



SAINT PAUL
MINNESOTA

Bylaws and Special Rules of Order

Police Civilian Internal Affairs Review
Commission (PCIARC)

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ARTICLE 1. OFFICERS

The officers of the Commission shall consist of a Chair and a Vice Chair. The officers shall be elected by the Commission on an annual basis or when a vacancy occurs.

The Chair shall preside at all meetings. The Vice Chair or another Commissioner appointed by the Chair shall preside in the absence of the Chair.

ARTICLE 2. COMMISSIONERS

The Commission shall consist of nine (9) voting members appointed by the Mayor and approved by City Council. All members shall be appointed to three-year terms not to exceed two (2) terms. A member's term may be extended to allow a new member to meet the criteria to become a voting member.

All Commissioners shall complete training on the topics detailed in Chapter 102.03 of the Saint Paul Administrative Code, pass a CJIS-compliant background check, and CJIS certification training prior to receiving case information and voting on case recommendations.

Members of the Commission shall receive fifty dollars (\$50.00) per meeting attended. Each member must fill out a reimbursement form at each meeting.

ARTICLE 3. REVIEW COORDINATOR

The Commission's Review Coordinator shall be in attendance at Commission meetings to facilitate Commission review, serve as the custodian of the Commission files, and record the proceeding of the Commission. In the event the Review Commissioner is unable to attend a meeting, the Director of the Department of Human Rights and Equal Economic Opportunity (HREEO), HREEO Deputy Director, or the Director's designee will perform the duties of the Review Coordinator.

The Deputy Director is responsible for all Review Coordinator duties in the event the Review Coordinator is unavailable to perform their duties. If the Deputy Director is unavailable, the Deputy Director or Director may designate a HREEO employee qualified to perform the Review Coordinator's duties. In the event of such designation, the Director or Deputy Director will inform the PCIARC, the Internal Affairs Unit (IAU), the Chief of Police and the Mayor's Office of their designee as soon as reasonably practicable.

Prior to a Commissioner's first meeting, the Review Coordinator will meet with them to explain the work of the Commission and review the standing rules, policies, and procedures of the Commission.

ARTICLE 4. MEETINGS

Regular meetings of the Commission shall be held at 6:00 PM on the first Wednesday of the month, unless scheduled on an alternate date by a majority vote of the Commission.

Commissioners will arrive at least fifteen (15) minutes prior to the posted meeting start time.

The first meeting in each calendar year may be both a regular meeting and an organizational meeting. The Commission may also decide to have an organizational meeting to on a separate day and time. At that meeting, the Commission will review the Bylaws and Special Rules of Order, make any needed changes, and review compliance with training requirements detailed in Chapter 102.03 of the Saint Paul Administrative Code.

In accordance with the Minnesota Open Meeting Law (Minnesota Statutes Chapter 13D), a meeting occurs when a quorum of the Commission, which Robert's Rules of Order defines as a simple majority of the seated Commissioners, is present and business is discussed.

Commissioners shall conduct their meetings and all communications in accordance with the City of Saint Paul's Workplace Conduct Policy (*see Exhibit A*).

The portion of the meeting where internal affairs data relating to allegations of law enforcement personnel misconduct are discussed will be closed pursuant to Minnesota Statutes 13D.05, subd. 2 (a) (2). Only Commissioners, the Review Coordinator, the Deputy Director of HREEO who supervises the Review Coordinator (or the Deputy Director's designee), and employees of IAU can view confidential materials provided to the Commissioners before, during, and after the deliberation process. Any other access to confidential materials must be approved on a case-by-case basis by the City Attorney's Office.

No less than once per year, the Commission shall hold an annual summit in order to review the annual report publicly, evaluate the effectiveness of the Commission, and share data as required by Saint Paul Administrative Code § 102.03 (e). All Commissioners shall attend and participate in this summit. This meeting, and all other meetings of the Commission, shall be audio recorded. Public portions of PCIARC meetings and the Annual Summit shall also be posted to the PCIARC website for public access.

ARTICLE 5. ORDER OF BUSINESS

Meetings of the Commission shall follow the below agenda structure, unless altered at the discretion of the Chair:

- I. Call to Order
- II. Approval of the Agenda
- III. Approval of Minutes
- IV. Chair's Report
- V. Training
- VI. SPPD Update
- VII. HREEO Department Report
- VIII. Internal Affairs/PCIARC Monthly Complaint Summary
- IX. New Business & Community Update
- X. Adjourn to Closed Door Session
- XI. Case Review with Testimony
- XII. Chair's Report
- XIII. SPPD Update
- XIV. Case Review without Testimony
- XV. Discuss Chief Departure Letter(s)
- XVI. Adjourn

ARTICLE 6. VOTING

The Commission shall abide by the processes for complainant and officer testimony outlined in the PCIARC Standard Operating Procedures.

