



UNIVERSITY OF MINNESOTA

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*Twin Cities Campus*

*Center for Restorative Justice & Peacekeeping*

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

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

*Submitted to the Mayor's Office*

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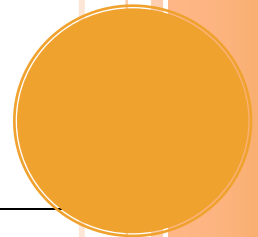
**Center for Restorative Justice and Peacemaking**  
**PCIARC Audit 2015**

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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**

<b>Recommendations</b>	<b>Related Key Findings</b>
<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**

<b>Recommendations</b>	<b>Related Key Findings</b>
<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>

## CIVILIAN OVERSIGHT OF LAW ENFORCEMENT IN THE U.S.

Civilian oversight of police conduct has gained momentum over the past 75 years. The practice is heavily grounded in the civil rights movement. It began as an important vehicle for pursuing equitable justice in an unbiased way by engaging the greater civilian community as racial tensions between police and communities of color, particularly African Americans, became explosive.<sup>1</sup> Civilian oversight is understood as a formal process of individuals, who are not police officers, having a role in holding police accountable for misconduct. While this sounds simple, civilian oversight is uniquely complicated by the political, structural, economic and social realities within the communities they operate.

What happens locally is increasingly linked to national and international movements calling for governments to hold law enforcement accountable for actions that threaten human rights. The United Nations Committee on the Elimination of Racial Discrimination is one entity advocating for strong oversight of police conduct, including a call for prompt investigations of misconduct, strong discipline for police who have used excessive force, and transparent reporting of police misconduct cases for greater accountability.<sup>2</sup> In this climate, the role of civilians in the oversight of police conduct will become increasingly important.

According to Brian Buchner, President of the National Association for Civilian Oversight of Law Enforcement (NACOLE), established as a non-profit organization in 1995, there are over 200 civilian oversight bodies in major jurisdictions across the country and no two are identical.<sup>3</sup> Short of in-depth national research to determine what models of oversight work best and which do not, NACOLE has developed a code of ethics as a guide for practitioners to set civilian oversight standards that uphold the public confidence, build

<sup>1</sup> Frank V. Ferdik, Jeff Rojek & Geoffrey P. Alpert (2013): Citizen oversight in the United States and Canada: an overview, *Police Practice and Research: An International Journal*, 14:2, 104--116

<sup>2</sup> The UN International Convention on the Elimination of All Forms of Racial Discrimination CERD September 25, 2014 concluding observations can be retrieved from <http://www.state.gov/documents/organization/235644.pdf>.

<sup>3</sup> NACOLE President Brian Buchner's Oral Testimony for the President's Task Force on 21st Century Policing, Policy and Oversight Listening Session, in Cincinnati, Ohio. Retrieved from [www.cops.usdoj.gov/pdf/taskforce/.../Buchner\\_Brian\\_Testimony.pdf](http://www.cops.usdoj.gov/pdf/taskforce/.../Buchner_Brian_Testimony.pdf).

trust, and maintain integrity in police and community relations.<sup>4</sup> NACOLE continues to press for best practices research at the national level, meanwhile cities like St. Paul with a diverse population are doing their own audits into what works best and what does not for civilian oversight to uphold high standards within their context.

## SAINT PAUL'S HISTORY OF OVERSIGHT

In 1994, St. Paul's police chief, mayor and city council showed leadership by proactively establishing a civilian oversight body at a time when jurisdictions around the country were being forced by court order to take such action. The Police Civilian Internal Affairs Review Commission (PCIARC) was established to "assure the public that police services are delivered in a lawful and nondiscriminatory manner... that complaints are dealt with fairly and with due regard for officers and citizens equally. 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."<sup>5</sup> In order to accomplish these objectives with accountability and trust between police and St. Paul communities, civilian oversight of police conduct was regarded as critically essential. For this reason, the policy establishing the PCIARC states that all complaint investigations about police conduct will be reviewed by the civilian-led commission.

## AGREEMENT BETWEEN THE NAACP AND POLICE DEPARTMENT

Growing concerns regarding race relations between citizens and the police remained a focus in 2001, galvanizing the local chapter of the NAACP to push for systems changes. A mediated agreement was reached between the NAACP and St. Paul Police Department to "adopt methods to better identify and review for race-based policing and

<sup>4</sup> NACOLE code of ethics can be retrieved from <https://nacole.org/about-us/nacole-code-of-ethics/>

<sup>5</sup> Excerpts from City of St. Paul Administrative Code, Ch. 102 Police-Civilian Internal Affairs Review Commission, Sec. 102.01 Purpose and scope of commission review.

racial profiling,” which included strengthening the role of the PCIARC.<sup>6</sup> The agreement specifically contained the following provisions.

- Organizations representing minority communities and upholding human rights will be established as complaint centers;
- The PCIARC will review all citizen-initiated complaints & investigations;
- Methods to better identify and review for race-based policing and racial profiling will be adopted by the PCIARC and police department, in cooperation with the community;
- Three public meetings will be held annually at locations across the city to be determined in consultation with community organizations; and
- An annual summit meeting will be held with key stakeholders including members of the Police Department, PCIARC and community organizations. The purpose of this summit will be to discuss mutual issues of community policing, improve community relations and to review this Agreement.

No changes have been made to the agreement between the St. Paul Chapter of the NAACP and St. Paul Police Department since its adoption in 2001. The degree to which the agreement is being honored will be discussed in the findings section of this report.

### **BERKSHIRE REPORT 2009**

Since 2001, the only other source providing recommendations for strengthening civilian oversight through the PCIARC is the Report of the Best Practices Assessment of the St. Paul Police Department prepared by Berkshire Advisors, Inc.<sup>7</sup> Most of the report is focused on the overall operations of the police department. The consultants included a section on strengthening the PCIARC based on their research on civilian oversight practices. Their recommendations are as follows: moving the PCIARC to report directly to the Mayor’s office, removing police department employees as voting members of the commission, increasing the number of civilians on the commission, establishing a budget for the PCIARC separate from the police department, increasing the training for commission members, ensuring the timely appointment of new members to the commission, and increasing the

<sup>6</sup> Excerpts from the Agreement Between St. Paul Police Department and the St. Paul chapter of the NAACP. Retrieved from <http://mn-stpaul.civicplus.com/DocumentCenter/Home/View/3584>.

<sup>7</sup> Full report retrieved from [http://extras.twincities.com/pdf/SPPD\\_-\\_Volume\\_I\\_1.6.pdf](http://extras.twincities.com/pdf/SPPD_-_Volume_I_1.6.pdf)

transparency of all commission actions for the community and city departments. A review of PCIARC operations reveals that the most substantial recommendations provided in the Berkshire report were not implemented. However, the Commission did add the preparation of an annual report to better share information with the public about the work of the PCIARC and summary of case outcomes, and committed to timely appointment of new PCIARC members.

## PCIARC AUDIT AND PROCEDURES

Recent high profile cases of complaints about police misconduct have brought the role of the PCIARC to the forefront, gaining attention from city government leaders and community stakeholders alike. At the initiative of the Mayor's office, and with support from community leaders, a decision was made to conduct a program audit of the PCIARC.

The Center for Restorative Justice & Peacemaking at the University of Minnesota, School of Social Work, received a contract to conduct the audit of the PCIARC. The audit has focused on the process of how PCIARC functions related to its stated purpose and mission, however does not look into the fairness or appropriateness of decisions made by the Commission. The goal of the audit is to determine what if any improvements may be made to optimize the achievement of PCIARC intended objectives and uphold high standards of civilian oversight. This report summarizes the audit procedures, reviews key findings and provides recommendations for the future operations of the PCIARC.

