

Minneapolis
City of Lakes

OFFICE OF POLICE CONDUCT REVIEW

Q1 2014 Report
January 1, 2014 – March 31, 2014

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COMPLAINT PROCESSING

The OPCR received 65 complaints between January 01, 2014 and March 31, 2014 containing 47 individual allegations.

Upon receiving a complaint, the OPCR joint supervisors have four options: (1) dismiss it, (2) send it directly to the focus officer's supervisor for action, (3) mandate mediation between the officer and complainant, or (4) send the complaint to an investigation involving a civilian or sworn investigator. The joint supervisor assessment is based on the seriousness of the allegations, the likelihood of a successful mediation, and evidence available for investigation.

Between January 1, 2014 and March 31, 2014, the joint supervisors have predominantly utilized coaching and investigations to resolve complaints, with 51% of cases receiving either coaching or investigation. The joint supervisors, as indicated page 12, referred all allegations of excessive force to investigation. The OPCR prioritizes the more severe incidents for investigation—those that may result in a B-D level violation—while utilizing coaching and mediation for less severe allegations, those that may only result in an A-level violation.

The data also shows that less than half of OPCR cases are dismissed after the initial filing. Of those cases that are dismissed, 46% were dismissed for jurisdictional issues (e.g. cannot identify officer, complaint is older than 270 days, does not involve MPD), 14% for failing to state a claim (even if true, the officer's actions do not amount to misconduct), and the remaining for no basis, either because they lacked any actual evidence or direct evidence contradicted the complainant's allegations (e.g. squad recordings).

COACHING

Coaching consists of sending a complaint directly to the focus officer's precinct to address the allegations contained within. Coaching is used only for lower level violations, and if a more significant violation is discovered during the coaching process, the complaint is referred back to the OPCR. Coaching documents will first be submitted to precinct inspectors/commanders. The inspector/commander will forward the coaching documents and attached material to the appropriate supervisor to handle.

Supervisors will determine whether a policy violation has occurred based upon the information gathered by the supervisor, and complete the coaching documentation form. The standard for this determination is preponderance of the evidence, a 51% likelihood that the allegation is true. A referral to the officer's supervisor does not denote that a policy violation has occurred. Policy violations or the lack thereof are noted in the completed documentation. Multiple policy violations in one year may cause an A-level complaint to be treated as a more significant violation. Precinct supervisors may also coach the officer on how to improve performance and improve customer service regardless of whether a policy violation occurred.

If the supervisor determines the allegation is true by a preponderance of the evidence, he or she will determine the appropriate corrective action. This may involve coaching, counseling, training, or other non-disciplinary actions. The supervisor shall notify the officer of the recommendation and contact the complainant to advise the complainant that the complaint has been handled.

Only A-level (the least severe) complaints are sent to coaching, but the expectation is that supervisors will address inappropriate behavior before it leads to more severe misconduct. Additionally, coaching represents an immediate opportunity to repair relationships between community members and officers through supervisor action, as the OPCR has set an expectation that coaching complaints will be completed within the 45-day timeline. This was communicated to MPD command staff in February of 2013. All coaching documents are signed by the precinct inspector or commander and returned to the joint supervisors for review. If the joint supervisors find the coaching documents are incomplete, they are returned to the precinct inspector or commander for completion.

Moreover, the coaching process supports the “MPD 2.0” objectives by emphasizing that officers and supervisors act with commitment, integrity, and transparency. This “above-the-line accountability” endorsed by Chief Harteau starts with supervisory staff that can provide direct, immediate input into officers’ behavior. The coaching process affords supervisors an opportunity to recognize a problem, take the responsibility to solve it, and to coach officers to improve performance.

Because the coaching process is an important tool both for the OPCR, and MPD as a whole, to resolve complaints it is critical to measure both the amount of time the various precincts take to complete a coaching document, and the outcome of those complaints. Ensuring that supervisors complete the coaching process within 45 days prevents complainants from becoming disconnected from the process and allows the officer to receive coaching before another complaint arises. Measuring the outcome (coaching and policy violations) provides the OPCR with insight as to whether supervisors may need additional instruction on the coaching process. It is an objective of the OPCR to influence the culture of accountability and service to the community promoted in MPD 2.0. In Q1 of 2014, officers were coached by supervisors in 47% of cases returned to the OPCR.

