**2017 Police Civilian Internal Affairs Review Commission (PCIARC) Annual Meeting Feedback**

The PCIARC held its 2017 Annual Summit on Tuesday, November 28, 2017. Over 100 community members attended to learn about the revamped complaint process and meet the new Commissioners. Below are their comments and questions following the presentation. Responses to their questions are in blue. If you have additional questions or comments, please contact the Civilian Review Coordinator at (651) 266-8970 or [civilianreview@ci.stpaul.mn.us](mailto:civilianreview@ci.stpaul.mn.us).

**Guided Questions:**

1. ***After hearing this presentation, do you feel you understand the complaint process?***
   * Most of the participants indicated they knew of and understood the complaint process.
   * Some participants expressed they did not know where to file complaints.

Complaints can be filed online at [www.stpaul.gov/pciarc](http://www.stpaul.gov/pciarc) or in person at the Human Rights Offices (15 Kellogg Blvd W., Suite 240, Saint Paul, MN 55102) or the Saint Paul NAACP Office (270 N. Kent St., Saint Paul, MN 55104).

* + Some participants indicated they didn’t have any prior knowledge about the process.

1. ***Were you left with any questions?***
   * How long is the process to hear back from Committee, it was not mentioned? What is the average length of an investigation?

One average, an investigation can take up to 12 weeks before it is referred to PCIARC for review. Once PCIARC has made a recommendation to the Chief of Police, Saint Paul Police Department (SPPD) will notify the complaint of the decision once the complaint is in final disposition. However, this process could take months between the time the commission makes their recommendation and final disposition.

* How is the burden of proof/evidence determined in a Complaint?

The Commission uses a preponderance of evidence burden of proof when making their recommendation on the complaint, meaning that it’s more likely than not that the alleged complaint occurred.

In determining whether an allegation has merit, Commissioners must rely only upon the evidence in the case, investigated and presented by the Internal Affairs Unit. Commissioners must not consider facts unrelated to the IAU case including but not limited to media coverage; alternative legal proceedings, etc. The Commission must decide whether a thorough investigation was conducted to properly show proof of the violation. The Commission may request IAU staff to gather such additional information as may be needed for a recommendation by the Commission.

* What kinds of training do PCIARC commissioners get?

The PCIARC ordinance outlines specific training requirements for Commissioners. The ordinance states: “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.”

To fulfill the ordinance requirements Commissioners complete:

* + The Saint Paul Police Department’s Civilian Police Academy, a 30 hour training program that covers all the major units in the Saint Paul Police Department
  + Data privacy training
  + General Labor Practices training Case review training
  + Racial equity and implicit bias training
  + Training on the City’s Work Place Conduct Policy

Technological training related to software and hardware usage

* When are the next PCIARC Summits happening, would like to get the word on that as a regular meeting?

The 2018 PCIARC Annual summit will be in November 2018. Information regarding PCIARC events are posted on the website. Sign up for PCIARC-related emails [here.](https://www.stpaul.gov/connect)

* Are ex-offenders allowed on the PCIARC Commission? What is the threshold regarding criminal background?
  + Because of the type of data Commissioners view there a set of required background checks that a person must pass in order to serve on the commission. Those requirements are set forth by the FBI, and the Saint Paul Police Department. Who determines the department policy?

The Mayor, Chief of Police, and their respective leadership teams, determine Saint Paul Police Department Policy.

* + Does PCIARC consider letting the public know about their decisions, etc. before the Annual Summit?

PCIARC provides summary data each year in an Annual Report which is shared on the website: [www.stpaul.gov/pciarc](http://www.stpaul.gov/pciarc) which is available prior to the Annual Summit. The 2017 Annual Report is available [here](https://www.stpaul.gov/sites/default/files/Media%20Root/Human%20Rights%20%26%20Equal%20Economic%20Opportunity/61969%20PCIARC%20Annual%20Report%202017%207-3-18.pdf).

* + What is the union involvement in the process for officers?

