

City of Saint Paul



Police-Civilian Internal Affairs Review Commission

Annual Report

2009

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Contact Information and Filing a Compliant

Someone within the Saint Paul Police Department is available to talk to you about your complaint 24 hours day when you are not satisfied with the service you received.

If you choose to talk with someone outside of the police department, you may contact the Civilian Coordinator of the Police-Civilian Internal Affairs Review Commission or seek out a citizen complaint center, which will assist you in filing a complaint.

Filing a complaint within the Saint Paul Police Department

You may also call, visit, or write the department's Internal Affairs Unit or the Civilian Coordinator for the Police-Civilian Internal Affairs Review Commission.

Police-Civilian Internal Affairs Review Commission	Saint Paul Police Department Internal Affairs Unit
367 Grove St. Saint Paul, Minnesota 55101 Phone: (651) 266-5583 Office Hours: Mon-Fri, 8:00 am - 4:30 pm	367 Grove St. Saint Paul, Minnesota 55101 Phone: (651) 266-5760 Office Hours: Mon-Fri, 8:00 am - 5:00 pm

An immediate or after hours concern can be conveyed to the on-duty Station Commander at (651) 266-5627, the Emergency Communication Supervisor at (651) 266-7703, or with any supervisor in the unit where the employee works.

Filing a complaint outside the Saint Paul Police Department

Citizen Complaint Centers can assist with filing a complaint:

- NAACP: (651) 649-0520
- Saint Paul Urban League: (651) 224-5771
- Council on Asian-Pacific Minnesotans: (651) 296-0538
- Commission of Deaf, DeafBlind, and Hard of Hearing Minnesotans: (651) 297-7305
- Saint Paul Department of Human Rights and Equal Economic Opportunity: (651) 266-8900

2009 Summary

During the year of 2009, the Police Civilian Internal Affairs Commission (PCIARC) convened for 11 regular meetings. At those meetings, 114 cases were reviewed, which resulted in 358 separate charges of improper action by members of the department. Of those recommendations: 35 were sustained, 157 were not sustained, 62 were exonerated, 103 were unfounded, and 1 was deemed policy failure this year.

In September of 2009, two Commissioners were appointed by Mayor Coleman: Commissioners Gilbert de La O and Scott Swanson. The PCIARC is a mix of citizens from the City of Saint Paul, which represent the diverse community of Saint Paul, whom all differ in experiences and lifestyles. The PCIARC meetings prove to be quite interesting and contain many lively discussions, because of the diversity of the Commission.

For the second time, the PCIARC used its power to subpoena witness to appear before the Commission. The PCIARC held a fact-finding meeting for a specific case to obtain face to face interviews from two witnesses.

There were two Community Meetings held throughout the year at community centers on the West Side, and the North End. The Commissioners would like to see better attendance, but we have seen the participation increase with each meeting. The meetings were attended by various representatives from a diverse community. Two main themes were voiced at the meetings. The first issue was the concern that the PCIARC should be more reflective of the community they serve in both civilian and sworn appointments. The second concern is that the finding of the Commission be communicated to the community in a timely fashion. That issue presents several problems as the data privacy statutes come into play and only the principals in a cases are entitled to be informed of the findings of the Commission.

The PCIARC completed its work with the "Berkshire Study" this year. The Commission and the Internal Affairs staff were interviewed by staff from the Berkshire Advisors Inc. The interviews were to help find best practice findings and to suggest changes to the PCIARC, which is to be considered by the Mayors Office and the Saint Paul Police Department. The administration of the Department met to develop a plan for addressing the suggestions of best practice identified in the report. Implementation of the Berkshire suggestions that were found to be viable will be completed in 2010.

The SPPD/PCIARC remains an active member with NACOLE, the National Association for Civilian Oversight of Law Enforcement (www.nacole.org). NACOLE is an organization that brings together individuals and agencies working to improve oversight of police officers and law enforcement in the United States. NACOLE is dedicated to promoting greater police accountability through training, technical assistance, finding best practices, networking, and the sharing of information between agencies.

Donald Luna
Office of the Chief
Coordinator
PCIARC

Purpose of this Report

The City of Saint Paul Police-Civilian Internal Affairs Review Commission Annual Report is a required document that is created out of a desire to increase openness and transparency in the operation and decisions made by the Commission.

