

City of Saint Paul  
Police-Civilian Internal Affairs  
Review Commission



Annual Report 2013

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## Purpose of Report

The City of Saint Paul Police-Civilian Internal Affairs Review Commission Annual Report is a required document that increases openness and transparency in the operation and decisions made by the commission.

The report assists the citizens of Saint Paul to understand the processes of the Police-Civilian Internal Affairs Review Commission. The report describes how the commission reaches their disposition on cases presented. The report allows the public to gain an understanding of who the commissioners are. Background information for each commissioner is included so the public can be assured that the Police-Civilian Internal Affairs Review Commission is reflective of the community.

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## 2013 Summary

During the year of 2013, the Police Civilian Internal Affairs Commission (PCIARC) convened for 10 regular meetings. At those meetings, 52 cases were reviewed, which resulted in 154 separate charges of improper action by members of the department. Of those recommendations: 23 were sustained, 78 were not sustained, 34 were exonerated, 19 were unfounded, and there were no cases deemed as policy failure the year 2013.

There were no newly appointed commissioners in 2013. The PCIARC is a mix of citizens from the City of Saint Paul, which represent the diverse community of Saint Paul, whom all differ in experiences and lifestyles. The PCIARC meetings prove to be quite interesting and contain many lively discussions, because of the diversity of the Commission.

There were two community meetings of the commission held during the year one at the Neighborhood House in the West Side Planning District, and the other with the Dayton's Bluff District Council. The commissioners would like to see better attendance, but we have seen the participation increase with each meeting. The meetings were attended by various representatives from our diverse community. The main concern expressed at the community meeting is finding of a way for commission results to be communicated to the community in a timely fashion. That issue presents several challenges including data privacy statutes limiting only the principals in a case to be informed of the findings of the commission.

In 2013 the PCIARC was represented by staff at quarterly meetings with the NAACP and the Saint Paul Police Department, first agreed upon on June 20, 2001. With Chief Tom Smith's leadership the agreement was revisited, strengthened, and committed to by all parties.

The commission staff met with the US Department of Justice for an update on the NAACP agreement and to build a positive relationship for sharing of best practices for outreach to the Community.

The commission is also represented at the Chief Citizens Advisory Committee meetings where Chief Smith and the community come together in an exchange of information, discussion of community concerns, updates on department actions and community events.

The Commission remains aggressive in seeking opportunities to be trained and stay current in police tactics, practices, policies and procedures. To that end several commissioners took advantage of the police department ride along program and found the experience extremely valuable.

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Staff and members of the PCIARC assisted with department-wide diversity training developed to give the members of the department a better understanding of the many faces of Saint Paul.

The PCIARC also began using lap top computers to review cases instead of paper packets. There is a savings in the tremendous amount of paper used and lap tops allow for much more needed information to be presented to the commissioners in a secure and controlled manner.

The SPPD/PCIARC remains an active member with NACOLE, the National Association for Civilian Oversight of Law Enforcement ([www.nacole.org](http://www.nacole.org)). NACOLE is an organization that brings together individuals and agencies working to improve oversight of police officers and law enforcement in the United States. NACOLE is dedicated to promoting greater police accountability through training, technical assistance, finding best practices, networking, and the sharing of information between agencies.

Donald Luna  
Office of the Chief  
Coordinator – PCIARC

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## PCIARC Commissioner and Staff Overview

### Commissioners

Appointed commissioners must be a current resident of the City of Saint Paul. The seven members are comprised of five citizens and two current members of the Saint Paul Police Federation. Each commissioner is appointed for a three year term and may not serve more than two terms.

The five citizen commissioners are appointed by the mayor with the approval of the city council. The commissioners must not be Saint Paul Police Department officers or their immediate family. Two federation members are first recommended by the chief and submitted to the mayor for approval by the city council.

Commissioners are, to the extent possible, representative of the City of Saint Paul's diverse neighborhoods, races, cultures, abilities, incomes, and sexual orientations.

Commissioners participate in a training program which includes topics related to police work, investigation, relevant law, cultural diversity, gender, sexual orientation, disability, and the emotional impact of abuse. They participate in ride-alongs with an officer on actual patrol duties.

The PCIARC elects a chair to preside over its proceedings. The commission chairperson is elected from the citizen members. The commissioners also elect a vice chair and a secretary who is responsible for the minutes of the commission meetings.

