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Police Civilian Internal Affairs Review Commission

Annual Report 2016



Established in 1994, the Police Civilian Internal Affairs Review Commission (PCIARC) reviews and makes disciplinary and policy recommendations to the Saint Paul Chief of Police on all civilian initiated police conduct complaints. The commission is essential to the trust between police and the communities they serve. The PCIARC does not replace civil or criminal court, but makes recommendations to the chief of police regarding investigation findings and potential discipline, subject to the Minnesota Peace Officer Discipline Procedures Act and related state labor laws. The chief of police has the final authority over any disciplinary action imposed against a police officer.



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COMMISSION & STAFF

Commission

The PCIARC is comprised of seven voting members, five residents of the City of Saint Paul and two current members of the Saint Paul Police Federation. They are a diverse group of individuals representing a variety of neighborhoods, races, cultures, abilities, and incomes. The commissioners are appointed by the mayor with approval of the city council.

Prior to assuming official duties of PCIARC, commissioners shall participate in ride-alongs with patrol officers and complete training related to police work, investigation, relevant law, cultural diversity, sexual orientation, gender, disability and the emotional impact of abuse.

PCIARC Coordinator

The PCIARC has a dedicated civilian coordinator to assist in receiving complaints from the public. The coordinator works to build trust in the complaint investigation process, increase transparency and public access to the process, and serve as a city liaison to the commission. The PCIARC coordinator serves at the pleasure of the chief of police. In 2016, after many years of service to the community, PCIARC Coordinator, Don Luna retired. A new coordinator will be hired in 2017.

Saint Paul Police Department – Internal Affairs Unit Staff

The Internal Affairs Unit is led by a senior commander who reports directly to the chief of police. The Internal Affairs Unit is comprised of both civilian support staff and sergeant investigators. The Internal Affairs Unit is the investigative arm of the police administration and PCIARC. Its function is to impartially collect evidence, interview witnesses, and provide a complete report to the PCIARC and the police administration for review and disposition.

CASE REVIEW

The PCIARC Commission shall review reports regarding alleged acts of:

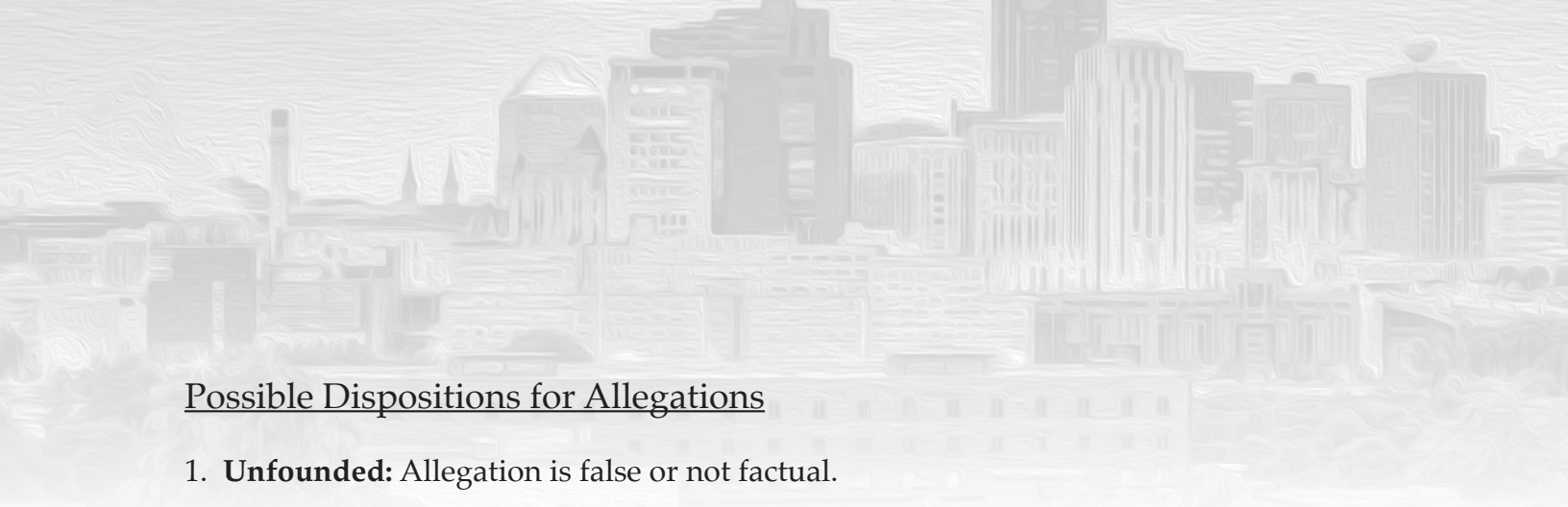
- Excessive force
- Improper conduct
- Improper procedure
- Inappropriate use of firearms
- Discrimination
- Poor public relations
- Complaints referred by the mayor or chief of police

PCIARC Commissioners will recommend a final disposition on investigations they review and further recommend disciplinary action when warranted. In all cases, the chief of police will be the final authority on case dispositions and discipline.