Process for PCIARC deliberation of cases without testimony:

1. An IAU Sergeant reads the summary of the case into the record.
2. If any Commissioner asked a case-related question in advance of the meeting, the question will be read aloud and answer provided by IAU.
3. In rotating order, as determined by the Chair, each Commissioner will be given the opportunity to state the disposition they believe is appropriate and a brief statement of their reasoning.
4. During this time Commissioners may ask follow-up questions of IAU.
5. Commissioners may make a motion to combine questions under review for deliberation regarding two (2) or more principal officers involved in a case if the Question under Review regarding each is the same after each Commissioner has had an opportunity to speak.
6. A Commissioner then makes a motion regarding recommended disposition.
7. Further discussion for the record.

8. Verbal roll call vote on recommended disposition.
9. If the Commission votes to recommend a disposition of sustained, IAU shares the principal officer's commendation and discipline history with Commissioners.
10. In rotating order, as determined by the Chair, each Commissioner will be given the opportunity to state the disciplinary action they believe is appropriate and a brief statement of their reasoning.
11. A Commissioner then makes a motion regarding recommended disciplinary action.
12. Further discussion for the record.
13. Verbal roll call vote on recommended discipline.

In the meeting, a Commissioner may also make a motion and hold a vote to request that IAU staff gather such additional information as may be needed for a recommendation by the Commission. Commissioners may also move to table the case to a future meeting to allow for additional discussion.

The adoption of any proposed recommendation to the Chief of Police shall be final when passed by a majority vote of the Commission. Failure of two (2) consecutive motions regarding recommended disposition shall cause the case to be tabled until the next meeting for further discussion. If, following the next meeting, the Commission has still failed to reach a majority decision after voting on a third motion for disposition, the case shall proceed directly to the Chief of Police for disposition. In this instance, the Review Coordinator will include the vote totals for failed motions regarding recommended dispositions.

For each question under review prepared by IAU for cases reviewed by the Commission, the Commission shall make one of the following disposition recommendations:

1. **Sustained:** the allegation is supported by sufficient evidence.
2. **Not sustained:** there is insufficient evidence either to prove or disprove the allegation.
3. **Unfounded:** the allegation is false or not factual.
4. **Exonerated:** the incident occurred but was lawful and proper.
5. **Policy failure:** the allegation is factual, and the officer(s) followed proper procedure, however, that procedure has proven to be faulty.

If the Commission recommends a disposition of policy failure, the PCIARC will recommend a change to department policy. This recommendation will be shared with the Chief of Police in the deliberative memo written by the Review Coordinator after each case review meeting.

If the Commission recommends the disposition of sustained for one (1) of the questions under review, they will make one of the following recommendations for disciplinary action to the Chief of Police:

1. Oral reprimand
2. Written reprimand
3. Suspension (up to 30 days)
4. Demotion
5. Termination

In addition to disciplinary measures, Commissioners may recommend retraining for officers. Retraining is not considered a disciplinary action and must be recommended with one of the disciplinary actions listed above.

Issues to be considered in recommending appropriate discipline:

1. Reason for the rule/regulation violated
2. Impact of violation on the department/officer's ability to perform their job
3. Was officer aware of the rule?
4. Officer's disciplinary history
5. Impact on public trust
6. Officer's candor in their written responses to and/or interviews with the Internal Affairs Unit and/or other law enforcement agencies

ARTICLE 7. BURDEN OF PROOF

The Commission shall require a preponderance of evidence standard of proof to find merit in an allegation, meaning that it is more likely than not that the alleged actions 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.

ARTICLE 8. COMPLAINANT STATEMENT

The Commission shall abide by the process for complainant testimony outlined in the PCIARC Standard Operating Procedures.

ARTICLE 9. OFFICER STATEMENT

The Commission shall abide by the process for officer testimony outlined in the PCIARC Standard Operating Procedures.

ARTICLE 10. SUBPOENA POWER

As stated in Chapter 102.03(f) of the Saint Paul Administrative Code, the Commission may request that individuals appear before it to state facts to supplement files. Any statement(s) made by a subpoenaed witness(es) will follow the same process outlined in Article 8 – Complainant Statement.

ARTICLE 11. DATA PRIVACY

All information related to PCIARC complaints and contained in IAU files are personnel data. This information is not public, except what is expressly listed in Minnesota Statutes Section 13.43. A violation of law regarding government data practices shall constitute cause for the Director of HREEO to recommend to the Mayor the termination of a Commissioner's appointment.

Commissioners are expressly prohibited from discussing any cases with each other either before or after the closed portion of the meeting. Commissioners shall not discuss any confidential or private data related to a case with any person(s) outside of the closed portion of the meeting.

