



UNIVERSITY OF MINNESOTA

Twin Cities Campus

Center for Restorative Justice & Peacekeeping

*College of Education and Human Development
School of Social Work*

EXECUTIVE SUMMARY

REPORT ON THE AUDIT OF THE ST. PAUL POLICE CIVILIAN INTERNAL AFFAIRS REVIEW COMMISSION

Submitted to the Mayor's Office

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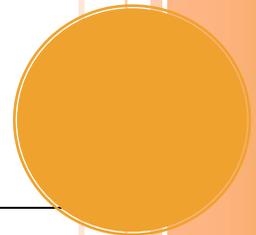
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PCIARC Audit 2015

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EXECUTIVE SUMMARY

Civilian oversight of police conduct has been a growing movement for the past 75 years; inextricably linked to racial discrimination and deteriorating trust between police and communities of color during the era of civil rights. Since the passage of the Civil Rights Act, civilian oversight of police work has become a necessity to help bridge the gulf between communities of color and the police in most major jurisdictions in the United States. Civilian oversight initiatives gain momentum when high profile cases of police misconduct and racial discrimination come to the forefront of the community. In 1994, St. Paul's police chief, mayor and city council showed leadership by proactively establishing a civilian oversight body. The Police Civilian Internal Affairs Review Commission (PCIARC) was shepherded into the collective consciousness of St. Paul at a time when jurisdictions around the country were being forced by court order to take such action. For over twenty years, St. Paul has upheld civilian oversight of police conduct as essential to maintaining accountability and trust between police and citizens.

Recent high profile cases of complaints against police for misconduct has brought the role of the PCIARC to the forefront, gaining attention from city government leaders and community stakeholders alike. By the initiative of the Mayor's office with support from community leaders, a decision was made to conduct a program audit of the PCIARC at this time to ensure it effectively upholds its purpose and continues to be a vehicle for accountability and trust building between police and citizens.

The audit is grounded in qualitative data gathered from twenty-three interviews with key stakeholders, including current and past PCIARC commissioners, police department staff, city government leaders and community leaders. The audit team also reviewed 40 PCIARC deliberation memos from 2011 - 2014, representing a total of 310 cases of complaints. To supplement the data received through stakeholder interviews and case deliberation memos, the audit team reviewed City documents related to the PCIARC, the City Administrative Code under which the PCIARC is governed, a mediated agreement between the St. Paul Police department and St. Paul Chapter of the NAACP, Report of the Best Practices Assessment of the St. Paul Police Department prepared by Berkshire Advisors, past PCIARC annual reports, and other relevant literature. The audit team was

attentive to implicit and explicit biases throughout the process, and stayed aware of their own biases. Key findings and recommendations are detailed in the following tables.

I. PURPOSE AND SCOPE OF PCIARC REVIEW

Recommendations	Related Key Findings
<p>1. It is imperative that the City follow through on the intended PCIARC oversight of reviewing and making decisions on all citizen-initiated complaints and investigated cases about police conduct.</p> <p>Stop the practice of preliminary review and decision making on citizen complaints by the Senior Commander of Internal Affairs.</p> <p>Action: Immediate, by December 31, 2015 Administrative Code Change Needed? No</p>	<p>City Administrative Code states the PCIARC shall review all complaint investigations concerning members of the police department and also any complaints referred to it by the mayor and/or the chief of police.</p> <p>The 2001 mediated agreement between the NAACP and Police Dept. reinforced the PCIARC will review <u>all</u> citizen-initiated complaints and investigations.</p>
<p>2. Get in compliance with City Administrative Code by establishing a process, no less than quarterly, to release summarized complaints and case data to city agencies and community.</p> <p>Set aside open meeting time on PCIARC agendas to discuss data, patterns of complaints, and potential policy and training considerations for system improvements.</p> <p>Summary data should include complainants' ethnicity, gender, income, age, neighborhood, nature of complaints, ethnicity/gender of officers, case outcomes, time taken to investigate, police chief's modifications to case decisions, and any other summary data relevant to understanding policing in an ethnically, racially and socio-economically diverse community.</p> <p>The demographic questionnaire should be given in conjunction with the citizen intake form and the formal complaint statement. It should include income level and neighborhood in which the complainant lives.</p> <p>Action: Short term, by March 1, 2016 Administrative Code Change Needed? No</p>	<p>City Administrative Code states the PCIARC shall collect and review summary data on complaints received and report to the mayor and council any patterns which may merit further examination.</p> <p>The 2009 Report of the Best Practices Assessment of the St. Paul Police Department prepared by Berkshire Advisors recommended increasing the transparency of all commission actions for the community and city departments.</p> <p>The 2001 mediated agreement between the NAACP and Police Dept. included methods to better identify and review for race-based policing and racial profiling will be adopted by the PCIARC.</p> <p>Currently, the only formal reporting to city leaders and community is in the form of an annual report which is very minimal in the information shared.</p>