The report assists the citizens of Saint Paul to understand the process in how the Police-Civilian Internal Affairs Review Commission has reached their disposition on cases presented to the Commission. Additionally, the report allows the public to gain an understanding of who the Commissioners and that serve and the background that has prepared them to serve.

PCIARC Commissioner and Staff Information

Commissioners

Commissioners are comprised of five citizens and two current members of the Saint Paul Police Federation.

Commissioners must be a current resident of the City of Saint Paul.

Commissioners are appointed for three year terms and will serve no more than two terms.

The five, citizen Commission members are appointed by the mayor with the approval of the City Council. The Commissioners that are current members of the Saint Paul Police Federation are first recommended by the Chief and then appointed by the Mayor with the approval of the City Council.

Commissioners are, to the extent possible, to be representative of the City of Saint Paul's diversity of neighborhoods, races and cultures, abilities, incomes and sexual orientations.

Commissioners who are citizen members must not be Saint Paul Police Department officers or their immediate family.

Commissioners are, prior to assuming official duties, to participate in a training program which shall include topics related to police work, investigation, relevant law, cultural diversity, gender, sexual orientation, disability, and the emotional impact of abuse. They shall also participate in ride-alongs with an officer on actual patrol duties.

The PCIARC elects a Chair and Vice Chair to preside over its proceedings and elects a Secretary who will be responsible for the minutes of the Commission meetings. The Commission Chair is elected from among the citizen members.

Commission Coordinator

The Commission Coordinator is to assist in receiving complaints from the public. This person is employed by the police department for the specific purpose of building trust in the complaint investigation process and serving as a staff position to the Commission.

Saint Paul Police Department Internal Affairs Unit Staff

The Internal Affairs Unit is staffed by a Commander and three Sergeants who report directly to the Chief of Police. The Internal Affairs Unit is the investigative arm of the police administration and the PCIARC. Its function is to impartially interview witnesses, collect evidence, and present facts to the police administration and the Commission for review and disposition.

Commissioners and Staff

Commissioner	Date Appointed	Term End	Appointee
Kathy Cole	12/10/2004	12/2/2009	Randy Kelly
Angela Burkhalter	6/25/2008	12/2/2010	Chris Coleman
Gilbert de la O	12/2/2009	12/2/2011	Chris Coleman
James Gray	12/2/2008	12/2/2009	Chris Coleman
Robert McClain	12/2/2008	12/2/2009	Chris Coleman
Patrick Rubel	12/19/2001	12/2/2009	Randy Kelly
Scott Swanson	12/2/2009	12/2/2010	Chris Coleman
Paulette Swindeman	1/8/2003	12/2/2009	Randy Kelly
Lynn Wild	6/25/2008	12/2/2010	Chris Coleman
Staff Member	Employer	Title	
Donald Luna	Saint Paul Police Department	Commission Coordinator	

Commissioner Biographies

Kathy Cole

Kathy Cole is a lifelong resident of Saint Paul who currently lives in the North End area with her husband and three dogs. She has been a community activist for the last twenty years. Kathy is currently employed by the Ramsey County Sheriff's Office working the Warrant Office. Prior to that assignment she worked in the Weapons of Mass Destruction/Homeland Security Unit. Her previous employment was working as a Community Organizer/Executive Director/Crime Prevention Coordinator for the District 6 Planning Council in the North End of Saint Paul. District 6 is a non-profit organization whose whole task is to get citizen input into city government through education, communication, and active participation while improving the quality of life for those who live or work in the area. She has also served as the President of the North End Business Association, and has served in different capacities on numerous boards, committees, and task forces. Kathy is currently the chair of the PCIARC for the second time in her five-year tenure.

Angela Burkhalter

Angela Burkhalter was born in Minneapolis, the daughter of union laborers and the granddaughter of Oklahoma farmers. She graduated high school in Kansas City, Missouri focusing on pre-law and majored in speech communication and theater at Macalester College in Saint Paul. She became Miss Black Minnesota and traveled to Los Angeles where she began her dual career in the finance industry while becoming the President of her own enterprise for 15 years.

She is active in community engagement activities, in small and minority business enterprise development, is the immediate past president of Toastmasters International, and is the proud mother of a gifted and talented daughter. She currently works for a government agency. In her spare time, she enjoys lifelong learning opportunities, caucusing for health related issues, job creation and making our communities a better place for our children and seniors. Angela travels to Washington, D.C. for semi-annual training on the hill and legislative visits.

