

# **STANDARD OPERATING PROCEDURE- DRAFT**

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**Police Civilian Internal Affairs Review  
Commission (PCIARC) Complaint Process**

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### Introduction

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. Composed of up to nine Saint Paul residents, the commission is essential to 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.

This document contains the standard operating procedures for the intake of all civilian initiated police conduct complaints submitted through the Department of Human Rights and Equal Economic Opportunity (HREEO). Complaint Centers, as outlined in the Agreement between the City of Saint Paul Police Department and the Saint Paul National Association for the Advancement of Colored People (NAACP) will follow the same standard operating procedures for the intake of a complaint.

### Complaint Intake

Complainants have multiple ways to submit a complaint to HREEO. A complaint form may be submitted online, via a paper form, or with assistance as needed. This section outlines the complaint intake process through all these options available to a complainant.

- I. Online Complaint Form
  - A. Complainant submits complaint at [www.stpaul.gov/pciarc](http://www.stpaul.gov/pciarc)
  - B. Once the complaint has been submitted, complainant receives an automated email message from the complaint intake system confirming receipt
  - C. The complaint intake system sends email to PCIARC email [civilianreview@ci.stpaul.mn.us] stating: "A New PCIARC Complaint has been received" with a link to the complaint
  - D. The Review Coordinator evaluates the complaint form for completeness. The complaint will be deemed not complete if:
    1. The complainant's contact information and signature are missing
    2. If the complaint form is not complete, the Review Coordinator will contact the complainant and ask them to fill out a new complaint. The complainant may view their previously submitted complaint when submitting a new online complaint form
- II. Complainant Walk-In to HREEO (City Hall (CH) 240)
  - A. Review Coordinator explains the complaint process to the complainant and the option to request an accommodation(s) to ensure equal access for all persons
  - B. If an accommodation(s) is requested, the Review Coordinator will provide an accommodations request form and conduct the appropriate review of the accommodation(s) request, see *Appendix A- Complaint Intake Process for Individuals Making Accommodations Requests*
  - C. The complainant completes the complaint form either (a) online on a computer in a Human Rights Conference room (CH 240) or (b) using the paper complaint form

## STANDARD OPERATING PROCEDURES

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- D. If the complaint is completed online, go to step (I)(A)
  - E. If the complaint is completed using the paper complaint form, the review coordinator scans and uploads the complaint form into the complaint intake system and the hard copy is couriered to Internal Affairs. Internal Affairs may decide to pick up the hard copy complaint form from the review coordinator. While the hard copy complaint form is in the HREEO Offices (CH 240), the complaint form will be kept in a secure, locked file cabinet
- III. Complaint phone call or email to HREEO
- A. Review Coordinator explains the options for filing a complaint and the option to request an accommodation(s) to ensure equal access for all persons
  - B. If an accommodation is requested, the Review Coordinator will conduct the appropriate review of the accommodation(s) request, see *Appendix A- Complaint Intake Process for Individuals Making Accommodations Requests*
  - C. Options for filing a complaint:
    - 1. If the complainant opts to use the paper complaint form and does not want to download it off the website, the Review Coordinator will get their address and using certified mail, will mail the paper complaint form to them with a stamped, preaddressed, return envelope to the HREEO Offices (CH 240)
    - 2. If the complainant opts to use the online complaint form, the Review Coordinator will (a) provide the website [www.stpaul.gov/pciarc](http://www.stpaul.gov/pciarc) over the phone or (b) send the website link via email to the complainant.
    - 3. If the complainant opts to come to HREEO Offices (CH 240), the Review Coordinator will schedule a convenient time to meet and follow the process outlined in section (II)
    - 4. The Review Coordinator may also direct the complainant to an authorized complaint center to file a complaint
    - 5. Additional options will be made available in accordance with an accommodations request form, if approved
  - D. For tracking purposes, the Review Coordinator will enter each contact information into the complaint intake system
    - 1. Seven (7) days following the initial contact, the Review Coordinator will follow up with the complainant to ensure they have received the requested documentation if no complaint form has been received. Complainants will be advised their complaint will be put into a “suspended” status until a completed complaint form has been received by the Review Coordinator. The Review Coordinator will use the following prioritized methods of communication, based on the contact information provided by the complainant
      - a. Certified mail
      - b. Email
      - c. Phone call
    - 2. Thirty (30) days following the initial contact, if no complaint form has been filed, the Review Coordinator will contact the complainant letting them know that their complaint has been suspended until such time that a formal complaint is filed. The Review Coordinator will use the same method of communication as was used after seven (7) days
- IV. Complaint Center