II. PCIARC STRUCTURE

Recommendations	Related Key Findings
<p>3. Remove the PCIARC from being housed in Internal Affairs and police headquarters, and move it to the Department of Human Rights and Equal Economic Opportunity (HREEO).</p> <p>The PCIARC Coordinator should be appointed by the Mayor upon recommendation of the HREEO Director and Police Chief, and be supervised by the HREEO Director.</p> <p>Action: Long term, by December 31, 2016 Administrative Code Change Needed? Yes</p>	<p>A lack of clarity exists about accountability for the PCIARC staff and functioning. While the Police Chief and PCIARC Chair are given the power to appoint the coordinator, there is no provision for where the PCIARC is housed, in which budget its expenses are included, and who the Coordinator reports to for supervision.</p> <p>The 2009 Report prepared by Berkshire Advisors recommended moving the PCIARC out of IA to under the power of the Mayor’s office with the Coordinator reporting to the Mayor or the Mayor’s designee, not in the police department.</p>
<p>4. A full program budget should be created for PCIARC under HREEO. The PCIARC Coordinator would manage the budget under the supervision of the HREEO Director.</p> <p>Action: Long term, by December 31, 2016 Administrative Code Change Needed? No</p>	<p>The lack of a program budget communicates the PCIARC is a low priority to stakeholders. Resources have not been made available for the PCIARC to follow through on all of its mandated responsibilities.</p> <p>The 2009 Report prepared by Berkshire Advisors recommended a budget be established for the PCIARC independent of the police department’s budget.</p>
<p>5. Move the PCIARC meetings out of police headquarters and into community locations.</p> <p>Action: Immediate, by December 31, 2015 Administrative Code Change Needed? No</p>	<p>At different times through its history PCIARC meetings have been held outside of city offices in community settings, however not in recent years.</p> <p>It is a regular practice of St. Paul Commissions to meet at locations outside of city government.</p>
<p>6. The PCIARC Coordinator job description should be reviewed and updated to ensure staff qualifications and experience match future PCIARC goals and expectations. Involve past and current PCIARC support staff in transition planning.</p> <p>A description of the most sought skills and experiences, similar to a job description, should also be prepared for PCIARC Commissioners. Highest priority should be on maintaining strong community relationships.</p> <p>Action: Short term, by Mach 31, 2016 Administrative Code Change Needed? No</p>	<p>The city has had long term, dedicated staff to support the work of the PCIARC, most of who still work for the city.</p> <p>It is generally known that the current PCIARC Coordinator is approaching retirement after a long history with the city, including 8 years as a PCIARC commissioner and 10 years as the Coordinator.</p> <p>Transition planning is an important step in ensuring continuity in the PCIARC functioning.</p>