PCIARC Process

The PCIARC follows a set process that is laid out in the ordinance.

1. An initial allegation of police misconduct is received by the Saint Paul Police Department..
2. The allegation is made official when signed by a complainant.
3. Once signed, the Internal Affairs Unit will begin an investigation process which will take approximately 8 – 10 weeks to complete.
4. When the investigation is complete, the PCIARC Coordinator provides the case materials to the commissioners for deliberation.
5. The commission meets to review the case.
6. After review, the commission will, by majority vote, recommend a final disposition and recommend disciplinary action when warranted, to the chief of police.
7. Upon receiving the recommendations from PCIARC, the chief of police will make a final decision on the case.
8. If the chief disagrees with the commission's recommendation, he or she must notify the PCIARC Chair in writing of the actions he or she intends to impose. The PCIARC Chair shall have 5 working days to discuss any concerns he or she might have with the chief before any action is finalized.
9. Following labor practices, the complainant is notified by the Internal Affairs Unit as to the outcome of their complaint.



Possible Dispositions for Allegations

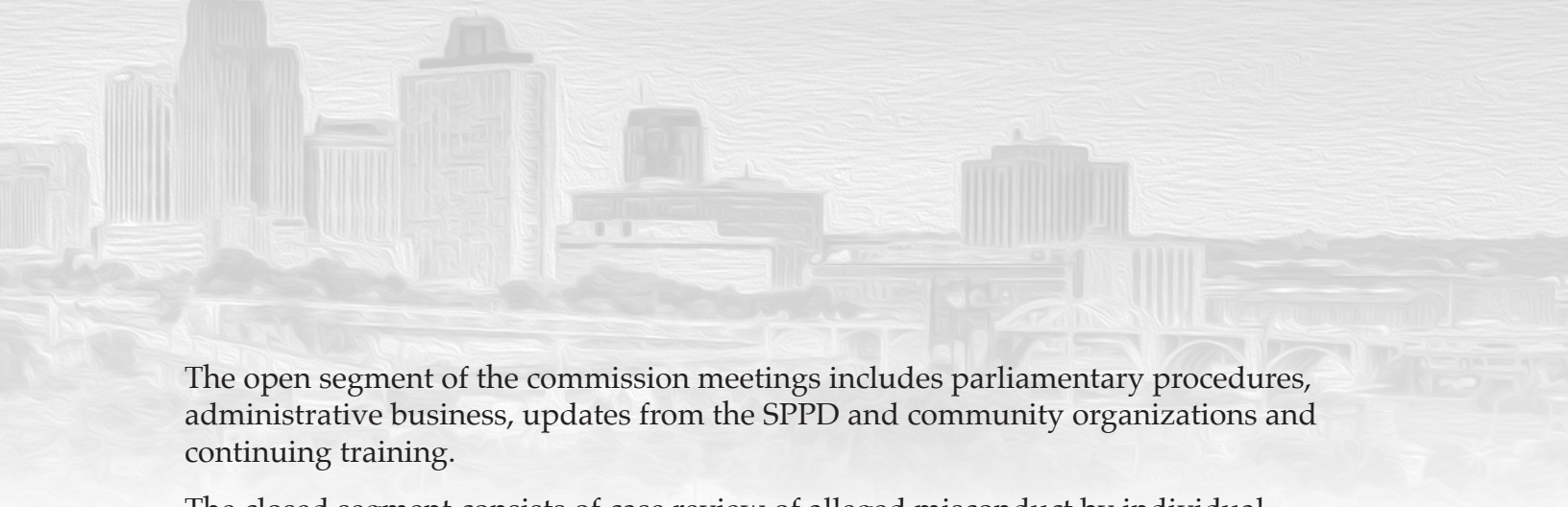
1. **Unfounded:** Allegation is false or not factual.
2. **Exonerated:** Incident complained of occurred, but was lawful and proper.
3. **Not Sustained:** Insufficient evidence either to prove or disprove the allegation.
4. **Sustained:** The allegation is supported by sufficient evidence.
5. **Policy Failure:** The allegation is factual. The officer followed proper departmental procedures which have been proven to be faulty.