### STAKEHOLDER INTERVIEWS

The audit is grounded in qualitative data gathered from twenty-three interviews with key stakeholders in the PCIARC process. Interviews were conducted with seven current PCIARC members, five previous PCIARC members, two current and two past personnel with roles in the PCIARC administration, the Police Federation President, the current Police Chief and one past Police Chief, the Internal Affairs Senior Commander, and three community stakeholders outside of the PCIARC structure.

An interview guide was developed to ensure that the most important questions related to the PCIARC process were consistently addressed at some point during each interview. The questions were open-ended to allow those being interviewed to express their concerns and insights in the most comfortable, and honest manner possible. An open-ended question format also gave stakeholders the opportunity to help the audit team understand the past operations of the PCIARC, as well as what they envisioned for the future. Hearing the full perspective of each person being interviewed was vital in conducting a valid audit based on the actual experiences of the stakeholders. The last question asked in each interview was if there was anything the audit team did not discuss that they wanted to share with us.

As interviews progressed, several additional questions were shaped by what we had heard from others, which allowed the audit team to gain deeper insights about the process through reactions of the interviewees; to see how common a specific perspective may be among stakeholders or how perspectives may differ. The intent of the audit team was to not advocate for a specific agenda, and stay as neutral as possible, being sensitive to keeping our own biases in check. At the same time, it was important to not shy away from difficult subjects, like structural racism and implicit bias, as we attempted to gain a comprehensive understanding of stakeholders' perspectives.

Implicit bias can be understood as stereotypes or attitudes developed through personal experiences that influence our ways of relating to others; without our awareness or conscious choice.<sup>8</sup> Since St. Paul has chosen a civilian oversight model that is linked to the police department's internal affairs unit and includes two active duty police officers as voting members, auditors sought to understand the PCIARC operations with a sensitivity to the potential for the process to be influenced by implicit biases of the commissioners including the two active police officers. Specifically, given the PCIARC was created to assure due regard for officers and citizens equally, auditors asked questions about whether the civilian oversight system is safeguarded against implicit or explicit biases that may weaken its effectiveness in assuring balance between police and community consideration.

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<sup>8</sup> Definition provided by Jerry Kang in "Implicit Bias: A Primer for Courts," August 2009. Retrieved from [http://www.americanbar.org/content/dam/aba/migrated/sections/criminaljustice/PublicDocuments/unit\\_3\\_kang.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/sections/criminaljustice/PublicDocuments/unit_3_kang.authcheckdam.pdf).

## PCIARC CASE DELIBERATION MEMOS

The audit team reviewed 40 deliberation memos from 2011 through 2014, which included a total of approximately 310 cases of complaints about police conduct. The audit team did not perform a full review of the complaint details or investigation files for each case, rather a review of the deliberation memos focused on what the Commission did once the complaint and investigation files were presented to them. The intent of the case deliberation memo review was to get a snap shot of the PCIARC's deliberation process and to identify if there are any trends or areas for improvement.

Deliberation memos are prepared for each PCIARC meeting and basically include the meeting attendance list, number of cases and nature of the allegations made, motion to support a determination, record of the commissioners' vote, recommendation made for disciplinary action if the complaint was sustained, and a brief summary of the discussion Commission members had in their deliberation. Auditors, in addition to gaining an understanding of the deliberation process, sought to answer questions like - did commissioners ask for more information, use their subpoena power to call for witnesses, make policy recommendations based on patterns they've observed and what they've learned, or call in a use of force expert?

## ADDITIONAL DATA COLLECTION

To supplement the information received through stakeholder interviews and case deliberation memos, the audit team reviewed City documents related to the PCIARC, including the statute in 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, past PCIARC annual reports, and literature available from throughout the United States on civilian review of police conduct. The National Association for Civilian Oversight of Law enforcement (NACOLE) provided valuable information through their staff and links to resources through their website.<sup>9</sup>

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<sup>9</sup> [www.nacole.org](http://www.nacole.org).



PCIARC administrative staff and Internal Affairs staff was helpful in providing the audit team with relevant statistical data and documents to better understand the complaint, investigation and review processes. Documents included a PCIARC brochure, Citizen Intake form, Complainant Statement and Intake form, civilian police academy curriculum outline, and copy of a gang unit officer's business card with contact information for organizations that can assist people with filing a written complaint. Since a number of organizations are listed on the back of police officer's business cards as providing assistance with filing complaints, audit team members followed up with telephone calls to inquire about the staff's understanding of the process and what they offer for assistance. Summary demographic data also provided a general understanding of who is filing complaints about police conduct.

## PCIARC OVERVIEW

A brief overview of the purpose, function and powers of the PCIARC is provided here to put audit findings and recommendations in context. For a more thorough understanding of the PCIARC, the City of Saint Paul Administrative Code, Chapter 102, provides for the creation and operations of the Commission.<sup>10</sup>

The intent of the City Council and Mayor in creating the PCIARC was “to assure the public that police services are delivered in a lawful and nondiscriminatory manner.” Giving St. Paul residents a role in oversight of complaints about police conduct was the action believed to assure fairness for officers and citizens equally. Representation on the PCIARC includes two active police officers who are members of the Saint Paul Police Federation and are residents of St. Paul. They are appointed to the Commission by the Mayor after recommendation by the Police Chief. Five civilian residents of the city, who to the degree possible, are representative of St. Paul's diversity in all its forms, are appointed by the Mayor and approved by the City Council to join the two police officers as voting PCIARC members. The PCIARC is supported by a paid Coordinator, who is

<sup>10</sup> City of Saint Paul Administrative Code, Chapter 102 retrieved from <http://www.stpaul.gov/DocumentCenter/View/78707>.

appointed by the Police Chief in consultation with the PCIARC Chair.<sup>11</sup>

In order to be appointed to the PCIARC, each member is required to participate in a training, which as stated in the Administrative Code will include, “topics related to police work, investigation, relevant law, cultural diversity, gender, sexual orientation, disability and the emotional impact of abuse.” This training is in the format of an 11-week Police Civilian Academy. Civilian members of the Commission also have the opportunity to participate in ride-alongs in a squad car with an on-duty police officer.

While reviewing and deliberating about police misconduct cases, the PCIARC has a number of powers they can exercise to ensure they feel confident in knowing all relevant facts. The Commission may postpone a determination on a case and request internal affairs investigators to gather additional information if needed. They may invite complainants and witnesses to a Commission meeting in order to address facts of the case, which may include the use of subpoena power to bring forth people. And, the PCIARC has the power to hire a private investigator for a case upon approval by the mayor or chief of police, rather than rely on the Internal Affairs investigation.

## GENERAL TRENDS IN PCIARC COMPLAINTS

### COMPLAINT PROCESS

For the past four years the PCIARC has consistently held ten meetings a year, and has had excellent attendance by Commission members. Commissioners are dedicated residents, who take their role seriously and most often serve on the commission beyond their first 3-year term. Of those who have served on the Commission since 2011, the average length of service has been five years. The trend is commission members staying up to and beyond two 3-year terms, the maximum allowed. One current commissioner has exceeded eight years of service, and two others will reach the 6-year term limit in December of 2015.

