

FINAL DRAFT FOR SIGNATURES

ST. CLOUD COMMUNITY POLICING AGREEMENT

INTRODUCTION

The St. Cloud Community Policing Agreement (hereinafter referred to as the “Agreement”) is the product of numerous discussions and good-faith collaboration between the St. Cloud Police Department and members of the St. Cloud community. The present Agreement builds upon the first version from 2005 to reflect the experience of the last 12 years and lay the foundation for positive community-police engagement in the future.

The Agreement serves several functions. First, it provides background history to the Agreement itself, in the hope that this will establish its authenticity and transparency. Second, it outlines important procedures regarding Fair and Impartial Policing and the Complaint Process. Third, it reminds everyone that its success depends upon not only the St. Cloud Police Department but also the community at large (Community Relations).

Although the drafters of the Agreement have worked to make it as clear and strong as possible, they recognize the need to review and reconsider it in the future in light of new experiences

ORIGINS AND HISTORY

2005 Agreement

During 2004 and 2005 the St. Cloud Police Department and a number of community organizations met to address community policing. The original participating organizations were:

St. Cloud Police Department, African American Male Forum, Hands Across the World, High Ground Church of God in Christ, Hispanic Business Association, Isaiah’s Great River Interfaith Partnership (GRIP), Nu Way Missionary Baptist Church, Refugee Employment and Social Services of Lutheran Social Services, Resurrection AME Zion, St. Cloud Area Somali Salvation Organization (SASSO), St. Cloud Korean Baptist Church, United Migrant Opportunity Services (UMOS).

The St. Cloud Police Department and the above organizations met together on July 22, 2004, August 23, 2004, September 30, 2004, October 6, 2004, November 10, 2004, December 15, 2004, January 7, 2005, March 26, 2005, April 30, 2005, May 17, 2005, and June 21, 2005. The meetings were convened by the participating organizations to assist in efforts to address concerns impacting race relations and relations between citizens and the police in the City of St. Cloud, Minnesota as a result of the State sponsored Racial Profiling Report on the St. Cloud Police Department.

The representatives from the St. Cloud Police Department, the organizations from the communities of color, and other community organizations proposed measures in the 2005 Agreement to improve relationships between the community and the Police Department of St. Cloud.

2017-18 Revisions

From February, 2017 to February 2018, the St. Cloud Police Department met with community organizations and community members to review the agreement and revise it to reflect necessary changes and current circumstances. Among the more significant changes were the following:

- New name for the document: Although the original document had no formal title in its text, it was commonly referred to as the “Communities of Color Agreement” or the “Agreement between the St. Cloud Police Department and the Communities of Color.” In 2017, the participating groups decided to rename the document the “St. Cloud Community Policing Agreement” to reflect its role for the entire St.

Cloud Community. Within the text of the document, references to “communities of color” were replaced with references to “the community.”

- Fair and Impartial Policing: The section on “Biased Policing” was renamed “Fair and Impartial Policing” to reflect the aspirations of the agreement. Within this section, item 1, “Personnel Early Warning System” was relabeled as “Accountability of Police Personnel” and revised to reflect current St. Cloud Police Department practice. Item 2, “Hiring and Recruitment Practices” was updated to reflect current efforts and practices to hire and retain a diverse officer staff. Item 3 pertaining to the collection of data on biased policing shall be subject to ongoing discussion. Item 4, like the entire section, was renamed “Fair and Impartial Police Training.” Item 7, “Immigration Status,” was updated to reflect the current names of federal agencies and to stress local public safety as the primary concern of the St. Cloud Police Department.
- Concerns about “Immigration Status” and local-federal cooperation in the current political context: As was the case in 2004-05, the section on “Immigration Status” was the subject of intense and extended discussion in 2017-18. At issue was the working relationship between the St. Cloud Police Department and ICE (Immigration and Customs Enforcement), specifically the nature of that cooperation and its legal foundation. The deliberations considered perspectives of the St. Cloud Police Department, advocates for the immigrant community, and participants with legal experience and training. The group agreed to revisit this part of the agreement in the first annual review in January 2019.
- Complaint Process: The section on “Complaint Process” was revised to clarify the steps in the process.
- Community Relations: The section on “Community Relations” was revised to stress: the annual meeting concerning community policing, accountability of officers, increased communication, and collaboration among the St. Cloud Police Department, the City of St. Cloud, and the signatory organizations.

