow such other and further relief as the Court deems just and proper.



**COUNT VI**  
**False Arrest pursuant to Missouri law**  
**(against all Individual Defendants)**

92. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

93. As alleged above, Defendants Boettigheimer, Korte, Harden, and Doe Defendants arrested Rodney Brown for lawfully exercising his constitutional right of free speech and assembly, took custody of Rodney, and detained him for hours—all after being told by Defendant Trump to “Get him out!” Defendant Steiger prepared an incident report which gave the illusion that Rodney Brown was part of a larger group of protesters who were arrested after him, and that there was probable cause to support the arrest when, in fact, there was not. At the time of Mr. Brown’s arrest, all SLMPD Defendants were employees of the City.

94. Defendants did not have probable cause to detain or arrest Rodney. Their seizure of Rodney was unreasonable and unlawful, and deprived Rodney of his right to be free from unreasonable seizure of his person in violation of the Fourth and Fourteenth Amendments to the United States Constitution, and his right not to be retaliated against for exercising his First Amendment rights.

95. On information and belief, Defendants conspired to and acted together under color of state law, violated Plaintiff’s civil rights and deprived him of the rights, privileges, and immunities secured by the Constitution and laws of the United States.

96. As a direct result of the Defendants’ conduct described above, Plaintiff suffered damages through the loss of liberty.

97. Defendants’ actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff’s clearly established constitutional rights.

WHEREFORE, Plaintiff Rodney Brown requests this Court:

A. Enter judgment in favor of Plaintiff and against the Defendants;

- B. Award compensatory and punitive damages against the Individual Defendants; and
- C. Allow such other and further relief as the Court deems just and proper.

**COUNT VII**  
**Malicious Prosecution pursuant to Missouri law**  
**(against all Individual Defendants)**

98. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

99. Individual Defendants instigated a quasi-criminal charge against Plaintiff, with Defendants Boettigheimer and Steiger serving as the complaining witnesses identified in the charging information; Defendants Korte, Harden and Doe Defendants assisting with or documenting the arrest; and Defendant Trump commanding SLMPD officers to remove Rodney from the Peabody auditorium. *See* Exhibit B.

100. Individual Defendants did so despite the fact that there was no probable cause that Rodney violated the City's general peace disturbance ordinance. Specifically, there was no evidence that he spoke any "fighting words," as constitutionally required for a speech-based peace disturbance. *See Tinker*, 542 S.W.2d at 519. Nevertheless, Individual Defendants knowingly and recklessly instigated proceedings against Rodney Brown.

101. To the extent that Individual Defendants claim they believed that the arrest and instigation of criminal charges against and prosecution of Rodney was supported by probable cause, Defendants' belief was objectively unreasonable, because there was no evidence from any witness that Rodney disturbed the peace through fighting words. Indeed, any such account is belied by video evidence in the Defendants' possession, custody, or control at the time the incident report was written and the charge filed.

102. Despite this knowing lack of probable cause, Defendants would not dismiss the charges due, in whole or in part, to the City's aforementioned "no drop" prosecution policy against activists and protesters.

103. The charge was eventually resolved in Rodney's favor through a judgment of acquittal. *See* Exhibit D.

104. As a direct result of the Individual Defendants' conduct described above, Plaintiff suffered damages through the loss of liberty.

105. Individual Defendants' actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.

WHEREFORE, Plaintiff Rodney Brown requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendants;
- B. Award compensatory and punitive damages against the Individual Defendants; and
- C. Allow such other and further relief as the Court deems just and proper.

#### **COUNT VIII**

#### **Retaliation for Exercise of Freedom of Speech and Right to Peaceable Assembly in Violation of Article I, Sections 8 and 9 of the Missouri Constitution (against all Individual Defendants)**

106. Plaintiff incorporates all preceding paragraphs as if fully set forth in this Count.

107. On March 11, 2016, Plaintiff was engaged in activity protected under Article I, Sections 8 and 9 of the Missouri Constitution—namely, exercising his right to free speech and assembly by attending the Trump Rally and, at one point, laughing in response to a comment by the then-presidential candidate.

108. As a result of this activity, and in retaliation for the activity, SLMPD Defendants arrested Rodney. Rodney was charged with a general peace disturbance, despite the fact that there was no probable cause for such a charge.

109. Defendants lacked probable cause to arrest or prosecute Rodney.

110. This arrest, detention, and prosecution is sufficiently adverse as to chill a person of ordinary firmness from engaging in such protected activity. Rodney had to take time off work to make multiple appearances in municipal court, retain the assistance of counsel, and attend trial before, 18 months after being arrested, he was finally acquitted.

111. SLMPD Defendants' adverse actions in arresting, detaining, and prosecuting Rodney—at Trump's direction, or with his encouragement—were done for the improper purpose of deterring or discouraging Rodney and other activists or would-be activists from engaging in First Amendment activities.

112. Upon information and belief, the Individual Defendants conspired to and acted together under color of state law and violated Rodney's civil rights as alleged above.

113. As a direct and proximate result of the Individual Defendants' misconduct, Rodney suffered injuries as more fully alleged above, including but not limited to the loss of liberty.

114. Individual Defendants' actions described herein were intentional, wanton, malicious, and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.

WHEREFORE, Plaintiff Rodney Brown requests this Court:

- A. Enter judgment in favor of Plaintiff and against the Defendants;
- B. Award compensatory and punitive damages against the Individual Defendants; and
- C. Allow such other and further relief as the Court deems just and proper.

Date: March 8, 2018

Respectfully submitted,

By: /s/ Amy E. Breihan  
Amy Breihan, #65499MO  
RODERICK & SOLANGE  
MACARTHUR JUSTICE CENTER  
3115 South Grand Blvd., Suite 300  
St. Louis, MO 63118  
Phone: (314) 254-8540  
Fax: (314) 254-8547  
amy.breihan@macarthurjustice.org

**METROPOLITAN POLICE DEPARTMENT - CITY OF ST. LOUIS**  
*Intra-Department Report and Correspondence Sheet*

**DATE:** March 10, 2016  
**TO:** COLONEL D. SAMUEL DOTSON, POLICE COMMISSIONER  
**FROM:** Operational Planning, Office of the Police Commissioner  
**SUBJECT:** *Visit by Presidential Candidate Donald Trump – March 11, 2016*

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**THE INFORMATION CONTAINED IN THIS MEMORANDUM IS FOR INTERNAL POLICE USE ONLY AND MAY NOT BE DISSEMINATED TO PUBLIC OR PRESS UNLESS AUTHORIZED BY THE UNITED STATES SECRET SERVICE. THIS DETAIL SHOULD BE DESTROYED OR RETURNED TO OPERATIONAL PLANNING UPON CONCLUSION.**

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On Friday, March 11, 2016, United States of America Presidential Candidate Donald Trump, will visit the City of St. Louis for a fundraiser event at the Peabody Opera House located at 1400 Market St. Upon completion of the fundraiser, Candidate Trump will depart St. Louis.

This detail outlines the role and responsibilities of the St. Louis Metropolitan Police Department for the visit.

**PRESIDENTIAL CANDIDATE DONALD TRUMP'S ITINERARY / TABLE OF EVENTS:**

**Friday, March 11, 2016**

- 11:20 A.M.** Arrive in St. Louis - Wheels down Signature – Lambert International Airport
- 11:30 A.M.** Depart Lambert via motorcade, en route to Peabody Opera House, located at 1400 Market St.
- 11:50 A.M.** Arrive at Peabody Opera House, located at 1400 Market St.
- 1:30 P.M.** Depart the Peabody Opera House via motorcade, en route to Lambert International Airport
- 2:00 P.M.** Arrive at Lambert International Airport
- 2:30 P.M.** Depart Lambert – Wheels Up Signature

***NOTE: The above times are tentative.***



*Visit of Presidential Candidate Donald Trump  
Friday, March 11, 2016  
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## COMMAND

Major Michael Sack (8902) will serve as the Incident Commander for the Presidential Candidate Donald Trump Detail.

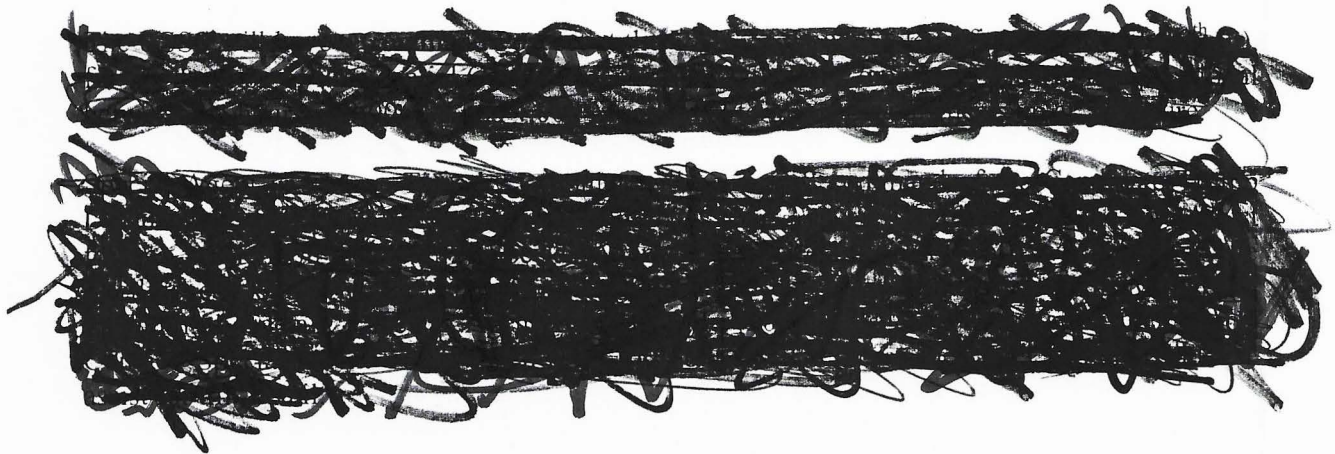
Captain Renee Kriesmann (1400) will serve as the Operations Officer and Commander of the Exterior portion of the Peabody Opera House Site for this detail. Captain Kriesmann will be assisted by Lieutenant Kim Haley (9001) and Sergeants Orlando Morrison (9010), Michael Pratt (9020), Timothy Schumann (9030), and Michael Frederick (9040).

Major Michael Caruso (8905) will serve as the Site Liaison for the St. Louis Metropolitan Police Department and the Peabody Opera House staff and Commander of the Interior portion of the Peabody Opera House for this detail. Major Caruso will be assisted by Sergeants Amy Parker-Stayton (9050), Todd Ross (9110) and Michael Scego (9120).

Lieutenant Paul Lauer (7900) will serve as the Motorcade Commander for the detail. Lieutenant Lauer will be assisted by Sergeants Robert Russo (7901) and Stanley Coleman (7906).

Lieutenant Timothy Sachs (7100) will serve as the Mobile Reserve - SWAT and Civil Disobedience Team (CDT) Commander for this detail. Lieutenant Sachs will be assisted by Sergeants Samuel Monti (7102) and John Jones (7101).

## UNITED STATES SECRET SERVICE COMMAND POST



Visit of Presidential Candidate Donald Trump  
Friday, March 11, 2016  
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## ROLL CALLS

### Motorcade Officers (Traffic):

- Personnel assigned to the *Motorcade* portion of the Presidential Candidate Trump Detail will respond to Roll Call at **7:00 A.M.** at the **Central Patrol Division, located at 919 Jefferson**. The personnel assigned to this portion of the detail will work the duty hours of **7:00 A.M. until 3:00 P.M.**
- Personnel assigned to the Motorcade portion of the Presidential Candidate Trump Detail will be responsible for bringing their fully charged personal department issued miniature radio with them prior to Roll Call.