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- A. HREEO, in partnership with the Saint Paul Police Department, provides community partner(s), who operate the Complaint Center, with:
  - 1. The standard operating procedures for the intake of a complaint
  - 2. Paper complaint forms in all available languages
  - 3. Training on proper intake procedures including accommodation requests. Accommodation request forms will also be provided
  - 4. Biannual meetings to review standard operating procedures and collect feedback on the process
- B. Complaint Center either directs complainant to Review OR
  - 1. Explains the complaint process and the options for accommodations to ensure equal access for all persons
  - 2. If an accommodation is requested, then secures necessary assistance
  - 3. Complainant fills out complaint form either at a computer at the complaint center or using paper form
  - 4. If the complaint form is submitted online, go to step (I)(i)
  - 5. If a paper complaint form is submitted, the complaint center staff will either (a) scan and email the complaint form to [civilianreview@ci.stpaul.mn.us]; or (b) fax to 651-266-8962 and send the hard copy via certified mail to Review Coordinator

### Notice to Complainant That Their Complaint Was Received

- I. Once the complaint form has been submitted to IAU, the Review Coordinator sends a letter via certified mail, explaining the process and provides their contact information to the complainant should they have any questions about the process, see *Appendix C- Letters to Complainants*
- II. The Review Coordinator saves a copy of the letter to the complainant into the complaint intake system

### Complaint Sent to the Saint Paul Police Department (IAU)

- I. The Review Coordinator assigns complaint to Internal Affairs in the complaint intake system, which generates an email to Internal Affairs Unit (IAU) [iau@ci.stpaul.mn.us] stating: "A New PCIARC Complaint has been assigned to you" with a link to the complaint form
- II. IAU checks off in the complaint intake system that they have received the complaint
- III. IAU exports the complaint, reviews the complaint, and sends a letter to the complainant regarding the status of their complaint. If the complaint will not be heard by the PCIARC, IAU will advise the complainant of that in the letter.
- IV. IAU will send a copy of the letter to the Review Coordinator who will mark in the complaint intake system that the complaint is "pending/investigating" or "closed"

### PCIARC Case Review

- I. PCIARC Meeting Preparation- two and a half weeks prior to PCIARC meeting

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- A. IAU loads the following information onto the Commissioners laptops:
  - 1. Disposition/discipline handout
  - 2. Case line-up
  - 3. Case file(s)
  - 4. Any media pertaining to the case file(s) with viewing instructions, if necessary
  - 5. SPPD Policy Manual(s) appropriate to the timing of the case files. SPPD will highlight recent changes to the Policy Manual
- B. IAU notifies the review coordinator via email [civilianreview@ci.stpaul.mn.us] that the laptops are ready for to be picked up
- C. The Review Coordinator goes to SPPD headquarters and verifies on each laptop:
  - 1. Ability to log on
    - a. If issues are identified, Review Coordinator submits service desk ticket [servicedesk@ci.stpaul.mn.us] with the word "PCIARC" in the subject line, ccing the civilian review email [civilianreview@ci.stpaul.mn.us] outlining issue
    - b. The Office of Technology and Communications (OTC) resolves issue
    - c. Review Coordinator verifies the issue has been resolved
  - 2. Internet access
    - a. Review Coordinator submits a high priority service desk ticket [servicedesk@ci.stpaul.mn.us] with the word "PCIARC" in the subject line, ccing the civilian review email [civilianreview@ci.stpaul.mn.us], outlining issue
    - b. OTC resolves issue
    - c. Review Coordinator verifies the issue has been resolved. If the issue has not been resolved, the Review Coordinator will notify OTC right away
  - 3. IAU file loads as outlined in (III)(i) (1-5)
    - a. If any files are missing, IAU will load the files prior to the Review Coordinator leaving with the laptops
- D. The Review Coordinator brings the laptops to HREEO Offices (CH 240)
- E. Setup completion of commissioner's laptops
  - 1. In conjunction with the Chair, the Review Coordinator finalizes the following material:
    - a. Previous meeting minutes
    - b. Meeting agenda
    - c. Any special materials the Chair may need
  - 2. Review Coordinator loads materials from (IV)(i)(1)(a-c) on laptop
  - 3. Review Coordinator verifies on each laptop:
  - 4. The Review Coordinator puts the Commissioners' laptops into the laptop bags with any needed materials, including power cords
  - 5. The Review Coordinator notifies the Commissioners via email that the laptops are ready to be picked up at HREEO's office (CH 240). If needed, the Review Coordinator will arrange delivery to the Commissioner
- F. Setup of Commissioner's note sheets online in the secure database setup by OTC
  - 1. The Review Coordinator will create note sheets for each case for each Commissioner on the PCIARC secure database site

