

# Police Civilian Internal Affairs

**Review Commission** 



2023
ANNUAL REPORT

STPAUL.GOV/PCIARC

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### **Police Civilian Internal Affairs Review Commission Overview**

Composed of Saint Paul residents, the Police Civilian Internal Affairs Review Commission (PCIARC or Commission) is the city's civilian oversight group that reviews investigations of community complaints of misconduct by licensed officers in the Saint Paul Police Department (SPPD). The PCIARC makes employment-based disciplinary and policy recommendations to the Saint Paul Chief of Police on civilian-initiated complaints. The PCIARC does not replace civil or criminal court, rather it makes recommendations to the Chief of Police regarding the conduct of police officers as employees, subject to the Minnesota Peace Officer Discipline Procedures Act (PODPA) and related State labor laws. The Chief of Police has the final authority over any discipline assigned to a police officer as an employee.

The <u>PCIARC Ordinance</u> (Ordinance) outlines which complaints alleging police misconduct can be reviewed through the PCIARC process:

The Commission shall review all complaint investigations concerning members of the police department who are certified by the Minnesota Board of Peace Officers Standards and Training, completed by the internal affairs unit of the police department and subsequent investigations thereof related to alleged acts of excessive force, inappropriate use of firearms, discrimination, as defined in Chapter 183.02 of this Code, racial profiling, poor public relations, and such other complaints as may be referred to it by the mayor, the chief of police, or the director of the Department of Human Rights and Equal Economic Opportunity. 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. (City of Saint Paul Admin. 102.01(b)).

# **History of Civilian Oversight & the PCIARC**

In 1969, the first civilian oversight board in the nation was created in Kansas City, Missouri. That board is still in operation today. Saint Paul's Mayor, City Council, and Chief of Police were early adopters of civilian oversight of policing policies, establishing the PCIARC in 1993.

According to the <u>National Association for Civilian Oversight of Law Enforcement</u> (NACOLE), there were only 13 civilian oversight agencies in 1980. In 2020, there were more than 100. In 2023, there were more than 250 across the nation. NACOLE outlines the four general models of civilian oversight today:

- 1. Review & Recommend
- 2. Independent Investigation

- 3. Auditor
- 4. Hybrid of the three models



Saint Paul utilizes a Review & Recommend model. The Saint Paul Police Department Internal Affairs Unit (IAU) conducts all investigations. PCIARC Commissioners (Commissioners) review case materials, hold case deliberations, and recommend a determination on investigations, known as a disposition. The PCIARC may also recommend disciplinary action and make policy recommendations to SPPD. The Chief of Police makes final decisions on dispositions and discipline.

In 2001, the United States Department of Justice (DOJ) mediated an <u>agreement</u> between the SPPD and the Saint Paul Chapter of the NAACP to address concerns related to biased-based policing and to improve relations between police and community. As result of the DOJ-mediated agreement, changes were made to the PCIARC's complaint and intake process, and the Commission was mandated to hold community meetings.

In 2015 and 2016, the City of Saint Paul partnered with the University of Minnesota Center for Restorative Justice and Peacemaking to review PCIARC. Following an in-depth review and several community meetings, the University of Minnesota offered comprehensive recommendations to update and evolve the PCIARC. Several recommendations from the report were implemented by the city, including:

- 1. Moving PCIARC from the SPPD to the Department of Human Rights & Equal Economic Opportunity (HREEO)
- 2. Giving the Director of HREEO the authority to:
  (a) refer matters to the PCIARC, (b) recommend
  to the Mayor the appointment and removal of
  civilians on the PCIARC, (c) appoint and supervise
  the PCIARC's Review Coordinator, in consultation
  with the Chief of Police and the Chair of the
  Commission, and (d) hire a private investigator on
  behalf of the PCIARC
- 3. Adding two additional civilians to the Commission, increasing the number of civilian commissioners to nine

- 4. Removing the two Saint Paul Police Federation positions from the Commission.
- 5. Notifying Complainants when a case they have filed will be heard by the PCIARC and allowing them to provide a statement
- 6. Removing any type of recommendation from the IAU in the case review materials given to the PCIARC
- 7. Giving the PCIARC the explicit authority to recommend policy changes for consideration by the Chief of Police

In 2022, Mayor Carter, along with city leaders, SPPD, and the Saint Paul Chapter of the NAACP agreed to an addendum to the agreement mediated by the DOJ in 2001. The goal of the addendum was to "strengthen their relationship and expand on their commitments to one another." While the addendum was mainly focused on increased reporting, data sharing, and communication between SPPD and the NAACP, it also requires SPPD to provide information on how to file a PCIARC complaint to community members who "submit criticism" of an officer through SPPD's community feedback survey.