### Commission Coordinator

The commission coordinator is responsible for receiving complaints from the public and serves as a staff position to the commission. The coordinator is employed by the police department for the specific purpose of building trust in the complaint investigation process.

### Saint Paul Police Department Internal Affairs Unit Staff

The Internal Affairs Unit is staffed by a commander and four sergeants who report directly to the chief of police. The Internal Affairs Unit is the investigative arm of the police administration and the PCIARC. Its function is to impartially interview witnesses, collect evidence, and present facts to the commission and police administration for review and disposition.

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### Commissioners and Staff

| Commissioner    | Date Appointed | Term End    | Appointee     |
|-----------------|----------------|-------------|---------------|
| Jasmine Lykang  | 08/01/2012     | 12/31/2014  | Chris Coleman |
| Ed Dion         | 05/04/2011     | 05/01/2014  | Chris Coleman |
| Gilbert de la O | 12/2/2009      | 12/2/2014   | Chris Coleman |
| Susan Trupiano  | 12/28/2011     | 12/31/2014  | Chris Coleman |
| Robert McClain  | 3/14/2007      | 12/31/2012* | Chris Coleman |
| Scott Swanson   | 12/2/2009      | 12/2/2013   | Chris Coleman |
| Lynn Wild       | 6/25/2008      | 12/31/2013  | Chris Coleman |

| Staff Member | Employer                     | Title                  |
|--------------|------------------------------|------------------------|
| Donald Luna  | Saint Paul Police Department | Commission Coordinator |

\*Robert McClain continues to serve the commission beyond his term ending date.

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## Commissioner Biographies

### **Jasmine Lykhang**

Jasmine Lykhang is an American citizen who was born in Thailand in a refugee camp called Ban Vinai and her nationality is Hmong. She is the mother of 5 boys and is married. In the late 1970's her family immigrated to the United States. She was raised in Wisconsin in the early 2000's moved to the State of Minnesota where she is a devoted and committed resident of the east side of Saint Paul.

Jasmine has worked for the State of Minnesota for 15 years, starting in juvenile court and ending up in family court. She is a certified paralegal. Besides working for the State of Minnesota, she also volunteers at numerous non-profit community organizations, fundraisers, and events. Before she became a commissioner for the SPPD PCIARC, she was a graduate of the 2012 SPPD Citizen Police Academy. Jasmine completed her 40 hours of police ride-alongs in the single month of August 2012, and continues to take ride alongs when she has the chance.

### **Ed Dion**

Ed Dion is a native of New York City, NY. He joined the Saint Paul Police Department in 1998 after moving to St. Paul from Austin, Texas. Prior to becoming a police officer, Ed served on active duty with the US Navy both as an enlisted man and as an officer from 1985 to 1995. He was stationed on both coasts and made multiple sea deployments. Upon leaving active duty Ed moved to Austin, TX where he was a member of the Austin Police Department from 1995 to 1998. Ed continued to serve in the US Navy Reserves and retired as a Commander in 2010 after 25 years of service. He has lived in the City of Saint Paul's western district since 1998 with his wife and two children. Ed is active in the community and attends many of his children's sporting events.

### **Gilbert de la O**

Gilbert de la O retired from the Neighborhood House, a community center in the Saint Paul West Side neighborhood, after 35 years of employment. Gilbert was awarded the United Neighborhood Centers of America National Alumni of the Year. Gilbert was elected to a four-year term on the Saint Paul Board of Education in 1998. He attended Lakewood Junior College and the University of Minnesota. Gilbert was awarded the Purple Heart and Combat Infantry Badge while serving with the 1<sup>st</sup> Infantry Division in Vietnam.

### **Susan Trupiano**

Sue Trupiano is currently on the Loyalty Marketing operations team at Target Corporation. She ensures coupon redemption works seamlessly for guests and for Target store team members and provides results back to planners. Sue has been a St. Paul resident homeowner for 16 years in the Hamline Midway neighborhood. Following her belief that citizenship comes with more responsibility than just voting, she's active in the community as a block leader and a big sister in the community match program for Big Brothers Big Sisters.