Only Commissioners, the Review Coordinator, the HREEO Director or their designee, and employees of Internal Affairs Unit of the Saint Paul Police Department can view confidential materials provided to the Commissioners before, during and after the deliberation process.

ARTICLE 12. MEDIA CONTACT

All media requests should be directed to the Chair in consultation with the HREEO Department. The Chair will keep the Review Coordinator informed of any media requests. All Commissioners, including the Chair, are expressly prohibited from speaking to the media regarding specific cases and from providing detail that would reveal the nature or subject matter of any case.

ARTICLE 13. CONFLICTS OF INTEREST

When a Commissioner believes that they have a conflict of interest, that member shall disclose the conflict and shall abstain from voting on or participating in the discussion of the matter. A conflict of interest is defined as a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. Commissioners shall recuse themselves from participating in the discussion and voting in all cases involving their immediate family members or cases where they themselves are the complainant. Immediate family members will be defined as a person's parents, spouses, or children.

ARTICLE 14. ABSENTEEISM AND PREPAREDNESS

Members of the Commission may be removed by the Mayor, as recommended by the HREEO Director, following three absences in a calendar year.

Commissioners will receive the relevant case files two weeks ahead of the meeting. All Commissioners must thoroughly review each case file in its entirety prior to the commission meeting and be prepared to discuss each case in detail. If a Commissioner consistently fails to prepare for meetings the Chair and the Review Coordinator will conduct a preliminary performance meeting with that Commissioner. If the Commissioner's preparedness does not improve following the initial performance meeting, the Chair will issue a warning to the Commissioner. If the Commissioner's behavior does not improve following the warning, the review coordinator and Director of HREEO shall ask the Commissioner to resign from the PCIARC. If the Commissioner chooses not to resign, the Director may recommend termination to the Mayor.

EXHIBIT A: WORKPLACE CONDUCT POLICY

Updated 4/27/23

All Commissioners and staff of the City of Saint Paul must abide by the Workplace Conduct Policy. This policy was created and is maintained by the City of Saint Paul Human Resources Department and may be updated. The up-to-date version of the Workplace Conduct Policy may be accessed at this link: <https://www.stpaul.gov/sites/default/files/2023-04/Workplace%20Conduct%20Policy.pdf>

I. Policy Statement

The City of Saint Paul is committed to creating, promoting, and maintaining a diverse and inclusive work environment where the dignity and worth of all are respected and valued. To that end, the purpose of this policy is to promote a work and public service environment free from discrimination, harassment, violence, and bullying; and provide information as to what constitutes discrimination, harassment, and bullying.

This policy applies to all forms of discrimination, harassment, violence, and bullying in the workplace. This policy is intended to express to all City of Saint Paul employees, officials, volunteers, members of boards and commissions, applicants, contractor vendors, elected officials, and members of the public the expectations by the City of Saint Paul for respectful workplace conduct both in the workplace and other City-sponsored social events.

All individuals covered by this policy are expected to participate in any investigation or interview process if requested. All individuals covered by this policy are also required to follow local, state, and federal law.

II. Notice of Non-Discrimination

The City of Saint Paul prohibits discrimination and harassment based on gender/sex (including pregnancy, pregnancy-related medical conditions, and childbirth), gender identity/expression, race, color, religion or religious creed, sexual orientation, national origin, disability, age, genetic information, marital status, veteran status, familial status, status with regard to public assistance, membership or activity in a local commission, leave status, and any other category protected by applicable ordinances, laws (“protected class status”), rules or regulations or as identified in employment policies and practices of the City of Saint Paul.

Inquiries or complaints about non-discrimination policies may be directed to WorkplaceConduct@ci.stpaul.mn.us or Workplace Conduct webpage.

III. Prohibited Activities

The following behaviors are unacceptable and therefore prohibited, even if not unlawful in and of themselves:

- a. Violent behavior: Includes the use of physical force, harassment, and intimidation. Violent behavior also includes verbal abuse and/or acts, words, comments, destruction of property, or conditions that would lead a person to reasonably believe a violent act could occur.
- b. Discriminatory behavior: Includes inappropriate remarks or conduct related to a person's legally protected characteristics such as race, color, creed, religion, national origin, disability, sex, gender, pregnancy, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance.
- c. Offensive behavior: May include such actions as rudeness, angry outbursts, bullying, harassment, inappropriate humor, vulgar obscenities, name-calling, disparaging language, impeding movement, blocking, or intimidating conduct and acts, or any other behavior regarded as offensive to a reasonable person.
- d. Bullying and Harassment: May include verbal abuse, derogatory remarks, insults, lewd gestures, and verbal or physical conduct that is threatening, intimidating, or humiliating. It also includes sabotaging or undermining an employee's work performance; exploiting or attempting to exploit an employee's physical or psychological vulnerability; and requesting an employee to engage in illegal, immoral, or unethical conduct.