The below table shows cases reviewed by the PCIARC since the Commission moved to HREEO. Each case reviewed by the PCIARC can have multiple allegations. For example, a case could have three allegations, improper conduct, improper procedure, and poor public relations. A complaint can also have multiple officers listed in the case.

	2017	2018	2019	2020	2021	2022	2023
Number of Cases Reviewed by PCIARC	29	42	44	39	21	19	34
Total Sworn Officers	54	70	72	81	26	32	66
Total Allegations	63	77	88	90	26	37	88

### **2023 Commission Members**

The PCIARC is comprised of nine individuals representing a variety of Saint Paul neighborhoods, races, cultures, abilities, backgrounds, and incomes. After completing an application and interview process, residents are recommended to serve on the PCIARC by the Director of HREEO, appointed by the Mayor, and lastly, approved by City Council. The PCIARC ordinance states that members of the Saint Paul Police Federation and their immediate family are not eligible to serve on the PCIARC.

Prior to serving as a voting member, PCIARC Commissioners must complete training related to police work, investigation, relevant law, cultural competency, racial equity, implicit bias, sexual orientation, gender identity, physical disability, mental illness, and the emotional impact of abuse. Commissioners must also do a ride-along with a current SPPD officer.

### Commissioners serving for any portion of 2023 were:

- Erin Hayes (Chair)
- Eric Forstrom (Vice Chair)
- Charles Deneen (Vice Chair)
- Shaval Webb
- Nancy Rodenborg
- Sarah Florman
- Nicohle Schluender
- Jerry Brashier
- Rosilyn Carroll
- Deborah Ariremako

Contact the PCIARC Coordinator with questions or to file a complaint:

651-266-8970 CivilianReview @ci.stpaul.mn.us

### **PCIARC** Coordinator

The PCIARC has a full-time Coordinator who works in the HREEO department. The Coordinator serves as a liaison between community members, the Commission, and SPPD. The Coordinator works to build trust, increase transparency, and expand public access to the complaint investigation process. The Coordinator receives complaints from the public and ensures the PCIARC process runs smoothly. They do not vote on cases. The PCIARC Coordinator serves at the appointment of the Director of HREEO in consultation with the Chief of Police. Kevin Carlisle served as Coordinator from January – May 2023. Sierra Cumberland was the PCIARC Coordinator for the remainder of 2023 and continues to serve in the position today.

## Saint Paul Police Department Internal Affairs Unit Staff

The IAU coordinates, supervises, and investigates complaints against SPPD and/or allegations of misconduct against individual licensed police officers. In the PCIARC process, the IAU's function is to impartially collect evidence, interview witnesses, and provide a complete report to the PCIARC and to the administration of the Saint Paul Police Department for review and disposition. The IAU is comprised of both professional support staff and SPPD Sergeant investigators. Senior Commander Nicole Spears and Commander Jake Peterson led IAU in 2023.

## **Community Intake Centers**

As part of the 2001 DOJ mediated agreement between SPPD and the Saint Paul Chapter of the NAACP, community complaint intake centers were created. A list of the complaint intake centers is available on the PCIARC website.

## **PCIARC Meetings**

There are two portions of PCIARC monthly meetings, an open/public portion and a closed portion. The open/public portion of a Commission meeting includes administrative business and updates from SPPD, HREEO, and community organizations, as well as training. All community members are welcome to attend and observe the public portion of the meetings, either virtually or in-person. The closed portion of the meeting consists of case review and discussion, which is regulated by state data privacy and open meeting laws, and is not open to the public. Visit the PCIARC website for dates, locations, and links to join the public portion of the meeting.

If your organization is interested in learning more about the PCIARC process and/or becoming a community complaint intake center, please contact the PCIARC Coordinator at civilianreview@ci.stpaul.mn.us or 651-266-8970.

### In addition to reviewing cases and issuing recommendations, the PCIARC may:

- Hear testimony from the Complainant and officer(s) involved in the complaint
- Request individuals appear before the Commission to supplement investigative files
- Request that the IAU gather additional information and subpoena witnesses to compel their appearance before the PCIARC
- Hire a private investigator through city contract, as approved by the Mayor or Director of HREEO

#### The PCIARC Chair will preside over all meetings and conduct meetings:

- Consistent with and subject to all city ordinances and published policy directives
- Subject to statutes regarding government data practices, PODPA, open meeting, and other related state laws

### **Annual Summit**

The PCIARC is required to hold an Annual Summit to review PCIARC complaint and case data, including complainant demographics, PCIARC recommendations, and known case outcomes.

