



Police Civilian Internal Affairs Review Commission



2
0
1
8

ANNUAL
REPORT



P O L I C E C I V I L I A N I N T E R N A L A F F A I R S R E V I E W C O M M I S S I O N

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. In 2001 United States Department of Justice mediated an agreement between the Saint Paul Police Department and the Saint Paul Chapter of the NAACP to address concerns related to biased based policing, and improve relations between police and community. As result of the Agreement there were changes made to the complaint and intake process, in addition to mandating the commission hold community meetings. PCIARC is composed of nine Saint Paul residents from diverse backgrounds, the PCIARC is an essential element to enhance 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.

Table of Contents



The Most Livable
City in America

Commission Members	1
PCIARC Coordinator	1
Saint Paul Police Department Internal Affairs Unit	1
Community Intake Centers	1
Case Review	2
PCIARC Meeting Policies	4
Data Privacy	4
Community Meetings	5
Annual Summit	5
2018 Case Summary Data	5-6
Recommended Discipline	7
HREEO Complaint Intake Data	7
Demographic Information	7-8

Commission Members

The PCIARC is comprised of a diverse group of individuals representing a variety of Saint Paul neighborhoods, races, cultures, abilities, and incomes. After completing an application process, residents are recommended to serve on the PCIARC 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 their immediate family are not eligible to serve on the PCIARC.

Prior to serving as a voting member on the PCIARC, PCIARC Commissioners (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. The PCIARC included the following

Commissioners in 2018:

- Constance Tuck
- Rachel Sullivan-Nightengale
- Daria Caldwell
- Kristen Clark
- Sasha Cotton
- Eric Forstrom
- Rick Heydinger
- Brian Langfold

PCIARC Coordinator

The PCIARC has a dedicated civilian review 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, lead outreach efforts and serve as a city liaison to the PCIARC. The PCIARC 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 the PCIARC. The function of the Internal Affairs Unit is to impartially collect evidence, interview witnesses, and provide a complete report to the PCIARC and the police administration for review and disposition.

Community Intake Centers

As part of a 2001 United States Department of Justice mediated agreement between the Saint Paul Police Department 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 complaint centers. A list of the complaint intake centers is available on the PCIARC website (stpaul.gov/pciarc). If your organization is interested in learning more, please contact the PCIARC Coordinator (civilianreview@ci.stpaul.mn.us; 651-266-8970).

CASE Review

PCIARC PROCESS

The PCIARC follows a set process detailed in Ordinance 16-49.

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 Coordinator with the case materials to be given to the commissioners for deliberation.
5. The PCIARC meets to review the case. Complainants have the opportunity to make a statement at the PCIARC meeting. If a complainant(s) elects 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 PCIARC will, by majority vote, recommend a final disposition and disciplinary action, when warranted, to the chief of police.
7. Upon receiving the recommendations from the PCIARC, the chief of police will make a final decision on the case.
8. If the chief disagrees with the recommended action of the PCIARC, he or she must notify the PCIARC Coordinator in writing of the actions he or she intends to take regarding the case.
9. The coordinator notifies the PCIARC Chair who has 5 business 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 PCIARC reviews 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 PCIARC and cannot be a singular disposition.
4. **Suspension:** Unpaid; not to exceed thirty (30) days.
5. **Demotion:** A reduction in rank.
6. **Termination:** A recommendation that the employee be dismissed from employment.

PCIARC Meeting Policies

PCIARC meetings are held on the first Wednesday of each month, at various venues throughout Saint Paul. Nine commission members, the PCIARC 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 open portion of a commission meeting includes administrative business, updates from the SPPD and community organizations, and training.

The closed portion consists of case review of alleged misconduct by individual Saint Paul Police Department 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 to 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.
- 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 PCIARC Chair will preside over all meetings and conduct meetings:

- Consistent with and subject to all city ordinances and published policy directives.
- Subject to statutes regarding government data practices, 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 PCIARC. The meetings of the PCIARC 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...

Community Meetings

During the public portion of the monthly meetings members of the public are invited to ask commissioners about the PCIARC process, and procedures. The public is also invited to relay any concerns that they have about the PCIARC and recommend improvements and changes to the PCIARC or the police department. Many different trainings that the PCIARC receives are held during the public portion of their monthly meetings.

Additionally, the PCIARC is mandated by ordinance to hold an annual summit in order to review the PCIARC annual report, release summary data and evaluate the effectiveness of the PCIARC.