Pursuant to the [Minnesota Peace Officer Discipline Procedures Act](https://www.revisor.mn.gov/statutes/?id=626.89) (626.89), an officer has the right to have a union representative and/or an attorney present when giving a formal statement to Internal Affairs.

If a complaint is sustained by the Chief of Police and discipline is issued, an officer has the right to grieve (challenge) that decision per their [collective bargaining agreement](https://www.stpaul.gov/sites/default/files/Media%20Root/Human%20Resources/EG04-contract.pdf).

Were there any policy changes as a result of the Frank Baker case?

No- the actions taken by the officers were determined to be outside of policy.

In response to the case, the Police department instituted a post incident formal training regimen for all patrol officers and the k-9 unit to ensure policies were understood and that there was a cohesive working relationship between canine handlers and non-canine officers supporting them.

* + Which type of complaint is most prevalent?

The most common allegation reviewed by the PCIARC is “Improper Procedure”. This is a wide-ranging category that can include any policy violation such as failure to write a police report or failure to collect evidence.

* + How old do you have to be to file a complaint?

There is no age requirement to file a complaint. Anyone who believes they have experienced or witnessed police misconduct has the right to file a complaint.

* + What data is private and what is public?

Internal Affairs investigations are investigations on employee conduct. Employment data is private, thus Internal Affairs investigations are private. There are a few exceptions:

* + 1. The existence and status of a complaint
    2. If there is discipline at final disposition: The type of discipline, the specific reasons for the discipline, and data that document the basis of the discipline.
  + Does the commission get external complaints about cops?

The Commission reviews completed Internal Affairs investigations, which includes civilian-initiated complaints.

* + Does the complaint have to involve a civilian?

No, however most of the cases involve a civilian.

* + Does the commission act on every complaint?

By ordinance the Commission reviews and makes recommendations on complaints alleging acts of excessive force, inappropriate use of firearms, discrimination as defined in Chapter 183.02, poor public relations and complaints referred to them by the Chief of Police, the Mayor and the Human Rights and Equal Economic Opportunity Director.

* + Is PCIARC staff involved in the decision making process of which complaints get reviewed or only the SPPD? Why aren’t they?

The PCIARC Review Coordinator receives the complaints and reviews them for name and a signature, then gives them to the SPPD Internal Affairs Unit (IAU). IAU investigates the complaint and once the investigation has been completed the review coordinator gets the information back from IAU, and delivers the information to the PCIARC who discusses the IAU’s findings during the meeting.

* + Can the police review keep certain cases away or stop them from being reviewed by PCIARC to avoid the public eye?

The PCIARC does not have access to complaints submitted directly to SPPD; however every complaint that is turned into HREEO that meets the qualifications for a formal complaint is reviewed and given to Internal Affairs.

* + PCIARC only sees cases given to them by Internal Affairs?

The PCIARC Ordinance states: “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 reports are provided by Internal Affairs.

* + Can the complainant have an advocate to support them?

When providing a statement to the PCIARC, complainants are brought into the room one at a time and are not allowed to bring others into the room with them. However, the City of Saint Paul is dedicated to ensuring equal access to all persons in the complaint process. If a complainant requests an accommodation for translation services, the complainant would need to complete an Accommodations Request Form. The request would be reviewed by the City and reasonable efforts would be made to provide appropriate accommodations.

* + At which point can the complainant get an attorney?

A complainant can get an attorney at any time, however they should keep in mind that the PCIARC/complaint process is not a criminal or civil process, it is an internal employment process. If an individual is interested in filing civil or criminal charges they have the right to do so. However each processes is separate, and does not involve the PCIARC.

* + Can the police have an attorney to represent themselves?
  + Yes. Per the [Minnesota Peace Officer Discipline Procedures Act](https://www.revisor.mn.gov/statutes/?id=626.89) (626.89), an officer has the right to have a union representative and/or an attorney present when giving a formal statement to Internal Affairs. However, union representatives are not allowed in the private portion of the PCIARC meeting. Can PCIARC review body cam footage?
    1. Can all body cam footage be reviewed for patterns or just when an officer is being reviewed?