The PCIARC held its 2023 Annual Summit on October 11, 2023, at the Rondo Community Library in Saint Paul. The Summit provided an opportunity for community members to learn more about the PCIARC process and ask the Commissioners questions. The Summit also allowed community members to review data from the 2022 Annual Report. Mayor Carter provided remarks on his vision for public safety in Saint Paul. SPPD Chief of Police Axel Henry and Director of the Office of Neighborhood Safety Brooke Blakey spoke and took questions from the audience. PCIARC Chair Erin Hayes, IAU Commander Jake Peterson, and Commissioners also formed a panel to discuss their experiences and answer questions. A video recording of the Summit is available online.

### **PCIARC Case Review Process**

In the PCIARC process, a community member files a complaint against a sworn police officer as an employee of the City of Saint Paul. The community member who filed the complaint is known as the Complainant throughout the process. Please note: this process is an employment discipline process and is different than, and does not replace, civil or criminal legal action.

The PCIARC follows an administrative process detailed in the City's <u>Ordinance Title V, Chapter 102</u>.

- A complaint of police misconduct is received by HREEO and/or SPPD IAU, depending on how it was submitted by a community member. Please note, the PCIARC Coordinator in HREEO will not be informed of cases filed directly with SPPD's IAU until, and only if, a case is scheduled to be reviewed by the PCIARC.
- Once received, the complaint is reviewed to ensure that it has been properly signed. Under state law, complaints are official only when signed by the Complainant.
- 3. The IAU confirms that the complaint is about an active, licensed police officer with SPPD. The IAU determines if the complaint is eligible for PCIARC review based on the ordinance and identifies which department policies may be involved. The IAU Investigations can take approximately 8–12 weeks. If a complaint does not involve a sworn Saint Paul Police Officer and/or does not fall within the categories listed above, it may be closed by the SPPD IAU without PCIARC review.
- 4. When the investigation is complete, the case may be scheduled to go to the PCIARC for review and consideration. If so, the IAU notifies the PCIARC Coordinator and provides the Commissioners with case materials. Case materials may include a summary of the investigation, interviews, statements of the officers involved, and all accompanying evidence. These materials are made available two weeks before the PCIARC's next meeting when it is set to discuss the case.
- As Complainants have a right to make a statement at the PCIARC meeting, the Coordinator will notify Complainants that their case is scheduled to be discussed at the next PCIARC meeting.

- 6. If a Complainant chooses to make a statement, the officer(s) listed in the complaint will also be given the opportunity to make a statement if they attend the meeting. If any statements are given at a meeting, the case will be considered at a later meeting as statement(s) are transcribed and the IAU reviews the transcript for any new facts that may need follow-up investigation. Officers have the right to receive a copy of statements made about the incident and provide a response.
- 7. PCIARC Commissioners review all case materials and discuss the case. Their objective is to assess if the police officer involved violated policies as an employee. On each case, the PCIARC recommends a disposition and may recommend disciplinary action to the Chief of Police.
- 8. After receiving a recommendation from the PCIARC, the Chief of Police makes a final decision on the case. If the Chief disagrees with the recommendation from the PCIARC, the Chief's decision is referred to as a "departure."
- 9. If the Chief issues a departure, they notify the PCIARC Coordinator in writing of the actions they intend to take instead. The PCIARC Coordinator notifies the Commissioners. The PCIARC Chair has five business days to discuss any concerns with the Chief of Police.
- 10. If the Chief of Police decides to take disciplinary action, the officer(s) may file a grievance as allowed by their employment contract.
- 11. Once the grievance process has been completed, if applicable, a case has reached final disposition, and the Complainant is notified of result of their complaint by the IAU in a letter.



# Types of Cases Reviewed by the PCIARC

The PCIARC Ordinance outlines which cases are eligible for PCIARC review. The PCIARC reviews cases regarding alleged acts of:

- Excessive force
- Improper conduct
- Improper procedure
- Inappropriate use of firearms
- Discrimination (as defined by Saint Paul Legislative Code § 183.02)
- Racial profiling
- Poor public relations
- Complaints referred by the Mayor,
   Chief of Police, and/or the Director of HREEO

Please note: Only complaints involving sworn Saint Paul Police Officers that are outlined in the PCIARC Ordinance have the potential to be reviewed by the Commission. If a complaint does not involve a sworn Saint Paul Police Officer and/or does not fall within the categories listed above, it may be closed by the SPPD IAU without PCIARC review.