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2. Note sheets will be active for 90 days after creation. Should issues arise regarding the retention time of the note sheets, the Review Coordinator will work with OTC to amend this policy
  3. The Review Coordinator has access to all the Commissioner's case note sheets. Commissioners only have access to their own note sheet
- II. Commissioner Case Review- Two weeks prior to the PCIARC meeting
  - A. The Review Coordinator posts the PCIARC meeting agenda on [www.stpaul.gov/pciarc](http://www.stpaul.gov/pciarc) and sends the agenda through the Early Notification System (ENS)
  - B. The Review Coordinator sends a letter (see Appendix C- Letters to Complainants) to each complainant identified in the case file(s) via certified mail and email, if available, notifying them of the following:
    - C. That the PCIARC will be hearing their case with the date, time and location of the meeting
    - D. Their right to testify at the PCIARC meeting
    - E. The process for testifying
    - F. The Complainant Notice
    - G. The meeting check in process
    - H. Review Coordinator confirms OTC personnel who will be on hand for the PCIARC meeting
- III. A week and a half prior to the PCIARC meeting
  - A. The Review Coordinator follows up with each Commissioner via email to ensure accessibility of the laptop and all files on the laptop
- IV. Questions pertaining to the case file(s)
  - A. Commissioners submit any questions or requests regarding the case(s) via the PCIARC secure database site no later than two days prior to the meeting
  - B. Each time a question is submitted an automatic email is sent to the Review Coordinator [civilianreview@ci.stpaul.mn.us], IAU [IAU@ci.stpaul.mn.us] and all commissioners, stating: "A new question has been submitted to IAU"
  - C. Review coordinator sends questions to IAU
  - D. IAU answers questions during the private portion of the PCIARC meeting following the relevant case summary. IAU will decide based on the questions asked whether additional subject matter experts are needed at the meetings. Other participants will be approved by the Chair of the Commission and the Director of the HREEO in consultation with the police chief

## PCIARC Meeting

- I. Regular meetings of the PCIARC are scheduled for the first Wednesday of the month at 6:00 PM. If the meeting date changes or an additional meeting has been added during a given month, this process will still begin two and a half weeks prior to the meeting.
  - A. Commissioners have the authority to call a meeting on a different date and/or time
  - B. Any date changes will be reflected on website, ENS and in the letter to the complainant with two (2) weeks' notice
  - C. The Commission shall meet a minimum of quarterly and up to twice a month as determined by a majority of the Commission
- II. The Review Coordinator is responsible to ensure that the planned meeting location(s) meets the PCIARC room requirements prior to scheduling the meeting (See *Appendix D- PCIARC Meeting*)

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*Location Requirements) Through the remainder of 2017, all PCIARC meetings will be held in Room 41 of the Ramsey County Courthouse/Saint Paul City Hall (15 Kellogg Blvd W.)*