The process of filing a complaint begins with the completion of a citizen intake form, which does not require a signature of the complainant. Any Sergeant or above in the

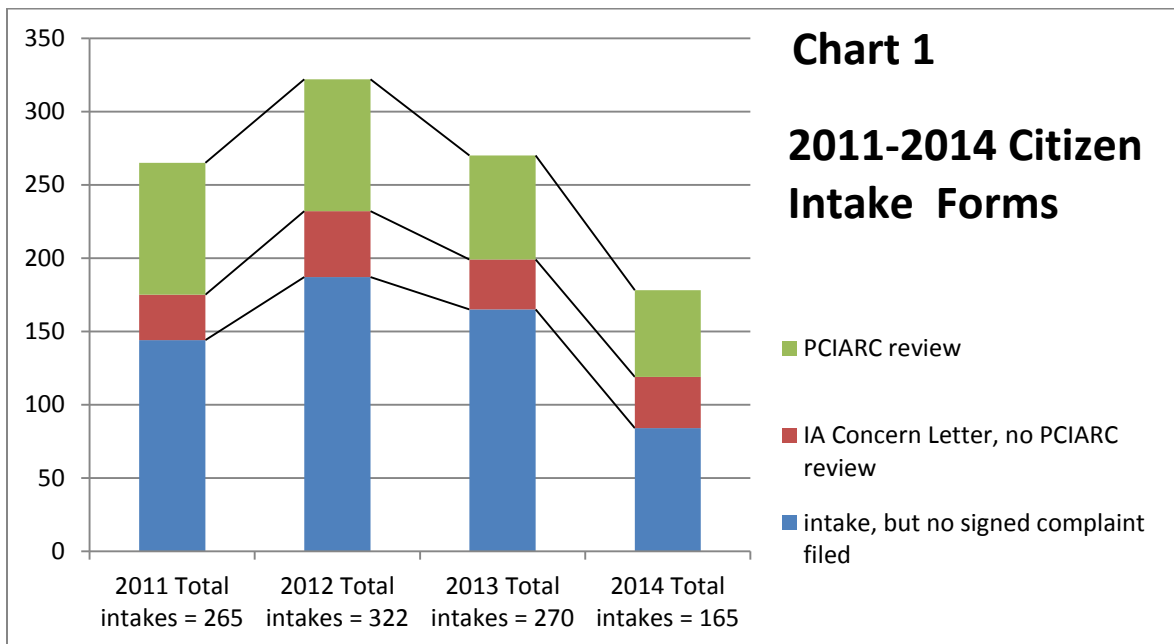
<sup>11</sup> Appointment of the PCIARC Coordinator as is specified in the City of Saint Paul Administrative Code, Chapter 102.

police department can accept a complaint from a civilian and forward the intake form to the PCIARC Coordinator.

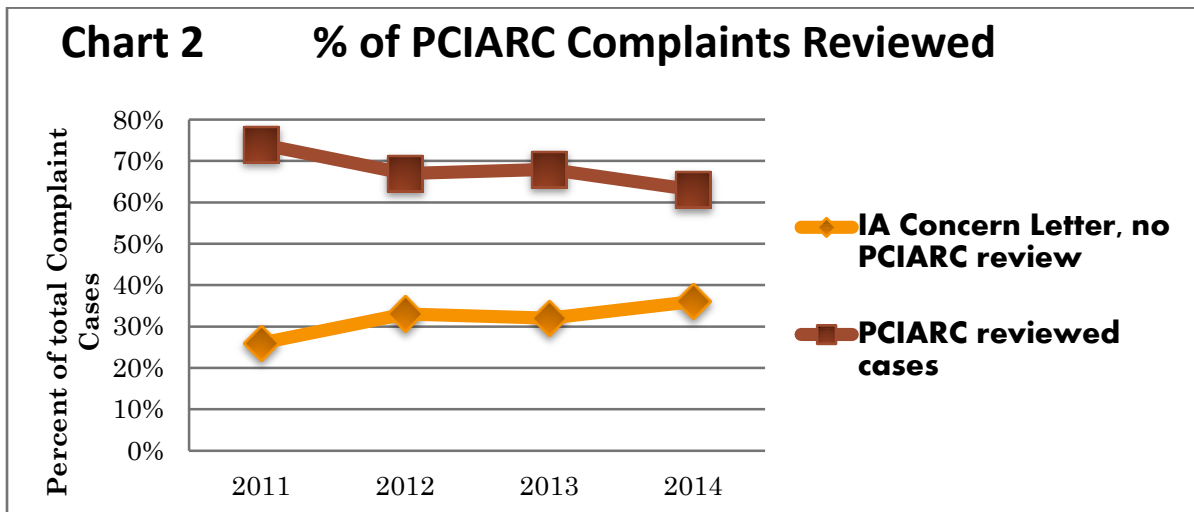
Once an intake form is completed, the PCIARC Coordinator mails a letter of explanation signed by the police chief about the complaint process along with the complaint form to the person named on the intake. Once a signed complaint is received by the Internal Affairs unit (IA), a preliminary inquiry is conducted by the Senior Commander, which results in the dismissal of a number of complaints.

This is based on his determination that the complaint clearly has no legal or policy violations in regard to officer conduct. A “concern letter” is sent to the complainant when such preliminary determinations are made, and the case is considered closed. Complaints that do not receive this preliminary determination are investigated by IA and go before the PCIARC for review once the investigation is complete.

Chart 1 illustrates the number of total citizen intakes completed, the number of people who followed through with filing a signed complaint after the citizen intake form was completed, the number of complaints for which a preliminary determination was made to not assign the case to an investigator, and the number of complaints that were investigated and then reviewed by the PCIARC.



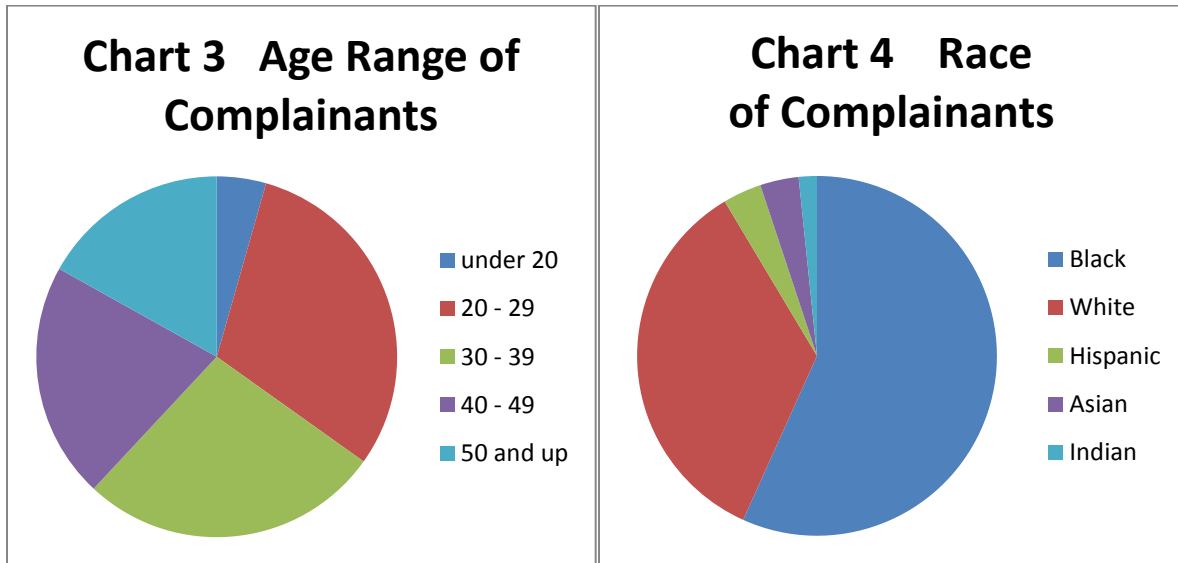
Out of the four-year span 2011 through 2014, 2012 had the highest number of citizen intakes. In all years, less than half of the people who initiated a complaint with a citizen intake form went ahead to complete and sign the written complaint paperwork. Between 2012 and 2014, the total number of citizen intakes declined by 44%. Another trend is a lesser percent of complaint cases being investigated and progressing to the PCIARC for review, with a growing percent weeded out through the IA Senior Commander’s predetermination inquiry. See chart 2.



**ST. PAUL RESIDENTS FILING COMPLAINTS**

When residents of St. Paul take the step of completing, signing and submitting a complaint form to the PCIARC and Police Department Internal Affairs, they have the option of providing demographic information for statistical purposes. They may report gender, date of birth, disability and race/ethnicity. The audit team was not given data on disability. Almost all who completed the complaint form reported their gender, while 27% did not provide a birthdate, and 41% did not identify a race/ethnicity. Those who did share information for statistical purposes show that women have submitted complaints about officer conduct slightly more than men. The age distribution and race/ethnicity identification of those who shared this information when they submitted complaints can be seen in charts 3 and 4. The majority of complainants (57%) are between the ages of 20 to 39, with 30% being between

the ages of 20 and 29 years and 27% being between the ages of 30 and 39 years old. The majority identified their race as black (57%), followed by 35% who identified as white.