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Sue has attended nearly ten years of monthly community meetings with the Saint Paul Police Department at the western district. Those meetings provided Sue with insight to what community policing was and that partnerships with the police are for the greater good. Originally from Detroit, Michigan, community policing was unheard of at first, but now she champions police initiatives within the community. Sue graduated from St. Paul Police Citizen's Academy in the summer of 2010. She's participated in Shop-With-Cops events and served on a new hires committee for the department in February 2012. Sue also is a graduate of the Hennepin County and Ramsey County Citizen's Academies.

**Robert McClain**

Robert McClain is a Business Development Coordinator for Impact and also a consultant for the YWCA of Saint Paul. Robert is currently attending Metropolitan State University. He is active in the community as a member of the NAACP, on the board of directors of the African American Leadership Council and the Neighborhood Justice Center. Robert is also involved with the Wilder Foundation-Neighborhood Leadership Program and Twin Cities LISC. Robert's interests include community development, advocacy and photography.

**Scott Swanson**

Scott Swanson is the Director of Academic Achievement at the University of St. Thomas School of Law in Minneapolis where he assists students with academic matters in addition to teaching Criminal Law, Criminal Procedure, and Legal Writing. He has an undergraduate degree in Psychology and Political Science from Gustavus Adolphus College, a JD from William Mitchell College of Law in Saint Paul, and a MA in Psychological Counseling from the University of St. Thomas. Prior to teaching law, he was the Executive Director of the Minneapolis Sentencing Guidelines Commission. Before that, he was a Public Defender in Minnesota, specializing in drug defense and appeals. He has been active in the community, serving as the President of Pilgrim Lutheran Church in Saint Paul and as Co-Chair of the Site Council at his children's school, and in a variety of other capacities. He was appointed to the review board in September 2009.

**Lynn Wild**

Officer Lynn Wild has been a member of the Saint Paul Police Department since January 30<sup>th</sup>, 1984. She earned a Bachelor of Arts Degree in Sociology/Anthropology (Criminology Concentration) and an Association of Arts Degree in Law Enforcement from the University of Minnesota, Duluth in 1983.

During her career, Officer Wild has worked in all three Districts of the city as a patrol officer (over 21 years). Officer Wild has been a past member of the S.W.A.T. team (12 years), a Field Training Officer (15 years) and a Use of Force/Firearms Instructor for the last 17 years. Previous assignments have included working the Target Range, the Training Unit, as a patrol sergeant, and as a Crime Scene Technician Assistant. Officer Wild was sworn in as a commissioner of the PCIARC on August 6<sup>th</sup>, 2008 by Chief John Harrington.



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## PCIARC Function Overview

The Police-Civilian Internal Affairs Review Commission (PCIARC) and the Saint Paul Police Internal Affairs Unit function under a policy that is based on trust and confidence between department members and the community. This trust is essential for effective law enforcement and community tranquility. Citizens must feel free to hold accountable public employees who exhibit behavior they feel is illegal, immoral or unfair. At the same time, police officers must be free to exercise their best judgment and to initiate enforcement action in a lawful and impartial manner without fear of reprisal.

This commission reviews all citizen complaints involving allegations of:

- Excessive force
- Discrimination (as defined in Saint Paul Legislative Code 183.02)
- Poor public relations
- Improper procedures
- Improper conduct
- Complaints referred by the mayor or chief of police

The commission will also review all instances of a discharge of a firearm by an officer for other than training purposes.

Members of the commission 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.

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## PCIARC History

As part of a plan to build partnerships based on trust and confidence between the police department and the community, the PCIARC was established in 1994 as a process for citizen review of internal affairs investigations within the police department.

The commission was the product of six different task forces and commissions over a period of nearly three decades. All of the task forces and commissions indicated a problem in communication between the police and the community. Increasing citizen involvement in the process of reviewing allegations of misconduct helps build trust.