- III. Commissioners shall arrive at least fifteen (15) minutes prior to 6:00 PM to
  - A. Log on to their computer
  - B. Plug the laptop into power strip(s)
  - C. Connect the laptop to the wireless network
    - i. OTC will be available beginning at 5:00 PM to troubleshoot technology-related issues
  - D. Complete and sign the stipend reimbursement form (See *Appendix E- PCIARC Stipend Reimbursement Form*). The Review Coordinator is responsible for collecting and turning the completed stipend reimbursement forms in for reimbursement
- IV. Public Portion of the PCIARC Meeting
  - A. When appropriate and relevant, SPPD may provide an overview of the changes and updates to the SPPD Manual and SPPD policies. This may include training for Commissioners by SPPD.
  - B. Commissioners may invite guests to discuss relevant topics
  - C. The Review Coordinator will make an announcement at the end of public portion of the meeting: “The meeting will now go into closed session. If you are here regarding a specific case, please check in with me outside the room to discuss next steps.”
- V. Closed Portion – Complainant Testimony Process
  - A. While the complainant(s) is outside the meeting room, IAU provides a summary of their case to PCIARC
  - B. After the completion of the summary, the Review Coordinator brings the complainant into the room
  - C. The Review Coordinator reads, on the record, the Complainant Notification to the complainant, refer to *Appendix G- Complainant Notice to Testifying Complainant(s)*
  - D. Complainant states their name for the record and makes their statement. Prior to the complainant statement, the Chair may impose sensible time limits on the complainant’s statement
  - E. Following the complainant’s statement, the Review Coordinator escorts the complainant(s) out of the room and provides them with an information sheet regarding next steps in the process, See *Appendix D- Letters to Complainants*
  - F. The complainant(s) will be escorted out of the room by the Review Coordinator
  - G. The case will be tabled for further discussion and will be presented back to the Commission after:
    - a) HREEO has provided IAU an official transcript of the testimony
    - b) The official transcription has been reviewed by IAU to determine if new facts have been introduced that are required to be investigated and the investigation has been completed
    - c) The officer(s) has received a copy of the official transcript and has been given the opportunity to provide a written response for the Commission to review
  - H. Once the case has been returned to the Commission, Commissioners may ask questions of IAU regarding the complainant’s testimony



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- I. IAU will respond to all the questions that have been previously submitted through the review coordinator
  - J. The Commission may also request IAU staff to gather such additional information as may be needed for a recommendation by the Commission.
  - K. Commissioners may table the case to a future meeting to allow for additional discussion
- VI. See proposed standing rules for meeting policies and procedures, *Appendix H- Proposed standing rules of the Police Civilian Internal Affairs Review Commission*. The commission will be adopting their official standing rules and procedures prior to reviewing their first case from IAU.
- VII. The Review Coordinator will track all recommended policy changes and share those with the Chief of the Police. The recommendations will also be tracked and shared in the PCIARC annual report. The Review Coordinator will ensure that no private data is provided as part of any recommendation.

Only Commissioners, the review coordinator (their supervisor if assistance is needed or their alternate), and employees of Internal Affairs division of the Saint Paul Police Department can view confidential materials provided to the Commissioners before, during and after the deliberation process. Only the Director of HREEO, or their designee, may grant technology access to systems and files related to the complaint intake process.

### After PCIARC Meeting

- I. IAU staff collects the Commissioner's laptops after each meeting.
- II. The commissioner's laptops are brought to SPPD headquarters where they are wiped of case files, held and securely stored
- III. The Review Coordinator will retain their computer until the recommendation(s) memo and the meeting with the Chief of Police has been completed. After that, the Review Coordinator will deliver their laptop to SPPD headquarters to be wiped
- IV. Commissioners will turn in all handwritten notes regarding cases to the Review Coordinator to be destroyed

### Recommendation(s) Memo to the Chief of Police

- I. Within five business days following the meeting, the Review Coordinator prepares and sends the memo to the Chief of Police (*see Appendix I- Recommendations Memo Template*)
- II. Recommendation(s) memo contains:
  - a. Vote(s) taken
  - b. Vote totals
  - c. Discipline recommendations
  - d. Policy recommendations
- III. If the Chief of Police would like additional information regarding the Commission's rationale, he may arrange a meeting with the Review Coordinator to discuss the Commission's rationale