Gilbert de la O

Gilbert de la O retired from the Neighborhood House, a community center in the Saint Paul West Side neighborhood, after 35 years of employment. Gilbert was awarded the United Neighborhood Centers of America National Alumni of the Year. Gilbert was elected to a four-year term on the Saint Paul Board of Education in 1998. He attended Lakewood Junior College and the University of Minnesota. Gilbert was awarded the Purple Heart and Combat Infantry Badge while serving with 1st Infantry Division in Vietnam.

James Gray

James Gray is a lifelong resident of Saint Paul and grew up on the East Side. He attended Cretin-Derham Hall High School and was a part of the Junior Reserve Officers Training Corps (i.e. J.R.O.T.C.) and achieved the rank of Cadet Colonel. He had the opportunity to attend one of the military academies but decided to follow in his father's footsteps instead and became a Saint Paul Police Officer. James attended Lakewood Community College and earned an Associate of Arts Degree in Law Enforcement.

In August of 1992, James was hired as a Parking Enforcement Officer for the Saint Paul Police Department. He worked in the capacity until May of 1994 when he entered the Saint Paul Police Academy. Three months later, he graduated and began patrolling the same neighborhood where he grew up.

During the past fifteen years, James has worked every part of Saint Paul. In May of 1999, he was promoted to Sergeant and has worked in a variety of assignments. Currently, he is living in the Como Park area with his wife and newborn son.

Robert McClain

Robert McClain is a Business Development Coordinator for Impact and also a consultant for the YWCA of Saint Paul. Robert is currently attending Metropolitan State University. He is active in the community as a member of the NAACP, on the board of directors of the African American Leadership Council and the Neighborhood Justice Center. Robert is also involved with the Wilder Foundation-Neighborhood Leadership Program and Twin Cities LISC. Robert's interests include community development and advocacy and also photography.

Scott Swanson

Scott Swanson is the Director of Academic Achievement at the University of St. Thomas School of Law in Minneapolis, where he assists students on academic matters in addition to teaching Criminal Law, Criminal Procedure, and Legal Writing. He has an undergraduate degree in Psychology and Political Science from Gustavus Adolphus College, a JD from William Mitchell College of Law in Saint Paul, and a MA in Psychological Counseling from the University of St. Thomas. Prior to teaching law, he was the Executive Director of the Minneapolis Sentencing Guidelines Commission; before that, he was a Public Defender in Minnesota, specializing in drug defense and appeals. He has been active in the community, serving as the President of Pilgrim Lutheran Church in Saint Paul, as Co-Chair of the Site Council at his children's school, and in a variety of other capabilities. He was appointed to the review board in September, 2009.

Lynn Wild

Officer Lynn A. Wild has been a member of the Saint Paul Police Department since January 30th, 1984. She earned a Bachelor of Arts Degree in Sociology/Anthropology (Criminology Concentration) and an Association of Arts Degree in Law Enforcement from the University of Minnesota, Duluth in 1983.

During her career, Officer Wild has worked in all three Districts of the City as a Patrol Officer (over 21 years). Officer Wild has been a past member of the S.W.A.T. team (12 years), a Field Training Officer (15 years) and Use of Force/Firearms Instructor for the last 17 years. Previous assignments have included working the Target Range, the Training Unit, as a Patrol Sergeant, and as a Crime Scene Technician Assistant. Officer Wild was sworn in as a Commissioner of the PCIARC on August 6th, 2008 by Chief John Harrington.

PCIARC Function Overview

The Police-Civilian Internal Affairs Review Commission (PCIARC) and the Saint Paul Police Internal Affairs Unit function under a policy that is based on trust and confidence between department members and the community, which is essential for effective law enforcement and community tranquility. Citizens must feel free to hold accountable public employees who exhibit behavior they feel is illegal, immoral or unfair. At the same time, police officers must be free to exercise their best judgment and to initiate enforcement action in a lawful and impartial manner without fear of reprisal.

This Commission reviews all citizen complaints involving:

- Allegations of excessive force
- Discrimination (as defined in Saint Paul Legislative Code 183.02)
- Poor public relations
- Improper procedures
- Complaints referred by the Mayor or Chief of Police.

