

Police Civilian
Internal Affairs
REVIEW
Commission

Annual



2017



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REPORT

Established in 1993, 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. Composed of nine Saint Paul residents with diverse backgrounds, 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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PCIARC Commission

The PCIARC is comprised of nine voting members, all residents of the City of Saint Paul. They are a diverse group of individuals representing a variety of neighborhoods, races, cultures, abilities, incomes and sexual orientations. After completing an application process, residents are recommended to serve on the commission by the director of the Department of Human Rights and Equal Economic Opportunity (HREEO), then appointed by the mayor and lastly approved by city council. Members of the Saint Paul Police Federation and his or her immediate family members are not eligible to serve on PCIARC.

Prior to serving as a voting member of PCIARC, commissioners must complete ride-alongs with patrol officers and 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.

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 coordinator serves at the pleasure of the director of HREEO in consultation with the chief of police.

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.

Complaint Centers

As part of a 2001 United States Department of Justice agreement between the Saint Paul Police Department (SPPD) and the Saint Paul Chapter of the NAACP, community complaint intake centers were created. Starting in 2017, the PCIARC began working to update and expand the list of operational complaint centers. At this time, the West Side Community Organization has been trained and onboarded as a complaint center, along with the Saint Paul NAACP. In 2018, the goal is to expand to ten complaint centers across Saint Paul that will provide access to residents and visitors of Saint Paul. If your organization is interested in learning more, please contact the PCIARC Coordinator at civilianreview@ci.stpaul.mn.us.

Changes to the PCIARC

In 2015, the University of Minnesota's Center for Restorative Justice and Peacekeeping completed an in-depth audit of the PCIARC, resulting in 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 the Department of Human Rights and Equal Economic Opportunity.
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 chair of the commission; and
 - d. 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. Allow commission members to attend training after they are appointed to the commission, instead of being required to attend before being appointed.
6. Enhance training for members to include training on racial equity, implicit bias, gender identity and mental health challenges.
7. Notify complainants when a case they have filed will be heard by the PCIARC and allow them to provide testimony and answer questions from the PCIARC.
8. Remove recommendations from the Internal Affairs report that is shared with the PCIARC. (Previously these recommendations were included with the report.)
9. Give the PCIARC the explicit authority to recommend policy changes for consideration by the chief of police.
10. Require the PCIARC to release summary data annually. (This has been done for many years, but is now required by ordinance).
11. Require the PCIARC to hold an annual summit to review the annual report and evaluate the effectiveness of the commission.

Case Review

PCIARC Process

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

1. An initial allegation of police misconduct is received by HREEO, SPPD Internal Affairs Unit, or a complaint intake center.
2. The complaint is made official only when signed by a complainant.
3. Once signed, the Internal Affairs Unit will begin an investigation process which can take approximately 8 – 10 weeks to complete.
4. When the investigation is complete, the Internal Affairs Unit provides the PCIARC review coordinator with the case materials to be given to the commissioners for deliberation.
5. The commission meets to review the case. Complainants have an opportunity to make a statement at the commission meeting. If a complainant(s) chooses to make a statement, the corresponding officer(s) listed in the complaint will also be given the opportunity to make a statement.
6. After review, the commission will, by majority vote, recommend a final disposition and 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 recommended action, he or she must notify the PCIARC review coordinator in writing of the actions he or she intends to take regarding the case.
9. The review coordinator notifies the PCIARC chair who shall have 5 working days to discuss any concerns he or she might have with the chief before any action is finalized.
10. If discipline is imposed, the officer(s) has the option to appeal.
11. Once a case has reached final disposition, the complainant is notified by the Internal Affairs Unit as to the result of their complaint.

The commission shall review reports 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 the Department of Human Rights and Equal Economic Opportunity

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.

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/Corrective 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 commission and cannot be a singular disposition.
4. **Suspension:** Unpaid; not to exceed thirty days
5. **Demotion:** A reduction in rank.
6. **Termination**

"The City of Saint Paul remains dedicated to a police-civilian review process that will engender trust within our communities and within the officers that serve them. The appointments today advance the goal of the PCIARC to conduct balanced, resident-led oversight of the police department by a diverse and representative group of Saint Paul residents."

Deputy Mayor Kristin Beckmann

PCIARC Meeting Policies

PCIARC meetings are held once a month. Nine commission members, the PCIARC review coordinator, the deputy director of HREEO, and Internal Affairs personnel attend the meetings. Each meeting is recorded.

There are two portions of each PCIARC meeting, an open portion, and a closed portion. The portion of a commission meeting that is open to the public includes parliamentary procedures, administrative business, updates from the SPPD and community organizations, and training.