The PCIARC reviews all relevant body camera footage related to specific cases that come before them. They do not review non-case related footage.

* + What is covered in the public portion of the meeting?

The subject matter in the public portion of the meeting can vary. Usually there are administrative updates from the Human Rights and Equal Economic Opportunity Department. Often there is ongoing training that is relevant to the Commission’s work. For example at the January 2018 PCIARC meeting, the Commission heard an overview and update on the SPPD Body Worn Camera Policy. The Commission may also hear from the public regarding policy concerns.

* + Do you review internet content such as videos for police violations?

If, as part of their investigation into a specific case, Internal Affairs collects internet content, then the content would be included in the Commissioners’ case file.

* + Are survey results about police made available to PCIARC?

Yes, you can make a data request here ([Link](https://www.stpaul.gov/departments/human-rights-equal-economic-opportunity/police-civilian-internal-affairs-review-5https:/saintpaulmn.mycusthelp.com/WEBAPP/_rs/(S(m4doslu42bemsm2mlmuk3red))/supporthome.aspx))

* + Does data show how much an officer is showing up in complaints?

The data that the PCIARC keeps and has access to does not track specific officers.

* + Is there a Complainant testimony oath?

Should a complainant or officer choose to make a statement to the Commission an informational notice is read and signed prior to making their statement.

* + Are union representatives allowed?
    1. Per the [Minnesota Peace Officer Discipline Procedures Act](https://www.revisor.mn.gov/statutes/?id=626.89) (626.89), an officer has the right to have a union representative and/or an attorney present when giving a formal statement to Internal Affairs. Union representatives are not allowed in the private portion of the PCIARC meeting.
  + Does Internal Affairs have access to an officer’s cell phone, email, and text records?
    1. Do they have subpoena power?

Internal Affairs has access to everything owned by the city including the officers’ department email addresses. Officer’s home and/ or personal email address, phone number, text records are private information. Internal Affairs can access things related to an employment investigation.

* + Could the Board choose to pursue a complaint in parallel to a criminal investigation? No.
    1. Could testimony in the complaint process be used in a criminal trial?

No.

* + Can you file a complaint on something that happened a long time ago, say 10 years ago? Yes. There is no statute of limitations on complaints. An individual(s) should keep in mind that the longer they wait to file a complaint it may be more difficult to investigate and/or the officer(s) employment status may have changed.
  + If the Union challenges a decision, is that information publicly available?

No. The Union grievance procedure is prior to the final disposition of a case. Almost all information prior to final disposition of a case is private except the existence and status of a complaint. In the annual report however, the existence of a complaint is publicly available.

* + Can someone be prosecuted for providing false information on a complaint? Yes.  Minnesota law (Minn. Stat §609.505) makes it a criminal offense to make a knowingly false and defamatory report of police officer misconduct.
  + How does a civilian know when an officer violates a policy?

A civilian does not need to know any policy specifics to file a complaint—the individual simply needs to believe that an officer did not act the way that the person expected a Police officer to act. If the officer did not violate department policy the PCIARC may decide to recommend a change in the department policy to the Chief of Police.

[If you are interested in learning more about SPPD policies, the manual is available online.](https://www.stpaul.gov/books/saint-paul-police-department-manual)

* Are there translators available for the intake process?

Yes. Contact the PCIARC Coordinator by phone or email (651- 266- 8970) or ([civilianreview@ci.stpaul.mn.us](mailto:civilianreview@ci.stpaul.mn.us)) to request the appropriate translator.

* + How do you reach out to minority communities and non-English speakers to let them know about the complaint process?

There are various complaint centers throughout Saint Paul. In addition, the PCIARC participates in various outreach events throughout the City Commissioners and staff are continuously working to build relationships in all of Saint Paul’s diverse communities. Through improved relationships we hope to build trust and awareness about the process. If you know of an organization or individual that we should reach out to, please [contact us.](mailto:%20civilianreview@ci.stpaul.mn.us)

* + What is counted as evidence? What if there are no pictures, etc.?
    1. Do witness statements count? Yes.
    2. What happens to the evidence you collect? Internal Affairs conducts all investigations and collects all relevant evidence. This can include the complainant’s statement, witness statements, police reports, in-car camera video, body-worn camera video, photographs, security footage, cellphone video, Facebook data, medical records, etc. The collected evidence is saved into a file that is shared with the PCIARC when they review the case. Following the PCIARC’s recommendation and the case closure, the evidence is retained by IAU as part of the employee’s file.