### Peabody Opera House Site Officers:

- Personnel assigned to the *Peabody Opera House* portion of the Presidential Candidate Trump Detail will conduct Roll Call at **7:00 A.M.** at the **Central Patrol Division, located at 919 Jefferson**. The personnel assigned to this portion of the detail will work the duty hours of **7:00 A.M. until 3:00 P.M.**
- Personnel assigned to the Peabody Opera House portion of the First Lady Detail will be responsible for bringing their fully charged personal department issued miniature radio with them prior to Roll Call.
- Personnel with an assignment at the Peabody Opera House will be transported to their assignment via the St. Louis Fire Department bus, which will be staged at the Central Patrol Division.
- Personnel will meet with ~~\_\_\_\_\_~~ or ~~\_\_\_\_\_~~ (314-8733) ~~\_\_\_\_\_~~ and Officers Nicole Gentilini (8170) and Gregory Mueller (8171) for specifics relative to their fixed posts throughout the Opera House.

## EMERGENCY RELOCATION OF CANDIDATE TRUMP

If for some reason Candidate Trump's destination site is labeled as ~~\_\_\_\_\_~~



Visit of Presidential Candidate Donald Trump  
 Friday, March 11, 2016  
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## TRAFFIC SAFETY MOTORCADE AND SITE POSTS

### Lieutenant Paul Lauer (7900)

Lieutenant Lauer (7900) will serve as the commander of the Motorcade and Traffic Safety Division. Lieutenant Lauer will conduct Roll Call for the listed Traffic Safety Division officers at **7:00 A.M.** at the **Central Patrol Division, located at 919 N Jefferson**. The personnel assigned to this portion of the detail will work the duty hours of **7:00 A.M. until 3:00 P.M.**

The Motorcade route will be supervised by Sergeants Robert Russo (7901) and Stanley Coleman (7906).

Supervisors are to ensure that officers are aware of their assignments, are clear of their duties, and are in their proper position(s) prior to the movement of the motorcade.

Lieutenant Lauer (7900) will assign the following personnel to the motorcade portion of this detail at his discretion.

#### Traffic Safety Division

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
3703	Lt	Lauer	Paul	463	7900	7a-3p	Traffic Safety Commander/Motorcade Lead Car 1
4912	Sgt	Russo	Robert	965	7901	7a-3p	Supervise Traffic Safety – Peabody site
3266	Sgt	Coleman	Stanley	463	7906	7a-3p	Supervise Traffic Safety – Motorcade Tail Car 2
6150	PO	Wallace	Dawain	463	7964	7a-3p	Traffic Safety-Motorcade Tail Car 2
4180	PO	Tenorio	David	463	7979	7a-3p	Traffic Safety-Garage Entrance (Scottrade Center)
3695	PO	Martin	David	463	7962	7a-3p	Traffic Safety-Lead Car 2
1645	PO	Ludwig	Justin	463	7956	7a-3p	Traffic Safety-14 <sup>th</sup> St/Clark
3421	PO	Monroe	Darryl	965	7922	7a-3p	Traffic Safety-14 <sup>th</sup> St/Market St
5745	PO	Christian	Scott	965	7921	7a-3p	Traffic Safety-Garage Exit (Scottrade Center)

## PEABODY OPERA HOUSE ASSIGNMENTS

Major Michael Sack (8902) will conduct Roll Call at **7:00 A.M.** at the **Central Patrol Division, located at 919 N. Jefferson**. The following officers will be responsible for security at the Peabody Opera House Site. The duty hours for the following personnel will be from **7:00 A.M. until 3:00 P.M.**

Visit of Presidential Candidate Donald Trump  
 Friday, March 11, 2016  
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Major Sack will be assisted by Lieutenant Kim Haley (9100) and Sergeants Orlando Morrison (9010), Michael Pratt (9020), Timothy Schumann (9030), and Michael Frederick (9050).

Sergeants Orlando Morrison (9010), Michael Pratt (9020), Timothy Schumann (9030), and Michael Frederick (9050) will supervise the **exterior posts** of the Peabody Opera House site assignments. Sergeant Demetrius Elston (2417) will supervise the Bicycle Unit.

These officers will assist in monitoring any protestors or suspicious activities. *These officers assigned to the exterior of the site will also monitor the apartment complexes directly across from the Opera House (on Chestnut) for any signs of suspicious activity/movement.*

Sergeants Amy Parker-Stayton (9070), Todd Ross (9110), and Michael Scego (9120) will supervise the **interior posts** of the Peabody Opera House site assignments. These officers will remain at a fixed post until the detail is secured by the Incident Commander, Major Michael Sack (8902).

### **EXTERIOR SQUADS**

#### **Exterior Squad 1: Sergeant Orlando Morrison (9010) – Parking Garage/Peabody Opera House Site Exterior**

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
6573	Sgt	Morrison	Orlando	301	9010	7a-3p	Supervise Exterior Squad 1
6495	PO	Rumpsa	Christopher	301	9011	7a-3p	Top of Parking Garage/Roof
5700	PO	Wozniak	Lori	301	9012	7a-3p	Garage Level 2
4814	PO	Wilson	Steve	301	9013	7a-3p	Garage Level 1
3165	PO	Hegger	James	660	9014	7a-3p	15 <sup>th</sup> St/Walnut – Loading Dock Area (Secure area for Motorcade arrival)
3008	PO	Novara	Keith	301	9015	7a-3p	15 <sup>th</sup> St/Walnut – Loading Dock Area (Secure area for Motorcade arrival)

#### **Exterior Squad 2: Sergeant Timothy Pratt (9020) – Peabody Opera House Site Exterior (Front stairs of Opera House to 15<sup>th</sup> St & Market St)**

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
6475	Sgt	Pratt	Michael	302	9020	7a-3p	Supervise Peabody Exterior Squad 2- Front stairs of Opera House to 15 <sup>th</sup> St & Market St
6468	PO	Mana	James	302	9021	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
4882	PO	Cobb	Pat	302	9022	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St



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DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
3403	PO	Vineyard	Patricia	302	9023	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
5846	PO	Jost	Brian	302	9024	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
6517	PO	Martinez	Ramiro	302	9025	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
7271	PO	Ellebracht	Erica	301	9025	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
5905	PO	Rebholz	Lori	301	9026	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
6649	PO	Spear	Andre	301	9027	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St

**Exterior Squad 3: Sergeant Timothy Schumann (9030) – Peabody Opera House Site  
 Exterior**

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
3979	Sgt	Schumann	Timothy	302	9030	7a-3p	Supervise Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
3388	PO	Veile	Donald	302	9031	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
2995	PO	Haman	Michael	302	9032	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
11150	PO	Gruswitz	Scott	302	9033	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
2782	PO	Dudley	Robert	301	9034	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
7499	PO	Whittaker	Carl	303	9035	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
7904	PO	Wismar	Andy	303	9036	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
5319	PO	Gonzales	Edward	303	9037	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
964	PO	Buscemi	Ryan	303	9038	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup>

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DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
							& Walnut
8784	PO	Cora	Dan	303	9039	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
4593	PO	Johnson	Demetrius	451	9040	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
3554	PO	Avery	Wesley	451	9041	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
2576	PO	Sherrod	Derrick	451	9042	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut

**Exterior Squad 4: Sergeant Michael Frederick (9050) – Exterior of City Court-1520 Market**

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
1673	Sgt	Frederick	Michael	454	9050	7a-3p	City Courts Building (1520 Market) Secure the veranda on the east side of building
6143	PO	Stuckey	Joseph	454	9051	7a-3p	City Courts Building (1520 Market) Secure the veranda on the east side of building
7213	PO	Clark	Charles	454	9052	7a-3p	City Courts Building (1520 Market) Secure the veranda on the east side of building
4161	PO	Mummert	Robert	660	9053	7a-3p	City Courts Building (1520 Market) Secure the veranda on the east side of building
6096	PO	Golliday	Charlene	660	9054	7a-3p	City Courts Building (1520 Market) Secure the garage stairwell door on the east side of building
3419	PO	Irons	Samuel	304	9055	7a-3p	Exterior Relief/At the discretion of Captain Kriesmann
4798	PO	O'Dekirk	Brian	304	9056	7a-3p	Exterior Relief/At the discretion of Captain Kriesmann
6462	PO	Henkhaus	Paul	304	9057	7a-3p	Exterior Relief/At the discretion of Captain Kriesmann
3908	PO	Tripp	Timothy	304	9058	8a-4p	Exterior Relief/At the discretion of Captain Kriesmann
8948	PO	Partee	Jamie	304	9059	7a-3p	Exterior Relief/At the discretion of Captain Kriesmann
11157	PO	O'Brien	John	304	9060	7a-3p	Exterior Relief/At the discretion of Captain Kriesmann



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### **INTERIOR SQUADS**

#### **Interior Squad: Sergeant Amy Parker-Stayton (9070)**

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
6344	Sgt	Parker-Stayton	Amy	423	9070	7a-3p	Supervise Interior Squad
7160	Det	Hefele	Todd	422	9071	7a-3p	Interior Squad -Front Lobby Entrance Mag
7170	Det	Kosednar	Paul	422	9072	7a-3p	Interior Squad -Front Lobby Entrance Mag
6942	Det	Johnson	Julie	422	9073	7a-3p	Interior Squad -Front Lobby Entrance Mag
6275	Det	Paulitsch	Keith	422	9074	7a-3p	Interior Squad -Press/VIP Entrance Mag
7273	Det	Johnson	Marilyn	422	9075	7a-3p	Interior Squad -Auditorium – Orchestra Level Doors
6626	Det	Edmond	Bruce	423	9076	7a-3p	Interior Squad -Auditorium – Orchestra Level Doors
4751	Det	Spreck	Michael	433	9077	7a-3p	Interior Squad -Auditorium – Orchestra Level Doors
3105	Det	Wildferd	David	433	9078	7a-3p	Interior Squad -Auditorium – Orchestra Level Doors
11182	PO	Clark	Brandon	304	9079	7a-3p	Interior Squad -Auditorium – Orchestra Level Doors
7561	PO	Morrell	Joseph	304	9080	7a-3p	Interior Squad -Auditorium – NW Corner
822	PO	Baroni	Kevin	304	9081	7a-3p	Interior Squad -Auditoruim – NE Corner
11148	PO	Green	Dereck	304	9082	7a-3p	Interior Squad -Auditorium - SW Corner
6897	PO	Lipinia	Sean	305	9083	7a-3p	Interior Squad -Auditorium - SE Corner
8852	PO	LaGrand	Brandon	305	9084	7a-3p	Interior Squad-Mezzanine Level Doors
8093	PO	Cohen	Michael	305	9085	7a-3p	Interior Squad-Mezzanine Level Doors
7414	PO	Alston	Marcus	305	9086	7a-3p	Interior Squad-Mezzanine Level Doors
11147	PO	Flatley	Michael	305	9087	7a-3p	Interior Squad-Hallway east of Security Room (across from laundry room)
4576	PO	Binder	James	399	9088	7a-3p	Interior Squad-Hallway between

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DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
							RM 150 (House Electrician) & RM 145 Multipurpose Room
5810	PO	Moore	Regiana	306	9089	7a-3p	Interior Squad-Between RM 139 & RM 145 (No entry into RM 145)
8815	PO	Brown	Ellis	306	9090	7a-3p	Interior Squad-Between RM 137 & RM 130 to cover stairs/hallway
3159	PO	Conner	Julius	399	9091	7a-3p	Interior Squad-2 <sup>nd</sup> Floor-Between RM 251 Lobby Access/RM 217 Peabody Lounge
6811	PO	Happel	Drew	303	9092	7a-3p	Interior Squad-Outside RM 245 Green Room
8758	PO	Simpson	Elijah	306	9093	7a-3p	Interior Squad-Stairwell Landing (Level 2/Level 3) Stage right
11146	PO	Davis	Emily	303	9094	7a-3p	Interior Squad-Stage left through exit door on Stairwell Landing (Level 2/Level 3)
4394	PO	Clancy	Pat	303	9095	7a-3p	Interior Squad-Between Stairway 29/RM 216 (Midland States Bank Room)
2486	PO	Kavanaugh	Ginger	399	9096	7a-3p	Interior Squad-Ground Level Side Entry Door
2840	PO	Butler	Michael	399	9097	7a-3p	Interior Squad-Ground Level Side Entry Door

#### FOURTH DISTRICT BIKE UNIT

Sergeant Demetrius Elston (1417) will supervise the Downtown Bicycle Unit and hold roll call at the Downtown Bike Office at 5:00 A.M. Immediately following roll call, the Downtown Bicycle Unit will respond to the Peabody Opera House located at 1400 Market and be responsible for securing the immediate area of the Peabody Opera House located at 1400 Market St and specifically the bicycle rack area where the attendees will begin to line up at 7:00 A.M. to await entry into the building. They will also monitor for any signs of protestors or suspicious activities.