## STANDARD OPERATING PROCEDURES

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- IV. If the Chief of Police disagrees with the Commission's recommended actions, the Chief will notify the Review Coordinator in writing who will notify the Chair. The Chair shall have 5 working days to discuss any concerns they may have with the Chief before the action is finalized
- V. The Review Coordinator notes the outcome of the case in the complaint intake system and that the case is "closed", meaning the case is no longer pending a recommendation from the Commission

### Notification to Complainants

When there is a final disposition, IAU sends a letter to the complainant letting them know the case has been closed and to contact IAU should they have questions. The letter includes IAU's contact information.

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**Appendices**

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**Appendix A**  
**Complaint Intake Process for Individuals Making Accommodations Requests**

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## Complaint Intake Process for Individuals Making Accommodations Requests

- 1) If at any time an individual identifies need for an accommodation(s), the Review Coordinator will review accommodations request form and make reasonable efforts to provide the requested accommodation(s) using HREEO's approval process (see *Appendix B- Accommodations Request Form*)
- 2) If possible, the Review Coordinator will secure services as per the accommodations request
- 3) Any complaint intake completed with special accommodations will be audio recorded by the Review Coordinator and uploaded into the complaint intake system
- 4) If the complainant needs an interpreter (hearing impaired, language assistance, etc.):
  - a) The Review Coordinator will, if aware ahead of time, schedule an interpreter to be available during the meeting
  - b) If a complainant walks into HREEO without an appointment, the Review Coordinator will follow the approved HREEO LEP policy or reschedule to provide reasonable accommodation(s)
  - c) The Interpreter will assist the Review Coordinator explain the complaint process to the complainant
  - d) If required, the interpreter will assist the complainant complete the complaint form, either online or using the paper complaint form. The interpreter and/or the complainant may use the complaint form in either English or the complainant's native language, if available. The complaint will be written in English.
  - e) The signed completed complaint form will be uploaded to the complaint intake system
- 5) If the complainant is physically incapable of writing complaint, has a cognitive accessibility need (such as dyslexia), limited literacy or other identified need that requires the Review Coordinator to complete the complaint form:
  - a) The Review Coordinator will utilize an audio recording device to record the conversation as they complete the complainant form on behalf of the complainant
  - b) The Review Coordinator will go through the complaint form (either online or on paper) line by line, and will write down verbatim the complainant's responses
  - a) Once the complaint form has been completed, the Review Coordinator will upload the accommodations request form and any audio recording into the complaint intake system.
  - b) If required, IAU will be responsible for translating the audio recording
  - c) If the complainant has ongoing accommodation(s) request as part of the complainant process, the request will be included on the accommodation(s) request form

**Appendix B**  
**Accommodations Request Form**

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**Appendix C**  
**Evidence Handling**

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## **Evidence Handling**

If a complainant wants to submit additional documents, photos or video with their complaint, the Review Coordinator will advise the complainant to hold on to their evidence.

The complainant will be advised to note all such evidence on the complaint form.

IAU will collect the evidence from the complainant as part of the investigation.

If evidence is mailed to the HREEO office (CH 240), IAU will be contacted to collect the provided evidence and complete the appropriate chain of custody paperwork.

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**Appendix D**  
**Letter to Complainant(s)**

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**Appendix E**

**PCIARC Meeting Location Requirements and Meeting Room Setup**

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### PCIARC Meeting Location Requirements and Meeting Room Setup

In order for Commissioners to do their work effectively, adequate planning and preparation must be done to ensure a professional, accessible meeting location and setup. The Commission's Review Coordinator will be responsible for meeting preparation and setup.