## WHAT STAKEHOLDERS SAY ABOUT THE PCIARC

The audit team met with twenty-three stakeholders, of whom approximately half have served on the PCIARC and the remaining half have a broad range of involvement from within the Police Department as well as from nongovernmental organizations providing leadership in St. Paul. The depth and breadth of perspectives shared in stakeholder interviews is greater than what can be summarized in this report, so auditors set out to provide an overview of the most relevant issues. A consensus opinion was not provided on any one topic covered, except that no stakeholders suggested the PCIARC be dissolved.<sup>12</sup> The perspectives of stakeholders differed dramatically in some cases, while common themes emerged in others.

The greatest difference in perspectives pertained to the composition of the PCIARC and the investigations of complaints about police conduct. On one end of the spectrum is the belief no police officers should be voting members of the commission and all

<sup>12</sup> A consensus is being defined as 100% of stakeholders sharing the same opinion, recommendation or answer to a question.

investigations should be conducted by outside investigators independent from the St. Paul police department. Contrarily, another perspective is police officers must be voting members of the commission to oversee police misconduct complaints, and all investigations into these complaints should occur within the police department by internal investigators. The following overview of answers to questions and themes that emerged from stakeholder interviews will further address these topics, along with others.

## PERCEPTIONS OF PCIARC’S IMPACT

The audit team asked the question what is different as a result of the PCIARC’s role, to which the majority of stakeholders shared three perspectives. First, due to the oversight of the PCIARC, it is perceived that police have more accountability, since they know residents are paying attention to the ways in which officers interact with them. Police are doing a better job today following policies and procedures than they did before the PCIARC existed.

*As one interviewee put it, “There was no one looking at that [police conduct] before. We now have expectations around how you treat people, with respect.”*

Some interviewees stated they believe police and communities have gotten closer, with more participation and engagement by police at community events. “Our police department has proven they are here for the community,” stated one interviewee. Others commented on the importance of relationships among people who live and work in St. Paul – suggesting a relatively closer knit community compared to cities with a larger population and greater diversity.

Not all interviewees articulated ways in which the PCIARC has made a difference. It should be mentioned that a handful did not express a perception that things are different as a result of PCIARC’s role; on the contrary there was a sense that whether they started out in favor or opposed to the creation of the PCIARC, they had settled into an

acceptance of it as not that relevant in the lives of St. Paul residents. Some believed that most officers and most residents are not aware of the role of civilians in the oversight of police conduct, while others believed the opposite to be true. Either way, skeptics questioned whether the St. Paul structure of civilian oversight, imbedded in the internal operations of the police department, had made any difference in the ways police relate to community members, especially for the city’s African American and ethnic minority residents.

What is generally understood by interviewees is that the PCIARC is just one avenue to address the complex issue of fairness in police and community relations at the local level, under an overarching climate of racial tensions throughout the nation, as well as in St. Paul.

*“The question you ask is what’s being asked in every municipality in the country. It’s [PCIARC] created to do a specific task. Could we do it better? yeah. But it’s not the answer.”*

Regardless of the differences in perspectives about the PCIARC’s impact, none of the stakeholders interviewed suggested to the audit team that the PCIARC should be dissolved. It is a valued vehicle for civilian oversight, transparency and ongoing dialogue on how to improve police and community relations in St. Paul. Stakeholders recognize that the PCIARC is one piece of a bigger puzzle to ensure police and community relations are based on mutual respect and accountability.

**STRENGTHS OF THE PCIARC – WHAT’S WORKING**

When asked about the strengths of the PCIARC, many stakeholders asserted with

*“Having a commission is working even if the implementation needs some changes. We have a model for how to do this.”*

pride that St. Paul is a national model for civilian oversight of police conduct. Their belief is that other cities and government leaders look to St. Paul when considering policy and

structure needed to institute civilian oversight in a sustainable and meaningful way. The structure is clear and scope of work is specific under the city’s administrative code. Since the PCIARC operates within the city’s powers, data privacy laws allow for the Commission members to see full files in their deliberations, as long as they keep private data confidential and discuss specific cases in closed meetings.

Clear Protocol and Procedures:

Residents who have served on the PCIARC had positive comments about the functioning of the system and the processing of complaints. Attributing to the strength of the PCIARC process is an invested coordinator who has spent decades in the city as a resident, activist, neighborhood leader and city employee. Additionally, the operations of the PCIARC are supported by administrative staff and the hierarchy of the police department’s Internal Affairs unit.

Technological advances have allowed for the commissioners to get all investigation files digitally on a lap top for their review. This includes any audio or video recordings documenting the interactions between police and complainants, as well as everything in the complaint file.

*“We recognize there is a process; we don’t want it to be a rubber stamp. Our role is clear enough that we can make decisions based on the rules and say when it’s wrong.”*

Commissioners may pick up the lap tops from police headquarters five days to two weeks prior to their meeting, so they have ample time to read and review all investigative reports and complaint documents.<sup>13</sup>

PCIARC members stated that they believed the investigations conducted by Internal Affairs to be thorough and the reports well written. Meetings of the Commission are considered a strong point, with the discussion led by the chair, who must be a civilian member of the commission. Commissioners noted that deliberations were respectful, not

<sup>13</sup> Interviewees gave auditors conflicting timeframes about the availability of lap tops with case investigation reports being provided 5 days to 2 weeks in advance of PCIARC meetings, so the range is provided in this report.



hostile, even when they have strong and passionate differences of opinion on cases. One commissioner expressed, “the meeting is actually the greatest part; raw like a circle group.”

The IA investigators are present at PCIARC meetings; however they do not participate in the discussion unless a specific question is asked of them. Once discussion on a case concludes, a decision is made by majority vote. Meeting notes are prepared by the PCIARC coordinator in the form of deliberation memos to go to the police chief for the final determination about the case outcome and any disciplinary actions recommended by the Commission.

#### Support of Police Chiefs and Mayors:

Stakeholders interviewed recognized a strength of the PCIARC is that it has had the support of all who have served as police chief and mayor since its inception. “All three Chiefs of Police [since the inception of the PCIARC] have been African American and all three have been community oriented,” one interviewee emphasized. Without this support, it is believed that the PCIARC would not be as solid as it is, and perhaps would be a “fruitless” effort. Since the police chief ultimately has final decision making authority for all case outcomes and disciplinary actions, it is essential that the chief respect the recommendations brought forward from the PCIARC process.

#### Civilian Representatives on the PCIARC:

Stakeholders spoke positively about the civilians who have served on the commission, especially noting their ability to be strong representatives of St. Paul communities, not being intimidated by the police department personnel or hierarchy in the complaint deliberation process, and being dedicated to finding the best solutions. Stakeholders recognize the importance of civilians being involved in addressing police misconduct. Many also commented that the civilians on the commission have been well rounded; representing the diversity of the city and bringing a range of skills and experiences to the group. Residents serving on the commission have often been significantly engaged in the broader St. Paul community, and have served as bridges for community engagement and information sharing within their neighborhood or cultural community.

Police Officers on the PCIARC:

One perspective among some stakeholders who have served on the PCIARC is the educational role officers bring to the table during deliberations is helpful, noting civilians often look to them for explanation when trying to understand police behavior. Officers who serve on the commission are required to be St. Paul residents, because it is perceived to increase their ability to relate to the civilians on the commission and ensure they share a stake in upholding good police conduct. Officers who have served on the commission say they take this role seriously and that they are/were not intimidated by the pressure of peer disciplinary review. It should be noted that many stakeholders strongly believe officers should not serve as voting Commission members, which will be discussed later in this report.