#### **Downtown Bicycle Unit: Sgt. Demetrius Elston (1417)**

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
4670	Sgt	Elston	Demetrius	304	1417	5a-1p	Supervise - Bike Patrol
8754	PO	Randolph	Jack	304	1468	6a-2p	Bike Patrol/Response
5626	PO	Daugherty	Steve	304	1463	5a-1p	Bike Patrol/Response
1060	PO	Fournie	Bridget	304	1464	5a-1p	Bike Patrol/Response
8845	PO	Duke	Adam	304	1466	5a-1p	Bike Patrol/Response
8944	PO	Pierce	Joseph	304	1467	5a-1p	Bike Patrol/Response



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### **SPECIAL OPERATIONS – EXTERIOR RESPONSE SQUAD**

The Special Operations Unit will serve as exterior Response Squads for the Presidential Candidate Trump Visit Detail. The Special Operations Unit will be commanded by Lieutenants Joseph Hecht (6600), Paul Piatchek (6500), Michael Mueller (6900), and Scott Aubuchon (6800).

Lieutenant Colonel Gerald Leyshock (Cruiser 3) will hold Roll Call for the Special Operations Response Squad at 8:00 A.M. These officers will act as a Response Squad for any issues that may arise at the site and surrounding areas. The Response Squad will stage at the discretion of Lieutenant Colonel Gerald Leyshock and the Incident Commander and will respond as directed.

#### **Special Operations Unit – Response Squad**

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
2786	Lt	Hecht	Joseph	340	6600	8a-4p	Commander – Special Operations Response Squad
5783	Lt	Piatchek	Paul	340	6500	8a-4p	Commander – Special Operations Response Squad
3893	Lt	Mueller	Michael	340	6900	8a-4p	Commander – Special Operations Response Squad
4008	Lt	Aubuchon	Scott	340	6800	8a-4p	Commander – Special Operations Response Squad
6369	Sgt	Werninger	Drew	340	6901	8a-4p	Supervise Special Operations Response Squad
4008	Sgt	Burgdorf	Curtis	340	6801	8a-4p	Supervise Special Operations Response Squad
4360	Sgt	McMurry	Mark	340	6802	8a-4p	Supervise Special Operations Response Squad
4026	Sgt	Murphy	James	340	6501	8a-4p	Supervise Special Operations Response Squad
4207	Sgt	Dandridge	Darnell	340	6502	8a-4p	Supervise Special Operations Response Squad
7553	Det	Manley	Matthew	340	6911	8a-4p	Special Operations Response Squad
7443	Det	O'Toole Jr.	Larry	340	6915	8a-4p	Special Operations Response Squad
7935	Det	Chandler	Kyle	340	6916	8a-4p	Special Operations Response Squad
7909	Det	Zajac	Marcin	340	6920	8a-4p	Special Operations Response Squad
7220	Det	Patton	Adrian	340	6811	8a-4p	Special Operations Response Squad
8169	Det	Offt	Ronald	340	6823	8a-4p	Special Operations Response Squad
6889	Det	Kleffner	Andrew	340	6824	8a-4p	Special Operations Response Squad
8769	Det	Wyms	Brandon	340	6827	8a-4p	Special Operations Response Squad
7913	Det	Somogye	Joseph	340	6814	8a-4p	Special Operations Response Squad

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DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
3538	Det	Lang	Robert	340	6606	8a-4p	Special Operations Response Squad
6767	Det	Boettigheimer	Anthony	340	6820	8a-4p	Special Operations Response Squad
6604	Det	Seppi	Brian	340	6604	8a-4p	Special Operations Response Squad
7223	Det	Thayer	James	340	6529	8a-4p	Special Operations Response Squad
6841	Det	Welch	Patrick	340	6922	8a-4p	Special Operations Response Squad
3168	Det	Kuster	Joseph	340	6523	8a-4p	Special Operations Response Squad
6652	Det	Wasem	Mark	340	6520	8a-4p	Special Operations Response Squad
8250	Det	Witcik	Joshua	340	6510	8a-4p	Special Operations Response Squad
6244	Det	Brandhorst	Jason	340	6511	8a-4p	Special Operations Response Squad
8408	Det	Burle	Mathew	340	6514	8a-4p	Special Operations Response Squad
6826	Det	Bell	Joseph	340	6515	8a-4p	Special Operations Response Squad
6456	Det	Bush	Marcus	340	6517	8a-4p	Special Operations Response Squad
7966	Det	Carlson	Brett	340	6528	8a-4p	Special Operations Response Squad
6880	Det	Christ	Mickey	340	6516	8a-4p	Special Operations Response Squad
6957	Det	Weber	Daniel	340	6610	8a-4p	Special Operations Response Squad
8561	Det	Kirschner	Ryan	340	6612	8a-4p	Special Operations Response Squad
8800	Det	Robben	Justin	340	6613	8a-4p	Special Operations Response Squad
2008	Det	Thacker	Jarred	340	6614	8a-4p	Special Operations Response Squad
7036	Det	Frye	Derrick	340	6617	8a-4p	Special Operations Response Squad
7085	Det	Ellis	Bradford	340	6618	8a-4p	Special Operations Response Squad

### MOBILE RESERVE - SWAT

Mobile Reserve - SWAT will be under the command of Lieutenant Timothy Sachs (7100) and will assist the United States Secret Service for tactical responses in and around the Peabody Opera House. Mobile Reserve - SWAT will work the duty hours of 7:00 A.M. until 3:00 P.M. Mobile Reserve - SWAT will conduct Roll Call at 7:00 A.M. at Police Headquarters, located at 1915 Olive. Immediately following Roll Call, the Mobile Reserve – SWAT Unit will stage at Police Headquarters and will deploy to the Peabody Opera House Site at the request of the Incident Commander.

#### Mobile Reserve – SWAT

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
1835	Lt	Sachs	Timothy	341	7100	7a-3p	Mobile Reserve-SWAT Commander
6939	Sgt	Jones	John	341	7101	7a-3p	Supervise Mobile Reserve-SWAT
4909	Sgt	Monti	Samuel	341	7102	7a-3p	Supervise Mobile Reserve-SWAT
11006	PO	Frigerio	Glennon	341	7111A	7a-3p	Mobile Reserve-SWAT
8954	PO	Zwilling	James	341	7111B	7a-3p	Mobile Reserve-SWAT
6555	PO	Allen	Ronald	341	7112A	7a-3p	Mobile Reserve-SWAT



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DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
7042	PO	Moore	Brandon	341	7112B	7a-3p	Mobile Reserve-SWAT
7824	PO	Boyce	Tim	341	7113	7a-3p	Mobile Reserve-SWAT
7188	PO	Tesreau	Matthew	341	7114	7a-3p	Mobile Reserve-SWAT
6799	PO	Johnson	Brandon	341	7120	7a-3p	Mobile Reserve-SWAT
6795	PO	Chambers	Jason	341	7121A	7a-3p	Mobile Reserve-SWAT
6076	PO	Mueller	Aaron	341	7121B	7a-3p	Mobile Reserve-SWAT
5623	PO	Coats	Lance	341	7122A	7a-3p	Mobile Reserve-SWAT
7270	PO	Book	Daniel	341	7122B	7a-3p	Mobile Reserve-SWAT
7592	PO	Seper	Mark	341	7123	7a-3p	Mobile Reserve-SWAT
6045	PO	Wethington	William	341	7124A	7a-3p	Mobile Reserve-SWAT
7942	PO	Busso	Joseph	341	7124B	7a-3p	Mobile Reserve-SWAT

### DOCUMENTATION TEAMS & REPORT WRITING

The Documentation Team will consist of one Sergeant and seven Officers. The Documentation Team will be staffed by various Commissioned personnel and report to the Incident Commander. The Documentation Team will be responsible for documenting by video all events related to the civil unrest. The Documentation Team will make every attempt to video record arrests being made as a result of the civil unrest. The Documentation Team will photograph arrested subjects standing next to his or her Arresting Officer. The Documentation Team will write reports involving any assaults on Civil Disobedience Team Personnel or property damage to Police Department equipment at the scene of the civil unrest.

#### Documentation Teams

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
3973	Sgt	McLaughlin	John	399	8803	8a-4p	Documentation Team-Interior
6576	PO	Naes	Louis	399	8821	8a-4p	Documentation Team-Interior (Report)
7278	PO	Hein	Erin	399	8819	8a-4p	Documentation Team-Interior (Pictures)
5995	PO	Edwards	Shamantha	399	8815	8a-4p	Documentation Team-Interior (Pictures)
3389	Det	Wood	James	340	6803	8a-4p	Documentation Team-Exterior (Pictures)
8786	Det	Eaton	Jodie	340	6804	8a-4p	Documentation Team-Exterior (Pictures)
7229	Det	Walsh	Steven	340	6513	8a-4p	Documentation Team-Exterior (Pictures)
8021	Det	Sayer	Craig	340	6518	8a-4p	Documentation Team-Exterior (Pictures)

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## PEABODY OPERA HOUSE INTERIOR RESPONSE SQUADS

### Major Michael Caruso (8905)

The Peabody Opera House Site Interior Response Squads will consist of two Sergeants and twelve Officers. The Site Interior Response Squad will be staffed by various Commissioned personnel and report to the Incident Commander and Major Michael Caruso (8905) who will serve as the Site Liaison for the St. Louis Metropolitan Police Department and the Peabody Opera House staff and Commander of the Interior portion of the Peabody Opera House for this detail. The Site Interior Response Squad will be responsible for assisting with all disturbances or arrest situations inside the Peabody Opera House Site, under the direction of Major Michael Caruso.