Assessing various aspects of the coaching process is critical; approximately half of all complaints not dismissed are sent to coaching. See the table below and graphs on page 13:

Precinct	Sent	Returned	Outstanding
1st	2	1	12
2nd	3	3	2
3rd	3	9	0
4th	1	4	0
5th	0	3	0
Other	3	3	1

Please note that a case may be returned by MPD supervisors but be awaiting approval by the OPCR joint supervisors before the case is closed.

At the end of Q1 2014, three precincts had no outstanding coaching documents. The 5th precinct, however, is the only precinct that has completed coaching documents on average within the 45 day performance standard while maintaining no outstanding coaching documents.

To continue to make progress, ongoing communication between OPCR staff and precinct supervisors must occur. The OPCR has received completed coaching documents that are expertly conducted, while other supervisors appear to need additional instruction on the coaching process. A coached complaint is an opportunity for growth, accountability, and officer development. It is the OPCR's goal to increase the understanding that coaching will improve an officer's performance. Thus, it will be necessary to conduct additional training sessions with non-command staff supervisors to ensure that all coaching documents meet the OPCR and MPD 2.0 standards.

INVESTIGATION

OPCR supervisors referred approximately 25% of cases not dismissed to preliminary or administrative investigation. A preliminary investigation involves formal interviews with the complainant and witnesses while gathering evidence. When a preliminary investigation is complete, the investigator refers the case to the joint supervisors to determine whether an administrative investigation should occur. An administrative investigation involves a formal interview with the officer accused of misconduct. After the conclusion of the administrative investigation, the case is referred back to the joint supervisors.

The Police Conduct Oversight Ordinance mandates that complainants may express a preference for a civilian or sworn investigator if their complaints proceed to a formal investigation. While the OPCR makes the final investigator assignment, the Office seeks to accommodate complainants' preferences. Some complaints may only be handled by sworn investigators, namely those that allege criminal misconduct, and some complaints are best addressed by civilians, such as those where the complainant has expressed a strong preference for a civilian investigator.

In cases that proceeded to investigation, 75% of complainants received the investigator type of their choice.

THE POLICE CONDUCT REVIEW PANEL

The Police Conduct Review Panel (PCRP) issues recommendations to the Chief of Police on the merits of allegations against Minneapolis Police Officers. Two civilians and two sworn officers at the rank of lieutenant or higher meet to discuss the investigative file. The panel may vote that a preponderance of the evidence supports the allegations (the allegations have merit), that the allegations have no merit, or that the case should be remanded to the Office for further investigation. If a case does not receive a majority vote, the case proceeds to the chief for a final determination without a recommendation. Since the Police Conduct Review Panel began reviewing cases in February of 2013, all votes have been unanimous.

The Review Panel issued 2 recommendations during Q1 2014. In both cases, allegations were found to have merit. Additionally, the Office welcomed two new MPD panelists in Q1 to the PCRP.

CHIEF'S ACTIONS

The chief issued discipline in two cases. In the first case, two B-level allegations were sustained against one officer. The officer received a letter of reprimand and training. In the second case, two allegations were sustained against one officer. The officer received a 10 hour suspension and training as a result of a sustained C-level violation and one sustained A-level violation. To date, all cases completed by the chief with merit recommendation on allegations greater than A-level have received discipline.

While the chief has issued a final determination, both cases may still be grieved. As such, case information is non-public at this time, and discipline may change in the grievance process.

THE POLICE CONDUCT OVERSIGHT COMMISSION

The Police Conduct Oversight Commission (PCOC) assures that police services are delivered in a lawful and nondiscriminatory manner by shaping police policy, auditing OPCR cases, engaging the community in discussions of police procedure, and facilitating cultural awareness trainings for the Minneapolis Police Department. The seven members appointed to the Police Conduct Oversight Commission met three times in Q1 2014 for meetings. The Commission also established and staffed three committees: Policy and Procedure, Outreach, and Rules and Governance. The committees represent an opportunity for commissioners to continue their work and explore subjects in depth outside of the regular meetings while still providing an opportunity for public engagement. The committees each met twice during Q1.