*One officer who has served on the PCIARC explained, “You need to look at each situation as if the person complaining or a victim is your family member. I will look at it fairly and I will be in the community with people.”*

Training:

The PCIARC civilian members are required to complete an eleven-week citizen police academy (one night per week for three hours) before they begin an appointment to the Commission.<sup>14</sup> Commissioners also have the opportunity to go on “ride-alongs” with patrol

*“I’ve learned a lot - about how much integrity matters – I’ve met good people in the city I live. You do keep learning.”*

officers. Many who have served on the PCIARC commented on how beneficial the academy and ride-alongs have been to their understanding of what is expected of police officers.

<sup>14</sup> Information about the academy and the curriculum for the 11 sessions can be retrieved from <http://www.stpaul.gov/index.aspx?NID=589>.

On occasion, PCIARC members have gone to an annual conference of the National Association for Civilian Oversight of Law Enforcement (NACOLE), which gives them exposure to people around the country, civilians and government personnel, who have a commitment to civilian oversight of police conduct in various forms. The interviewees who had gone to this conference commented on how educational it was to them.

## **WHAT COULD BE IMPROVED**

Along with strengths of the PCIARC, stakeholders provided valuable insight about ways in which it can be improved. Instead of reporting in this section what stakeholders offered to improve the PCIARC process and structure, their perspectives and recommendations are interwoven into the “Discussion and Recommendations” section of this report.

## **RACE STILL MATTERS**

In the current environment of heightened racial tensions between police and communities throughout the nation as well as locally, auditors asked for stakeholder perspectives on the significance of race in the relationship between police, the community and its relevance to the work of the PCIARC in St. Paul. Most felt race is an important factor and acknowledged that African Americans and other ethnic minority groups are disproportionately having tensions with the police. Most also commented that conversations about race relations and structural racism are important within the context of civilian oversight of police conduct.

At the same time, those who have served on the PCIARC strongly felt they were able to carry out their responsibilities without bias, adding that race has no bearing on the decisions they make about misconduct complaint cases. One stakeholder reacted to the questions about the significance of race with this comment, “I get what has happened [historically], but I wasn’t there and it wasn’t me. But it gets passed on from generation to generation and I still get the brunt of it. So are we indoctrinating kids to hate the police?”

A number of stakeholders had a sense that too much attention to race could be harmful, yet there was also acknowledgement that a disproportionate number of African

Americans and other ethnic minorities encounter law enforcement and the criminal justice system in St. Paul as is the case at the state and national levels. The historical experience with racial profiling was offered by a stakeholder within the police department as an explanation for the hesitancy of law enforcement personnel to talk about race, which is then reinforced through policy. One stakeholder offered, “Back when we had traffic stop reports, that’s when racial profiling began to be an issue. I think we [police department] are afraid to ask about race.”

Even though race is perceived by some interviewees who have served on the commission to not be a factor in PCIARC oversight, and it is not explicitly asked or included in the investigation of complaints, the commission reviews all of the information in the complaint file. Consequently, auditors were told that commissioners still know the race/ethnicity of the complainant based on what they read in the file or see on video. One interviewee shared, “It’s likely the police report will have a description of race based on the perspective of who is writing it.”

Another perspective shared with auditors is that poverty and classism is the larger issue, with crime and arrests occurring more in neighborhoods having a high concentration of poverty. A reaction auditors received when posing a question about classism to another

***“It’s about money. Race just happens to be an identifier rather than dealing with the issues. We have a lot of racism in Minnesota, but we also have a lot of classism.”***

interviewee was, “and who lives in high poverty neighborhoods?” Another stakeholder explained, “There are poor white people in this neighborhood, for instance, and everyone regardless of race gets along, but then if a white and a black poor guy are on the street and something happens, they’ll [police] go after the black guy, so racial profiling is in effect.”

Auditors asked interviewees about the influence of implicit bias within the PCIARC process as details about the operations surfaced and were fully understood. The process of filing a complaint about police conduct and PCIARC oversight is carried out within the police department from beginning to end; concluding with PCIARC meeting for

deliberation in the police chief's conference room. Many who have served on the commission said they believed there was no bias and the police headquarters environment had no impact on the outcome of their oversight role.

Contrarily, others who served on the commission or worked within the system said it was impossible for implicit bias to not have an impact. Rather than prejudice against a race or class of people, implicit bias in this case refers to a lean in favor of police. One interviewee explained, "In some cases we do get such a solid report that there's no question. In other cases I believe there's a courtesy to the profession, because in general the public respects law enforcement and in general people are uncomfortable when they interact with police." Another interviewee added, "The benefit of the doubt goes to the police officers."

As long as system wide disparities exist in the treatment of people and their experiences, whether based on race, class or any other difference, that disparity needs to be addressed to move towards a just and equitable society. In the case of the PCIARC, implicit bias in favor of police creates an inequity in the system that jeopardizes the overall purpose and impact intended by having civilian oversight. This is not a criticism of the many people who have invested a significant amount of time and energy into the work of the PCIARC; rather it is a policy and system weakness to be corrected regardless of who serves on the PCIARC. The goal is to ensure an accountable and respectful relationship, balanced between police and community.

### **CASES ARE DOWN -WHY?**

Stakeholders expressed concern about a dwindling number of cases being reviewed by the PCIARC. When asked why they thought complaint cases were down, their answers varied almost equally between two perspectives. On the one hand, a portion of stakeholders were optimistic in their beliefs that complaints were down due to a better police force, with more diversity, higher accountability, better training and clear expectations. The use of cameras and audio recording devices when officers are on patrol was also cited as a possible influence over both the conduct of police and community members.

On the other hand, another group of stakeholders strongly believe people do not file complaints because they are frustrated and have no hope that anything would change if they did complain. One stakeholder said, “I’m getting the feedback that people are not seeing justice when you have police officers who overstep their bounds. From the community’s perspective they see them get off, let off, then people don’t feel justice.”

Yet another perspective was offered through the lens of the PCIARC as a system that can deter or encourage people from using it depending on how it operates. It was

*“The community believes the system is broken, so why would they bother to complain. People have lost faith in the process.”*

suggested that more communication with people is needed after an intake form is completed to support them in following through with a formal complaint. The complaint forms are mailed to those who have a completed intake, and they are supposed to prepare

a detailed account of the incident in writing, sign each page, and return it to the police department’s Internal Affairs unit. It can seem overwhelming to people, especially if English is not their first language. Another suggestion for complaints being down was investigations can take too long, which is frustrating for both citizens and officers. Also, fewer complaint cases go the PCIARC for review due to the Commander making a preliminary decision that there is no basis for the complaint.

## EXPANDING THE ROLE OF THE PCIARC

Auditors asked stakeholders, given current times, do they think the role of the commission should be expanded in any way. Most answered yes, they believed it may be time for the role of the PCIARC to expand, and they offered suggestions. Their ideas are included in the “discussion and recommendations” section of this report. Overall, stakeholders believed the PCIARC could expand their role in building better relations between the police and St. Paul communities.

## PCIARC CASE DELIBERATION MEMOS

Deliberation memos are limited in the information they provide, yet they gave the audit team a glimpse at the PCIARC meeting process. What we know from deliberation memos is highlighted below.

- Attendance at PCIARC meetings often includes more representatives from the police department and personnel than the number of civilians on the Commission. Five civilian commissioners are in attendance at PCIARC meetings, while five to seven police department personnel are in attendance, including the 2 police officers on the Commission, the senior commander of IA, 1-3 IA investigators, and the PCIARC coordinator.
- When the IA investigation files go to the PCIARC, it includes a recommendation from the IA investigator for what they believe the case outcome should be. A motion is made that is aligned with the recommendation, and then a vote taken.
- For 35% of the complaint cases reviewed at PCIARC meetings, there was no discussion reported among commissioners when deciding on the case outcome.
- Twice in four years the police chief has changed a complaint case decision voted on by the PCIARC to make it stronger, thus changing the complaint determination from *not sustained* to *sustained*.
- In the four-year timeframe, the PCIARC did not use powers to subpoena, invite witnesses, or hire an independent investigator.
- While votes of the Commission are most often but not always unanimously supporting the recommendation made by the Internal Affairs investigator, in any given case generally no more than 2 Commissioners vote opposed to the motion.
- Deliberation memos do not reflect policy discussions or recommendations to be forwarded to the Mayor and City Council.