#### Site Interior Response Squad 1

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
6079	Sgt	Ross	Todd	303	9110	7a-3p	Supervise Site Interior Response Squad 1
6286	PO	Trares	Jeff	303	9111	7a-3p	Site Interior Response Squad 1
8989	PO	Halfhill	Tom	303	9112	7a-3p	Site Interior Response Squad 1
4117	PO	Cochran	Gary	303	9113	7a-3p	Site Interior Response Squad 1
7999	PO	Murphy	Ryan	304	9114	7a-3p	Site Interior Response Squad 1
7881	PO	Streckfuss	Thomas	304	9115	7a-3p	Site Interior Response Squad 1
11188	PO	Meyer	Anthony	304	9116	7a-3p	Site Interior Response Squad 1

#### Site Interior Response Squad 2

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
3736	Sgt	Scego	Michael	306	9120	7a-3p	Supervise Site Interior Response Squad 2
11010	PO	Korte	Steven	306	9121	7a-3p	Site Interior Response Squad 2
11110	PO	Lee	Trenton	306	9122	7a-3p	Site Interior Response Squad 2
8932	PO	Haire	Jonathan	306	9123	7a-3p	Site Interior Response Squad 2
11161	PO	Santa	Kyle	305	9124	7a-3p	Site Interior Response Squad 2
6577	PO	Ortbals	Steven	305	9125	7a-3p	Site Interior Response Squad 2
6296	PO	Ali	Drue	305	9126	7a-3p	Site Interior Response Squad 2



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### PRISONER TRANSPORTATION TEAM

The Transportation Team will consist of three Department cruisers operated by officers from the South Patrol, Central Patrol, and North Patrol Divisions. The Transportation Team will be staged on 14<sup>th</sup> St, just south of the Peabody Opera House, located at 1400 Market St.

When arrests are made, the Transportation Team will be utilized until the vehicle is filled to capacity with prisoners. The Transportation Vehicles will transport prisoners from the scene of the arrests to the Central Patrol Division (919 N Jefferson) unless directed otherwise.

At this time, an empty Transportation Vehicle will respond to the cruiser staging area to repeat the prisoner transportation process.

After unloading all prisoners at the Central Patrol Division, the Transportation Team will respond immediately back to the staging area at the site, unless directed elsewhere by the Incident Commander or Operations Officer.

### MASS ARREST BOOKING TEAMS

The Mass Arrest Booking Teams will each consist of one Sergeant and nine Officers per shift. The Mass Arrest Booking Team will be staffed with District 3 and District 4 Bureau Detectives and stage out of the Central Patrol Division, located at 919 N Jefferson.

The Mass Arrest Booking Team will be responsible for booking all prisoners during a mass arrest situation. These officers will assist in filling out the necessary paperwork and collecting the sealed property bags from the officers making the arrests.

#### **Mass Arrest Booking Teams**

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
4641	Sgt	Abel	Tony	303	9130	7a-3p	Supervise Mass Arrest Team 1
8040	Det	Wilmot	Scott	303	9131	7a-3p	Mass Arrest Team 1
7219	Det	O'Brien	Dan	303	9132	7a-3p	Mass Arrest Team 1
4718	Det	Banks	Tim	303	9133	7a-3p	Mass Arrest Team 1
7542	Det	Harden	Phil	303	9134	7a-3p	Mass Arrest Team 1
6921	Sgt	Weite	Nicholas	304	9135	7a-3p	Supervise Mass Arrest Team 2
4834	Det	Steiger	Joseph	304	9136	7a-3p	Mass Arrest Team 2
3888	Det	King	David	304	9137	8:30a-4:30p	Mass Arrest Team 2
6759	Det	Murphy	Sean	304	9138	7a-3p	Mass Arrest Team 2
6819	Det	Andrews	Rebecca	304	9139	7a-3p	Mass Arrest Team 2
8934	Det	Hawkins	Benjamin	304	9140	7a-3p	Mass Arrest Team 2

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### CANINE

Canine Officers will assist the Secret Service with sweeps of the Peabody Opera House, located at 1400 Olive. Sweeps will begin at 8:00 A.M. and remain at the site as needed.

#### **Canine**

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
	PO	<i>TBD</i>		Airport		7a-3p	Canine - Explosive
	PO	<i>TBD</i>		Airport		7a-3p	Canine - Narcotics
	PO	Donaldson	Lucas	STLCO		7a-3p	Canine-VaporWake
5642	PO	Culberson	Everett	344	7207	7a-3p	Canine-VaporWake

### BOMB AND ARSON

Sergeants Christian Stamper and Gerald Shepard will supervise the Bomb and Arson Unit. The Bomb & Arson Unit will coordinate with the Secret Service and Canine and assist with sweeps of the site and airport for the visit.

#### **Bomb & Arson**

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
5672	Sgt	Stamper	Christian	432	4370	7a-3p	Supervise Bomb Squad
90206	Sgt	Shepard	Gerald	432	4371	7a-3p	Supervise Bomb Squad
3395	Det	Wuellner	Mike	432	4377	7a-3p	Bomb Squad
6093	Det	Wilderson	Richard	432	4376	7a-3p	Bomb Squad
90577	Det	Wilken	Jessica	432	4374	7a-3p	Bomb Squad
90209	Det	Sandbach	Dave	432	4378	7a-3p	Bomb Squad
90208	Det	Marcinkiewicz	Joe	432	4372	7a-3p	Bomb Squad
90210	Det	Keithley	Rob	432	4379	7a-3p	Bomb Squad
6623	Det	Burkemper	Nate	432	4375	7a-3p	Bomb Squad



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### INTELLIGENCE DIVISION

Sergeant Joseph Crews (8203) will supervise the Intelligence Division. Sergeant Crews will coordinate with the United States Secret Service on the deployment of the Intelligence Division and provide Motorcade and Site assistance as well as conducting surveillance of the site and surrounding areas for protest or suspicious activity.

#### **Intelligence Division**

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
3679	Sgt	Crews	Joseph	210	8203	8a-4p	Supervise Intelligence
8925	Det	Corcoran	Kevin	210	8225	8a-4p	Intelligence - Motorcade
6212	Det	Metz	Richard	210	8218	8a-4p	Intelligence - Motorcade
2009	Det	Toedte	Liea	210	8221	8a-4p	Intelligence - Site
965	Det	Christensen	David	210	8228	8a-4p	Intelligence - Site
6831	Det	Flaughter	Chris	210	8220	8a-4p	Intelligence - Interior Site
6304	Det	Betz	Michael	210	8239	8a-4p	Intelligence - Interior Site
7449	Det	Riordan	Patrick	210	8231	8a-4p	Intelligence - Exterior
7944	Det	Gibbons	Ryan	210	8253	8a-4p	Intelligence - Exterior
7993	Det	Woodard	Nijauh	210	8235	8a-4p	Intelligence - Exterior
8935	Det	Jenkins	Monroe	210	8234	8a-4p	Intelligence - Exterior
6757	Det	Minor	Michael	210	8230	8a-4p	Intelligence - Exterior
3982	Det	Shaw	Archie	210	8233	8a-4p	Intelligence - Exterior
8976	Det	Bain	James	210	8237	8a-4p	Intelligence - Exterior
8853	Det	Lawshea	Lafeal	210	8238	8a-4p	Intelligence - Exterior

### COMMUNICATIONS

Communications for this detail will be on the "TACT B" Talk Group. Communications Division will ensure that a dispatcher is on duty on "TACT B".

*Personnel assigned to this detail will respond to their respective roll call with their fully charged Department issued miniature radios.*

**ONCE THE MOTORCADE IS MOVING, THERE WILL BE NO COMMUNICATIONS ON THIS CHANNEL UNLESS ABSOLUTELY NECESSARY OR THERE IS AN EMERGENCY.**

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### HOSPITAL

In St. Louis City, [REDACTED] has been designated as the primary hospital [REDACTED]. In the event response to the hospital is needed, officers in the area are to be alerted and assist with traffic and crowd control problems as necessary.

### ID CHALLENGES

In secure areas, any person not displaying proper identification will be promptly challenged and the Secret Service notified. Site Commanders will inform all officers that this action is extremely important. **THERE ARE TO BE NO EXCEPTIONS. ALL PERSONS IN A SECURE AREA ARE REQUIRED TO DISPLAY THE PROPER IDENTIFICATION.**

### UNIFORMS

All uniformed officers assigned to the Presidential Candidate Trump Detail will be required to report for Roll Call wearing the full Duty Uniform. **Duty hat and department issued reflective vest or jacket will be mandatory.** This applies to all officers other than those listed in the Detail as “undercover” or “plain clothes”.

**Officers are reminded that inclement weather conditions could exist for this event. Officers are encouraged to take the necessary precautions by wearing Department issued/approved cold weather wear as they deem appropriate.**

**All Civil Disobedience Team (CDT) Personnel will bring their Department issued CDT Gear with them to work during the Presidential Candidate Trump Detail.**

### DETAIL TRANSPORTATION & OFFICER PARKING

All officers assigned to this detail and responding to Roll Call at the Central Patrol Division will park their personal and department vehicles on the Central Patrol Division parking lot for the duration of their tour of duty. All officers are to display a department parking tag from their rear view mirrors.

The St. Louis Fire Department will provide one bus and driver for transportation for officers assigned to the Peabody Opera House Site. The buses will then return the officers to the Central Patrol Division when relief has been called by the Incident Commander.

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### **ABSENCES**

In the event an officer assigned to this detail is unable to report due to illness, transfer etc., it will be the responsibility of the district or division commander of that particular officer's parent assignment to provide a replacement. The On-Duty Watch Commander will immediately notify the Incident Commander of the replacement, and shall have the replacement officer report to the Roll Call location for assignment.

Commanders and Supervisors are to ask for volunteers prior to selecting officers to submit as replacement personnel for the operations plan. If after an insufficient number volunteer for the operations plan, Commanders and Supervisors of that assignment code may select additional officers to work the operations plan based on inverse seniority within the platoon, for Districts. Also, Probationary Police Officers (PPO) with Field Training Officers shall not be considered when viewing inverse seniority.

### **MISCELLANEOUS**

All Civil Disobedience Team (CDT) members who are not assigned to the Presidential Candidate Trump Detail will be required to bring their equipment with them for their regular tour of duty. Area Supervisors should ensure these officers have their CDT equipment.

The front doors of the Peabody Opera House (Market Street) will open to the ticket holders at 9:00 A.M. for this event.

The City Courts building and U.S. Post Office has been notified of the closed streets and "*no parking*" for this day.

Meals for officers will not be provided for this detail. Water will be supplied by Operational Planning.