* + If a complaint is filed, how do you know if it is being investigated?

After reviewing the complaint, Internal Affairs will send a letter to the complainant informing the complainant if the complaint will move forward in the investigation process.

* + Does the public only see when a complaint is sustained or even when it is simply filed?

The PCIARC will release data about the complaints once there has been a final disposition in the case in the annual report. The 2017 annual report gives data on cases that the PCIARC reviewed, and complaints that were filed through HREEO, in addition to the PCIARC’s recommendations. SPPD retains all data regarding complaints that come in through the police department.

* + What is the success of complaints?

The PCIARC purpose is to evaluate and review the investigation of the complaint. We define success by thoroughly reviewing, evaluating the complaints brought before the commission and making a recommendation.

* + 1. What is the frequency of which you are supported by the Chief?

1. In 2016 of the 56 allegations the Chief agreed with the PCIARC’s recommendations 52 times. This data is also available in the PCIARC Annual Reports.**Guided Questions Continued:*Now that you’ve heard about the new complaint process, would you feel comfortable using it to file a complaint or recommending it to a friend or family member?***
   * Some people indicated they would be willing to try but others indicated they think the process puts people at risk when a complaint isn’t sustained.
   * How easy is it to file a complaint?
     1. Very easy. A complaint can be filed online or in person in various locations. ([Click Here](https://www.stpaul.gov/departments/human-rights-equal-economic-opportunity/police-civilian-internal-affairs-review) to Learn more)
   * The complaint process has significantly improved and I have more faith in it.
   * Yes, without reservation.
2. ***What are your immediate takeaways from the presentation tonight?***
   * This is a good start.
   * Need more public dialogue with everyone so questions and comments are heard by everybody.
   * Dividing into wards was good but we should get back together as a group to share what the table discussed.
3. ***What would you like added to the complaint intake process?***
   * Provide more transparency for the public; it helps build trust with the community.
4. ***What other feedback would you give Commissioners to keep in mind as they do their work?***
   * It would be great to include examples and definitions of the most common improper procedures and other categories.
     1. This data is available in our annual report ([click here](https://www.metrostate.edu/about/locations/new-mainhttps:/www.stpaul.gov/sites/default/files/Media%20Root/2016%20PCIARC%20Annual%20Report_1.pdf)).
   * Reach out to people to let know about the process through community organizations and not just government organizations.
   * How can all communities be represented through 9 board members who don’t speak all languages?

The commissioners represent a diverse demographic of people that includes life experiences, gender, geography, and race that aims to represent the diversity of the City of Saint Paul.

* + Can you increase communications in the Hmong community?
    1. We are working towards increasing engagement and outreach in all the diverse populations in the city of Saint Paul. We’ve translated our brochure and information material into Hmong, and will be at various community events.
  + You should get the youth more involved in these processes. In what ways do you currently try to engage the youth?
    1. We’ve had a 1-2 year cohort of building relationships through courageous conversations between Youth and Police that HREEO led and organized. We’ve also partnered with other organizations like Neighborhood House to have youth present at the Annual Summit.
  + It would be nice if Commissioners attended some informal cultural events to help better communications in different communities.

**Miscellaneous Questions:**

* + What would you like added to the complaint intake process?
  + Interpreters for non-English speakers.

Interpreters are available upon request. Please contact us at (651-266-8970) to request an interpreter either at an event, when filing a complaint or during the complaint process.

* + Make complaint forms available in different languages

Complaint forms are available on our website and in person in our office in Hmong, Oromo, Somali, Spanish, and Vietnamese. ([Click](https://www.stpaul.gov/departments/human-rights-equal-economic-opportunity/police-civilian-internal-affairs-review) Here to Access the Form)

* + You should put all cases on your website to be more transparent.