The closed portion of the meeting consists of case review of alleged misconduct by individual employees which is regulated by state data privacy laws. The closed portion of the meeting is not open to the public.

The PCIARC may:

- Request individuals appear before it to state facts to supplement files;
- Request Internal Affairs to gather additional information as may be needed for a determination by the commission; and
- As provided by a city contract, hire a private investigator as approved by the mayor or director of the Department of Human Rights and Equal Economic Opportunity.

The commission chair will preside over all meetings and conduct meetings:

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

Community Meetings

PCIARC meetings throughout the year include a public portion where members of the public are invited to talk to commissioners and to ask them questions about PCIARC processes and procedures. The public is also invited to relay any concerns that they have about the commission and recommend improvements and changes to the commission or the police department.

Additionally, the PCIARC is mandated by ordinance to hold an annual summit to review the commission's annual report and evaluate the effectiveness of the commission.

2017 Annual Summit

The 2017 Annual Summit was held Tuesday, November 28, 2017 at Progressive Baptist Church (1505 Burns Ave.) on the east side of Saint Paul. Over one hundred community members attended to learn more about the updated process and share their questions and feedback. That feedback was compiled and shared on the PCIARC website, along with a video of the Summit.

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.

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...

2017 Summary

In 2017 the commission transitioned as the 2016 ordinance changes went into effect. As part of that, eight new commissioners were appointed in August 2017. The new commissioners began reviewing cases in October 2017. The summary data below reflects cases that were reviewed by both commissions.

"I am pleased to welcome a new group of appointees to the Police Civilian Internal Affairs Review Commission. Each of these new commissioners reflect my commitment to strengthening trust between our police officers and Saint Paul residents, and promoting diversity, equity, and justice across all of our communities."

Mayor Chris Coleman

Cases

Each case reviewed by the PCIARC can have multiple allegations (ex: improper conduct, improper procedure, and public relations). It can also have multiple officers listed in the case. Each officer who is listed could be considered for one allegation listed in the complaint, or multiple allegations. The data below is broken out by the number of allegations listed in complaints in 2017 (Allegations) and the number of allegations assigned to officers (Total Allegations). Firearms cases are separated from allegations and not listed in that number.

Cases Reviewed	Officers*	Allegations	Total Allegations	Firearms Cases
29	54	35	63	3 (6 Officers)

*Officers involved in Firearms cases are included in this number

Allegation Type	Excessive Force	Discrimination	Improper Procedure	Improper Conduct	Poor Public Relations
Total	3	0	19	9	4
Total # of Officers Subject to Each Allegation	5	0	34	16	8

Recommended Disposition	Sustained	Not Sustained	Exonerated	Unfounded	Policy Failure	No Action
Total	9	24	19	11	0	0

Recommended Discipline

Below is the recommended discipline the commission voted for in 2017. Retraining and supervisory counsel are not defined discipline in the SPPD labor contract. Retraining must be paired with other discipline.

Recommended Discipline	Supervisory Counsel	Retraining	Oral Reprimand	Written Reprimand	Suspension	Termination
Total	1	3	3	2	2	0

In 2017, the chief modified the commission's discipline recommendation **one time**.

Firearm Case Data

Firearm Type	Human	Animal	Other
Total	1 Case (4 Officers)	2	0

Firearm Disposition	Justified	Not Justified
Total	6	0

HREEO Complaint Intake

In 2017 HREEO received 39 complaints. These complaints were received online, in person at the HREEO offices, and via the mail.

Demographic Information

On the complaint intake form complainants have the option of providing demographic information. This information helps the HREEO department and the SPPD better understand how services are being provided, both in terms of policing and in terms of complaint intake.

Gender	No answer	Male	Female	Other
Total	1	18	19	1

Race	No answer	Black or African American	White (Caucasian)	Hispanic or Latino	Asian	Two or more races	Other
Total	2	4	20	1	6	3	3

Income	No answer	Less than	\$20,000	\$35,000 to	\$50,000 to	\$75,000	Over
Level		\$20,000	to \$34,999	\$49,999	\$74,999	to \$99,999	\$100,000
Total	29	1	0	2	5	0	3

Age	No Answer	0-18	19-25	26-34	35-54	55-64	65+
Total	14	0	4	4	10	6	0

SPPD District Where Complaint Occurred	Unknown	Eastern	Western	Central	Outside of City
Total	2	7	9	15	6

"Having a civilian review board with a wide range of experiences will help commissioners make informed decisions, and ensure all communities have a voice in evaluating police misconduct complaints and recommending policy changes to the chief of police."

Jessi Kingston, Director of Human Rights & Equal Economic Opportunity

Ordinance

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.
- (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)



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Human Rights & Equal Economic Opportunity

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