Signatories

The signatories to the original agreement are listed in the appendix.

The signatories to the revision of 2018 are listed at the bottom of the current document.

FAIR AND IMPARTIAL POLICING

The St. Cloud Police Department has and will continue to maintain and publicize its policy relating to fair and impartial policing. The history and tradition of the St. Cloud Police Department encourages and requires officers to take law enforcement action based on behavior and not appearance.

1. Accountability of Police Personnel

The St. Cloud Police Department will develop and implement evidence-based personnel policies to insure fair and impartial policing, to include identification of officers who are at risk of engaging in biased policing.

The St. Cloud Police Department monitors and influences the performance of its personnel through the use of structured supervision, performance evaluations, “use of force” tracking software, structured professional standards processes, and the utilization of progressive discipline. The department further ensures the standards of their personnel through a character-based hiring process, including detailed background investigations and psychological evaluations focused on performance criteria relating to fair and impartial policing.

2. Hiring and Recruitment Practices.

The St. Cloud Police Department, in concert with the community organizations signing this Agreement, will:

- a. Continue efforts to recruit, hire and retain officers representing diversity with the ongoing intent that the police department should have a level of diversity that is representative of the city it serves.
- b. Implement programs to increase the recruitment, hiring and retention of officers of color, and to prevent or avoid exclusionary and/or discriminatory practices and policies in employment.
- c. Continue to utilize part-time police related positions to recruit diverse police officer candidates while attending college, and then transition these candidates into full-time police officers through stand-alone internal hiring processes.

3. Ongoing Collection of Data on Biased Policing.

The St. Cloud Police Department agrees to continue dialogue with community organizations and citizens to improve policies and practices dealing with fair and impartial policing including: data collection and measurements, complaints and investigations, recruitment and training, and stops, searches and seizures, to which further amendments to this Agreement may be forthcoming.

4. Fair and Impartial Police Training.

The St. Cloud Police Department requires officers to complete pre-service and in-service training in Fair and Impartial Policing which addresses the fundamental issues surrounding racial profiling, biased-motivated policing, and general principles regarding the effects of racial and social inequality.

5. Use of Business Cards.

The St. Cloud Police Department is committed to having all of its officers identify themselves by name to the people they serve. To provide this identification, the St. Cloud Police Department will facilitate the use of business cards by every officer. It is the responsibility of all supervisory personnel to ensure that officers acquire, carry and employ the business cards while performing duties of police officer. All officers must obtain and carry City-approved and printed business cards. The primary response officer on scene, and any other officer as requested, shall provide their business card:

- At all traffic stops.
- When anyone asks for the officer's name, badge number or business card.
- Upon request, to any identified victim or complainant at all calls for service.

The back of the business card should contain the following statement: "For comments or concerns, call 650-3800." The above statement will be in four languages: English, Somali, Spanish and Laotian.

6. Consent Search Advisory.

There are many reasons that allow a police officer to search a vehicle, such as search pursuant to a search warrant, search incident to an arrest, hot pursuit exception, plain sight exception and consent searches. When an officer requests a consent search, the following procedures will be followed.

St. Cloud Police Department acknowledges that the use of pre-textual traffic stops as a means for developing reasonable articulable suspicion for the purpose of conducting a discretionary or consent search is unprofessional and damages the relationship between the law enforcement community and the community.

The St. Cloud Police Department will maintain a policy that requires officers to have reasonable articulable suspicion before asking for a consent search of a person or vehicle.

Officers only request to conduct a consent search of a person or vehicle only if the officer has reasonable articulable suspicion, before asking for a consent search, that the person or vehicle to be searched may be involved in criminal activity. Such facts could include: time of day, a person's specific actions, and information received from citizen complainants, or other suspicious activity that is articulable by the officer.