- 1965            State civil rights “Report on Police Community Relations in Minneapolis and Saint Paul”
  
- 1981            State civil rights report on “Police Practices in the Twin Cities”
  
- 1983            Minnesota Department of Human Rights “Report of the Task Force on Police/Community Relations”
  
- 1985            Saint Paul Human Rights Commission “Police-Community Relations Task Force Report”
  
- 1986            Mayor George Latimer’s Police Community Relations Task Force “Report and Recommendations to the Mayor and City Council”
  
- 1992            Mayor James Scheibel’s Task Force on Police Priorities for the Nineties
  
- 1994            *The PCIARC is created.*
  
- 2001            An agreement between the NAACP and the Saint Paul Police Department established a series of centers in the community for public complaint intake. Other measures established included: the assurance that all citizen-initiated complaints and investigations will be reviewed by the PCIARC, the assurance that the Internal Affairs Unit and the PCIARC will take appropriate steps to reduce investigation time and be more responsible to complainants, that the PCIARC and the police department will adopt better methods to better identify and review for race-based policing and racial profiling, and that the PCIARC will inform the complainant of the disposition and the explanation for the decision.
  
- 2008            The Berkshire Report of Best Practices brought forth a series of recommendations. Recommendations that were implemented include the creation of an annual report for increased transparency, adjusting the Commission to more closely reflect the Saint Paul community, and the assurance of the appointment of new members to the commission in a timely fashion.

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## PCIARC Meeting Policies

PCIARC meetings are held once a month. By city ordinance, the board is required to meet once a quarter and a maximum of twice 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 is limited to parliamentary procedures and administrative business.

The closed segment consists of case review of misconduct by individual officers 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 the chief of police, who will facilitate the review process of the commission.

The Police-Civilian Internal Affairs Review Commission 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.

### Community Meetings

The PCIARC holds community meetings throughout the year open to the public. The members of the public are invited to talk to commissioners and to ask 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 police department.

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## 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 and that will facilitate the review process of the commission.

### 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...*

In accordance with Chapter 102 of the Saint Paul Legislative Code, “*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 chief of police.*”

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## Complaint Process

### Overview

1. An initial allegation of police misconduct is received by the department either from a department employee or from a member of the public.
2. The allegation is made official when signed by a complainant.
3. Once signed, an investigation may begin. An investigation usually takes about 8-10 weeks to complete.
4. When the investigation is completed, the commission coordinator provides the case materials to the commissioners for deliberation.
5. The commission then reviews the case.
6. After review, the commission then recommends case dispositions to the chief of police, as well as corrective/disciplinary actions when warranted.
7. The chief of police then makes a final decision on the case.

### Investigation of Complaints

#### Internal Affairs Investigations

Internal Affairs investigates serious allegations of misconduct, excessive force, or negligence of duty by police department employees. Any use of firearms by our officers will also be investigated by this unit.

#### District and Unit Investigations

Cases relating to public relations and minor procedural issues are sent to the employee's unit commander for dissemination to that employee's immediate supervisor.

The investigations by the supervisor are guided by the same laws, procedures, and process as the internal affairs unit. This process allows a supervisor to investigate and monitor employees under their supervision.

## Firearms Review

The commission reviews all incidents involving a discharge of a firearm by a Saint Paul Police Officer for other than training purposes. The commission makes a finding the discharge is justified (exonerated), or the discharge is not justified (sustained).

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## PCIARC Recommendation Process

The process of recommendations for disposition and discipline for cases will begin with the PCIARC. Members of the commission will, by majority vote, recommend a final disposition on investigations they review and recommend disciplinary action where warranted. If necessary, the commission can recommend police department policy changes. The case will then be sent to the chief of police in writing.

Once the work of the PCIARC is completed, one of the following scenarios will occur:

1. The chief of police will agree and implement the recommendations of the PCIARC.
2. The chief of police disagrees with the commission, and will notify the commission of this decision in writing. The commission chair and the chief of police will then have five working days to seek an agreement.
3. The commission fails to reach a majority decision and the case will then be decided by the chief of police.

The chief of police will make the final determination in all cases and may take immediate action on any case.

Upon notification from the chief of police regarding a case's final disposition, the commission coordinator will ensure that letters explaining the final disposition and outcome are mailed to the original complainant.