III. PCIARC COMPOSITION

Recommendations	Related Key Findings
<p>7. Expand the number of civilians on the Commission to ensure representation from St. Paul’s diverse communities, prioritizing participation by neighborhoods/populations most affected by police misconduct and interactions.</p> <p>The number of civilians on the PCIARC should be no less than nine.</p> <p>Action: Long term, by December 31, 2016 Administrative Code Change Needed? Yes</p>	<p>Most stakeholders interviewed are in favor of expanding the number of civilians on the PCIARC to better represent St. Paul’s diverse populations.</p> <p>Of those submitting complaints about police conduct, 57% identified as black, while the PCIARC has consistently maintained 14% of its members identified as black.</p> <p>The 2009 Report prepared by Berkshire Advisors recommended increasing the number of civilians on the Commission and they should represent constituencies in the St. Paul community most affected by the complaint process.</p> <p>Under the current structure, civilians either equal or are a smaller number than the total IA/city personnel in their deliberation meetings.</p>
<p>8. Remove two active members of the St. Paul Police Federation from functioning as voting PCIARC commissioners.</p> <p>Action: Immediate, by December 31, 2015 Administrative Code Change Needed? Yes</p>	<p>The 2009 Report prepared by Berkshire Advisors recommended police department employees should not serve as voting PCIARC members.</p> <p>Stakeholders interviewed had mixed feelings about officers serving on the PCIARC, yet there was an expressed concern about active officers being under undue pressures and having conflicts of interest in this role.</p> <p>It is not a common practice for civilian oversight bodies to include police officers as voting members.</p>
<p>9. Add one representative from the St. Paul Department of Human Rights to serve on the PCIARC as an ex officio member, preferably a citizen who has a dual appointment as a Human Rights Commission member.</p> <p>Action: Medium term, by June 30, 2016 Administrative Code Change Needed? Yes</p>	<p>Stakeholders interviewed who had case knowledge about both police conduct and human rights complaints in St. Paul expressed the importance of coordination and understanding of overlapping as well as distinct responsibilities between the PCIARC and Human Rights Commission.</p>

IV. POWER AND DUTIES

Recommendations	Related Key Findings
<p>10. Get in compliance with City Administrative Code by adjusting the prerequisite training curriculum to include topics of cultural relevance and competence as specified in the Code.</p> <p>Create alternative training options to increase participation of St. Paul’s diverse population.</p> <p>Remove the restrictions that people need to be age 21 and have no criminal record in order to attend the citizen police academy.</p> <p>Establish a formal orientation for Commission members including all aspects of their role, and understanding investigation documents and all other related paperwork.</p> <p>Send at least 1/3 of the Commission members each year to the national NACOLE conference. Make sure they put together a summary of the lessons and perspectives from the conference.</p> <p>Action: Medium term, by June 30, 2016 Administrative Code Change Needed? No</p>	<p>City Administrative Code states Commission candidates must attend training related to police work, investigation, relevant law, cultural diversity, gender, sexual orientation, disability and the emotional impact of abuse prior to serving on the PCIARC.</p> <p>The current 11-week training received is a citizen police academy that is overly weighted in educating on policing topics but does not cover topics of cultural diversity, trauma, mental health concerns and socio-economic status and its impact in the lives of the many who tend to have greater encounters with law enforcement.</p> <p>The 2009 Report prepared by Berkshire Advisors recommended increasing the training received by PCIARC members.</p> <p>Stakeholders interviewed provided significant support for ongoing training and development opportunities on many relevant topics. They also stressed the need for options less rigid than an 11-week commitment as a prerequisite to PCIARC service.</p>
<p>11. An automatic trigger for an independent investigation should be established, specifically for alleged acts of excessive force, and inappropriate use of firearms.</p> <p>For all other complaints, an Internal Affairs investigator and an investigator from the Human Rights Dept. should be assigned to investigate each case. Internal Affairs and human rights department staff who attend commission meetings should only be present during deliberations for cases they investigated.</p> <p>Action: Medium term, by June 30, 2016 Administrative Code Change Needed? May fit under the intent of existing code language.</p>	<p>City Administrative Code states the PCIARC will review all investigations completed by internal affairs unit or independent investigators under contract to the city, and the PCIARC may hire a private investigator as approved by the mayor or chief of police.</p> <p>Stakeholders reported the PCIARC has not used its power to request independent investigations in recent years, but expressed support for seeking investigations independent from IA in at least some of the cases reviewed.</p> <p>It is a common practice of jurisdictions for civilian oversight of police conduct to include independent investigations.</p>