When requesting a consent search, officers will adhere to the following guidelines:

- a. Officers must have reasonable articulable suspicion leading them to believe that the person, premises, or vehicle to be searched may be involved in criminal activity.
- b. Officers must communicate the following Consent Search Advisory to the person the officer wishes to conduct a consent search on. The consent must be verbal, and silence is not consent.

Consent Search Advisory

I would like to search you (or your vehicle).

The reason that I want to search you or your vehicle is because _____.

You should know that you have the right to refuse to allow me to search you and your vehicle.

If you do grant me permission, you may stop the search at any time.

If you choose not to grant me permission to conduct the search, no retaliation will take place as a result of your refusal.

Do you understand what I have just told you?

May I search you? May I search your vehicle?

- c. If the search results in an arrest or seizure, the officer must articulate in his/her report the reasonable articulable information that led to the consent search, how the person was advised, and specifically how the consent was received.
- d. If the search does not result in an arrest or seizure, the officer shall note on his/her log or in added remarks to the call the fact that a consent search occurred, and briefly describe the reasonable articulable information which led him/her to request a search.

- e. Any searches pursuant to on-going criminal investigations involving probable cause or search incident to arrest will not require this advisory. In this case, the officers shall conduct a search based upon probable cause, arrest, search warrant, or vehicle inventory.

7. Immigration Status.

The St. Cloud Police Department recognizes and values the diversity of the community it serves. The purpose of this policy is to provide guidance to the officers on the issue of immigration status and to ensure equal protection and fairness is afforded to all persons, regardless of their immigration status.

The primary concern of the department is public safety. However, the St. Cloud Police Department will cooperate with the U.S. Immigration and Customs Enforcement (ICE) as it would with any other law enforcement agency. It is the policy of the St. Cloud Police Department that its officers shall not arrest or detain any person solely for a suspected violation of immigration laws, except upon the request of or when assisting ICE. The St. Cloud Police Department has a responsibility to investigate and contact any person it believes is involved in suspicious activity. If upon investigation probable cause to arrest exists, officers may effect an arrest for that specific violation unrelated to the person's immigration status.

Officers may require evidence of a person's identity and may ask to see a person's personal identifying documents when authorized by law. Presentation of an official photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document), shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Minnesota driver's license or state ID. Presentation of a photo identity document issued by the State of Minnesota, or other photo identity document, will be accepted as proof of identity unless the officer has other reason to believe that a person's identity is in question.

COMPLAINT PROCESS

The St. Cloud Police Department encourages communication to the department regarding questions and or concerns about police conduct, procedures, or policy. In an effort to create an environment that allows for this information to be effectively communicated to the police department, there are formal and informal complaint processes. Both processes are guided by an open door policy in which all persons are encouraged to ask questions, describe concerns, and, when necessary, file complaints. The Police Department will accept and investigate all complaints made to the department.

1. Informal complaint process

This process occurs when an individual has a question or concern about his/her interaction with a police officer, the policies or procedures of the police department, or the police response to a circumstance or situation. We encourage individuals to communicate this information to both the officer and/or the officer's direct supervisor by phone, in person, or by writing/email. The goal is for the information to be received by the police personnel and the issues addressed either by further explanation through open dialogue and/or corrective action of the issue at hand. Due to the informal nature of this process, the range of documentation will depend on the individual circumstances. Either way the entire complaint process will be explained to the reporting individual with all available options including the formal complaint protocol.