### Possible Dispositions for Allegations

|                |  |
|----------------|--|
| Exonerated     | Incident occurred, but it was lawful and proper  |
| Sustained      | Allegation is supported by sufficient evidence to justify reasonable conclusion of guilt                             |
| Not Sustained  | Insufficient evidence to prove or disprove the incident  |
| Unfounded      | Allegation is false or not factual   |
| Policy Failure | The allegation is factual. The officer followed proper departmental procedures, which have been proven to be faulty. |

## PCIARC Allegations and Dispositions

These are totals from cases reviewed in 2013, not necessarily for incidents that occurred in 2013. A single case may involve multiple complaints, complainants or officers.

|               | Meetings Held: | Cases Reviewed: | Charges:  |            | Disposition:*                             |
|---------------|----------------|-----------------|-----------|------------|---|
|               |                |                 | Force     | Non-Force  |   |
| January       | 1              | 8               | 10        | 19         | Un=2<br>NS=10<br>EX=13 S=4                |
| February      | 1              | 7               | 15        | 18         | Un=4<br>NS=21<br>EX=4 S=4                 |
| March         | 1              | 8               | 5         | 13         | Un=5 NS=8<br>EX=4 S=1                     |
| April         | 1              | 1               | 3         | 2          | Un=0 NS=0<br>EX=1 S=4                     |
| May           | 1              | 5               | 4         | 9          | Un=0NS=10<br>EX=3 S=0                     |
| June          | 1              | 4               | 6         | 4          | Un=0NS=6<br>EX=3 S=1                      |
| July          | 0              | 0               | 0         | 0          | Un=0 NS=0<br>EX=0 S=0                     |
| August        | 1              | 8               | 5         | 14         | Un=2<br>NS=12<br>EX=4 S=1                 |
| September     | 0              | 0               | 0         | 0          | Un=0 NS=0<br>EX=0 S=0                     |
| October       | 1              | 2               | 3         | 2          | Un=1 NS=3<br>EX=1 S=0                     |
| November      | 1              | 7               | 2         | 17         | Un=4 NS=8<br>EX=1 S=6                     |
| December      | 1              | 2               | 0         | 3          | Un=1 NS=0<br>EX=0 S=2                     |
| <b>TOTALS</b> | <b>10</b>      | <b>52</b>       | <b>53</b> | <b>101</b> | <b>Un=19<br/>NS=78<br/>EX=34<br/>S=23</b> |

\*DISPOSITIONS: UN-Unfounded  
EX-Exonerated

NS-Not Sustained \*\*\*-Policy Failure not factored  
S -Sustained

\*\*\*-a case was returned to be reinvestigated

### FIREARM DISCHARGE CASE REVIEW-2013

|             | Jan | Feb | Mar | Apr | May | Jun | July | Aug | Sept | Oct | Nov | Dec | TOTAL |
|-------------|-----|-----|-----|-----|-----|-----|------|-----|------|-----|-----|-----|-------|
| Justified   | 3   | 2   | 3   | 0   | 4   | 2   | 0    | 1   | 0    | 1   | 1   | 3   | 20    |
| Unjustified | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0   | 2    | 0   | 0   | 0   | 0     |

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**DISPOSITION SUMMARY-2013**

| <b>Case Review Dispositions</b> | <b>Number of Final Dispositions</b> | <b>Firearms Review Dispositions</b> | <b>Number of Final Dispositions</b> |
|---------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| <b>Unfounded</b>                | <b>19</b>                           | <b>Justified</b>                    | <b>20</b>                           |
| <b>Exonerated</b>               | <b>34</b>                           | <b>Unjustified</b>                  | <b>0</b>                            |
| <b>Not Sustained</b>            | <b>78</b>                           |                                     |                                     |
| <b>Sustained</b>                | <b>23</b>                           |                                     |                                     |
| <b>Policy Failure</b>           | <b>0</b>                            |                                     |                                     |
| <b>TOTALS</b>                   | <b>154</b>                          | <b>TOTALS</b>                       | <b>20</b>                           |



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## Appendix A: City of Saint Paul Administrative Code

### **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, 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, poor public relations and such other complaints as may be referred to it by the mayor and/or the chief of police. 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.

#### **Sec. 102.02 Commission composition**

(a) There is hereby created a police-civilian internal affairs review commission consisting of seven (7) voting members to be appointed by the mayor and approved by the council. All members shall be residents of the city. Five (5) members shall be citizen members and two (2) shall be members of the Saint Paul Police Federation as shall be recommended by the police chief to the mayor for appointment. Members shall, to the extent possible, be representative of the city's diversity of neighborhoods, races and cultures, abilities, incomes and sexual orientations.

(b) The original appointments to the commission by the mayor of the five (5) citizen members shall be for terms of one (1), two (2) and three (3) years, as designated by the mayor. Thereafter, citizen members shall be appointed for a three-year term. No members shall serve more than two (2) terms.