Possible Disciplinary Actions

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:** The written reprimand is the sustained findings of a complaint against an officer where more than an oral reprimand, but less than a suspension, is judged the adequate punishment.
3. **Retraining:** A recommendation that the member be retrained in an area that precipitated or contributed to the cause for complaint against the member. A recommendation for retraining will supplement the other actions available to the board and cannot be a singular disposition.
4. **Suspension:** Up to thirty days
5. **Termination:** Subject to union grievance process

PCIARC MEETING POLICIES

By city ordinance, PCIARC is required to meet a minimum of once per quarter and up to twice per month. Typically, meetings are held once a month. The attendance of the meetings consists of the seven commission members, the civilian coordinator (who records the proceedings), and personnel from the internal affairs unit.



The open segment of the commission meetings includes parliamentary procedures, administrative business, updates from the SPPD and community organizations and continuing training.

The closed segment consists of case review of alleged misconduct by individual employees which is regulated by state data privacy laws. These segments will be closed to all except for members of the commission and such other participants, as approved by the chair of the commission and coordinator, who will facilitate the review process of the commission.

PCIARC has the authority to:

- request individuals to appear before it to state facts to supplement files;
- request internal affairs staff to gather additional information as may be needed for a determination by the commission;
- as provided by a city contract, hire a private investigator as approved by the mayor or chief of police;
- subpoena witnesses to compel their appearance before it.

The commission 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, Peace Officer's Bill of Rights, and related law.

Data Privacy

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

Minnesota Statute 13D.05: Meetings Having Data Classified as Not Public.

Subdivision 2. When meeting must be closed.

(a) Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:

(2) active investigative data as defined in section 13.82, subdivision 7, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created...

SUMMARY OF 2016 ACTIVITIES

In 2016 the PCIARC held 9 meetings where they reviewed 47 cases involving 56 allegations and 89 officers.

Meetings Held	9
Cases Reviewed	47
Allegations	56
Allegations - Excessive Force	10
Allegations - Non-Force	46
Number of Officers included in the Allegations	89
Discharge of Firearms	13