2. Formal complaint process

- a. The St. Cloud Police Department has a formal complaint process which allows any member of the public to make a complaint regarding the conduct of any police officer or a complaint with respect to the policies or procedures of the Police Department.
- b. A complaint is initiated by contacting the St. Cloud Police Department. The St. Cloud Police Department has a Professional Standards Sergeant to assist in preparing the initial complaint and conducting an investigation. A complaint may also be made to any police officer, and the matter will then be forwarded to the appropriate supervising authority to initiate the investigation.
- c. The individual making the complaint will be asked to sign a formal complaint and provide an audio-taped statement to the investigating official. A refusal to sign the complaint will not stop the investigative process, however a determination will need to be made whether or not the administration will sign the complaint based on the information provided. An audio-taped statement is essential to the formal process. Although a refusal to provide an audio-taped statement will not stop the investigation, it could compromise the ability to complete a full and thorough review of the matter.
- d. An investigation will begin in which all documented information, including the complainant's statement, all police reports, and any evidence including audio/video recordings regarding the complaint, will be collected and reviewed. A memo will be written which documents this information and the actions taken by all involved persons. This document is then reviewed by upper level command staff, at which time it is determined whether further information is needed and/or more investigation should take place.
- e. If more information is required, a full investigation will take place in which involved officers will be formally interviewed along with any potential witnesses. All statements will be recorded. All aspects of Minnesota State Law will be followed regarding the Minnesota Officer Bill of Rights during this investigation. Additional evidence may be collected and/or reviewed including both audio and/or video footage from entities outside the police department. Upon completion of the investigation all information is documented in a formal written report. The final report is presented to the Chief of Police and/or the Chief's designee for review and final disposition.
- f. Per city ordinance, the St. Cloud Citizens Review Board will be utilized in compliance with the ordinance which guides its authority and purpose.

3. Advocacy

If a person is uncomfortable approaching the Police Department with a complaint, that person may use and advocate to accompany him/her during the process. An advocate may be any person the complainant chooses.

Organizations signing this agreement as well as other community-based non-profits may have experience with this process and may provide extra guidance.

COMMUNITY RELATIONS

1. In cooperation with the community organizations signing this Agreement, the St. Cloud Police Department and the St. Cloud Human Rights Commission will hold an annual public meeting. The purpose of this public meeting will be to report mutual issues in the interest of forwarding community policing and enhancing community relations, and to evaluate the effectiveness of this Agreement.

2. The St. Cloud Police Department will hold their officers accountable on and off duty according to St. Cloud Police Department policies.
3. The St. Cloud Police Department and the City of St. Cloud mayor's office will continue to develop and support community-based programs in a focused effort to enhance and increase communication, strengthen existing relations, and build new relationships with the community, inclusive of those groups represented in this Agreement. When possible, the St. Cloud Police Department will engage with the community to ensure these programs are developed with sensitivity to the specific needs of the community.
4. The St. Cloud Police Department will review policies for the risk of disparate racial treatment.
5. The community organizations who have signed this Agreement will support reasonable and appropriate efforts of the St. Cloud Police Department to implement this Agreement.
6. Organizations and individuals acting as advocates for complainants are expected to neither comment nor release any information of alleged police misconduct until it has been first reported to the Police Department. Before either the organization acting as a contact point or the Police Department releases any information, both parties will meet and confer regarding the nature of any such releases.
7. The organizations and individuals who are party to this Agreement agree to participate in efforts to educate the community relative to police policies, procedures and other pertinent issues. If able, the organizations will acknowledge participation in this Agreement on websites, social media, and other media platforms. To assist in this process, St. Cloud Police Department and the City of St. Cloud will make this Agreement readily available on all appropriate media platforms.
8. The Minnesota Department of Human Rights, St. Cloud Regional Office will partner with the greater St. Cloud community to develop and provide community/police relations training to the St. Cloud Police Department's members and to the St. Cloud Police Citizens Review Board with a community-based perspective upon request. The St. Cloud Police Department will assist with resources to deliver training.

FUTURE MEETINGS BETWEEN ST. CLOUD POLICE DEPARTMENT AND PARTIES TO AGREEMENT

1. This Agreement shall be reviewed by the Police Department and the parties to this Agreement during January of each year following the year in which the Agreement is signed. The parties shall meet to review various issues in the community and the Police Department and then meet with the Police Department during January to determine whether there should be any changes to the Agreement.
2. The parties of this Agreement understand that issues of concern and emergencies may arise between the St. Cloud Police Department and the community. When such matters occur, either the St. Cloud Police Department or the parties to this Agreement may call a meeting to discuss and share ideas with respect to such issues of concern and emergencies.