PCIARC Annual Summit

The 2018 PCIARC Annual Summit was held on Tuesday, November 13, 2018 at the Mitchell Hamline School of Law in Saint Paul. The summit provided an opportunity for community members to learn more about the updated PCIARC process and ask the PCIARC members questions. The summit also allowed community members to receive the summary data from the 2017 annual report, which included a full year of data since the amendments to the city ordinance. Furthermore, the summit allowed the PCIARC to receive feedback from community members, which was compiled and shared on the PCIARC website. A video recording of the summit was also made available online so those who could not attend are able to view the presentation.

2018 PCIARC Summary

In 2017, the PCIARC made the transition to HREEO from the Saint Paul Police Department as the 2016 ordinance amendments went into effect in January 2017. Additionally, the mayor appointed eight new commissioners to serve on the PCIARC, and the new commissioners began reviewing cases in October 2017. Over the course of 2018, two new additional commissioners were appointed to serve on the PCIARC.

In the Fall the PCIARC held a strategic planning session and identified the following as areas of focus:

- Participation in SPPD Officer Trainings to ensure that officers are kept up to date on the PCIARC process and procedures.
- Increase community awareness of the PCIARC through targeted marketing campaign.
- Enact the Policy Protocol to make informed recommendations regarding SPPD policies and procedures.
- Hold additional community meetings throughout the year to capture input from and provide updates to the community on the workings of the PCIARC.
- Secure more robust training opportunities that will better equip the PCIARC to function in its role.

Finally, in 2018, the PCIARC saw an increase in the number of complaints that came through HREEO, and as a result the number of cases the commission reviewed increased. Overall the PCIARC reviewed 42 cases involving 77 allegations, which included 70

SPPD officers. The complaint classification “Improper Procedure” was the most common type of complaint received. Moreover, of the reviewed cases, the PCIARC determined most allegations to be “Unfounded and Sustained”. Summary data below reflects cases that were reviewed by the PCIARC, as well as disposition and disciplinary decisions that were recommended on behalf of the PCIARC.

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 listed could be considered for one allegation listed in the complaint, or multiple. The data below is identified by the number of allegations listed in complaints in 2018 (Allegations) and the number of allegations assigned to officers (Total Allegations). Firearms cases are included in allegations however, have a separate set of dispositions and are therefore separated from that data.

Cases Reviewed	Officers	Allegations	Total Allegations	Firearms Cases
42	70	50	77	1 (1 Officer)

Allegation Type	Excessive Force	Discrimination	Improper Procedure	Improper Conduct	Poor Public Relations
Total	16	2	44	7	7
Total # of Officers Subject to Each Allegation	16	2	41	7	6

Recommended Disposition	Sustained	Not Sustained	Exonerated	Unfounded	Policy Failure	No Action
Total	19	12	16	26	0	3

Recommended Discipline

Below is the recommended discipline the Commission voted for in 2018. 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	4	9	7	1	0

In 2018 the Chief modified the Commission's discipline recommendation **one time**.

Firearm Case Data

Firearm Disposition	Justified	Not Justified
Total	0	1

Firearm Type	Human	Animal	Accidental
Total	1 Case (1 Officers)	0	1

HREEO Complaint Intake

In 2018 HREEO received 57 complaints. These complaints came in online, in person at the HREEO Office, at Community Intake Centers, 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 identify trends and patterns that help improve services being provided, both in terms of policing and in terms of complaint intake.

Gender	No answer	Male	Female	Other	Transgender
Total	11	23	19	2	2

Race	No answer	Black or African American	White (Caucasian)	Hispanic or Latino	Asian	Two or more races	Other	Not Specified
Total	14	5	24	1	6	3	3	1

Income Level	No answer	Less than \$20,000	\$20,000 to \$34,999	\$35,000 to \$49,999	\$50,000 to \$74,999	\$75,000 to \$99,999	Over \$100,000
Total	41	10	3	1	2	0	0

Age	No Answer	0-18	19-25	26-34	35-54	55-64	65+
Total	30	0	4	2	20	1	0

City of Residence	No Answer	Saint Paul	Minneapolis	Hopkins	Farmington	Coon Rapids	Welch	Cambridge	North Branch
Total	2	39	4	7	1	1	1	1	1



The Most Livable
City in America

Human Rights & Equal Economic Opportunity

15 W Kellogg Blvd Suite 240
Saint Paul, MN 55102

Website: www.stpaul.gov/pciarc
Email: civilianreview@ci.stpaul.mn.us
Phone Number: 651-266-8966