Members of the Rules and Governance Committee undertook a systematic review of the PCOC administrative rules. After discussion of changes, a revised set of rules will be presented for approval during the first regular PCOC meeting of Q2 2014. The Policy and Procedure Committee assisted in the development of measures for upcoming studies, and the Outreach Committee created a long term strategic plan with upcoming community listening sessions.

The Commission reviewed thirty case synopses and nine case summaries during Q1 2014. Through issues identified in the case reviews, the Commission began two programs of research and study. The first explores different models of cultural awareness and sensitivity training in other similar jurisdictions to develop best practices. The study will compare and contrast current MPD practices with programs used elsewhere, with a goal of improving and expanding MPD training. The second study consists of a comprehensive performance audit of current coaching practices using returned OPCR coaching documents as a data set. The study will provide the Commission with robust data to recommend improvements to the coaching process.

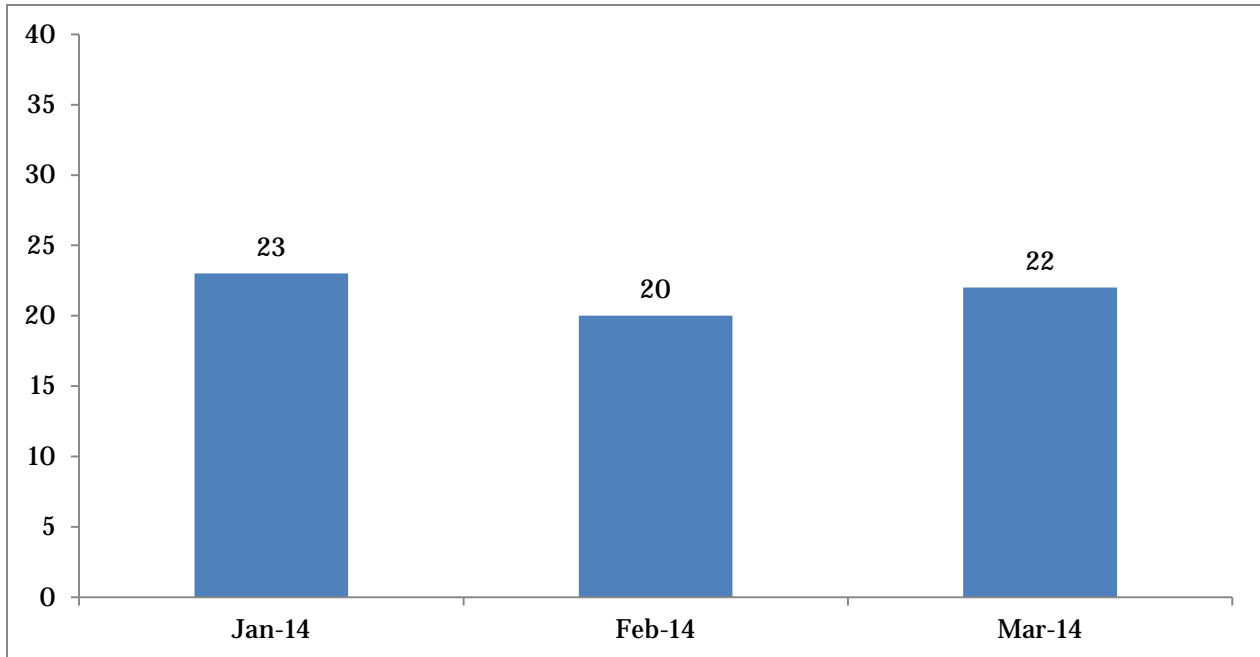
In addition, the Police Conduct Oversight Commission received two training sessions, with presenters DC Eddie Frizell (directed patrol), Ret. Sgt. Michael Quinn (police culture), Director Michael K. Browne (parliamentary procedure, ethics), Lt. Scott Zierden (defensive tactics), and Legal Analyst Ryan Patrick (performance audits and statistics). Representatives of the Commission attended several events during Q1 2014, including the Minneapolis Connect Conference and Chief Harteau's "Fair and Impartial Training."