Deliberation memos also report case recommendations and actions taken by the Police Chief, the date the complaint was made and the date it progresses to the PCIARC for review, as well as the names of officers whom the complaint is against, and the allegations made. It was not in the scope of this audit to look at this data, but it is possible to determine the timeframe for each investigation, and whether officers have had multiple complaints against them.

## ORGANIZATIONS SERVING AS COMPLAINT CENTERS

As specified in the 2001 mediated agreement between the St. Paul Police Department and St. Paul Chapter of the NAACP, a list of organizations serving as complaint centers and their telephone numbers are provided on the back of police officer business cards. The agreement listed the NAACP, Urban League, Council on the Hearing Impaired, Indian Affairs Council, the Chicano Latino Affairs Council and the St. Paul Human Rights Department as complaint centers.

A business card provided by a police officer currently serving on the PCIARC and a PCIARC brochure also includes the Council on Asian Pacific Minnesotans; however the Chicano Latino Affairs Council is no longer included as a complaint center. The brochure and information on the city's website for filing complaints about the police also does not include the Indian Affairs Council, although it is still included on the business card.<sup>15</sup>

The audit team attempted to contact the organizations as listed on the current officer's business card to inquire about any assistance they provide to people who have a complaint about police conduct. We discovered the telephone numbers for four of the six organizations were nonworking or disconnected. Of the two working telephone numbers, that which is provided for the Human Rights Department is for the procurement and contract services, not connecting to anyone who could directly help with police conduct complaints. The NAACP's telephone number on the business card is correct; however callers inquiring about submitting a police conduct complaint are referred to the PCIARC Coordinator so an intake form can be completed.

<sup>15</sup> The city's website page for filing complaints about the police can be found at <http://www.stpaul.gov/index.aspx?NID=2302>.



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**Complaint Centers Listed on the Back of Police Business Card:**

NAACP - Refers complainants to PCIARC Coordinator to file  
Urban League - Not a working number  
Council on Asian Pacific Minnesotans - Disconnected  
Council on Hearing Impaired - Not a working number  
Indian Affairs Council - Disconnected  
Human Rights - Number for the procurement and contracts office

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The audit team was provided yet another Police Department business card for the Gang Unit, which has a longer list of organizations on the back. This card included the PCIARC and Police Dept. Internal Affairs numbers first, followed by the NAACP, Council on Asian Pacific Minnesotans, Hmong 18 Council, Neighborhood Justice Center, Neighborhood House, Indian Affairs Council and St. Paul Human Rights Department. While all of these telephone numbers are working, the number provided for the Human Rights Department is actually for the Police Department's narcotics and vice unit. The number provided for the Hmong 18 Council is answered with a recorded message stating it does not accept incoming calls. Additionally, the number for the Indian Affairs Council is answered with a recorded message that does not include the person identifying themselves as associated with that organization.

The nonworking telephone numbers and inconsistency in organizations listed as complaint centers on the back of police business

*“When a person has a complaint, they are going to express their emotions and not necessarily the specific facts; whereas officers are trained in documenting and reporting the facts so it’s an uneven playing field.”*

cards as well as on the PCIARC promotional materials is very concerning. It may be a factor in citizen complaints about police being low, and also suggests that the engagement of St. Paul's diverse communities is a low priority in the context of the PCIARC. Complaint centers are meant to be safe places for citizens to get assistance in submitting complaints about police conduct, an important role, yet this bridge between people and the police department is not working for the most part.

## DISCUSSION AND RECOMMENDATIONS

Based on data collection and analysis, recommendations to strengthen the PCIARC are detailed in this section under the following headings; 1) purpose and scope, 2) structure, 3) composition, 4) power and duties, and 5) operations. A recommendation is made to expand the role of the PCIARC in building trust and relationships between police and community members who have had negative interactions with each other. The audit team placed heavy weight on the feedback and insights provided by stakeholders when developing recommendations. Each recommended change to the PCIARC was identified by one or more stakeholders interviewed as a way to strengthen civilian oversight in St. Paul.

A suggested timeline is provided between now and December 31, 2016, for each recommended change; immediate, short, medium and long term. The audit team also noted if the recommended change appears to require a corresponding change to the city administrative code. Identification of code changes is based on the existing code and the intent of that code; however it should be clear that city policy makers, with their legal counsel, ultimately decide what they choose to mandate through policy.

The audit team recognizes the important work carried out by the PCIARC for over twenty years. Many strong and committed people with the best intentions and high integrity have contributed their time and talents to make this possible. Stakeholders investing their time include those who have been employed by the city, as well as community members who have served as volunteers and who have advocated for the role of the PCIARC. Many citizens have also positively contributed to an accountable relationship

between police and communities by taking the time to file police conduct complaints when they felt they were treated unfairly. We commend all stakeholders for their efforts.

The recommendations provided in this report address concerns from a systems perspective to ensure the highest integrity in civilian oversight for the long term, as people transition in and out of the process. Attention was given to the potential for explicit or implicit biases that could undermine the integrity of civilian oversight, so recommendations include systems safeguards to lower this potential.

**PURPOSE AND SCOPE OF PCIARC REVIEW**

The purpose and scope of the PCIARC has a solid foundation in city policy. Auditors heard from stakeholders that this is a strength; providing clear and understandable boundaries under which to operate. The issue is compliance.

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. Additionally, the 2001 mediated agreement between the NAACP and Police Dept. reinforced that the PCIARC to review all citizen-initiated complaints and investigations. Yet, auditors learned about 1/3 of the complaints received are not going to the PCIARC for review. As a trend, the percentage of cases closed after preliminary determination by the IA Senior Commander is on the rise, and fewer cases are seen by the PCIARC.

**Recommendations:** 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. Stop the practice of preliminary review and decision making on any citizen complaints by the Senior Commander of Internal Affairs.

Action: Immediate, by December 31, 2015  
 Administrative Code Change Needed? No

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. The 2009 Report of the Best Practices Assessment of the St. Paul Police Department prepared by Berkshire Advisors also recommended increasing the transparency of all commission actions for the community and city departments.

Moreover, 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.

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. While it is necessary for the city to follow privacy laws, a significant amount of data can be shared in summary form so that the privacy of those involved is maintained. Much more data sharing is important for trust building with stakeholders, as well as to contribute to continuous system improvements.

Reporting of summary data and giving feedback to the police department on a regular basis provides an opportunity to offer police training and impact communication between police and community members with whom they interact.

*“There’s no sharing of information back to the community. I think the general public struggles with a lack of knowing.”*

One stakeholder who knows the operations within the department offered a feasible and efficient method for providing feedback to police officers. The idea is to develop brief 10-minute roll call trainings for officers based on what is learned through the PCIARC process. To make this work, data needs to be summarized and the lessons learned shared on a regular basis.

**Recommendations:** 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. Set aside open meeting time on PCIARC meeting agendas to discuss data, patterns of complaints, and potential policy and training considerations for system improvements. 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. 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.

Action: Short term, by March 1, 2016  
Administrative Code Change Needed? No

## PCIARC STRUCTURE

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. 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. However, no action on this recommendation was taken.