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Signature Page

Respectfully submitted,



Police Officer Nicole M. Gentilini  
Operational Planning  
Office of the Police Commissioner



Police Officer Gregory Mueller  
Operational Planning  
Office of the Police Commissioner

Approved and forwarded:



Lieutenant Michael McAteer  
Executive Aide to the Police Commissioner  
Office of the Police Commissioner

**APPROVED**



**COLONEL D. SAMUEL DOTSON  
POLICE COMMISSIONER**



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### OFFICER INDEX PAGES

DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
965	Det	Christensen	David	210	8228	8a-4p	Intelligence - Site
2009	Det	Toedte	Liea	210	8221	8a-4p	Intelligence - Site
3982	Det	Shaw	Archie	210	8233	8a-4p	Intelligence - Exterior
6212	Det	Metz	Richard	210	8218	8a-4p	Intelligence - Motorcade
6304	Det	Betz	Michael	210	8239	8a-4p	Intelligence - Interior Site
6757	Det	Minor	Michael	210	8230	8a-4p	Intelligence - Exterior
6831	Det	Flaugher	Chris	210	8220	8a-4p	Intelligence - Interior Site
7449	Det	Riordan	Patrick	210	8231	8a-4p	Intelligence - Exterior
7944	Det	Gibbons	Ryan	210	8253	8a-4p	Intelligence - Exterior
7993	Det	Woodard	Nijauh	210	8235	8a-4p	Intelligence - Exterior
8853	Det	Lawshea	Lafeal	210	8238	8a-4p	Intelligence - Exterior
8925	Det	Corcoran	Kevin	210	8225	8a-4p	Intelligence - Motorcade
8935	Det	Jenkins	Monroe	210	8234	8a-4p	Intelligence - Exterior
8976	Det	Bain	James	210	8237	8a-4p	Intelligence - Exterior
3679	Sgt	Crews	Joseph	210	8203	8a-4p	Supervise Intelligence
6509	PO	Gentilini	Nicole	220	8170	7a-3p	Operational Planning
7712	PO	Mueller	Gregory	220	8171	7a-3p	Operational Planning
2782	PO	Dudley	Robert	301	9034	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
3008	PO	Novara	Keith	301	9015	7a-3p	15 <sup>th</sup> St/Walnut – Loading Dock Area (Secure area for Motorcade arrival)
4814	PO	Wilson	Steve	301	9013	7a-3p	Garage Level 1
5700	PO	Wozniak	Lori	301	9012	7a-3p	Garage Level 2
5905	PO	Rebholz	Lori	301	9026	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
6495	PO	Rumpsa	Christopher	301	9011	7a-3p	Top of Parking Garage/Roof
6649	PO	Spear	Andre	301	9027	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
7271	PO	Ellebracht	Erica	301	9025	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
6573	Sgt	Morrison	Orlando	301	9010	7a-3p	Supervise Exterior Squad 1
2995	PO	Haman	Michael	302	9032	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
3388	PO	Veile	Donald	302	9031	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
3403	PO	Vineyard	Patricia	302	9023	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
4882	PO	Cobb	Pat	302	9022	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
5846	PO	Jost	Brian	302	9024	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
6468	PO	Mana	James	302	9021	7a-3p	Peabody Exterior Squad 2-Front stairs of

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DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
							Opera House to 15 <sup>th</sup> St & Market St
6517	PO	Martinez	Ramiro	302	9025	7a-3p	Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
11150	PO	Gruswitz	Scott	302	9033	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
3979	Sgt	Schumann	Timothy	302	9030	7a-3p	Supervise Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
6475	Sgt	Pratt	Michael	302	9020	7a-3p	Supervise Peabody Exterior Squad 2-Front stairs of Opera House to 15 <sup>th</sup> St & Market St
4718	Det	Banks	Tim	303	9133	7a-3p	Mass Arrest Team 1
7219	Det	O'Brien	Dan	303	9132	7a-3p	Mass Arrest Team 1
7542	Det	Harden	Phil	303	9134	7a-3p	Mass Arrest Team 1
8040	Det	Wilmot	Scott	303	9131	7a-3p	Mass Arrest Team 1
964	PO	Buscemi	Ryan	303	9038	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
4117	PO	Cochran	Gary	303	9113	7a-3p	Site Interior Response Squad 1
4394	PO	Clancy	Pat	303	9085	7a-3p	Interior Squad-Between Stairway 29/RM 216 (Midland States Bank Room)
5319	PO	Gonzales	Edward	303	9037	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
6286	PO	Trares	Jeff	303	9111	7a-3p	Site Interior Response Squad 1
6811	PO	Happel	Drew	303	9082	7a-3p	Interior Squad-Outside RM 245 Green Room
7499	PO	Whittaker	Carl	303	9035	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
8758	PO	Simpson	Elijah	306	9093	7a-3p	Interior Squad-Stairwell Landing (Level 2/Level 3) Stage right
7904	PO	Wismar	Andy	303	9036	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
8784	PO	Cora	Dan	303	9039	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
8989	PO	Halfhill	Tom	303	9112	7a-3p	Site Interior Response Squad 1
11146	PO	Davis	Emily	303	9084	7a-3p	Interior Squad-Stage left through exit door on Stairwell Landing (Level 2/Level 3)
4641	Sgt	Abel	Tony	303	9130	7a-3p	Supervise Mass Arrest Team 1
6079	Sgt	Ross	Todd	303	9110	7a-3p	Supervise Site Interior Response Squad 1
2815	Cpt	Kriesmann	Renee	304	1400	7a-3p	Operations Officer/Exterior Site Commander-Peabody Opera House
3888	Det	King	David	304	9137	8:30a-4:30p	Mass Arrest Team 2
4834	Det	Steiger	Joseph	304	9136	7a-3p	Mass Arrest Team 2



Visit of Presidential Candidate Donald Trump

Friday, March 11, 2016

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DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
6759	Det	Murphy	Sean	304	9138	7a-3p	Mass Arrest Team 2
6819	Det	Andrews	Rebecca	304	9139	7a-3p	Mass Arrest Team 2
8934	Det	Hawkins	Benjamin	304	9140	7a-3p	Mass Arrest Team 2
822	PO	Baroni	Kevin	304	9071	7a-3p	Interior Squad -Auditorium – NE Corner
1060	PO	Fournie	Bridget	304	1464	5a-1p	Bike Patrol/Response
5626	PO	Daugherty	Steve	304	1463	5a-1p	Bike Patrol/Response
7561	PO	Morrell	Joseph	304	9070	7a-3p	Interior Squad -Auditorium – NW Corner
7881	PO	Streckfuss	Thomas	304	9115	7a-3p	Site Interior Response Squad 1
7999	PO	Murphy	Ryan	304	9114	7a-3p	Site Interior Response Squad 1
8754	PO	Randolph	Jack	304	1468	6a-2p	Bike Patrol/Response
8845	PO	Duke	Adam	304	1466	5a-1p	Bike Patrol/Response
8944	PO	Pierce	Joseph	304	1467	5a-1p	Bike Patrol/Response
11148	PO	Green	Dereck	304	9072	7a-3p	Interior Squad -Auditorium - SW Corner
11182	PO	Clark	Brandon	304	9069	7a-3p	Interior Squad -Auditorium – Orchestra Level Doors
11188	PO	Meyer	Anthony	304	9116	7a-3p	Site Interior Response Squad 1
4670	Sgt	Elston	Demetrius	304	1417	5a-1p	Supervise - Bike Patrol
6921	Sgt	Weite	Nicholas	304	9135	7a-3p	Supervise Mass Arrest Team 2
6296	PO	Ali	Drue	305	9126	7a-3p	Site Interior Response Squad 2
6577	PO	Ortbals	Steven	305	9125	7a-3p	Site Interior Response Squad 2
6897	PO	Lipinia	Sean	305	9073	7a-3p	Interior Squad -Auditorium - SE Corner
7414	PO	Alston	Marcus	305	9076	7a-3p	Interior Squad-Mezzanine Level Doors
8093	PO	Cohen	Michael	305	9075	7a-3p	Interior Squad-Mezzanine Level Doors
8852	PO	LaGrand	Brandon	305	9074	7a-3p	Interior Squad-Mezzanine Level Doors
11147	PO	Flatley	Michael	305	9077	7a-3p	Interior Squad-Hallway east of Security Room (across from laundry room)
11161	PO	Santa	Kyle	305	9124	7a-3p	Site Interior Response Squad 2
5810	PO	Moore	Regiana	306	9079	7a-3p	Interior Squad-Between RM 139 & RM 145 (No entry into RM 145)
8815	PO	Brown	Ellis	306	9080	7a-3p	Interior Squad-Between RM 137 & RM 130 to cover stairs/hallway
8932	PO	Haire	Jonathan	306	9123	7a-3p	Site Interior Response Squad 2
11010	PO	Korte	Steven	306	9121	7a-3p	Site Interior Response Squad 2
11110	PO	Lee	Trenton	306	9122	7a-3p	Site Interior Response Squad 2
3736	Sgt	Scego	Michael	306	9120	7a-3p	Supervise Site Interior Response Squad 2
4367	Maj	Sack	Michael	320	8902	7a-3p	Incident Commander
2008	Det	Thacker	Jarred	340	6614	8a-4p	Special Operations Response Squad
3168	Det	Kuster	Joseph	340	6523	8a-4p	Special Operations Response Squad
3389	Det	Wood	James	340	6803	8a-4p	Documentation Team-Exterior ( <i>Pictures</i> )
3538	Det	Lang	Robert	340	6606	8a-4p	Special Operations Response Squad
6244	Det	Brandhorst	Jason	340	6511	8a-4p	Special Operations Response Squad
6456	Det	Bush	Marcus	340	6517	8a-4p	Special Operations Response Squad
6604	Det	Seppi	Brian	340	6604	8a-4p	Special Operations Response Squad
6652	Det	Wasem	Mark	340	6520	8a-4p	Special Operations Response Squad
6767	Det	Boettigheimer	Anthony	340	6820	8a-4p	Special Operations Response Squad
6826	Det	Bell	Joseph	340	6515	8a-4p	Special Operations Response Squad



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DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
6841	Det	Welch	Patrick	340	6922	8a-4p	Special Operations Response Squad
6880	Det	Christ	Mickey	340	6516	8a-4p	Special Operations Response Squad
6889	Det	Kleffner	Andrew	340	6824	8a-4p	Special Operations Response Squad
6957	Det	Weber	Daniel	340	6610	8a-4p	Special Operations Response Squad
7036	Det	Frye	Derrick	340	6617	8a-4p	Special Operations Response Squad
7085	Det	Ellis	Bradford	340	6618	8a-4p	Special Operations Response Squad
7220	Det	Patton	Adrian	340	6811	8a-4p	Special Operations Response Squad
7223	Det	Thayer	James	340	6529	8a-4p	Special Operations Response Squad
7229	Det	Walsh	Steven	340	6513	8a-4p	Documentation Team-Exterior (Pictures)
7443	Det	O'Toole Jr.	Larry	340	6915	8a-4p	Special Operations Response Squad
7553	Det	Manley	Matthew	340	6911	8a-4p	Special Operations Response Squad
7909	Det	Zajac	Marcin	340	6920	8a-4p	Special Operations Response Squad
7913	Det	Somogye	Joseph	340	6814	8a-4p	Special Operations Response Squad
7935	Det	Chandler	Kyle	340	6916	8a-4p	Special Operations Response Squad
7966	Det	Carlson	Brett	340	6528	8a-4p	Special Operations Response Squad
8021	Det	Sayer	Craig	340	6518	8a-4p	Documentation Team-Exterior (Pictures)
8169	Det	Offt	Ronald	340	6823	8a-4p	Special Operations Response Squad
8250	Det	Witcik	Joshua	340	6510	8a-4p	Special Operations Response Squad
8408	Det	Burle	Mathew	340	6514	8a-4p	Special Operations Response Squad
8561	Det	Kirschner	Ryan	340	6612	8a-4p	Special Operations Response Squad
8769	Det	Wyms	Brandon	340	6827	8a-4p	Special Operations Response Squad
8786	Det	Eaton	Jodie	340	6804	8a-4p	Documentation Team-Exterior (Pictures)
8800	Det	Robben	Justin	340	6613	8a-4p	Special Operations Response Squad
2786	Lt	Hecht	Joseph	340	6600	8a-4p	Commander – Special Operations Response Squad
3893	Lt	Mueller	Michael	340	6900	8a-4p	Commander – Special Operations Response Squad
4008	Lt	Aubuchon	Scott	340	6800	8a-4p	Commander – Special Operations Response Squad
5783	Lt	Piatchek	Paul	340	6500	8a-4p	Commander – Special Operations Response Squad
4008	Sgt	Burgdorf	Curtis	340	6801	8a-4p	Supervise Special Operations Response Squad
4026	Sgt	Murphy	James	340	6501	8a-4p	Supervise Special Operations Response Squad
4207	Sgt	Dandridge	Darnell	340	6502	8a-4p	Supervise Special Operations Response Squad
4360	Sgt	McMurry	Mark	340	6802	8a-4p	Supervise Special Operations Response Squad
6369	Sgt	Werninger	Drew	340	6901	8a-4p	Supervise Special Operations Response Squad
1835	Lt	Sachs	Timothy	341	7100	7a-3p	Mobile Reserve-SWAT Commander
5623	PO	Coats	Lance	341	7122A	7a-3p	Mobile Reserve-SWAT
6045	PO	Wethington	William	341	7124A	7a-3p	Mobile Reserve-SWAT
6076	PO	Mueller	Aaron	341	7121B	7a-3p	Mobile Reserve-SWAT
6555	PO	Allen	Ronald	341	7112A	7a-3p	Mobile Reserve-SWAT
6795	PO	Chambers	Jason	341	7121A	7a-3p	Mobile Reserve-SWAT
6799	PO	Johnson	Brandon	341	7120	7a-3p	Mobile Reserve-SWAT
7042	PO	Moore	Brandon	341	7112B	7a-3p	Mobile Reserve-SWAT
7188	PO	Tesreau	Matthew	341	7114	7a-3p	Mobile Reserve-SWAT
7270	PO	Book	Daniel	341	7122B	7a-3p	Mobile Reserve-SWAT