The Commission will also review:

- All instances of a discharge of a firearm by an officer for other than training purposes

Members of the Commission will recommend a final disposition on investigations they review and further recommend disciplinary action when warranted. In all cases, the Chief of Police will be the final authority on case dispositions and discipline.

PCIARC History

As part of a plan to build partnerships based on trust and confidence between the police department and the community, the PCIARC was established in 1994 as a process for citizen review of internal affairs investigations within the police department.

The Commission was the product of six different task forces/commissions over a period of nearly three decades. All of the task forces and commissions indicated a problem in communication between police and sectors of the community and each concluded there needed to be citizen involvement in the process of reviewing allegations of misconduct.

1965 State civil rights “Report on Police Community Relations in Minneapolis and Saint Paul”

1981 State civil rights report on “Police Practices in the Twin Cities”

1983 Minnesota Department of Human Rights “Report of the Task Force on Police/Community Relations”.

1985 Saint Paul Human Rights Commission “Police-Community Relations Task Force Report”.

1986 Mayer George Latimer’s Police Community Relations Task Force “Report and Recommendations to the Mayor and City Council”.

1992 Mayor James Scheibel’s Task Force on Police Priorities for the Nineties.

1994 The PCIARC is created.

2001 An agreement between the NAACP and the Saint Paul Police Department established a series of centers in the community for public complaint intake. Other measures established included: the assurance that all citizen-initiated complains and investigations will be reviewed by the PCIARC, the assurance that the Internal Affairs Unit and the PCIARC will take appropriate steps to reduce investigation time and be more responsible to complainants, that the PCIARC and the police department will adopt better methods to better identify and review for race-based policing and racial profiling, and that the PCIARC will inform the complainant of the disposition and the explanation for the decision.

2008 The Berkshire Report of Best Practices brought forth a series of recommendations. Amongst the recommendations that were implemented, include the creation of an annual report for increased transparency, adjusting the Commission to more closely reflect the Saint Paul community, and the assurance of the appointment of new members to the Commission in a timely fashion.

PCIARC Meeting Policies

PCIARC meetings have the following policies:

- Minimum frequency: Quarterly
- Maximum frequency: Semi-monthly
- Per Diem for citizen members: \$50

The attendance of the meetings consists of the seven Commission members, the Civilian Coordinator (who records the proceedings), and personnel from the internal affairs unit.

The open segment of the Commission meetings is limited to parliamentary procedures and administrative business.

The closed segment consists of case review of misconduct by individual officers which is regulated by federal data privacy laws. These segments will be closed to all except for members of the Commission and such other participants, as approved by the Chair of the Commission and the Chief of Police, and that will facilitate the review process of the Commission.

The Commission may request individuals to appear before it to state facts to supplement files.

The Commission may request internal affairs staff to gather additional information as may be needed for a determination by the Commission.

The Commission may, as provided by a city contract, hire a private investigator as approved by the Mayor or Chief of Police.

The Commission has the power to subpoena witnesses to compel their appearance before it.

The Commission Chair will preside over all meetings and shall conduct meetings:

- Consistent with and subject to all city ordinances and published policy directives,
- Subject to statutes regarding government data practices, open meetings, Peace Officer's Bill of Rights, and related law.

Community Meetings

The PCIARC also conducts open, community meetings throughout the year. The meetings are restricted to publicly-available information only, in compliance with data privacy. The members of the public are invited to talk to Commissioners and to ask questions about what types of PCIARC process and procedure. The public is also invited to relay any concerns that they have about the Commission and recommend improvements and changes to the Commission.

Data Privacy

The investigatory materials prepared by the internal affairs unit of the police department or independent investigators under contract to the city are considered data collected in furtherance of an active investigation and will be reviewed by the Commission. The meetings of the Commission on such matters will be closed pursuant to Minnesota Statute 13D.05, excepting to members of the Commission and such other participants as approved by the chair of the Commission and the police chief and that will facilitate the review process of the Commission.

[Minnesota Statute 13D.05: Meetings Having Data Classified as Not Public.](#)

Subdivision. 2. When meeting must be closed.