MODIFICATIONS TO AGREEMENT

No modifications of this Agreement are valid unless made in writing and signed by the parties to this Agreement.

The above affirmations and commitments are hereby agreed to as signed and witnessed this 22nd day of February, 2018.

ST. CLOUD POLICE DEPARTMENT

Wm. Blair Anderson
Wm. Blair Anderson, Chief of Police

CITY OF ST. CLOUD

Dave Kleis
The Honorable Dave Kleis
Mayor of St. Cloud

ADOM LLC

Eunice Adjei
Eunice Adjei, President

AFRICAN AMERICAN MALE FORUM

Freddie J. Walker Robert C. Johnson, Ph.D.
Dr. Freddie J. Walker

AFRICAN COALITION NETWORK (ACN)

Isaac Owens
Isaac Owens, President

AFRICAN YEN CATERING SERVICES

Oluwatoyin Adetunji, CEO

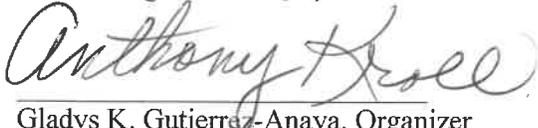
ASAMBLEA DE DERECHOS CIVILES

Patricia Keeling
Patricia Keeling, President

Ma Elena Gutierrez
Ma Elena Gutierrez, Co-Founder



Mónica Segura-Schwartz, Leader



Gladys K. Gutierrez-Anaya, Organizer

CENTRAL MINNESOTA COMMUNITY EMPOWERMENT ORGANIZATION

Jama Alimad

CENTRAL MINNESOTA FREE THINKERS

Dennis Strassburg, President

FIRST PRESBYTERIAN CHURCH

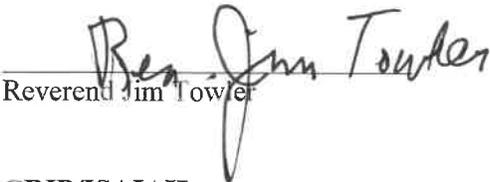
Reverend Darin Seaman



Herbert Halverson

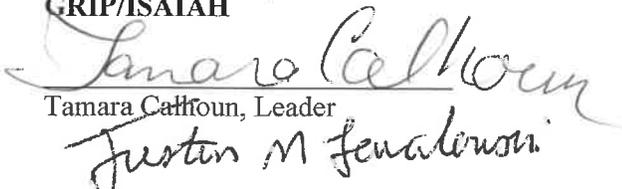
FIRST UNITED METHODIST CHURCH OF THE ST. CLOUD REGION

Reverend Leah Rosso

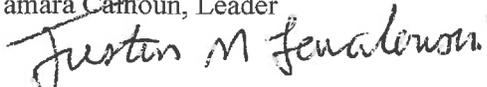


Reverend Jim Towler

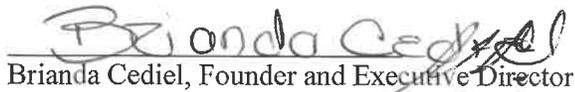
GRIP/ISAIAH



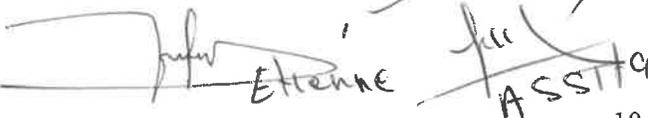
Tamara Calloun, Leader



HANDS ACROSS THE WORLD

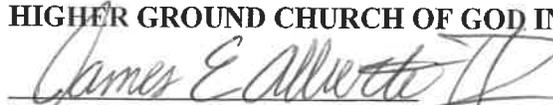


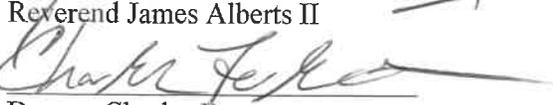
Brianda Cediél, Founder and Executive Director