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DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
7592	PO	Seper	Mark	341	7123	7a-3p	Mobile Reserve-SWAT
7824	PO	Boyce	Tim	341	7113	7a-3p	Mobile Reserve-SWAT
7942	PO	Busso	Joseph	341	7124B	7a-3p	Mobile Reserve-SWAT
8954	PO	Zwilling	James	341	7111B	7a-3p	Mobile Reserve-SWAT
11006	PO	Frigerio	Glennon	341	7111A	7a-3p	Mobile Reserve-SWAT
4909	Sgt	Monti	Samuel	341	7102	7a-3p	Supervise Mobile Reserve-SWAT
6939	Sgt	Jones	John	341	7101	7a-3p	Supervise Mobile Reserve-SWAT
5642	PO	Culberson	Everett	344	7207	7a-3p	Canine-VaporWake
2486	PO	Kavanaugh	Ginger	399	9086	7a-3p	Interior Squad-Ground Level Side Entry Door
2840	PO	Butler	Michael	399	9087	7a-3p	Interior Squad-Ground Level Side Entry Door
3159	PO	Conner	Julius	399	9081	7a-3p	Interior Squad-2 <sup>nd</sup> Floor-Between RM 251 Lobby Access/RM 217 Peabody Lounge
4576	PO	Binder	James	399	9078	7a-3p	Interior Squad-Hallway between RM 150 (House Electrician) & RM 145 Multipurpose Room
5995	PO	Edwards	Shamantha	399	8815	8a-4p	Documentation Team-Interior ( <i>Pictures</i> )
6576	PO	Naes	Louis	399	8821	8a-4p	Documentation Team-Interior ( <i>Report</i> )
7278	PO	Hein	Erin	399	8819	8a-4p	Documentation Team-Interior ( <i>Pictures</i> )
3973	Sgt	McLaughlin	John	399	8803	8a-4p	Documentation Team-Interior
6275	Det	Paulitsch	Keith	422	9064	7a-3p	Interior Squad -Press/VIP Entrance Mag
6942	Det	Johnson	Julie	422	9063	7a-3p	Interior Squad -Front Lobby Entrance Mag
7160	Det	Hefele	Todd	422	9061	7a-3p	Interior Squad -Front Lobby Entrance Mag
7170	Det	Kosednar	Paul	422	9062	7a-3p	Interior Squad -Front Lobby Entrance Mag
7273	Det	Johnson	Marilyn	422	9065	7a-3p	Interior Squad -Auditorium – Orchestra Level Doors
6626	Det	Edmond	Bruce	423	9066	7a-3p	Interior Squad -Auditorium – Orchestra Level Doors
6344	Sgt	Parker-Stayton	Amy	423	9060	7a-3p	Supervise Interior Squad
3395	Det	Wuellner	Mike	432	4377	7a-3p	Bomb Squad
6093	Det	Wilderson	Richard	432	4376	7a-3p	Bomb Squad
6623	Det	Burkemper	Nate	432	4375	7a-3p	Bomb Squad
90208	Det	Marcinkiewicz	Joe	432	4372	7a-3p	Bomb Squad
90209	Det	Sandbach	Dave	432	4378	7a-3p	Bomb Squad
90210	Det	Keithley	Rob	432	4379	7a-3p	Bomb Squad
90577	Det	Wilken	Jessica	432	4374	7a-3p	Bomb Squad
5672	Sgt	Stamper	Christian	432	4370	7a-3p	Supervise Bomb Squad
90206	Sgt	Shepard	Gerald	432	4371	7a-3p	Supervise Bomb Squad
3105	Det	Wildferd	David	433	9068	7a-3p	Interior Squad -Auditorium – Orchestra Level Doors
4751	Det	Spreck	Michael	433	9067	7a-3p	Interior Squad -Auditorium – Orchestra Level Doors
2576	PO	Sherrod	Derrick	451	9042	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
3554	PO	Avery	Wesley	451	9041	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut

Visit of Presidential Candidate Donald Trump  
 Friday, March 11, 2016  
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DSN	RANK	LAST	FIRST	A/C	CALL	SHIFT	DUTIES
4593	PO	Johnson	Demetrius	451	9040	7a-3p	Peabody Exterior Squad 3-Front stairs of Opera House to 14 <sup>th</sup> St & Market St/14 <sup>th</sup> & Walnut
6143	PO	Stuckey	Joseph	454	9051	7a-3p	City Courts Building (1520 Market) Secure the veranda on the east side of building
7213	PO	Clark	Charles	454	9052	7a-3p	City Courts Building (1520 Market) Secure the veranda on the east side of building
1673	Sgt	Frederick	Michael	454	9050	7a-3p	City Courts Building (1520 Market) Secure the veranda on the east side of building
3703	Lt	Lauer	Paul	463	7900	7a-3p	Traffic Safety Commander/Motorcade Lead Car 1
1645	PO	Ludwig	Justin	463	7956	7a-3p	Traffic Safety-14 <sup>th</sup> St/Clark
3695	PO	Martin	David	463	7962	7a-3p	Traffic Safety-Lead Car 2
4180	PO	Tenorio	David	463	7979	7a-3p	Traffic Safety-Garage Entrance (Scotttrade Center)
6150	PO	Wallace	Dawain	463	7964	7a-3p	Traffic Safety-Motorcade Tail Car 2
3266	Sgt	Coleman	Stanley	463	7906	7a-3p	Supervise Traffic Safety – Motorcade Tail Car 2
3165	PO	Hegger	James	660	9014	7a-3p	15 <sup>th</sup> St/Walnut – Loading Dock Area (Secure area for Motorcade arrival)
4161	PO	Mummert	Robert	660	9053	7a-3p	City Courts Building (1520 Market) Secure the veranda on the east side of building
6096	PO	Golliday	Charlene	660	9054	7a-3p	City Courts Building (1520 Market) Secure the garage stairwell door on the east side of building
0884	Maj	Caruso	Michael	800	8905	7a-3p	Interior Site Commander-Peabody Opera House
3421	PO	Monroe	Darryl	965	7922	7a-3p	Traffic Safety-14 <sup>th</sup> St/Market St
5745	PO	Christian	Scott	965	7921	7a-3p	Traffic Safety-Garage Exit (Scotttrade Center)
4912	Sgt	Russo	Robert	965	7901	7a-3p	Supervise Traffic Safety – Peabody site





# INFORMATION

ST. LOUIS MUNICIPAL DIVISION, 22ND JUDICIAL CIRCUIT, STATE OF MISSOURI

Court Appearance Date: April 18, 2016 03:00 PM Courtroom: 3

City of St. Louis, Plaintiff

Date Filed: 04/06/2016

VS.

Case Number: D00643145-9

RODNEY BROWN, Defendant  
4335 MARGUS  
ST LOUIS MO 63118

Arrest#:

Complaint#: 16-011897

Race: B Sex: M Weight: 165 Height: 5'8" Age: 26 DOB: 05/25/1990

On information, the undersigned City Counselor within and for St. Louis, Missouri, informs the Court that on or about the 11th day of March 2016, within the corporate limits of St. Louis, Missouri, at or near 1400 MARKET the above-named defendant DID THEN AND THERE

unlawfully disturb the peace of others by noisy, riotous or disorderly conduct, in a public place, or did then and there use indecent, lewd or offensive language, calculated to provoke a breach of the peace.

9/20/16  
303

10/26/16  
303

Mal Quinn, atty  
314 254 8541

In violation of Section(s) 15.46.080, Revised Code of the City of St. Louis, 1994.

Witnesses

8079 / 305 - BOETTIGHEIMER, MATTHEW - Issuer

4834 / 304 - STEIGER, JOSEPH J

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On information, undersigned prosecutor on their oath of office, informs the Court that the above facts are true as they believe.

Assistant/Associate Prosecutor, City of St. Louis, Missouri

**IN THE MUNICIPAL COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI**

CITY OF ST. LOUIS,	)	
	)	
Plaintiff,	)	D00643145-9
	)	
vs.	)	
	)	
RODNEY BROWN,	)	
	)	
Defendant.	)	

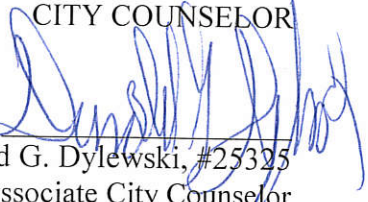
**BILL OF PARTICULARS**

Comes now the City of St. Louis, by and through Associate City Counselor Donald Dylewski, and respectfully states the following:

1. On the 11<sup>th</sup> day of March, 2016.
2. At or near 1400 Market Street.
3. Within the corporate limits of the City of St. Louis.
4. The defendant, RODNEY BROWN, engaged in a general peace disturbance.
5. In that he unlawfully disturbed the peace of others in the vicinity by engaging in noisy, riotous or disorderly conduct.
6. By disturbing a campaign rally for then Presidential Candidate Donald Trump and causing the rally to come to a halt because of the commotion.
7. In violation of Section 15.46.030, Revised Code of the City of St. Louis, 1994.
8. The penalty for such violation being provided in Section 1.12.010 (A), Revised Code of the City of St. Louis, 1994.
9. The City of St. Louis reserves the right to amend and/or supplement this Bill of Particulars at anytime up to and including the date of trial.

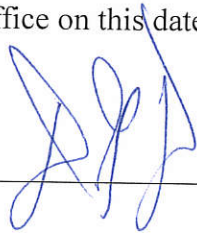


Respectfully submitted,  
MICHAEL A. GARVIN,  
CITY COUNSELOR

By:   
Donald G. Dylewski, #25325  
Associate City Counselor  
1520 Market Street  
Room 1062  
St. Louis, Missouri 63103  
Telephone: (314) 657-1844  
Facsimile: (314) 613-3183  
ATTORNEY FOR CITY OF ST. LOUIS

**CERTIFICATE OF SERVICE**

A copy of this Response was sent via email to: Mae C. Quinn and Amy E. Breihan, Attorneys for Defendant, via email delivery on April 24, 2017. It was also served on the Office of St. Louis City Municipal Clerk's Office on this date.

  
\_\_\_\_\_

MISSOURI CIRCUIT COURT  
TWENTY-SECOND JUDICIAL CIRCUIT  
MUNICIPAL DIVISION

CITY OF ST. LOUIS,

Plaintiff,

vs.

RODNEY BROWN,

Defendant.