Additionally, only complaints filed directly with HREEO are reviewed by the PCIARC Coordinator before they are referred to SPPD's IAU for investigation. The PCIARC Coordinator is not informed of cases filed directly with the IAU until an investigation is complete and only if a case will go to the PCIARC for review and consideration.

# Recommendations to the Chief of Police

Under the Review & Recommend model, PCIARC Commissioners review all case materials, hold case deliberations, and recommend a determination on investigations. That determination is called a disposition. Commissioners may also recommend disciplinary action and make policy recommendations to SPPD. Under Saint Paul's Review & Recommend model, the PCIARC may only recommend a disposition, as the Chief of Police is the final decisionmaker on dispositions. The Minnesota Police Officers Discipline Procedures Act (PODA) outlines that the Chief of Police is always the final decisionmaker on any discipline issued.

### **Possible Dispositions for Allegations**

- **1. Unfounded:** Allegation is false or not factual
- **2. Exonerated:** Incident occurred but was lawful and proper
- **3. Not Sustained:** Insufficient evidence either to prove or disprove the allegation
- **4. Sustained:** The allegation is supported by sufficient evidence
- **5. Policy Failure:** The allegation is factual and followed proper procedure, however, that procedure has proven to be faulty
- **6. Commended:** Either the allegation was false, or the officer's actions were lawful and proper, AND the officer demonstrated an exceptional level of behavior or service

### **Possible Disciplinary Actions**

The <u>Saint Paul Police Federation Collective Bargaining</u>
<u>Agreement</u> states that employees will be disciplined "in accordance with the concept of progressive discipline."

- **1. Oral Reprimand:** An oral reprimand is a verbal order to correct a member for a violation of a department rule, regulation, or procedure, which is then reduced to writing
- **2. Written Reprimand:** An increase in progressive discipline from the oral reprimand, a written reprimand is a written order to correct a member for a violation of a department rule, regulation, or procedure
- **3. Suspension:** An increase in progressive discipline from the written reprimand, a suspension is not to exceed 30 days.
- 4. **Demotion:** A reduction in rank
- **5. Termination:** Termination of employment

Retraining is not defined as discipline in the SPPD labor contract though it may also be recommended by the PCIARC and must be paired with other discipline.

### 2023 PCIARC Summary

Over the course of 2023, the PCIARC:

- Held 10 case deliberation meetings
- Appointed five new Commissioners
- Hosted the 7th Annual Summit







Additionally, five individuals involved in the work of the PCIARC attended NACOLE's 2023 Conference, which was centered around national best practices of civilian oversight systems. Attendees included Commissioner Florman, Commissioner Rodenborg, Director of Community Initiatives Noel Nix, SPPD Assistant Chief Jack Serier, PCIARC Coordinator Sierra Cumberland, and HREEO Deputy Director Beth Commers.

### 2023 PCIARC Complaints Received by HREEO

In 2023, 56 complaints were filed directly with HREEO and/or on the PCIARC website. Once a complaint has been filed, it is forwarded to the IAU for investigation and the complaint follows the process outlined above. These 56 complaints are reflected in the total number of complaints received by the IAU detailed below.

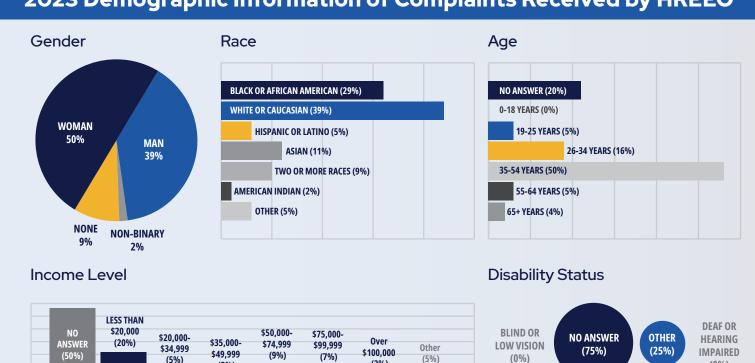
On the complaint intake form, Complainants have the option of providing demographic information. This information helps the PCIARC, HREEO, and SPPD further identify trends and patterns to help improve services.