Recommendations	Related Key Findings
<p>12. Investigation reports to the PCIARC should include findings but not include a recommendation from investigators or the department for the PCIARC to decide a specific outcome. The PCIARC commissioners should decide outcomes based on their review of files and deliberations.</p> <p>Action: Immediate, by December 31, 2015 Administrative Code Change Needed? No</p>	<p>Deliberation memos show that it is the practice of IA in all cases to recommend a case decision to the PCIARC before they deliberate.</p> <p>The 2009 Report prepared by Berkshire Advisors recommended that investigation reports include only the findings of the investigator and should not include recommendations of actions the commission should take in response to the findings.</p>
<p>13. Make it a regular practice to invite individuals to voluntarily appear before the PCIARC at the time the relevant case is being reviewed. Their appearance for fact supplementation could be limited to a set amount of time at the beginning of the case review. Individuals will be excused for the closed portion of the meeting for deliberations.</p> <p>Action: Immediate, by December 31, 2015 Administrative Code Change Needed? No</p>	<p>City Administrative Code states the PCIARC may request individuals to appear before it to state facts to supplement files, and can use subpoena power to compel the appearance of witnesses.</p> <p>Stakeholders reported that individuals involved in complaints have not been invited to appear before the PCIARC in recent years, but have found it helpful in the past. Commissioners are hesitant to use subpoena power because it is perceived to be punitive and unwelcoming.</p>

V. PCIARC OPERATIONS

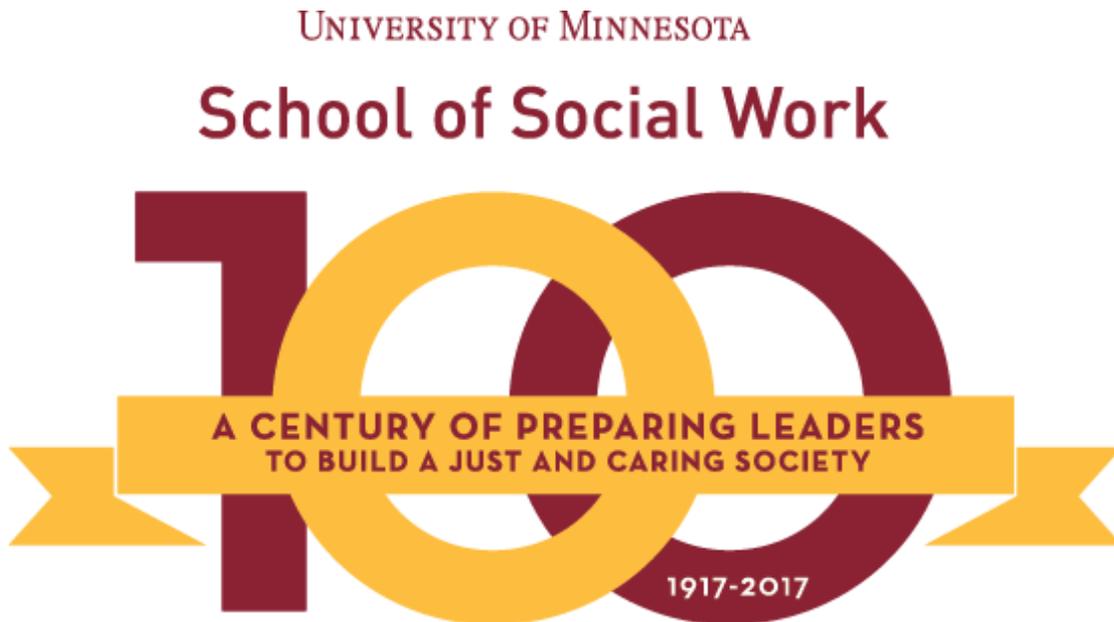
Recommendations	Related Key Findings
<p>14. Under the authority of the Mayor’s office, a cross-department team representing the Police Dept., Human Rights Dept. and PCIARC, should design a stronger complaint intake process, including roles and responsibilities, improved community access, cross-department information sharing, and ongoing communications with complainants extending through the final case decision.</p> <p>The intake and all complaint forms should be accessible online. The first letter sent to citizens (after a complaint intake is received) should be signed by the Mayor and include information about PCIARC’s role and Coordinator’s contact information.</p> <p>Action: Medium term, by June 30, 2016 Administrative Code Change Needed? No</p>	<p>Stakeholders interviewed expressed concern that communications are weak between the police department Internal Affairs, PCIARC and community members beginning with the intake process.</p> <p>Gaps in understanding exist about submitting complaints, the PCIARC process, and follow-up among city departments, citizens and external organizations.</p> <p>The 2009 Report prepared by Berkshire Advisors called for increasing the transparency of all commission actions for the community and city departments.</p>