Case summary data is available in the annual report ([Click Here](https://www.stpaul.gov/sites/default/files/Media%20Root/Human%20Rights%20%26%20Equal%20Economic%20Opportunity/61969%20PCIARC%20Annual%20Report%202017%207-3-18.pdf))

* Why do some schools have more police officers than others?

The School district decides where the police officers are placed.

* When an officer commits a crime, are they still allowed to be police officers?
* If an officer is convicted of a felony, their policing license is automatically revoked. Some misdemeanor convictions can trigger a hearing by the Police Officer Standards and Training (POST) Board to review their license. The POST Board is a state organization that regulates policing and licenses officers.What about domestic violence?

This is a topic of conversation currently being discussed at the POST Board. [If you are interested in learning more, check out this January 4, 2018 article in the Star Tribune.](http://www.startribune.com/minnesota-s-police-licensing-board-considers-tougher-conduct-standards/467925683/)

* Who decides whether the officer gets to keep being an officer?

Per state law statute 626.89, 17; the Chief of Police makes all employment and disciplinary decisions, including termination. The POST Board can also revoke an officer’s license which would restrict him or her from policing in Minnesota.

* Are police officers who work in schools, officers who were fired?

No. They are officers who are interested in working with students.

* How many people of color made complaints?

The collection of race data began on February 25, 2017. The 2017 Annual Report will provide this information.

* What are Commissioner’s real jobs?

The Commissioners have a diverse set of backgrounds and experiences which include an attorney, a few who work in business, a couple retirees, a Saint Paul Public Schools teacher and a violence prevention specialist in Minneapolis.

* How many officers are people of color?

The city provides demographic information for all fulltime employees by department on the city’s information portal- Information Saint Paul. Up to date data can be found [here](https://information.stpaul.gov/City-Administration/Workforce-Demographics-Report-Dataset/7uin-pnex).

* When I had an incident with the police, I just reported it at the district. Can I still do that?

Yes, absolutely. You may also report the complaint to the PCIARC

* Is there a youth civilian review board?

Not at this time, but we have made efforts to involve youth input with the PCIARC. We currently have two Commissioners who are under 35. All Commissioners must be at least 18 years of age. Two current Commissioners are between the ages of 18-35.

* Do prior convictions disqualify you from becoming commissioner?

Some convictions do prevent people from becoming a Commissioner. That is because through their work Commissioners view certain data that is heavily regulated about who can see it.

* What kind of credibility do you need to become commissioner?

You need to be impartial and objective and be great at communicating and listening effectively. [Click here for a full list of expectations and to apply to become a Commissioner.](https://stpaul.granicus.com/boards/w/7115b4c88a2f9ede/boards/9913)

* Who appoints commissioners?

Commissioners are recommended by the Director of Human Rights and Equal Opportunity to the Mayor for appointment. They are appointed by the Mayor and confirmed by the City Council.

* How do I get involved to become a commissioner?

[Submit your application to become a Commissioner](https://stpaul.granicus.com/boards/w/7115b4c88a2f9ede/boards/9913) and send an email to the Civilian Review Coordinator (civilianreview@ci.stpaul.mn.us) to learn more about opportunities to get involved.

* When the Chief doesn’t agree with PCIARC findings, what happens?

When the Chief disagrees with the PCIARC’s recommendations, the ordinance states that he or she informs the Review Coordinator in writing. The review coordinator then informs the Commission Chair. The Chair then has five working days to discuss any concerns he or she may have with the Chief before any action is finalized.

**Comments:**

* Complainant should be kept in the loop during the review process, every step of the way. Click this [link](https://www.stpaul.gov/sites/default/files/Media%20Root/Human%20Rights%20%26%20Equal%20Economic%20Opportunity/Filing%20a%20Complaint%20Bro%206.12.2018.pdf) to find out about the communication check points through the complaint process.
* Public should trust in the process.
* Need to publicize process more = more community engagement.
* Have a commission which is reflective of the City. What is the selection process for Commissioners?