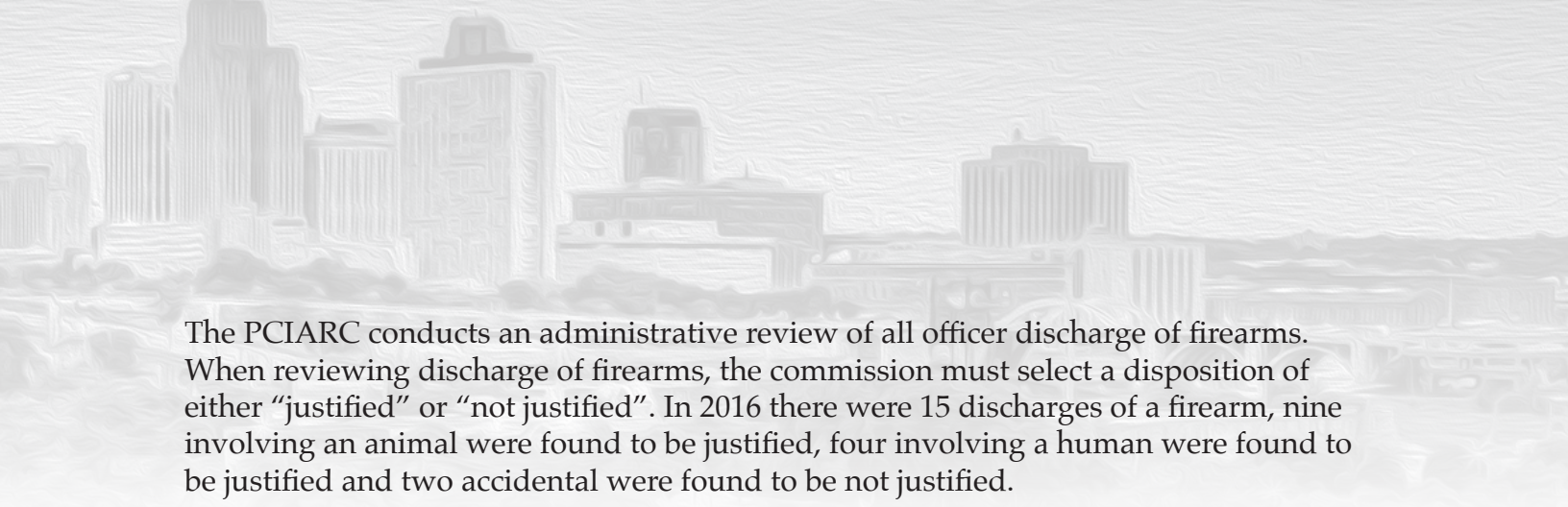
PCIARC's Dispositions by Allegation

Allegation	Total	Unfounded	Exonerated	Not Sustained	Sustained	Policy Failure	Other*
Discrimination	2	0	0	2	0	0	0
Excessive Force	15	0	5	9	1	0	0
Improper Conduct	13	0	2	7	3	0	1
Improper Procedure	47	16	4	17	10	0	0
Poor Public Relations	12	1	2	5	4	0	0
Total	89	17	13	40	18	0	1
Percentage		19%	15%	45%	20%	0%	1%

*One allegation was deemed redundant and combined with another allegation.

The chief of police varied from the PCIARC's recommendations 4 times within the 56 allegations in 2016. The four changes were:

- 1 from not sustained to sustained
- 1 from no action taken to sustained
- 1 from sustained to not sustained
- 1 from exonerated to sustained



The PCIARC conducts an administrative review of all officer discharge of firearms. When reviewing discharge of firearms, the commission must select a disposition of either “justified” or “not justified”. In 2016 there were 15 discharges of a firearm, nine involving an animal were found to be justified, four involving a human were found to be justified and two accidental were found to be not justified.