- (a) Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:*
- (2) active investigative data as defined in section [13.82, subdivision 7](#), or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision*

In accordance with Chapter 102 of the Saint Paul Legislative Code, “*a violation of law regarding government data practices or nonattendance at more than three (3) meetings in a year by a member shall also constitute cause to terminate a member’s appointment by the mayor as recommended by the chief of police.*”

Complaint Process

Overview

1. An initial allegation of police misconduct is received by the department either from a department employee or from a member of the public.
2. The allegation is made official when signed by complainant.
3. Once signed, an investigation may begin. An investigation usually takes about 8-10 weeks to complete.
4. When the investigation is completed, the Commission Coordinator provides the case materials to the Commissioners for deliberation.
5. The Commission then reviews the case.
6. After review, the Commission then recommends case dispositions to the Chief of Police, as well as corrective/disciplinary actions when warranted.
7. The Chief of Police then makes a final decision on the case.

Investigation of Complaints

Internal Affairs Investigations

Internal Affairs investigates serious allegations of misconduct, excessive force, or negligence of duty by police department employees. Any use of firearms by our officers will also be investigated by this unit.

District and Unit Investigations

Cases relating to public relations and procedural issues are sent to the employee's Unit Commander for dissemination to that employee's immediate supervisor.

The investigations by an employee's immediate supervisor are handled in a comparable manner as the Internal Affairs Unit. This process allows a supervisor to investigate and monitor employees under their supervision.

Firearms Review

The Commission reviews all incidents involving a discharge of a firearm by a Saint Paul Police Officer.

After review and deliberation of a report involving the discharge of a firearm, the Commission, by majority vote, makes its recommendations on the case. Such recommendation shall be upon a finding that the incident is justified (Exonerated), or the incident is not justified (Sustained).

The Commission shall, by majority vote, make a recommendation as to any action to be taken concerning an involved officer in an incident that the Commission determines to be not justified.

Upon the Commission determining the disposition of a discharge of firearm incident, the same process of notification shall be followed as is used in cases involving completed Internal Affairs investigations of complaints against sworn police officers.

PCIARC Recommendation Process

The process of recommendations for disposition and discipline for cases will begin with the PCIARC. Members of the Commission will, by majority vote, recommend a final disposition on investigations they review and further recommend disciplinary action where warranted. If necessary, the Commission can recommend police department policy changes. The case will then be sent to the Chief of Police in writing.

Once the work of the PCIARC is completed, one of the following scenarios will occur:

1. The Chief of Police will agree and implement the recommendations of the PCIARC.
2. The Chief of Police disagrees with the Commission, and will notify the Commission of this decision in writing. The Commission Chair and the Chief of Police will then have five working days to seek an agreement.
3. The Commission fails to reach a majority decision and the case will be then decided by the Chief of Police.

In all scenarios, the Chief of Police will make the final determination in all cases. Additionally, the Chief of Police may take immediate action on any case.

Upon notification from the Chief of Police regarding a case's final disposition, the Commission Coordinator will ensure that letters explaining the final disposition and outcome are mailed to the original complainant.

Possible Dispositions for Allegations

Exonerated	Incident occurred, but it was lawful and proper
Sustained	Allegation is supported by sufficient evidence to justify reasonable conclusion of guilt
Not Sustained	Insufficient evidence to prove or disprove the incident
Unfounded	Allegation is false or not factual
Policy Failure	The allegation is factual. The officer followed proper departmental procedures, which have been proven to be faulty.

PCIARC Allegations and Dispositions

These are totals from cases discussed at meetings held during 2009, not necessarily for incidents that occurred in 2009. A single case may involve multiple complaints, complainants, or officers.

Case and Allegation Summary	
Meetings Held	11
Cases Reviewed	114
Community Meetings Held	2
Allegations	358
Allegations – Excessive Force	87
Allegations – Non-Excessive Force	271
Firearms – Justified	14
Firearms – Not Justified	0

PCIARC's Dispositions by Allegation						
Policy	Total	Unfounded	Exonerated	Not Sustained	Sustained	Policy Failure
Discrimination	1	1	0	0	0	0
Excessive Force	87	4	23	51	9	0
Harassment	17	13	4	0	0	0
Improper Conduct	91	36	0	51	4	0
Improper Procedure	135	40	35	38	21	1
Poor Public Relations	27	10	1	16	0	0
TOTAL	358	104	63	156	34	1
Percentage	100%	29%	18%	44%	9%	0%

*See Page 16 for definitions of the dispositions

Case Statistics	
Independent Investigator Involvement	0
Subpoena Issued	1
Chief Change of Recommendation	8

Independent Investigator Involvement – The number of cases in which an independent investigator was needed.