)  
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No. D00643145-9

**FILED**  
SEP 18 2017  
CLERK                      *af*

**JUDGMENT**

Defendant Rodney Brown (“Brown”) was charged with peace disturbance in violation of Section 15.46.030<sup>1</sup> of the Code on March 11, 2016 at or near 1400 Market.

A bench trial was conducted on Wednesday, July 12, 2017. Mr. Brown was represented by Mae C. Quinn and Amy E. Breihan. The City was represented by Associate City Counselor Donald G. Dylewski. Both parties filed post trial memorandums.

Before any evidence was adduced and over Defendant’s objection, the City was given leave to amend the information by interlineation to include the phrase “loud and unusual noises.” The City was also given leave to amend to allege the general penalty clause, Section 1.12.010.

As so amended, the information charged that on March 11, 2016 at or near 1400 Market Mr. Brown did “unlawfully disturb the peace of others by noisy, riotous or disorderly conduct, or

<sup>1</sup> A copy of Section 15.46.030 of the Code, certified by the city Register on June 9, 2017, was offered and received as Exhibit C. It reflects that the ordinance was part of the 1948 Code and has existed in its present form since 1960. A copy of Section 1.12.010 of the Code, certified by the city Register, was also offered and received as Exhibit B. It too was part of the 1948 Code and has existed in its present form since 1960. The Court also maintains copies of the bound Revised Code at the Court’s location at 1520 Market. See Section 470.250, R.S.Mo. Copies of Exhibits B and C, with the Register’s seal, are attached to this Judgment. The City offered sufficient proof of these ordinances.

loud or unusual noises, in a public place, or did then and there use indecent, lewd or offensive language, calculated to provoke a breach of the peace.”

### **The Evidence**

On March 11, 2016, Presidential candidate Donald J. Trump visited St. Louis, and his campaign conducted a political campaign event at the Peabody Opera House. Mr. Trump delivered a speech during this event. Commensurate with public order and safety, as well as with security, and the requirements of a visit and event by a presidential candidate, the St. Louis Metropolitan Police Department (“SLMPD”) assigned numerous officers to various tasks both inside and outside the Peabody Opera House, including Officer Matthew Boettigheimer.

The City presented one direct witness to the alleged acts of Mr. Brown as set forth in the information: Officer Boettigheimer. During Mr. Trump’s remarks to those in attendance, Officer Boettigheimer was in the interior of the Opera House located in the rear of the auditorium, house right, stage left. Officer Boettigheimer testified that he frequently worked secondary in the Peabody Opera House and was very familiar with the interior of the building and the auditorium. That, he testified, was the reason why the Police Department assigned him to this detail. He was not working secondary on this occasion. When Officer Boettigheimer worked secondary at the Peabody Opera House, he was employed by and compensated by the Peabody Opera House and not the city of St. Louis.

Officer Boettigheimer testified that during Mr. Trump’s remarks, he heard a very loud laugh coming from near the front of the audience that he characterized as heckling in nature. He was unable to estimate the length of this laugh. He then perceived that an argument was occurring in the crowd in that same area from which he heard the laugh. Officer Boettigheimer accordingly moved forward to that area. When he reached the front of the auditorium he

observed that a person he identified as Mr. Brown and several other persons in front were engaged in a loud dispute and argument. Officer Boettigheimer did not testify that he was able to visually observe how the argument began. He testified that Mr. Brown was the one “causing the disturbance.” He placed Mr. Brown in custody at that point and he and another officer then took Mr. Brown out of the auditorium. He testified that, in his judgment, it was necessary to remove Mr. Brown in order to end the argument and prevent a further physical escalation of the argument. Mr. Brown yelled and shouted after he was taken into custody and while he was being removed from the auditorium.

By stipulation, the parties presented a video recording that depicted a portion of Mr. Trump’s remarks, the front area of the auditorium during part of those remarks, and the officers removing Mr. Brown from the auditorium. The video depicts Mr. Brown and at least two other individuals standing (rather than seated) in the front of the auditorium, with all three gesturing vigorously with their arms and apparently shouting at each other, prior to Mr. Brown’s removal. It was not possible for the Court to determine from the video which of the sounds that could be heard were attributable to Mr. Brown. There was loud applause, shouting and clapping from the crowd in general. Mr. Brown was shouting as he was removed from the auditorium by the officers but the Court could not discern what he was saying. There was no testimony from Officer Boettigheimer as what Mr. Brown said to the other participants in the argument or what they said to him before Officer Boettigheimer reached the front of the auditorium, or what Mr. Brown was shouting as he was being removed.

During these events, Mr. Trump stated from microphone on the podium: “Get him out of here. Get him out of here.” And “He’s just a troublemaker.” And “He’s all mouth.” The crowd in

general appeared to react to these remarks by Mr. Trump with loud cheering, shouting, clapping, applause and chants of “USA, USA.”

### Discussion

In arguing that the City failed to prove its case beyond a reasonable doubt, Mr. Brown argues that these remarks by Mr. Trump were taken by Officer Boettigheimer to be orders to the officer, which the officer then obeyed, wrongfully in Mr. Brown’s view, by taking Mr. Brown into custody and removing him from the auditorium.

Mr. Brown argues that:

Instead, what is more consistent with the evidence and common sense is that Boettigheimer responded to Donald Trump’s directive to “get him out of here,” advanced to the front of the room, and removed Brown because others suggested he do so.

Defendant’s Post Trial Letter, dated July 24, 2017 (“Defendant’s Letter”) at p. 3. In addition, Mr. Brown argues that Officer Boettigheimer’s actions in this respect were unconstitutional, thereby precluding any conviction. Defendant’s Letter at p. 7.

The Court credits Officer Boettigheimer’s testimony that he did not consider himself to be in any way under the direction or authority of Mr. Trump, that he did not regard Mr. Trump’s remarks as orders to him with which he was required to comply, that his actions were based upon his own judgment, and his experience, and that removing Mr. Brown from the situation at that point was necessary to prevent the argument from escalating into further physical confrontation and violence and to protect Mr. Brown himself from physical harm from the crowd. He testified that he started to take Mr. Brown into custody and remove him before Mr. Trump made the statement “Get him out of here.”

The Court observes that the remarks from the podium served only to exacerbate the situation that Officer Boettigheimer was attempting to de-escalate.

Given all of the circumstances presented by these particular facts, Officer Boettigheimer's decision to remove Mr. Brown was proper and reasonable. The Peabody Opera House is not generally, and was not on March 11, 2016, a traditional public forum. *See Cornelius v. NAACP Legal Defense and Educational Fund, Inc.*, 473 U.S. 788, 802-809 (1985); *Perry Education Association v. Perry Local Educators Association*, 460 U.S. 37, 46-47 (1983). It is operated by the Peabody Opera House and not by the city of St. Louis. Nor do these facts involve a refusal of the Opera House to allow a different presidential campaign to use the Opera House for a rally at a different time. The Opera House was on March 11, 2016 set aside for the Trump campaign rally. *See Schwitzgebel v. City of Strongsville*, 898 F.Supp. 1208, 1217-1219 (1995), *aff'd*, 97 F.3d 1452 (6<sup>th</sup> Cir. 1996), *cert. denied*, 522 U.S. 827 (1997), and *Carlson v. City of Tallahassee*, 240 So.2d 866 (Fla. App. 1<sup>st</sup> 1970), *cert. denied*, 244 So.2d 431 (Fla.), *cert. denied*, 403 U.S. 910 (1971), which involved roughly analogous situations of presidential campaign rallies.

That does not, however, fully resolve the issue of whether the Court is convinced that there was proof beyond a reasonable doubt that Mr. Brown did in fact violate Section 15.46.030. In particular, it does not resolve the issue of the proof under *City of St. Louis v. Tinker*, 542 S.W.2d 512 (Mo. banc 1976), and the limiting construction *Tinker* placed on the substantially similar language of Section 15.46.030's predecessor ordinance. Mr. Brown argues that the evidence adduced was insufficient to sustain a conviction beyond a reasonable doubt under *Tinker*.

Officer Boettigheimer was in the back of the auditorium when the loud and heckling laugh occurred in front. Because he was in the back and the argument was already in progress when he arrived in front, he could not testify as to how the argument actually started, as to what

Mr. Brown said or did not say to the other participants in the argument, or as to what they said to Mr. Brown. There is no evidence that Mr. Brown used “fighting words” in a manner that would sustain a conviction for peace disturbance beyond a reasonable doubt. The Court finds it difficult to convict on the basis “noisy” conduct or of “loud and unusual” noises given the volume of the shouting, cheering, and applause exhibited by the audience in general and Mr. Trump’s actions in encouraging the same.

Officer Boettigheimer testified that there was a loud argument in progress when he arrived at the front of the auditorium. There is no testimony that Mr. Brown engaged in speech or used language that was “calculated to provoke a breach of the peace” as that phrase was construed in *Tinker*. Under *Tinker*, “verbal conduct (speech)”, is “calculated to provoke a breach of the peace” if it is “intended to and reasonably probable to incite the other people to immediate violence in the circumstances then and there prevailing.” *Tinker*, 542 S.W.2d at 519.<sup>2</sup> Both parties appear to have largely assumed that Mr. Brown was attempting to express views opposed to Mr. Trump. This would be consistent with the officer’s testimony that Mr. Brown was the “source” of the disturbance. But to the extent that it might have, in some sense, been foreseeable that expression of views opposed to Mr. Trump might provoke a hostile or violent response from Mr. Trump’s supporters, such a hostile response, standing alone and in the absence of evidence of fighting words, profane language, advocacy of illegal conduct, or of other disorderly conduct on Mr. Brown’s part, would not support the conclusion that Mr. Brown’s own verbal conduct, his speech, was calculated to provoke a breach of the peace so as to sustain a conviction for peace disturbance under Section 15.46.030, the only offense with which he was charged. *E.g.*, *Edwards v. South Carolina*, 372 U.S. 229 (1963); *Cox v. State of Louisiana*, 379 U.S. 536

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<sup>2</sup> In *Tinker*, “the conduct which was the basis for the arrest and conviction of appellant consisted of the uttering of words, i.e., speech.” *Tinker*, 542 S.W.2d at 515.

(1965). The Court is not convinced of defendant's guilt beyond a reasonable doubt under these standards.

Defendant, Rodney Brown, is ACQUITTED of the charge of peace disturbance under Section 15.46.030. The status setting for September 26, 2017 is accordingly vacated.

  
Judge

#26102

Dated: September 18, 2017

cc via email:

Mae C. Quinn  
Amy E. Breihan  
Counsel for Defendants

Craig Higgins  
Donald G. Dylewski.  
Counsel for City



**1.08.270 Tenses.**

Words used in the past or present tense, include the future as well as the past and present. (1948 C. Ch. 1 § 2 (part); 1960 C. § 3.040.)

**1.08.280 Writing.**

“Writing” and “written” include printing, lithographing or other mode of representing words and letters. (1948 C. Ch. 1 § 2 (part).)

**1.08.290 Year.**

“Year” means a calendar year, unless otherwise expressed, and the word “year” shall be equivalent to the “year of our Lord.” (1948 C. Ch. 1 § 2 (part).)

St. Louis must provide indigent defendants an opportunity to pay fines in equal installments, *Hendrix v. Lark*, 482 S.W. 2d 427 (1972).

Defendant could not be imprisoned for inability to pay fine in installments after she made good faith effort to do so. *Hendrix v. Lark*, 482 S.W. 2d 427 (1972).

For cases stating that prosecutions by municipalities for the violation of an ordinance are civil actions to recover a debt or penalty due the City for the infraction of the ordinance, see *Groves v. Quick*, 319 S.W. 2d 543 and *City of Rayton v. Roach*, 360 S.W. 2d 741.