(2%)



(0%)

# 2023 Demographic Information of Complaints Received by HREEO



(2%)

## **Complaints Received by IAU**

In addition to filing complaints with HREEO or submitting on the PCIARC website, community members may file complaints of police misconduct directly with SPPD's IAU. Please note: Only complaints involving sworn Saint Paul Police Officers that are outlined in the <u>PCIARC Ordinance</u> have the potential to be reviewed by the Commission. If a complaint does not involve a sworn Saint Paul Police Officer or does not fall within the categories listed above, it may be closed by the SPPD IAU without PCIARC review.

### 2023 Complaints Received by IAU

The table below indicates all complaints that were received and/or investigated by the IAU. Some of the complaints received in 2023 were investigated and came before the PCIARC for review in 2024. Others did not. The 56 complaints that were originally filed directly with HREEO or on the PCIARC website are included in this summary data. Complaints are captured in the data based on the month they were received.

2023	Complaints	Complaints Submitted to PCIARC for Review	Complaints Not Submitted to PCIARC for Review	
Jan	10	4	6	
Feb	7	3	4	
Mar	6	2	4	
Apr	6	4	2	
May	4	4	0	
Jun	12	4	8	
July	8	4	4	
Aug	9	3	6	
Sep	9	4	5	
Oct	4	1	3	
Nov	9	7	2	
Dec	7	4	3	
Total	91	44	47	

# 2023 Complaints Not Submitted to PCIARC for Review

All complaints do not go to the PCIARC for review—only a portion do. The table above captures the total number of complaints that the IAU investigates and indicates if they went to the PCIARC for review or not. At each monthly PCIARC meeting, the IAU provides data and background information regarding complaints that will not be submitted to the PCIARC for review.

Of the 91 complaints that IAU investigated, 44 were reviewed by the PCIARC and 47 were not. This table captures the reasons why 47 of the complainants did not go to the PCIARC for review.

2023	No Policy Violation	Duplicate Com- plaint	Com- plaint With- drawn	Open Criminal	Not Sworn Employee	Party Not Involved	Not Our Employee
Jan	2	0	0	2	0	0	2
Feb	0	0	2	0	1	0	1
Mar	1	0	0	0	0	0	3
Apr	2	0	0	0	0	0	0
May	0	0	0	0	0	0	0
Jun	3	1	0	2	1	0	1
July	1	0	1	1	0	0	1
Aug	2	1	2	1	0	0	0
Sep	3	0	0	1	0	0	1
Oct	2	0	0	0	0	0	1
Nov	0	0	0	0	0	1	1
Dec	2	0	0	1	0	0	0
Total	18	2	5	8	2	1	11

### **Definitions**

**No Policy Violation:** This category includes instances where a Complainant has filed a complaint yet there is no alleged policy violation against the employee. According to the IAU, some examples of cases submitted that have been given this classification include dispute of a citation; wanting to add more information to a criminal investigation; civil matters and disputes; lack of specific complaint information against an officer or specific incident; or providing resources to community members, etc. One example of a case in this category is when a community member used the PCIARC complaint form to dispute a speeding ticket they received. The information provided did not allege that an officer did anything wrong, rather the Complainant did not agree with getting a ticket. Because there was no policy violation by SPPD or any individual officer, the information was not submitted to the PCIARC for review.

**Duplicate Complaint:** A complaint is marked a duplicate if it has already been entered, reviewed, or investigated in the past. Occasionally complaints will come in via multiple sources or at different times and only the original will be counted for statistical purposes. Others will be marked as duplicates.

**Complaint Withdrawn:** The Complainant withdrew their original complaint.

**Open Criminal:** There is an open criminal case working through the legal system, and opening an internal investigation could jeopardize the Complainant's rights.

**Not Sworn Employee:** The complaint must be against a sworn SPPD member to undergo the PCIARC process. If a complaint is made against a staff member of SPPD who is not a licensed police officer, the case would be investigated and resolved by the IAU only.

Party Not Involved: The IAU has determined that a Complainant must be party to the incident to be able to sign a complaint against the officer.

**Not Our Employee:** SPPD often receives complaints regarding officers who work in a different city or county. Those complaints are recorded as received and marked "Not Our Employee" by IAU but are not submitted to the PCIARC for review.