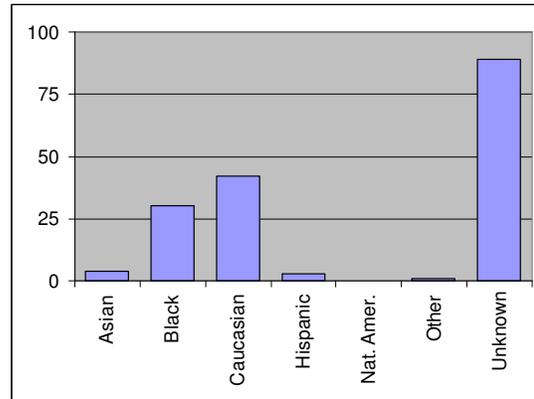
Subpoena Issued – The number of cases in which witnesses were subpoenaed and testified before the Commission

Chief Change of Recommendation – The number of cases in which the recommendation of the Commission was changed by the Chief of Police.

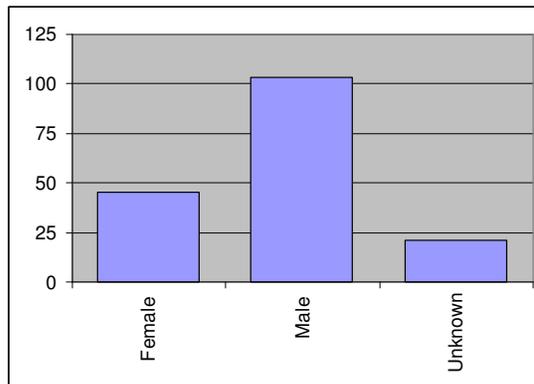
Chief Change of Recommendation Statistics	
'Not Sustained' to 'Sustained'	7
'Sustained' to 'Not Sustained'	1

Complainant Demographics*

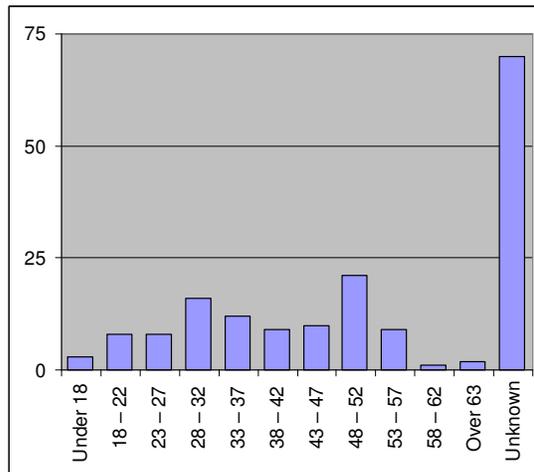
Race / Ethnicity	Complainants
Asian	4
Black	30
Caucasian	42
Hispanic	3
Native American	0
Other	1
Unknown	89
Total	169



Gender	Complainants
Female	45
Male	103
Unknown	21
Total	169



Age	Complainants
Under 18	3
18 – 22	8
23 – 27	8
28 – 32	16
33 – 37	12
38 – 42	9
43 – 47	10
48 – 52	21
53 – 57	9
58 – 62	1
Over 63	2
Unknown	70
Total	169



*This information is optional and not all complainants respond to all questions. A single case may involve multiple complaints, complainants, or officers.

Appendix A: NAACP Agreement Overview

“The St. Paul Chapter of the NAACP and the St. Paul Police Department met together on March 19, 2001, April 12, 2001, May 9, 2001 and June 19, 2001. The meetings were convened by the Community Relations Service of the United States Department of Justice to assist in efforts to address concerns impacting race relations and relations between citizens and the police in the City of St. Paul, Minnesota.

“The representatives of the City of St. Paul Minnesota, the St. Paul Police Department and the St. Paul NAACP and other African American community organizations have proposed remedial measures in the following Mediation Agreement to address concerns related to bias-based policing and to improve relations between the police and community in the City of St. Paul, Minnesota.”