City Counselor Ops.: 8525, 9803

McQuillin:

27.06 Civil or criminal nature of proceedings  
17.01 et seq. Penalties of municipal ordinances

**Chapter 1.12**

**GENERAL PENALTY**

**Sections:**

- 1.12.010 Penalty for violation.**
- 1.12.020 General offense and infraction.**
- 1.12.030 Classification of offenses.**
- 1.12.040 Infraction.**
- 1.12.050 General offense—Action taken by court.**
- 1.12.060 Infraction—Action taken by court.**
- 1.12.070 Violation by organization—Action taken by court.**
- 1.12.080 Commencement of prosecution—Time limitation.**
- 1.12.090 Commencement of prosecution—Expiration of time period.**
- 1.12.100 Determination of commencement of offense and prosecution.**
- 1.12.110 Inapplicability of period of limitation.**
- 1.12.120 Retroactivity of provisions.**
- 1.12.130 Exclusivity of provisions.**

**Charter:**

- Art. 1 § 1 (34) Fines, forfeitures and penalties
- Art IV § 24 Fines and imprisonment

**Cases:**

A defendant who was convicted in municipal court for violation of city ordinances could not be tried by the state for grand larceny based on the same acts as were involved in violation of the ordinances as it would constitute double jeopardy. *Waller v. Florida*, 397 U.S. 387, 90 S. Ct. 1184 (1970).

City of St Louis has the power to imprison a person for an ordinance violation, *St. Louis v. Von Hoffman*, 280 S.W. 421 (1926).

**1.12.010 Penalty for violation.**

Every person convicted of a violation of any section of this Code shall be punished by a fine of not less than one dollar nor more than five hundred dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment, except as may be otherwise specifically provided in this Code. Each day that any violation shall continue shall constitute a separate offense. (1948 C. Ch. 1 § 16; 1960 C. § 1.100.)

**1.12.020 General offense and infraction.**

A. General Offense. A crime is a “general offense” if it is so designated or if persons convicted thereof may be sentenced to imprisonment for a term of which the maximum is 90 days or less and/or a fine of \$500 or less.

B. Infraction.

1. An offense defined by this chapter or by any other code or ordinance of this city constitutes an “infraction” if it is so designated or if no other sentence than a fine, or fine and forfeiture or other civil penalty is authorized upon conviction.

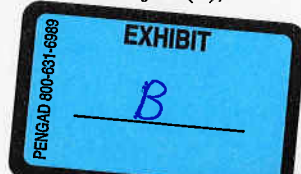
2. An infraction does not constitute a crime and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a crime. (Ord. 57839 § 1, 1979.)

**1.12.030 Classification of offenses.**

General offenses are classified for the purpose of sentencing into the following two categories:

A. Class I General Offense. It is a Class I general offense if the authorized imprisonment is 90 days or less, and/or a fine not to exceed \$500.

B. Class II General Offense. It is a Class II general offense if the authorized imprisonment is 30 days or less, and/or a fine not to exceed \$500. (Ord. 57839 § 2 (1), 1979.)



STATE OF MISSOURI }  
CITY OF ST. LOUIS } ss I, the undersigned Register  
of said City do hereby certify the foregoing to be a true copy of

Chapter 112.010 of the  
Revised Code of the City  
of St. Louis

the original of which is on file in this office.  
Witness my hand and the seal of the City of St. Louis  
this 12<sup>th</sup> day of August 2016  
James May  
REGISTER

15.44.020

a.m. during any dates on which Daylight Saving Time is in effect; or after 7:00 p.m. and before 7:00 a.m. during any dates on which Daylight Saving Time is not in effect.

E. It shall be unlawful for any person to panhandle in a group of two (2) or more persons. (Ord. 67918 § 3, 2008.)

**15.44.030 Penalty for violation.**

A. Every person issued a citation under this section shall be offered immediate referral and direction to an appropriate community outreach service program.

B. Penalties for violations of this section shall be as follows:

1. First violation: Upon a first violation, the person accused of violating this chapter shall be issued a warning ticket, which shall not include a summons to appear before a court of proper jurisdiction.

2. Second violation:

a. Upon a second violation, the person accused of violating this chapter shall be issued a written citation, including a summons to appear before a court of proper jurisdiction for disposition of the case.

b. Upon conviction for a second violation, the violator may be sentenced to one or more of the following: the performance of up to 30 days of community service, mandatory enrollment and completion of a community outreach services program, and/or a monetary fine not less than Fifty (\$50.00) Dollars but no more than Five Hundred (\$500.00) Dollars.

c. The court should consider completion of a community outreach service program in determining the appropriate sentence.

3. Third violation, and subsequent violations:

a. Upon a third violation, and subsequent violations, the person accused of violating this chapter shall be issued a written citation, including a summons to appear before a court of proper jurisdiction for disposition of the case.

b. Upon conviction for a third offense, and subsequent offenses, the violator may be sentenced to one or more of the following: the performance of up to 30 days community service, mandatory enrollment and completion of a community outreach service program, a monetary fine not to exceed Five Hundred (\$500.00) Dollars; and/or imprisonment not to exceed 30 days.

c. The court should consider completion of a community outreach service program in determining the appropriate sentence. (Ord. 67918 § 4, 2008.)

**15.44.040 Exceptions.**

Nothing in this chapter shall abrogate or abridge provisions of Ordinance 67389, concerning solicitations made by charitable organizations, or the laws of state and federal government, or any law regulating nonprofit, religious, educational, civic or benevolent organizations. (Ord. 67918 § 5, 2008.)

**Chapter 15.46**

**DISTURBANCES**

**Sections:**

- 15.46.010 Disturbing lawful assembly.**
- 15.46.020 Disturbing religious worship.**
- 15.46.030 Disturbing the peace.**
- 15.46.040 Disturbing prisoners.**

**15.46.010 Disturbing lawful assembly.**

Any person who shall, in this City, disturb any lawful assemblage of people by rude and indecent behavior shall be guilty of a misdemeanor. (1948 C. Ch. 46 § 18; 1960 C. § 762.020.)

McQuillin:

24.98 et seq. Preservation of peace and order

**15.46.020 Disturbing religious worship.**

Any person who shall, in this City, disquiet or disturb any congregation or assembly met for religious worship, by making a noise, or by rude or indecent behavior, or profane discourses within their place of worship, or so near the same as to disturb the order or solemnity of the meeting, shall be guilty of a misdemeanor. (1948 C. Ch. 46 § 19; 1960 C. § 762.010.)

V.A.M.S.:

574.010 Peace disturbance

McQuillin:

24.104 Disturbance arising from religious activities

**15.46.030 Disturbing the peace.**

Any person who shall disturb the peace of others by noisy, riotous or disorderly conduct, or by violent, tumultuous, offensive or obstreperous conduct or carriage, or by loud and unusual noises, or by unseemly, profane, obscene, indecent, lewd or offensive language, calculated to provoke a breach of the peace, or by assaulting, striking or fighting another in any park, street, alley, highway, thoroughfare, public place or public resort within the City, or any person who, in the City, shall permit any such conduct in or upon any



house or premises owned or possessed by him or under his management or control, so that others in the vicinity are disturbed thereby, shall be guilty of a misdemeanor. (1948 C. Ch. 46 § 20; 1960 C. §§ 762.030, 762.040.)

V.A.M.S.:

574.010 Peace disturbance



City Counselor Ops.: 8629, 9626

**Chapter 15.48**

**Cases:**

The peace of an individual cannot be disturbed unless the individual is within the peace. *City of St. Louis v. Sage*, 254 S.W. 2d 252 (1953).

Disturbing the peace ordinance of the City of St. Louis was not void on the ground that it was inconsistent with state statute on same subject. *City of St. Louis v. Page*, 259 S.W. 2d 98 (1953).

Ordinance which makes it a misdemeanor to disturb the peace by violent conduct or by profane or offensive language, calculated to provoke a breach of the peace, is a valid exercise of the city's power. *City of St. Louis v. Slupski*, 162 S.W. 155, 254 Mo 309 (1913).

Evidence that defendant was a picket and handcuffed himself to a store revolving door, thus attracting a crowd, was sufficient for conviction of disturbing the peace. *City of St. Louis v. Goldman*, 467 S.W. 2d 99 (1971).

Fact that city ordinance on disturbing the peace did not require that act to be done "wilfully" did not make ordinance inconsistent with statute. *City of St. Louis v. Goldman*, 467 S.W. 2d 99 (1971).

Mere fact that defendant disturbed the peace by noisy, riotous and disorderly verbal conduct in a public place was not sufficient for conviction under this ordinance where there was no finding that the verbal conduct was intended to and was reasonably likely to incite others to violence. *City of St. Louis v. Tinker*, 542 S.W. 2d 512 (1976).

This ordinance is not unconstitutionally vague or overbroad. *City of St. Louis v. Tinker*, 542 S.W. 2d 512 (1976).

**McQuillin:**

24.98 Disturbing the peace and disorderly conduct

**15.46.040 Disturbing prisoners.**

No person shall disturb the peace of the citizens of the City who may be in the City Jail, Municipal Courts Building, Human Development Corporation Building, at, in or near Kiel Auditorium, or Washington Square by loud or unusual language in an attempt to communicate with any inmate or inmates of the City Jail, through any window, door, or other opening by voice, signal, or written messages, or attempt to pass or receive any article to any inmate of the jail through any window, door or opening. (Ord. 56844 § 2, 1974; 1960 C. § 762.050.)

**LOITERING**

**Sections:**

- 15.48.010 Prohibited.**
- 15.48.020 Defense for conviction.**
- 15.48.030 Penalty for violation.**

**Cases:**

Attempt to define as criminal "wandering the street" is unconstitutionally vague and overbroad, regardless of whether ordinance is limited to class of persons who may be otherwise engaged in prohibited activity, *City of St. Louis v. Burton*, 478 S.W. 2d 320 (1972).

Evidence held insufficient to sustain conviction under loitering ordinance. *City of St. Louis v. Burton*, 478 S.W. 2d 320 (1972).

**McQuillin:**

24571 Loitering, idling and congregating in streets

**15.48.010 Prohibited.**

No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding citizens, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, in any public way, street, highway, place, or alley and refuse to obey the lawful command of a police officer to move on or provide to said police officer a lawful reason for remaining on said public way, street, highway, place or alley if the alleged loitering by said person would create or cause to be created any of the following:

- A. Danger of a breach of the peace;
- B. The reasonable danger of a disturbance to the comfort and repose of any person acting lawfully on or in a public way, street, highway, place, or alley reserved for pedestrians;
- C. The obstruction or attempted obstruction of the free normal flow of vehicular traffic or the normal passage of pedestrian traffic upon any public way, street, highway, place, or alley;
- D. The obstruction, molestation or interference or attempt to obstruct, molest or interfere with any person lawfully on or in a public way, street, highway, place, or alley to fear for his or her safety; (Ord. 61415 § 2, 1989; prior: Ord. 47396 § 1, 1955; 1948 C. Ch. 46 § 39; 1960 C. § 765.010.)

**15.48.020 Defense for conviction:**

- A. No person shall be convicted under this chapter if the police officer fails to comply with the procedure outlined herein. No person shall be convicted under this chap-

STATE OF MISSOURI }  
CITY OF ST. LOUIS } ss I, the undersigned Register  
of said City do hereby certify the foregoing to be a true copy of  
Chapter 15.46.010 - 040 of Title 15  
of the Revised Code of the City  
of St Louis

the original of which is on file in this office.  
Witness my hand and the seal of the City of St. Louis  
this 9th day of June 2017 Barbara J. May

REGISTER