It is not possible to anticipate in this policy every example of offensive behavior, however, if an employee is unsure whether a particular behavior is appropriate; the employee should request clarification from their supervisor.

- e. Offensive Materials: Includes the dissemination or display of discriminatory, violent, harassing, or offensive material at work, at work-related functions, or in work vehicles, computers, lockers, cubicles, emails, other written or electronic documents, and other work locations or functions. It also includes the dissemination or display of such material if it is located on an employee's personal equipment, like PDAs and cellphones, if that material is displayed or disseminated at work. Examples of offensive materials covered by this policy include, but are not limited to, the following:
 - Remarks, slurs, epithets, jokes; or
 - Material displayed or disseminated in pictures, posters, cartoons, or written or electronic communications, including emails, websites, social media posts, texts, memes, and all other forms of offensive

content that reasonably causes another to experience insult or disrespect through various communication.

- f. Sexual harassment: Can consist of a wide range of unwanted and unwelcome sexually directed behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
 - Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment includes, but is not limited to, the following:

- Unwelcome or unwanted sexual advances. This means stalking, patting, pinching, staring, brushing up against, hugging, cornering, blocking, kissing, fondling, sexually suggestive facial expressions, or any other similar physical contact considered unacceptable by another individual.
- Sexually explicit images, videos, texts, emails, messages, voicemails, and phone calls displayed or shown in the workplace.
- Verbal or written abuse, kidding, or comments that are sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos, or actions that offend others. The harassment policy applies to social media posts, tweets, memes, etc., that are about or may be seen by employees, customers, etc.
- Non-verbal sexual conduct. This includes sexually suggestive facial expressions or gestures, leering, whistling, ogling, and the display or dissemination of sexually oriented, explicit, or suggestive material in pictures, posters, cartoons, or written or electronic communications, including emails, websites, social media posts, and texts. It also includes impeding movement, blocking, or intimidating conduct.
- Requests or demands for sexual activity. This includes subtle or obvious expectations, threats, pressures, or requests for any type of sexual activity. This may be accompanied by an implied or specific promise of a favorable treatment (or negative consequences)

concerning one's current or future job, based on whether the person complies.

All behaviors prohibited by this policy have not been explicitly covered herein. The definitions used are for illustrative purposes and are not meant to be all-inclusive.

- g. Retaliation: Retaliation is strictly prohibited. Retaliation is broader than discrimination and includes, but is not limited to, any form of intimidation, reprisal, harassment, or any adverse action based on a person's complaint or participation in a workplace investigation. Individuals who report harassing conduct, participate in investigations, or take any other actions protected under federal or state employment discrimination laws will not be subject to retaliation.

While each situation is fact-dependent, retaliation can include a denial of a promotion, job benefits, or refusal to hire, discipline, negative performance evaluations, changes in workload or assignments, or transfers to less prestigious or desirable work or work locations because an employee has engaged or may engage in activity in furtherance of this policy.

It can also include threats of reassignment, removal of supervisory responsibilities, filing a civil action, deportation or other action with immigration authorities, disparagement to others or the media, and making a false report to government authorities because an employee has engaged or may engage in behavior protected by this policy. Any individual who retaliates against a person who testifies, assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

IV. Reporting

Please report your concern regarding any of the prohibited activities described in this policy immediately to any of the following:

- Immediate supervisor
- Your supervisor's manager
- Human Resources Director
- Department Director
- In the event an employee feels retaliation has occurred by a Department Director, Mayor, or the city council, then reporting may be made to the City Attorney.

All complaints shall be taken seriously. Supervisors who have been approached by employees concerned about any behaviors in this policy will take the complaint seriously

and must promptly report the allegations to their manager, Department Director, Human Resources Liaison, or Central Human Resources (WorkplaceConduct@ci.stpaul.mn.us or Workplace Conduct webpage.)

If the complaint involves the Director or Deputy Director of Human Resources, the complaint must be reported to the City Attorney, who will decide how to proceed in addressing the complaint. Employees found to be in violation of this policy may receive discipline up to and including termination.

Consistent with the terms of applicable statutes and city personnel policies, the city may discipline any individual who retaliates against any person who reports alleged violations of this policy. The city may also discipline any individual who retaliates against any participant in an investigation, proceeding, or hearing relating to the report of alleged violations. Discipline may include the termination of employment where appropriate.

The foregoing is a statement of policy and is not intended by the City of Saint Paul to create a contract. The City of Saint Paul reserves the unilateral right to amend, rescind and otherwise modify the foregoing policy.