Regular meetings will continue to occur on the second Tuesday of each month at 6:00 PM. All Commission data, including case summaries, synopses, agendas, and minutes can be found on the PCOC website: <http://www.ci.minneapolis.mn.us/civilrights/conductcomm/index.htm>.

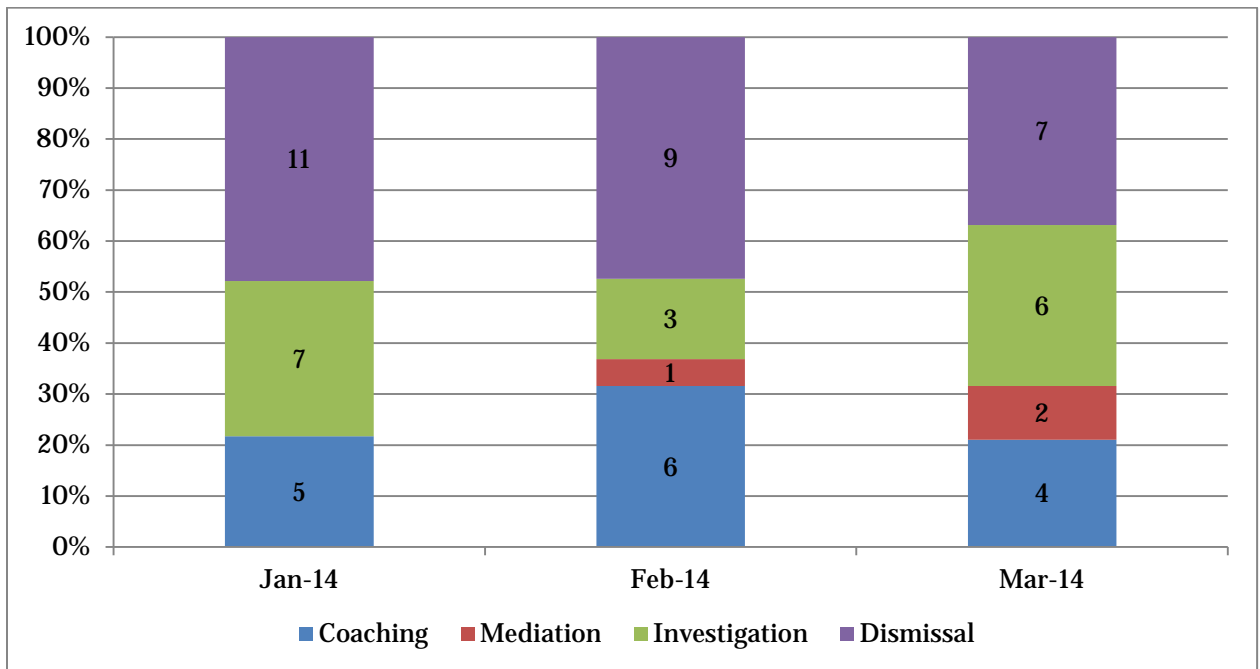
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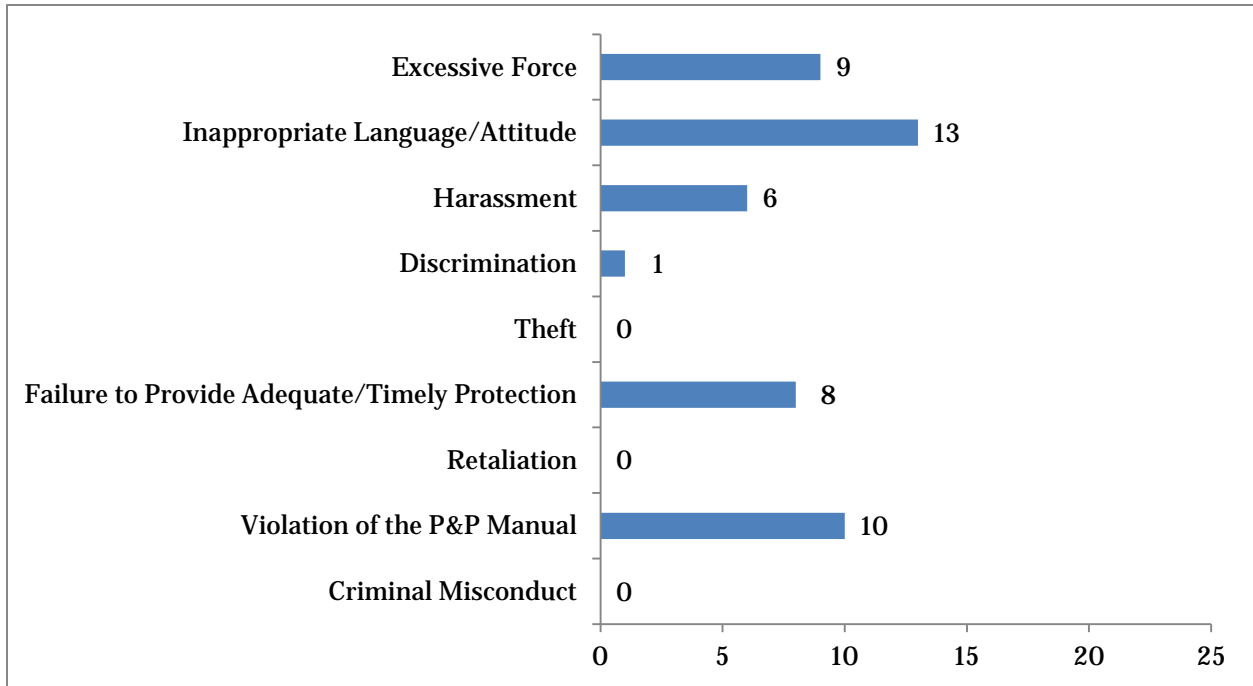
Complaints Filed (65)