Anyone at least 18 years of age and resides in Saint Paul can [apply](https://stpaul.granicus.com/boards/w/7115b4c88a2f9ede/boards/9913) to be a Commissioner. The Mayor appoints Commissioners with the approval of the City Council.

* PCIARC Commissioners should have experience in criminal justice system.
* PCIARC should have a bigger role, and facilitate dialogue between Police and Public.
* PCIARC Commission must not be “just for show,” and truly independent from the Police.
* We live in diverse communities – need 2nd language communication, in reaching out to immigrant communities.
* Utilize new Police “Community Liaisons” into the Commission’s work, and help with Outreach.
* Engage young people as Commissioners.
* Great outreach and communication to the public, and also within the police department.
* Good energy in the meeting.
* Layout of complaint process was well understood.
* Different complaint reporting mechanisms are good.
* Change like this new process is good, from a historical perspective.
* This a very bold move by the City to have an all civilian review Commission.
* PCIARC Commission is facing a difficult job/task; police force is a powerful institution.
* There is still mistrust from Police/Civilians and vice versa.
* Generational changes in police force are a good thing, and will change the outlook of the force.
* PCIARC staff should be included in deciding which complaints get reviewed.
* Does the commission feel like the Chief listens?
* The police federation loses credibility in the community while Dave Titus serves as their president.
  + Is he truly the voice for the St. Paul Police?
* Annual Report for 2016: I am much less concerned with what they did wrong in the past. But I am concerned about what the group is going to do right in the future.
* Officers have been failing to report bias crime.
* This Summit was interesting. Are you planning on any other periodic Summit?
  + Yes. There will be a Summit Annually
* There are too many acronyms.
* Thank you for all the work you’ve done and the changes you’ve made. Keep it up; we’re behind you as a community.
* Police are aggressive and disrespectful to minorities during traffic stops and citations for parking.
* The culture of the police in Saint Paul shows that the system is broken and there is an urgent need to fix the broken system by regularly meeting with the Chief and all stakeholders.
* Saint Paul police are issuing tickets just to generate money for the city.
* Concerns about the power given to the Police Federation. They have uncontrollable power, can’t control the police.
* The police are not taking into consideration that they are paid for their professional service by taxpayers.
* Police accountability is low.
* We should be reassured about our rights and police accountability.
* Looking for more resources to actively participate and contribute to PCIARC in a positive way.
* Testimonies are basic to initiate investigations and review and people should come forward to testify against police brutality.
* For the PCIARC to be effective, institutional and systemic barriers should be taken care of first and for most.
* Communication between the stakeholders is crucial and people need change.
* We should actively participate in the process of PCIARC.
* Police recruitment should be within St. Paul and residents of other places should be restricted.
* Want to see the results, skeptical of the system.
* Critical of the arbitration process to handle police brutality issues.
* Police officers are intimidating and very powerful, it doesn’t reflect the people.
* There are police officers that are harassing people and there is no way to report them due to the power and authority they have.
* The community must be informed and educated about the need for PCIARC in order to build trust.
* More outreach and education is needed so that people can protect themselves.
* Churches and other community organizations should actively be involved in the enforcement of PCIARC objectives and bring in people who are not connected to the system.
* The Chief’s survey on SPPD website can be mistaken as a complaint form and not just a survey.
  + Is there a way to provide clarification that it’s just a survey, maybe put out a statement?

I would recommend using our complaint form [here](httpshttps://www.stpaul.gov/departments/human-rights-equal-economic-opportunity/police-civilian-internal-affairs-review-5:/www.revisor.mn.gov/statutes/cite/626.89).

* It would be better to have direct information such as phone numbers or web links for people to access to ask if their police interaction was a problem.

You can always access our [website](https://www.revisor.mn.gov/statutes/cite/626.89https:/www.stpaul.gov/departments/human-rights-equal-economic-opportunity/police-civilian-internal-affairs-review) which has contact information.

Need concrete examples of “improper procedure”.