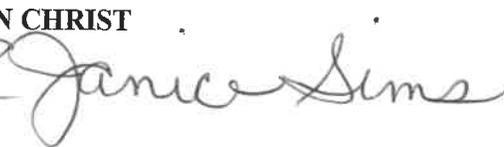


ASSTG

HIGHER GROUND CHURCH OF GOD IN CHRIST


Reverend James Alberts II


Deacon Charles Ferguson


Janice Sims

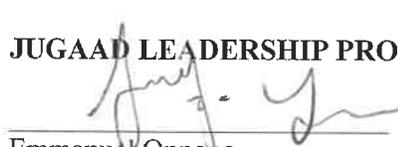
IMMIGRANT LAW CENTER OF MINNESOTA

John Keller, Executive Director

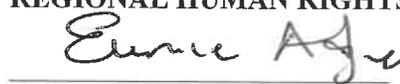
JOVANOVICH, KADLEC & ATHMANN LAW


Thomas G. Jovanovich

JUGAAD LEADERSHIP PROGRAM AND 2017 BUSH FELLOW


Emmanuel Oppong

REGIONAL HUMAN RIGHTS COMMISSION


Eunice Adjei, chair

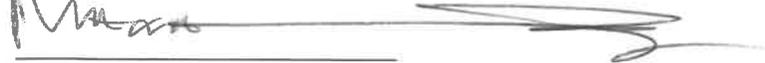
ST. CLOUD ACLU PEOPLE POWER


Jerilyn Petersen


Marge Rakow


Greg Schroeder

ST. CLOUD AREA SOMALI SALVATION ORGANIZATION (SASSO)



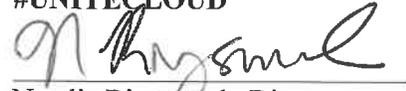
Mohamoud Mohamed, Founder and Executive Director

TRIPICIANO IMMIGRATION LAW



Laura Tripiciano

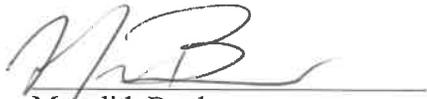
#UNITECLOUD



Natalie Ringsmith, Director

INDIVIDUAL COMMUNITY MEMBERS

Oyinlola Adeyemi, Student, St. Cloud State University



Meredith Barth

Sonja Hayden Berg

John Omondi, Police Citizen Review Board Member

Mohamed Soumah



Appendix

Signatories to 2005 Agreement

- St. Cloud Police Department – Police Chief Dennis Ballantine
- African American Male Forum – John McCray
- Hands Across the World – Brianda Cediell
- Higher Ground Church of God in Christ – Reverend James Alberts II
- Hispanic Business Association – Nick Zermeno
- ISAIAH’s Great River Interfaith Partnership – Deb Anderson
- Nu Way Missionary Baptist Church – Reverent Willie McAfree
- Refugee Employment and Social Services of Lutheran Social Services – Mohamed Hassan Yusuf
- Resurrection AME Zion Church – Reverend Yolanda Lehman
- St. Cloud Area Somali Salvation Organization (SASSO) – Mohamoud Mohamed
- St. Cloud Korean Baptist Church – Pok Hughes
- United Migrant Opportunity Services (UMOS) – Heladio (Lalo) Zavala

hno. Jose Filiberto Velázquez Florencio ~~_____~~

Ana Maria Studer Ana Marie's Aliceice.

Minnesota Dept Human Rights

GENY R. Ullou 

Filsen Consulting

↔ Abdi Mahad

↔ Huda Ibrahim

from J'Enck - Asamblea de Derechos
Swiss

Concepcion Arce M San Joshe Wux Par

Abdullah

Emmanuel Oppong
Jugand Leadership Program
2017 Bush Fellow

~~Oppong~~

Washington Wux Asamblea de derechos civiles

James Gutierrez Asamblea de derechos civiles

Youssef A. Omar Yf A Omar

Rev. Lee Peterson, Bethlehem Lutheran Church