The part of the agreement related to the PCIARC is the following:

Facilitate creation of complaint centers

- NAACP
- Urban League
- Indian Affairs Council
- Council of the Hearing Impaired
- Chicano Latino Affairs Council
- St. Paul Human Rights

Appendix B: City of Saint Paul Administrative Code Related to the PCIARC

Chapter 102. Police-Civilian Internal Affairs Review Commission

Sec. 102.01. Purpose and scope of commission review.

- (a) In order to assure the public that police services are delivered in a lawful and nondiscriminatory manner, the public should be accorded participatory oversight of the police and their interaction with the citizenry. To this end, the mayor and council wish to structure citizen involvement as set forth in this chapter so that in the event complaints are received regarding police activities such complaints are reviewed and processed with the participation of citizen representatives. Citizen review, in conjunction with the police, of complaints against officers will assure that complaints are dealt with fairly and with due regard for officers and citizens equally.
- (b) The commission shall review all complaint investigations concerning members of the police department who are certified by the Minnesota Board of Peace Officers Standards and Training, completed by the internal affairs unit of the police department and subsequent investigations thereof related to alleged acts of excessive force, inappropriate use of firearms, discrimination, as defined in Chapter 183.02 of this Code, poor public relations and such other complaints as may be referred to it by the mayor and/or the chief of police. The commission shall also collect and review summary data on complaints received and report to the mayor and council any patterns which may merit further examination.

Sec. 102.02. Commission composition.

- (a) There is hereby created a police-civilian internal affairs review commission consisting of seven (7) voting members to be appointed by the mayor and approved by the council. All members shall be residents of the city. Five (5) members shall be citizen members and two (2) shall be members of the Saint Paul Police Federation as shall be recommended by the police chief to the mayor for appointment. Members shall, to the extent possible, be representative of the city's diversity of neighborhoods, races and cultures, abilities, incomes and sexual orientations.
- (b) The original appointments to the commission by the mayor of the five (5) citizen members shall be for terms of one (1), two (2) and three (3) years, as designated by the mayor. Thereafter, citizen members shall be appointed for a three-year term. No members shall serve more than two (2) terms.
- (c) The original appointments to the commission by the mayor of the police federation representatives shall be as recommended by the police chief and for terms of one (1) and two (2) years, as designated by the mayor. Thereafter these members shall be appointed for a three-year term. No members shall serve more than two (2) terms. No member of the police federation nor his or her immediate family nor any current member of the Mayor's Task Force on Police Priorities for the 90's shall be eligible to serve as a citizen member.
- (d) The commission shall meet a minimum of quarterly and up to twice a month as determined by a majority of the commission. The commission shall elect a chair and vice-chair to preside over its proceedings and shall also elect a secretary who will be responsible for the minutes of commission meetings. The commission chair shall be elected from among the citizen members. Members of the commission shall receive fifty dollars (\$50.00) per meeting attended.

Sec. 102.03. Power and duties.

- (a) *Conduct of meetings.* The commission shall conduct all of its meetings consistent with and subject to all city ordinances and published policy directives. Further, the commission shall be subject to statutes regarding government data practices, open meetings, peace officers' bill of rights and related law.
- (b) *Training required; termination of appointments.* Each member of the commission shall, prior to assuming official duties, participate in a training program which shall include topics related to police work, investigation, relevant law, cultural diversity, gender, sexual orientation, disability and the emotional impact of abuse. They shall also participate in ride-alongs with an officer on actual patrol duties. Failure to complete the training program shall constitute cause to terminate a member's appointment by the mayor as recommended by the chief of police. Additionally, a violation of law regarding government data practices

or nonattendance at more than three (3) meetings in a year by a member shall also constitute cause to terminate a member's appointment by the mayor as recommended by the chief of police.

(c) *Review of materials and reports on investigations of complaints.* The commission shall review materials and reports on all investigations of complaints concerning members of the police department who are certified by the Minnesota Board of Peace Officers Standards and Training, completed by internal affairs unit staff or independent investigators under contract to the city against sworn personnel regarding alleged acts of excessive force, inappropriate use of firearms, discrimination as defined in Chapter 183.02 of this Code, poor public relations and such other complaints as may be referred to it by the mayor and/or the chief of police.