Recommendations	Related Key Findings
<p>15. Partnership agreements should be established between the city government and entities serving as complaint centers that clearly specify roles and responsibilities, and should be renewed on an annual basis. Understanding that these entities may change over time, recruiting organizations who can offer legal advocacy and technical writing assistance is encouraged.</p> <p>It is essential that accurate contact information is provided on police officer business cards and all city communications.</p> <p>An annual training should be provided to complaint center contacts and internal personnel who can assist with the completion of and accept citizen intake and complaint forms.</p> <p>Action: Immediate, by December 31, 2015 Administrative Code Change Needed? No</p>	<p>The 2001 mediated agreement between the NAACP and Police Department established community-based Complaint Centers to assist individuals in the complaint process and the provision of contact information on the back of police officer business cards.</p> <p>Police officer business cards, the city website and PCIARC promotional materials provide inconsistent and outdated (non-working) contact information for complaint centers. A number of complaint center staff report not knowing the complaint process well enough to assist others, or they are no longer able to provide this service.</p>
<p>16. The agreement with the NAACP needs to be honored with the holding of three community meetings (forums) a year. The structure of community forums should be changed to inspire greater participation and conversation among residents, PCIARC commissioners, police department and other stakeholders rather than strictly be informative in nature.</p> <p>An annual community outreach and engagement plan should be developed by the PCIARC Coordinator corresponding with other city departments, particularly the Human Rights Dept., to make efficient use of city resources and ensure St. Paul’s diverse populations are educated about the PCIARC and complaint process.</p> <p>Action: Immediate, by December 31, 2015 Administrative Code Change Needed? No</p>	<p>The 2001 mediated agreement between the NAACP and Police Department committed to holding three public meetings with the PCIARC annually at locations across the city.</p> <p>Stakeholders report the commitment for public meetings has not been fulfilled (zero to two public meetings held a year since 2011), and attendance has been very low for most meetings held.</p>

Recommendations	Related Key Findings
<p>17. As provided in the agreement with the NAACP, an annual summit meeting with key stakeholders should be held and considered one component of an annual PCIARC evaluation plan.</p> <p>Develop an evaluation plan for PCIARC that includes annual goals, objectives, activities and measurement tools for data collection and analysis.</p> <p>Coordinate with NACOLE and other researchers to ensure evaluation methods contribute to data collection, evaluation and knowledge sharing about the effectiveness of civilian oversight at a national level.</p> <p>Action: Short term, by March 31, 2016 Administrative Code Change Needed? No</p>	<p>The 2001 mediated agreement between the NAACP and Police Department committed to holding an annual summit meeting with key stakeholders including the Police Department, PCIARC and community organizations to discuss mutual issues and improve relations.</p> <p>Evaluation of PCIARC’s role, operations and outcomes has not been conducted on an ongoing basis.</p> <p>Stakeholders interviewed offered general perceptions about what is different as a result of the PCIARC’s role, but lacked any specific or measurable outcomes that demonstrate its effectiveness.</p> <p>Best practices in civilian oversight have not yet been proven and shared among jurisdictions.</p>

VI. EXPANDED ROLE OF PCIARC

Recommendation	Related Key Findings
<p>18. Conduct a feasibility study to explore establishing a restorative dialogue mediation component as a pre-complaint option for police department employees and citizens. This will allow for each other’s perspectives to be heard and it has an enormous capacity to build understanding after an incident occurs. A feasibility study would include a review of best practices, how it could be applied to St. Paul’s needs, in what department, budgetary considerations, staffing needs, etc.</p> <p>Action: Medium term, by June 30, 2016 Administrative Code Change Needed? No</p>	<p>Stakeholders interviewed expressed consideration of expanding the role of the PCIARC taking into account changing times since its creation and current issues in police and community relations.</p> <p>Stakeholders knowledgeable about the police department and complaint process asserted that a flaw in the system is the lack of resolution in the relationship between police officers and citizens who experienced a conflict. Without resolution, negative feelings and perceptions continue.</p> <p>It is a growing practice of jurisdictions throughout the U.S. to incorporate mediation between police and civilians as a conflict resolution and relationship building strategy.</p>



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