**Party Not Involved:** The IAU has determined that a Complainant must be party to the incident to be able to sign a complaint against the officer



## 2023 Cases Reviewed by the PCIARC

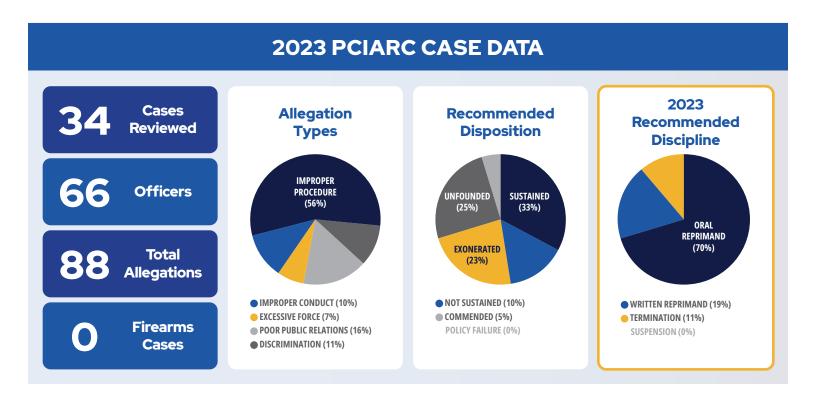
In 2023, data shows that the IAU received 91 complaints—of which 56 were filed directly with HREEO and/or on the PCIARC website—and the PCIARC reviewed 34 of the cases. This was an increase compared to 2022.

Summary data below reflects the 34 cases reviewed by the PCIARC, as well as disposition and disciplinary recommendations made to the Chief of Police. Some of the complaints reviewed by the PCIARC in 2023 were filed in 2022.

- Of the 34 cases the PCIARC reviewed, there were 88 total allegations that included 66 sworn officers of the Saint Paul Police Department.
- The complaint classification "Improper Procedure" was the most common type of complaint received.
- Of the reviewed cases, "Sustained" was the most frequently recommended disposition.

### **Some Things to Consider**

- Each case reviewed by the PCIARC can have multiple allegations. For example, allegations listed could be improper conduct, improper procedure, and poor public relations.
- A complaint can also have multiple officers listed in the case.
- Each officer listed could be considered for one allegation or multiple. For example, a complaint is filed against Officer A and Officer B. The Complainant alleges Officer A engaged in discrimination and improper procedure and that Officer B engaged in improper procedure only. This singular complaint would involve two officers and three total allegations.



Retraining is not defined as discipline in the SPPD labor contract though it may be recommended by the PCIARC and must be paired with other discipline. In 2023, the PCIARC recommended retraining 10 times.

### **2023 Departures**

While the PCIARC will recommend a disposition on a case and may recommend discipline, the Chief of Police is the final decisionmaker on dispositions under the city's Review & Recommend model of civilian oversight and is always the decisionmaker for any discipline issued to officers as employees, according to PODPA. When the Chief of Police chooses to make a decision different than what the PCIARC recommends on a case, this is called a "departure."

In 2023, the Chief of Police departed from a disposition the Commission recommended eight times (9%) and departed seven times (26%) from disciplinary actions recommended by the PCIARC. In one of these departures, the Chief of Police implemented more discipline than what the PCIARC recommended.

### **English**

#### **Attention**

If you want help translating this information or need an accommodation, please contact <u>CivilianReview@ci.stpaul.mn.us</u> 651-266-8970.

#### **Español**

#### Atención

Si desea recibir asistencia gratuita para traducir esta información o necesita un alojamiento, contactor <u>CivilianReview@ci.stpaul.mn.us</u> 651-266-8970.

#### **Hmoob**

#### Lus ceev

Yog koj xav tau kev pab txhais cov ntaub ntawv no los sis xav tau kev npaj kom yooj yim, ces thov tiv toj <u>CivilianReview@ci.stpaul.mn.us</u> 651-266-8970.

#### Karen

### ဒိက္ခနဉ်

နမ့်၊လိဉ်ဘဉ်တၢ်မၤစၢၤလ၊တၢ်ကွဲးကျို်ထံဘဉ်တၢ်ဂ့ၢ်တၢ်ကျိုးအံး မ့တမ့ၢ် လိဉ်ဘဉ်တၢ်ဟ့ဉ်ကူဉ်ဟ့ဉ်ဖးနှဉ် ဝံသးစူးဆဲးကျာ <u>CivilianReview@ci.stpaul.mn.us</u> 651-266-8970.

#### Soomaaliga

Haddii and rabto in macliumaadkan laguu tarjumo ama and u baahantahay adeeg nala soo xiriir <u>CivilianReview@ci.stpaul.mn.us</u> 651-266-8970.



#### **Contact Us**

Contact the PCIARC Coordinator with any questions or to file a complaint: **Phone:** 651-266-8970 **Email:** CivilianReview@ci.stpaul.mn.us