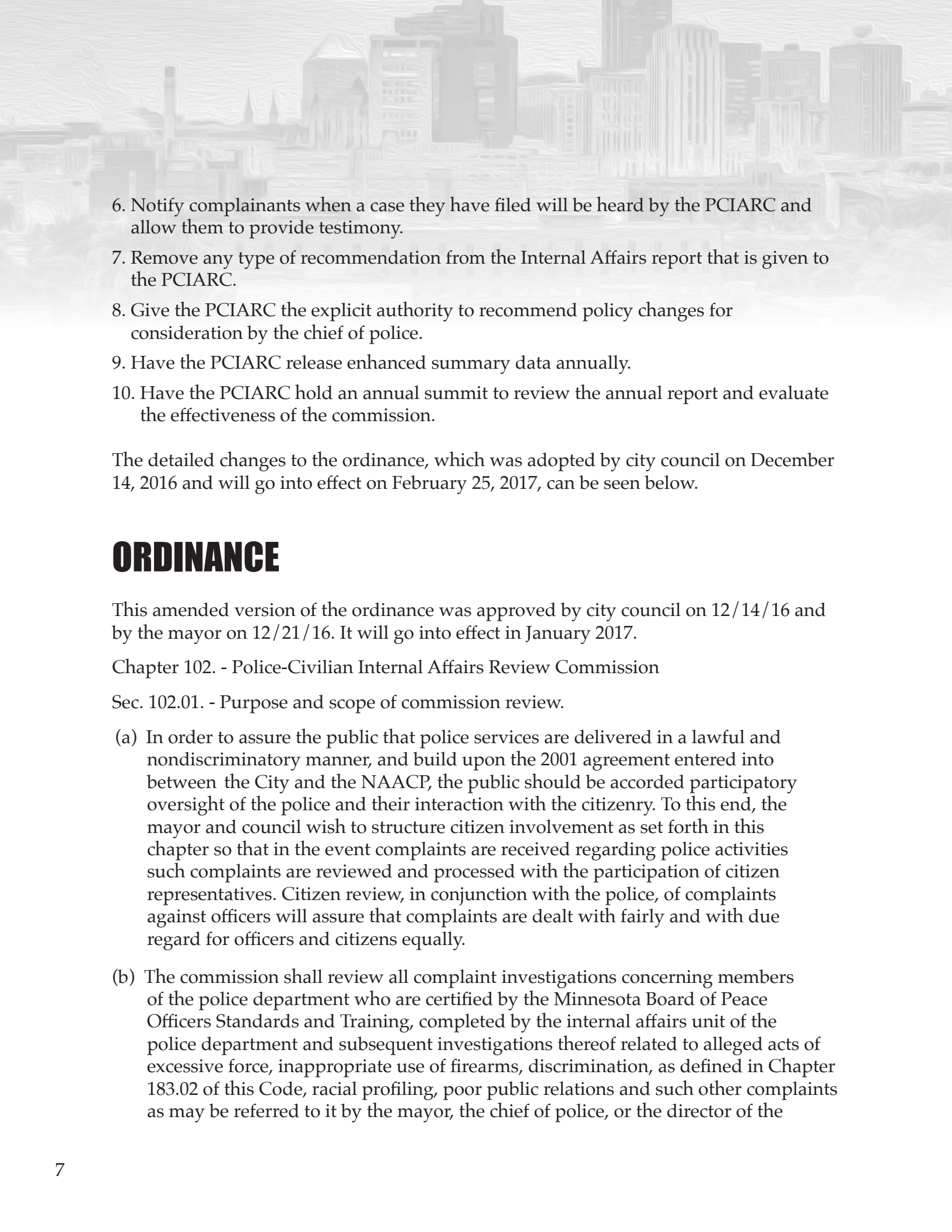
FIREARMS DISCHARGES

Type	Justified	Not Justified
Animal	9	0
Person	4	0
Accidental	0	2
Total	13	2

UP-COMING CHANGES TO THE PCIARC

In 2015, the University of Minnesota’s Center for Restorative Justice and Peacekeeping did an in-depth audit of the PCIARC, coming out with 18 recommendations for strengthening the role of the commission. In 2016, after several community conversations, Mayor Coleman and the Saint Paul City Council adopted significant changes to the ordinance governing PCIARC. The adopted changes were:

1. Move PCIARC from the Saint Paul Police Department to HREEO.
2. Give the Director of HREEO the authority to:
 - a. Refer matters to the PCIARC
 - b. Recommend civilians to be appointed by the mayor to the PCIARC, and recommend removal of commission members to the mayor
 - c. Appoint and supervise the PCIARC’s Review Coordinator, in consultation with the chief of police and the commission chair
 - d. Authority to hire a private investigator on behalf of the PCIARC
3. Add two additional civilians to the commission, increasing the commission from seven members to nine.
4. Remove the two Saint Paul Police Federation positions from the commission.
5. Enhance training for members to include training on racial equity, implicit bias, gender identity and mental health challenges.

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6. Notify complainants when a case they have filed will be heard by the PCIARC and allow them to provide testimony.
 7. Remove any type of recommendation from the Internal Affairs report that is given to the PCIARC.
 8. Give the PCIARC the explicit authority to recommend policy changes for consideration by the chief of police.
 9. Have the PCIARC release enhanced summary data annually.
 10. Have the PCIARC hold an annual summit to review the annual report and evaluate the effectiveness of the commission.

The detailed changes to the ordinance, which was adopted by city council on December 14, 2016 and will go into effect on February 25, 2017, can be seen below.