(c) The original appointments to the commission by the mayor of the police federation representatives shall be as recommended by the police chief and for terms of one (1) and two (2) years, as designated by the mayor. Thereafter these members shall be appointed for a three-year term. No members shall serve more than two (2) terms. No member of the police federation nor his or her immediate family nor any current member of the Mayor's Task Force on Police Priorities for the 90's shall be eligible to serve as a citizen 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 and shall also elect a secretary who will be responsible for the minutes of commission meetings. The commission chair shall be

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elected from among the citizen members. Members of the commission shall receive fifty dollars (\$50.00) per meeting attended.

**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.

(b) *Training required; termination of appointments.* Each member of the commission shall, prior to assuming official duties, participate in a training program which shall include topics related to police work, investigation, relevant law, cultural diversity, gender, sexual orientation, disability and the emotional impact of abuse. They 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 chief of police. Additionally, 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 chief of police.

(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, completed by internal affairs unit staff or independent investigators under contract to the city against sworn personnel regarding alleged acts of excessive force, inappropriate use of firearms, discrimination as defined in Chapter 183.02 of this Code, poor public relations and such other complaints as may be referred to it by the mayor and/or the chief of police.

(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 471.705, subdivision 1d(b)(2), excepting to members of the commission and such other participants as approved by the chair of the commission and the police chief and that will facilitate the review process of the commission.

(e) *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 chief of police. The commission shall have the power to subpoena witnesses to compel their appearance before it.

(f) *Attendance by review coordinator and internal affairs staff.* 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 proceeding

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of the commission on audio tape. Internal affairs staff may be present at all commission meetings.

(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.

(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) *Chair to inform chief in writing.* If a majority decision is obtained, the chair of the commission 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 commission, in writing, of the action he or she intends to impose. The commission chair and chief of police shall have five (5) working days to discuss any concerns they may have before any action is finalized. This provision does not prohibit the chief of police from taking immediate action in any case.

(k) *Appointment of review coordinator.* The chief of police shall, in consultation with the commission chair, appoint a review coordinator to serve as staff to the commission and manage, as needed, the complaint process. The review coordinator shall serve at the pleasure of the chief of police in consultation with the commission chair.

#### **Sec. 102.04 Interim process and repeal**

(a) The mayor, subject to the usual processes and procedures, may implement the goals of this chapter by retaining interim staff and promulgating such directives and programs as are needed to effectuate those goals.

(b) The mayor shall, with appropriate consultation with the community, commission chair and chief of police, review and recommend appropriate modification of the commission review process to the city council during the first year of its existence.

## Appendix B: Contact Information and Filing a Complaint

Someone within the Saint Paul Police Department is available to talk to you about your complaint 24 hours a day when you are not satisfied with the service you received.

If you choose to talk with someone outside of the police department, you may contact the civilian coordinator of the Police-Civilian Internal Affairs Review Commission or seek out a citizen complaint center, which will assist you in filing a complaint.

### Filing a complaint within the Saint Paul Police Department

You may call, visit, or write to the department's Internal Affairs Unit or the civilian coordinator for the Police-Civilian Internal Affairs Review Commission.

| Police-Civilian Internal Affairs Review Commission  | Saint Paul Police Department Internal Affairs Unit  |
|---|---|
| 367 Grove St.<br>Saint Paul, Minnesota 55101<br>Phone: (651) 266-5583<br>Office Hours: Mon-Fri, 8:00 am - 4:30 pm | 367 Grove St.<br>Saint Paul, Minnesota 55101<br>Phone: (651) 266-5760<br>Office Hours: Mon-Fri, 8:00 am – 4:30 pm |

An immediate or after hours concern can be conveyed to the on-duty station commander at (651) 266-5627, the emergency communication supervisor at (651) 266-7703, or with any supervisor in the unit where the employee works

### Filing a complaint outside the Saint Paul Police Department

Citizen Complaint Centers can assist with filing a complaint:

- NAACP: (651) 649-0520
- Council on Asian-Pacific Minnesotans: (651) 757-1740
- Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans: (651) 431-5961
- Saint Paul Department of Human Rights and Equal Economic Opportunity: (651) 266-8966