When looking at the potential for the PCIARC structure and operations to be influenced by biases, the ambiguity in the structure weakens the ability to keep biases in check. Decisions have been made that resulted in the PCIARC being based in the police department's Internal Affairs unit and housed in the police headquarters, with meetings held in the Police Chief's conference room. This does not support transparency and trust building

with communities, nor does it provide adequate checks and balances to ensure fairness for both police and complainants in the process. While some stakeholders directly involved in the PCIARC suggested that it is most convenient and efficient to keep the PCIARC within Internal Affairs, the technology is available to change locations without causing hardship or losing efficiency. What is gained in trust building, accountability, checks and balances of biases, and transparency by making changes to the structure of the PCIARC, outweighs the convenience of having it function within the police department.

**Recommendations:** 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). 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.

Action: Long term, by December 31, 2016

Administrative Code Change Needed? Yes

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. It takes resources to have effective community outreach and education, recruit Commission members, provide quality training (and increase training), produce communication and educational materials, update the database software, make use of the powers available to the PCIARC for investigations, and hold regular and well organized community meetings.

Auditors were told the current database software used for PCIARC tracking needs to be upgraded in order to summarize important demographics, such as race of complainants. It was also mentioned by some stakeholders that the stipend they receive of \$50 a meeting has not changed since its inception and should increase. The 2009 Report prepared by Berkshire Advisors also recommended a budget be established for the PCIARC independent of the police department's budget.

**Recommendations:** A full program budget should be created for PCIARC under HREEO managed by the PCIARC Coordinator under the supervision of the HREEO Director.

Action: Long term, by December 31, 2016

Administrative Code Change Needed? No

At different times throughout its history, PCIARC meetings have been held outside of city offices in community settings; however not in recent years. It is a regular practice of many St. Paul Commissions to meet at locations outside of city government. While the city administrative code provides for the PCIARC meetings to be closed for the case review portion of their agenda to protect data privacy, it also states the commission is subject to open meeting statutes. For any portion of the agenda that is an open meeting, holding meetings in the Police Chief’s conference room at police headquarters is not conducive to public attendance.

**Recommendation:** Move the PCIARC meetings out of police headquarters and into community locations.

Action: Immediate, by December 31, 2015

Administrative Code Change Needed? No

The city has had long term, dedicated employees to support the work of the PCIARC, most of who still work for the city. It is generally known that the current PCIARC Coordinator is approaching retirement after a long history with the city, including eight years as a PCIARC commissioner and ten years as its Coordinator. Transition planning is an important step in ensuring continuity in the PCIARC functioning. The city has an opportunity to gain from the historical knowledge by involving the current and past coordinator and administrative support staff in discussions about the expectations and responsibilities for the future.

Recommendations: The PCIARC Coordinator job description should be reviewed and updated to ensure staff qualifications and experiences match future PCIARC goals and expectations. Involve past and current PCIARC support staff in transition planning. A description of the most sought skills and experiences, similar to a job description, should also be prepared for the role of PCIARC Commissioners. Highest priority in such descriptions should be on maintaining strong community relationships.

Action: Short term, by Mach 31, 2016  
Administrative Code Change Needed? No

## PCIARC COMPOSITION

Most stakeholders interviewed are in favor of expanding the number of civilians on the PCIARC to better represent St. Paul's diverse populations. 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. Of those submitting complaints about police misconduct, 57% identified as black, while the PCIARC has consistently maintained 14% of its members identified as black. The majority are also between the ages of 20 and 39.

A review of PCIARC deliberation memos showed that under the current structure the total police department personnel in their deliberation meetings are most often the majority, outnumbering the civilian commissioners in the room. Police department personnel at PCIARC meetings often equals seven; the two voting officers on the commission, the IA senior commander, up to three IA investigators and the PCIARC coordinator. While the coordinator is a civilian, this position is an employee housed in the IA unit at police headquarters, thus is identified as internal to the police department. Auditors are concerned about maintaining high integrity in civilian oversight. Equitable and unbiased decision making is best supported with a majority in the room being civilians serving on the commission.



**Recommendations:** 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. The number of civilians on the PCIARC should be no less than nine.

Action: Long term, by December 31, 2016

Administrative Code Change Needed? Yes

PCIARC commissioners and community 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. Almost all stakeholders who support having officers on the commission expressed it would be better if they were retired from duty and had experience in a supervisory role, so they’ve had to discipline officers. It was also stated that no officers who have served on the commission have been an ethnic minority. Those in favor of keeping officers on the commission referenced their sharing of the police perspective as being helpful in understanding the police when cases were being deliberated. Auditors are concerned about the ability for implicit biases to influence case outcomes when ongoing empathy development for police is a part of the deliberations.

Stakeholders who were opposed to police serving as voting members of the PCIARC were adamant that it undermined the equity and fairness in civilian oversight. The

*“The problem is having two cops on the Commission. You’re putting two cops in a bad position.”*

2009 Report prepared by Berkshire Advisors also recommended police department employees should not serve as voting members of the PCIARC. Auditors agree with this position to maintain the highest degree of integrity in civilian oversight.

To inquire further about models for civilian oversight of law enforcement at the national level and the practice of including police officers as voting members on commissions, the audit team contacted staff at the National Association for Civilian Oversight of Law Enforcement (NACOLE) and conducted a brief scan of civilian oversight entities listed on the NACOLE website. Since it is not within the scope of this audit to conduct a comprehensive analysis and comparison of civilian oversight practices among major cities, the audit team cannot conclude with confidence that no other civilian oversight bodies exist that include police officers as voting members; however we were not able to identify another civilian oversight body that does so.

**Recommendations:** Remove the two active members of the St. Paul Police Federation from functioning as voting PCIARC commissioners.

Action: Immediate, by December 31, 2015

Administrative Code Change Needed? Yes

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. Auditors see benefits to better coordination and communication between these two bodies.

**Recommendation:** Add one representative from the St. Paul Human Rights Department to serve on the PCIARC as an ex officio member, preferably a citizen who has a dual appointment as a Human Rights Commission member.

Action: Medium term, by June 30, 2016

Administrative Code Change Needed? Yes

## POWER AND DUTIES

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. The current 11-week training received at the citizen police academy is overly weighted in educating civilians on policing topics, and 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.

Training on topics of cultural competence should be required for officers on the commission as well as civilians with a goal of equalizing empathy development to build understanding on both sides – police and community. Stakeholders interviewed provided significant support for ongoing training and development on many relevant topics. They also stressed the need for options less rigid than an 11-week commitment as a prerequisite to PCIARC service in order to increase participation. The 2009 Report prepared by Berkshire Advisors also recommended increasing the training received by PCIARC members.

**Recommendations:** Get in compliance with City Administrative Code by adjusting the prerequisite training curriculum to include topics of cultural relevance and competence (including trauma and poverty) as specified in the Code. Create alternative training options to increase participation of St. Paul’s diverse population. Remove the restrictions that people need to be age 21 and have no criminal record in order to attend the citizen police academy.<sup>16</sup> Establish a formal orientation for Commission members including all aspects of their role, and understanding investigation documents and all other related paperwork. 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.

Action: Medium term, by June 30, 2016

Administrative Code Change Needed? No

<sup>16</sup> As advertised on the city website at <http://www.stpaul.gov/index.aspx?NID=589>

City Administrative Code states the PCIARC will review all investigations completed by the internal affairs unit or independent investigators under contract with the city, and the PCIARC may hire a private investigator as approved by the mayor or chief of police. 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.

Stakeholders who have served on the PCIARC indicated they did not request independent investigations primarily because of their perceptions that the IA investigators provide thorough, well written reports with all needed information in most cases. They have confidence in IA and do not want to undermine that relationship. On the other hand, stakeholders saw a value in independent investigations for cases that are more challenging or under public scrutiny.

Inquiry by the audit team of other civilian oversight models adopted by jurisdictions in the United States revealed it is a common practice for independent investigators and independent auditors to investigate complaints about police conduct rather than this role being internal to the police department. Building trust between the city leadership, police department and St. Paul's diverse communities is better supported when independent investigations are conducted in at least the most challenging cases. Contracts for independent investigators also need to be with an entity considered neutral and outside of the network of law enforcement entities the St. Paul police department regularly associates.