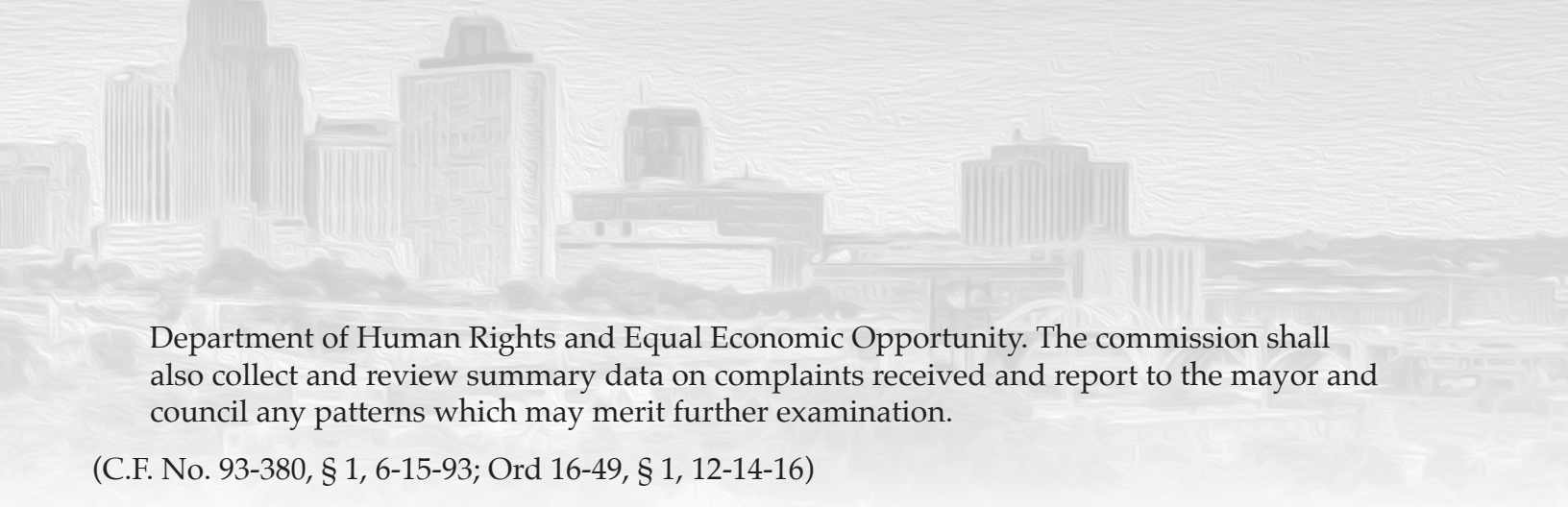
ORDINANCE

This amended version of the ordinance was approved by city council on 12/14/16 and by the mayor on 12/21/16. It will go into effect in January 2017.

Chapter 102. - Police-Civilian Internal Affairs Review Commission

Sec. 102.01. - Purpose and scope of commission review.

- (a) In order to assure the public that police services are delivered in a lawful and nondiscriminatory manner, and build upon the 2001 agreement entered into between the City and the NAACP, the public should be accorded participatory oversight of the police and their interaction with the citizenry. To this end, the mayor and council wish to structure citizen involvement as set forth in this chapter so that in the event complaints are received regarding police activities such complaints are reviewed and processed with the participation of citizen representatives. Citizen review, in conjunction with the police, of complaints against officers will assure that complaints are dealt with fairly and with due regard for officers and citizens equally.
- (b) The commission shall review all complaint investigations concerning members of the police department who are certified by the Minnesota Board of Peace Officers Standards and Training, completed by the internal affairs unit of the police department and subsequent investigations thereof related to alleged acts of excessive force, inappropriate use of firearms, discrimination, as defined in Chapter 183.02 of this Code, 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.

(C.F. No. 93-380, § 1, 6-15-93; Ord 16-49, § 1, 12-14-16)


Sec. 102.02. - Commission composition.

- (a) The police-civilian internal affairs review commission shall consist of nine (9) voting members appointed by the mayor and approved by the council. All members shall be residents of the city. Members shall, to the extent possible, be representative of the city's diversity of neighborhoods, races and cultures, abilities, incomes and sexual orientations. All members of the commission shall be appointed to three-year terms. No member shall serve more than two terms. A member's term may be extended to allow a new member to meet the criteria to become a voting member.
- (b) The members of the commission shall be recommended by the director of the Department of Human Rights and Equal Economic Opportunity to the mayor for appointment.
- (c) No member of the Saint Paul Police Federation nor his or her immediate family shall be eligible to serve as a member.
- (d) The commission shall meet a minimum of quarterly and up to twice a month as determined by a majority of the commission. The commission shall elect a chair and vice-chair to preside over its proceedings. The chair shall be elected from among the members. Members of the commission shall receive fifty dollars (\$50.00) per meeting attended.
- (e) The director of the Department of Human Rights and Equal Economic Opportunity shall, in consultation with the chief of police and the chair, appoint a review coordinator to serve as staff to the commission, manage the complaint process, and prepare minutes of commission meetings. The review coordinator shall serve at the pleasure of the director of the Department of Human Rights and Equal Economic Opportunity in consultation with the Chief of Police and the chair.
- (f) The commission's review coordinator shall be in attendance at commission meetings to facilitate commission review, serve as custodian of the commission files and record the proceedings of the commission on audio tape. Prior to a commissioner's first meeting, the review coordinator will meet with the new commissioner to explain the work of the commission and review the policies and procedures of the commission. Internal affairs staff members who attend commission meetings may only be present during deliberations for cases they investigated and as otherwise deemed necessary by the commission. Any person who has been appointed to the commission but has not yet met the criteria to become a voting member may attend commission meetings but may not vote or participate in the discussion.

(C.F. No. 93-380, § 1, 6-15-93; Ord 16-49, § 2, 12-14-16)

