**POLICE CIVILIAN INTERNAL AFFAIRS REVIEW COMMISSION**

*City of Saint Paul*

*Human Rights and Equal Economic Opportunity Department*

DATE: August 1, 2018

TIME: 6:00 PM

LOCATION: Wellstone Community Center, 179 Robie Street E., Saint Paul, MN 55107

**MINUTES**

**Commissioners:** Chair Tuck, Vice Chair Sullivan-Nightengale, Commissioner Clark, Commissioner Cotton, Commissioner Caldwell, Commissioner Heydinger, Commissioner Forstrom

**HREEO Staff:** HREEO Deputy Director Jeffry Martin, PCIARC Coordinator Julian Roby

**IAU Staff:** Commander Bandemer, Sergeant O’Reily

1. **Call to Order**

Chair Tuck

1. **Approve Agenda**

Motion proposed Vice Chair Sullivan-Nightengale

Seconded by Commissioner Forstrom

Approved

1. **Approve June Minutes**

Motion proposed Commissioner Heydinger

Seconded by Commissioner Cotton

Approved

1. **HREEO Update**

PCIARC Coordinator is place, and we are in active interviewing for replacement commissioners. We’ve interviewed several people thus far and are in the decision making phase, where we’ll be routing at least three names to the mayor for consideration. Finally we’ll have a new Director in HREEO this fall.

1. **Chairs Report**

PCIARC Strategic Planning Session is coming up on August 11th at the Wellstone Community Center and we’ll be starting at 10 AM and will be going until 5:30. Will be finalizing the agenda, and we’ll get it to folks before the meeting.

The NACOLE Conference, it is a national organization of various Police Civilian Oversight Organization there are roughly about 200 of said organizations across the country. NACOLE holds a conference every year which will be the first week in October, Commissioner Clark, Coordinator Julian and Chair Tuck will be attending this year.

* Vice Chair Sullivan Nightengale: “Is there an opportunity to attend the conference remotely, and if so is that kind of attendance in the budget?”
* Deputy Director Martin: “No”

Now that everyone has access to their city emails, I would like use that as our official email for communication. I haven’t done that in the pass because of us were having trouble accessing them. But now I will be sending out communications via our city emails, and I would ask that commissioners check their city emails weekly.

**Policy Discussion**: SPPD Police Interactions with Transgender and Gender Non-Conforming Individuals

Draft of the SPPD Interactions with Transgender and Gender Non-Conforming Individuals in the Community [(Link)](https://www.stpaul.gov/sites/default/files/Media%20Root/Police/Transgender%20Policy%20With%20Community%20Draft%201.pdf)

**Discussion**:

* Vice Chair Sullivan-Nightengale: I have a question regarding where an individual may request a preference officer gender for searches. I’m wondering if that is intended to apply only to transgender individuals or if this something that any individual regardless of gender may request?
* Commander Bandemer: It was written in this its specific to transgender but that request if it can be accommodated for non-transgender now would be allowed.
* Commissioner Forstrom: There are two references to sexual orientation on page one, it is my understanding that sexual orientation and gender identity are to be two very separate concepts. I’d recommend removing that from this policy since this policy, since the policy is discussing transgender individuals. On top of page three it states that officers cannot remove appearance related items such as prosthetics, wigs, cosmetic items unless they pose a safety risk or are evidence. I’d recommend that cannot be changed to should not because, I believe officers should still have some discretion. For example to help witness identify a suspect that might be required. I think that cannot become a little too confining. The policy in general is fine and well worded; my concern is that when it is written into policy what is the level of subjectivity to discipline? If someone should complain that an officer didn’t refer to me as the pronoun that I wanted to, could that be a disciplinable offense? I have some concern about that as well.
* Commander Bandemer: If this entered into a policy and is approved by the chief, than it’ll be adhered too, and punishable like any other policy.
* Commissioner Cotton: I had a follow up question in response to Commissioner Forstrom’s suggestion in the change of language regarding (cannot versus should not) in the policy. My concern is what is the standard, because of as of now if a woman is wearing a wig or makeup are they required to remove those things to be more easily identifiable, otherwise is could appear to be a double standard. If someone self identifies as female and wears cosmetics, and wigs are they required to remove those things during an investigation; because if we’re dealing with a Transwoman who identifies that way and is being asked to strip down to me feels like a double standard. I don’t know if that’s an existing policy, it’s not a policy that I’m familiar with.
* Commander Bandemer: In general we’re talking about a wide array of circumstances that could come up. In the course of an investigation if there was specific description that the officers were looking for, and the felt that the certain person fit that description (except for or but for) maybe a hat they had dropped, or a wig, they had a backpack. They may place that on the suspect for showing the victim in order to identify the person as the suspect. What we’re talking about in the policy is the reverse of that, for no particular reason to make somebody take the wig off or change their clothing. The only reason that would standout would be for officer safety, if we were going to transport somebody that was under arrest and they may have to remove a wig to make sure there we no weapons or pins that could be used against the officer, that would happen at the point of arrest.
* Chair Tuck: Deputy Director Martin, Vice Chair Sullivan-Nightengale, and the Chair will have a discussion for next steps.
1. **OTC Email Training**

Commissioner received some training on accessing their City of Saint Paul email accounts via their personal devices from the OTC System Support Staff.

1. **Adjourn to Closed Door Session**

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1. **Case Review - No Testimony**
2. **Adjourn**