**Recommendations:** An automatic trigger for an independent investigation should be established, specifically for alleged acts of excessive force, and inappropriate use of firearms. 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.

Action: Medium term, by June 30, 2016

Administrative Code Change Needed? May fit under the intent of existing code language.

Deliberation memos show that it is the practice of IA in all cases to recommend a case decision to the PCIARC before they deliberate. 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. Auditors are equally concerned with, and do not condone this practice.

**Recommendations:** 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.

Action: Immediate, by December 31, 2015

Administrative Code Change Needed? No

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. 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, and may slow down the investigation.

**Recommendations:** 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.

Action: Immediate, by December 31, 2015

Administrative Code Change Needed? No

## PCIARC OPERATIONS

The 2009 Report prepared by Berkshire Advisors called for increasing the transparency of all commission actions for the community and city departments. Stakeholders interviewed expressed concern that communications are weak between the police department Internal Affairs, PCIARC and community members beginning with the intake process. Gaps in understanding exist about submitting complaints, the PCIARC process, and follow-up among city departments, citizens and external organizations.

**Recommendations:** Under the authority of the Mayor's office, a cross-department team representing the police department, human rights department and PCIARC, should design a stronger complaint intake process, including roles and responsibilities, improved community access, cross-department communications and information sharing, and ongoing communications with complainants extending through the final decision being made on cases. 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.

Action: Medium term, by June 30, 2016  
Administrative Code Change Needed? No

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. 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.

Stakeholders acknowledged this part of the system is not working, yet it is important for citizens filing complaints to have places they can go for assistance to get through the process.

*“People should definitely get more support for filling out the packet. I’d say someone to help them write it so it makes sense, somebody outside the system.”*

**Recommendations:** 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 these entities may change over time, recruiting organizations who can offer legal advocacy and technical writing assistance is encouraged. It is essential that accurate contact information is provided on police officer business cards and all city communications. 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.

Action: Immediate, by December 31, 2015

Administrative Code Change Needed? No

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. Stakeholders report this commitment has not been fulfilled (zero to two public

*“I don’t think most people even know the commission is here. We seem to be invisible.”*

meetings held a year since 2011), and attendance has been very low for most meetings held. Community forums are one tool for reaching out to and engaging citizens in a meaningful way.

Stakeholders interviewed spoke about

current community outreach and engagement as being inadequate. They also offered a wealth of ideas for what could improve outreach.

PCIARC commissioners as well as community stakeholders should be involved in creating outreach plans. Equally important, commissioners should be present in communities and accessible.

**Recommendations:** 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.

An annual community outreach and engagement plan should be developed by the PCIARC Coordinator corresponding with other city departments to make efficient use of city resources and ensure St. Paul’s diverse populations are educated about the PCIARC and the complaint process.

Action: Immediate, by December 31, 2015

Administrative Code Change Needed? No

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.

Evaluation of PCIARC’s role, operations and outcomes has not been conducted on an ongoing basis. 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.



**Recommendations:** 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. Develop an evaluation plan for PCIARC that includes annual goals, objectives, activities and measurement tools for data collection and analysis. 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.

Action: Short term, by March 31, 2016

Administrative Code Change Needed? No

## EXPANDED ROLE OF THE PCIARC

Stakeholders interviewed expressed consideration of expanding the role of the PCIARC, taking into account changing times and current issues in police and community relations. Stakeholders knowledgeable about the police department 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.

*“When people want to have a complaint, if it’s “he said, she said” with no way to prove what happened, there’s no way to resolve it. People are left hanging.”*

The majority of people, who initially complain and have a citizen complaint intake completed, do not follow through with the full complaint process. However that does not mean the tensions are resolved. A growing practice is for civilian oversight to include a mediation component as another option for improving police and community relations when negative interactions have occurred.<sup>17</sup> Not only does it help resolve tensions, it also serves as an early warning

<sup>17</sup> See article by Barbara Attard and Kathryn Olson “Overview of Civilian Oversight of Law Enforcement in the United States retrieved from <https://nacole.org/resources/oversight-united-states-attard-olson-2013/>.

system to identify officers who may be struggling with some aspect of their role, so that support can be given and corrections made before it becomes a larger problem.

**Recommendation:** 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.

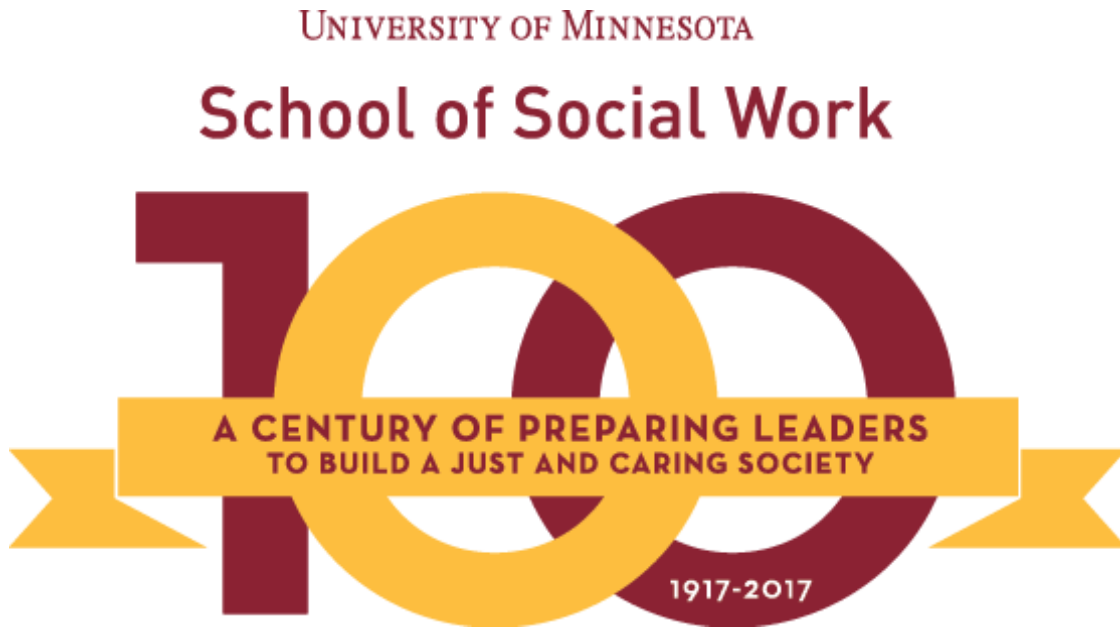
Action: Medium term, by June 30, 2016  
Administrative Code Change Needed? No

## CONCLUSION

A common ground among the diversity of stakeholders involved in this audit is that everyone sees the value in the PCIARC as a vehicle for civilian oversight of police conduct and ongoing dialogue on how to improve police and community relations. St. Paul has an opportunity to provide leadership in civilian oversight that meets standards of high integrity and can serve as a model for other jurisdictions in the United States. Building on strengths and addressing areas of weakness will make that possible.

Before moving forward with recommendations in this report, it is important for community conversations to be held, allowing for authentic engagement of residents in dialogue about the future of the PCIARC, and its role in building trust, accountability and good relations between police and St. Paul's diverse communities. Conversations about race, police accountability and community accountability may be difficult, but should not be avoided.

The impact of the PCIARC can extend beyond the specific task of overseeing police complaints as long as it stays rooted in relationships at the community level, while also channeling information and lessons learned to residents, community stakeholders, city leaders and the police department for systems changes at all levels. As one city leader affirmed, “It’s all about relationships.” The PCIARC will be as strong as the stakeholders in relationship with each other choose to make it. It is essential that community stakeholders who represent St. Paul’s diverse communities, particularly communities most impacted by police interactions, are consulted and engaged in the city’s civilian oversight review process on an ongoing basis.



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