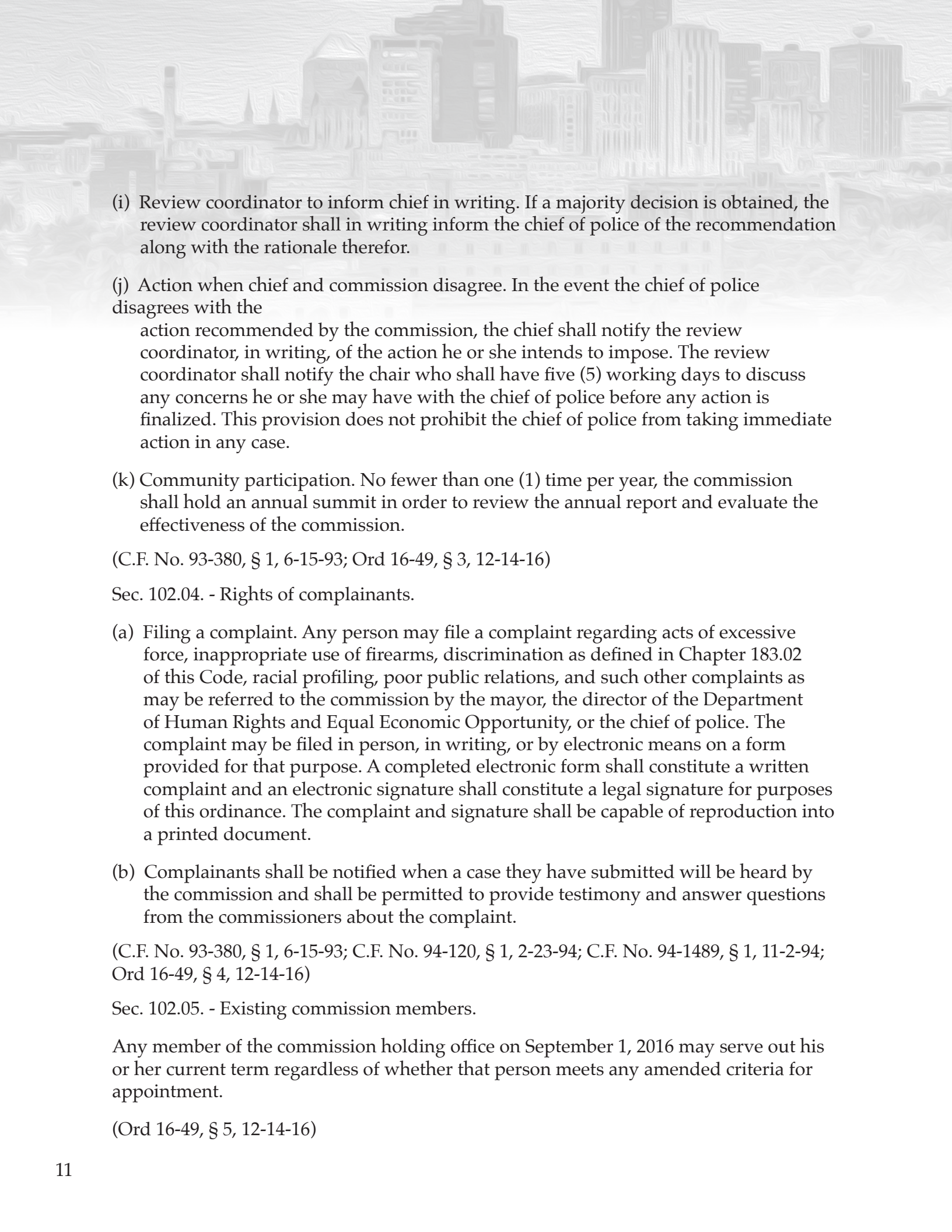
Sec. 102.03. - Power and duties.

- (a) *Conduct of meetings.* The commission shall conduct all of its meetings consistent with and subject to all city ordinances and published policy directives. Further, the commission shall be subject to statutes regarding government data practices, open meetings, peace officers' bill of rights and related law. The commission shall develop policies and procedures to guide the work of the commission including policies and procedures related to new member orientation, recusal, data privacy, and media contact.
- (b) *Training required; termination of appointments.* Each member of the commission shall, prior to voting on any matter before the commission, participate in a training program which shall include topics related to police work, investigation, relevant law, cultural competency, racial equity, implicit bias, gender, sexual orientation, gender identity as defined in Chapter 183.02 of this Code, physical disability, mental health challenges, and the emotional impact of abuse. Members shall also participate in ride-alongs with an officer on actual patrol duties. Failure to complete the training program shall constitute cause to terminate a member's appointment by the mayor as recommended by the director of the Department of Human Rights and Equal Economic Opportunity. A violation of law regarding government data practices or nonattendance at more than three (3) meetings in a year by a member shall also constitute cause to terminate a member's appointment by the mayor as recommended by the director of the Department of Human Rights and Equal Economic Opportunity.
- (c) *Review of materials and reports on investigations of complaints.* The commission shall review materials and reports on all investigations of complaints concerning members of the police department who are certified by the Minnesota Board of Peace Officers Standards and Training. The materials and reports shall be completed by internal affairs unit staff or independent investigators under contract to the city against sworn personnel. The commission shall consider reports regarding 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 director of the Department of Human Rights and Equal Economic Opportunity, or the chief of police. The materials and reports shall not contain any recommended outcome, but will be limited to the relevant information gathered during the investigation.
- (d) *Nature of investigatory material; meetings to be closed.* The investigatory materials prepared by the internal affairs unit of the police department or independent investigators under contract to the city are considered data collected in furtherance of an active investigation and will be reviewed by the commission. The meetings of the commission on such matters will be closed pursuant to Minnesota Statutes 13D.05, subd. 2 (a) (2), excepting to members of the commission