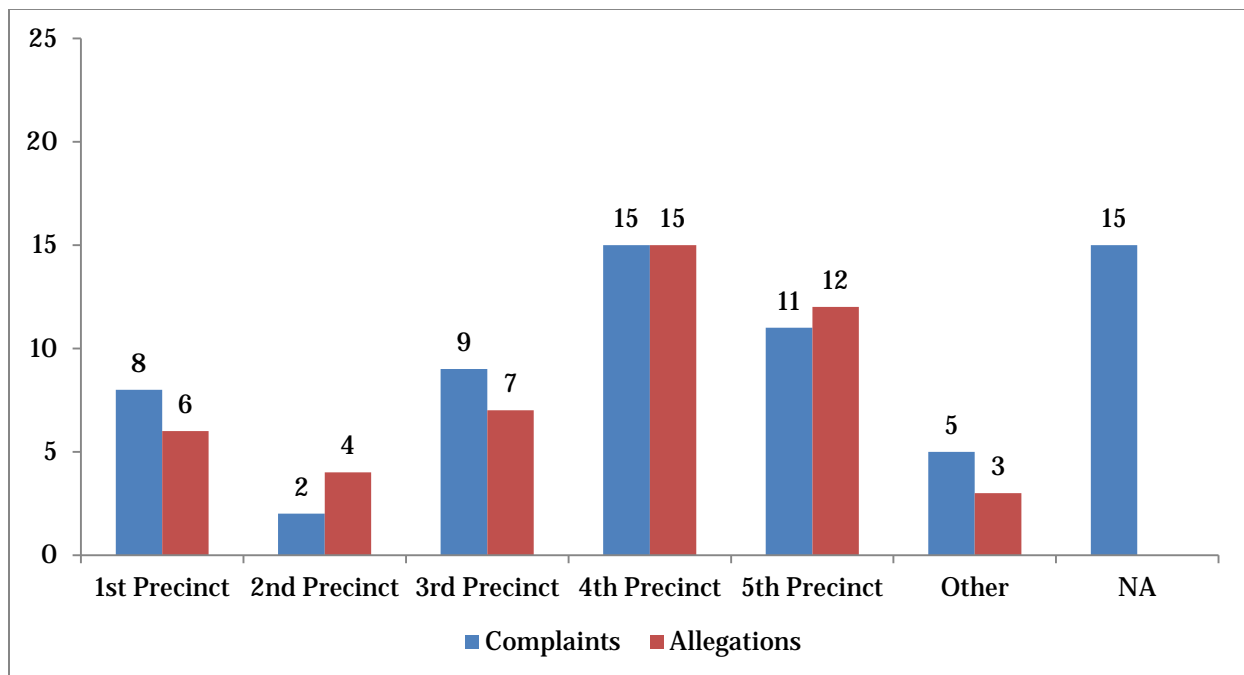
OPCR Case Resolution