#### PCIARC Meeting Location Checklist

- Located on a bus line
- Ability to stay open until deliberations are complete
- Adequate parking for Commissioners and the public
- Ample power outlets
- Handicapped-accessible
- Has wireless internet access
- Has a room that can be quickly converted from public to private
- Ability to cover any windows, close doors, etc. to make the room sound-proof and visual-proof
- Large enough space for visitors during public portion
- Appropriate waiting area for complainants

#### Review Coordinator Responsible for Bringing

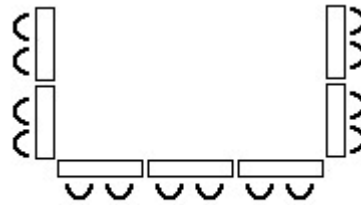
- Extension cords
- Coordinator laptop
- Directional signage
- Blue tape
- Project, screen and speakers, if needed
- Wireless hotspot
- 2 audio recorders with back up batteries
- Snacks and water
- Name table tents for Commissioners and staff
- PCIARC stipend reimbursement forms (*See Appendix F*)
- Sign in sheets for the public with option to sign up to receive future Commission meeting agendas (sign in is optional)
- Roll call vote sheets

#### Location Setup

- Set up complete one hour prior to meeting start
- Ample signage placed directing Commissioners and the public to meeting location

#### Room Setup

Commissioners will be seated in a U-Shape at tables with access to power strips. Members of the public will be seated in rows across from the U shape or on the sides of the room. If necessary, a screen, projector and speakers will be set up.



*U-Shaped*

### 2017 Meetings

For the remainder of 2017 Commission meetings will be held at the Ramsey County Courthouse/ Saint Paul City Hall (15 Kellogg Blvd W., Saint Paul, MN 55102) in Room 41.

### *Security*

The Courthouse is a secure building and requires guests to pass through security when entering the building. Commission meetings are held the first Wednesday of the month, which coincides with Saint Paul City Council meetings. As such, security staff will be on hand at all three entrances of the Courthouse (Kellogg Boulevard, 4<sup>th</sup> Street, and the skyway) at the start of the Commission meeting. Should the City Council meeting end before the Commission meeting, Courthouse Security will have one guard stay on duty at the 4<sup>th</sup> Street entrance. The Human Rights and Equal Economic Opportunity Department will cover the additional cost of one security guard staying past the City Council meeting conclusion.

### *Parking*

Commissioners will be issued green parking placards, allowing them to park on the south side of Kellogg Boulevard between Wabasha Avenue and Minnesota Street for free OR they can park in the Victory Ramp parking garage (344 Wabasha St. N., Saint Paul, MN 55102) and get reimbursed. If Commissioners choose to park in the Victory Ramp they should retain a copy of their receipt and send a picture of it to the Review Coordinator following the meeting.

**Appendix F**  
**PCIARC Stipend Reimbursement Form**

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## PCIARC Stipend Reimbursement Form

### POLICE CIVILIAN INTERNAL AFFAIRS REVIEW COMMISSION ATTENDANCE RECORD

I, \_\_\_\_\_, HEREBY CERTIFY THAT I WAS IN ATTENDANCE FOR  
(Print name)

THE \_\_\_\_\_ MEETING OF THE POLICE CIVILIAN INTERNAL AFFAIRS  
(month/date/year)

REVIEW COMMISSION.

\_\_\_\_\_  
Commissioner's Signature

Do Not Write Below This Line

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Vendor # \_\_\_\_\_

Commodity C-10391

Council File # Ord 16-49

Accounting Unit 10015400

Accounting Unit Manager Sarah Satterberg

Amount \$50.00

**Appendix G**  
**Complainant Notice to Testifying Complainant(s)**

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## **Complainant Notice to Testifying Complainant(s)**

Hello Sir or Madam. Now is your opportunity to make a statement to the Commission. Your statement is completely voluntary, meaning you are not required to make one. Your statement will be subject to reasonable a reasonable time cap. Your statement will also be recorded, and may be made available to the City Attorney's Office, the Department of Human Resources, and the Saint Paul Police Department as allowed by law. It also may become a part of a police officer's disciplinary action, or released pursuant to a court order.

Question 1: Did you understand what I just read to you?

Question 2: Would you still like to make a statement?

Question 3: Do you have any questions?

Please state your name for the recording.

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**Appendix H**

**Proposed Standing Rules of the Police Civilian Internal Affairs Review  
Commission**

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**Appendix I**

**Recommendations Memo Template**

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**Appendix J**

**Complaint Intake Form**

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