(d) *Nature of investigatory material; meetings to be closed.* The investigatory materials prepared by the internal affairs unit of the police department or independent investigators under contract to the city are considered data collected in furtherance of an active investigation and will be reviewed by the commission. The meetings of the commission on such matters will be closed pursuant to Minnesota Statutes 471.705, subdivision 1d(b)(2), excepting to members of the commission and such other participants as approved by the chair of the commission and the police chief and that will facilitate the review process of the commission.

(e) *Requests for appearances, gathering of additional information and hiring of private investigators; power to subpoena witnesses.* The commission may request [that] individuals appear before it to state facts to supplement files. The commission may also request internal affairs staff to gather such additional information as may be needed for a determination by the commission. The commission may, as provided by a city contract, hire a private investigator as approved by the mayor or chief of police. The commission shall have the power to subpoena witnesses to compel their appearance before it.

(f) *Attendance by review coordinator and internal affairs staff.* The commission's review coordinator shall be in attendance at commission meetings to facilitate commission review, serve as custodian of the commission files and record proceeding of the commission on audio tape. Internal affairs staff may be present at all commission meetings.

(g) *Recommendations.* The commission, after review and deliberation of an investigation, shall, by majority vote, make its recommendation on the case. Such recommendation by the commission shall be upon a finding that the complaint be sustained; or the complaint not be sustained; or that the officer be exonerated; or the complaint is unfounded; or that the matter does not involve guilt or a lack thereof, but rather a failure of a departmental policy to address the situation. The commission shall also, by majority vote, make a recommendation as to any action to be taken concerning an involved officer.

(h) *Determination and disposition of investigation by chief of police.* Failure of the commission to reach a majority decision shall cause the investigation to proceed directly to the chief of police for determination and disposition.

(i) *Chair to inform chief in writing.* If a majority decision is obtained, the chair of the commission shall in writing inform the chief of police of the recommendation along with the rationale therefor.

(j) *Action when chief and commission disagree.* In the event the chief of police disagrees with the action recommended by the commission, the chief shall notify the commission, in writing, of the action he or she intends to impose. The commission chair and chief of police shall have five (5) working days to discuss any concerns they may have before any action is finalized. This provision does not prohibit the chief of police from taking immediate action in any case.

(k) *Appointment of review coordinator.* The chief of police shall, in consultation with the commission chair, appoint a review coordinator to serve as staff to the commission and manage, as needed, the complaint process. The review coordinator shall serve at the pleasure of the chief of police in consultation with the commission chair.

Sec. 102.04. Interim process and repeal.

(a) The mayor, subject to the usual processes and procedures, may implement the goals of this chapter by retaining interim staff and promulgating such directives and programs as are needed to effectuate those goals.

(b) The mayor shall, with appropriate consultation with the community, commission chair and chief of police, review and recommend appropriate modification of the commission review process to the city council during the first year of its existence.

Appendix C: Berkshire Best Practices Report Recommendations

The Berkshire Report of Best Practices listed a number of recommendations for change that the PCIARC should consider. The findings were compiled from feedback received from focus groups, community drop-in sessions, community leaders, and interviews with city and department staff. The table below lists the status of the recommendations.

Recommendation	Implement	Comment
Have the PCIARC report directly to the Mayor's office or the Mayor's designee.	No	Has been studied and the PCIARC will follow the original, negotiated agreement.
Exclude department employees from serving as voting members of the commission.	No	Has been studied and the PCIARC will follow the original, negotiated agreement.
Adjust the composition of the commission to more closely reflect the Saint Paul community.	Yes	Current practice.
Ensure members of the commission are not employed by or have relatives who are employed by any law enforcement agency.	No	Disagree with recommendation.
Appoint new members to the commission in a timely fashion.	Yes	New members added in December 2009.
Provide the commission a budget independent of the police department's budget.	No	Budget issue.
Increase training to members of the commission.	Yes	Will provide as budget allows.
Ensure the workings and actions of the commission are transparent to the community and members of the departments.	Yes	Information is contained in annual report. Data privacy prevents release of all case information.
Prepare a formal annual report that provides information on commission activities and a summary of commission activities and make that report available to the public.	Yes	Scheduled for yearly release every April.
Ensure community meetings held by PCIARC include not only a presentation of the purpose and function of the commission but also a detailed presentation of data included in the annual report.	Yes	Current practice.
Provide summary results of each PCIARC meeting to the public immediately after each meeting.	No	Data privacy prevents release to anyone other than complainant.