and such other participants as approved by the chair of the commission and the director of the Department of Human Rights and Equal Economic Opportunity in consultation with the police chief and that will facilitate the review process of the commission.

- (e) *Summary data released.* Notwithstanding paragraph (d), and consistent with the Minnesota Government Data Practices Act, the commission will release summarized complaint and case data on an annual basis, which shall be easily accessible on the City of Saint Paul web site. Summary data relating to each complaint shall be include but not be limited to:
1. Complainant's ethnicity, gender, income, age and general location,
 2. Nature of complaint;
 3. The number of officers who are subjects of the complaint;
 4. Ethnicity and gender of officers who are investigated;
 5. Whether the complaint results in a recommendation to discipline any officer;
 6. How many officers are recommended to be disciplined from any complaint; and
 7. Whether the police chief modifies the recommendation of the commission.
- (f) Requests for appearances, gathering of additional information and hiring of private; investigators; power to subpoena witnesses. The commission may request that individuals appear before it to state facts to supplement files. The commission may also request internal affairs staff to gather such additional information as may be needed for a determination by the commission. The commission may, as provided by a city contract, hire a private investigator as approved by the mayor or the director of the Department of Human Rights and Equal Economic Opportunity. The commission shall have the power to subpoena witnesses to compel their appearance before it.
- (g) Recommendations. The commission, after review and deliberation of an investigation, shall, by majority vote, make its recommendation on the case. Such recommendation by the commission shall be upon a finding that the complaint be sustained; or the complaint not be sustained; or that the officer be exonerated; or the complaint is unfounded; or that the matter does not involve guilt or a lack thereof, but rather a failure of a departmental policy to address the situation. The commission shall also, by majority vote, make a recommendation as to any action to be taken concerning an involved officer. Along with its recommendation, the commission may include suggested policy changes for the police department's consideration.
- (h) Determination and disposition of investigation by chief of police. Failure of the commission to reach a majority decision shall cause the investigation to proceed directly to the chief of police for determination and disposition.

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- (i) Review coordinator to inform chief in writing. If a majority decision is obtained, the review coordinator shall in writing inform the chief of police of the recommendation along with the rationale therefor.
 - (j) Action when chief and commission disagree. In the event the chief of police disagrees with the action recommended by the commission, the chief shall notify the review coordinator, in writing, of the action he or she intends to impose. The review coordinator shall notify the chair who shall have five (5) working days to discuss any concerns he or she may have with the chief of police before any action is finalized. This provision does not prohibit the chief of police from taking immediate action in any case.
 - (k) Community participation. No fewer than one (1) time per year, the commission shall hold an annual summit in order to review the annual report and evaluate the effectiveness of the commission.

(C.F. No. 93-380, § 1, 6-15-93; Ord 16-49, § 3, 12-14-16)

Sec. 102.04. - Rights of complainants.

- (a) Filing a complaint. Any person may file a complaint regarding 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 the commission by the mayor, the director of the Department of Human Rights and Equal Economic Opportunity, or the chief of police. The complaint may be filed in person, in writing, or by electronic means on a form provided for that purpose. A completed electronic form shall constitute a written complaint and an electronic signature shall constitute a legal signature for purposes of this ordinance. The complaint and signature shall be capable of reproduction into a printed document.
- (b) Complainants shall be notified when a case they have submitted will be heard by the commission and shall be permitted to provide testimony and answer questions from the commissioners about the complaint.

(C.F. No. 93-380, § 1, 6-15-93; C.F. No. 94-120, § 1, 2-23-94; C.F. No. 94-1489, § 1, 11-2-94; Ord 16-49, § 4, 12-14-16)

Sec. 102.05. - Existing commission members.

Any member of the commission holding office on September 1, 2016 may serve out his or her current term regardless of whether that person meets any amended criteria for appointment.

(Ord 16-49, § 5, 12-14-16)