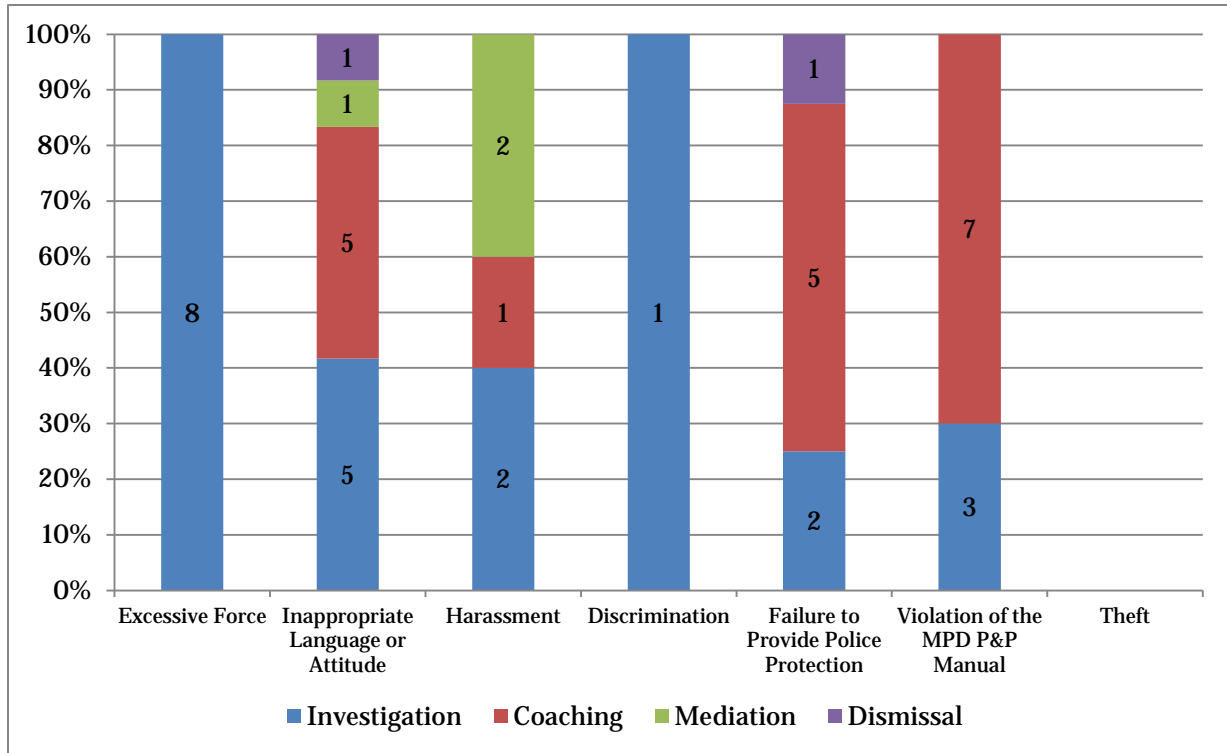
Allegations Filed (47)



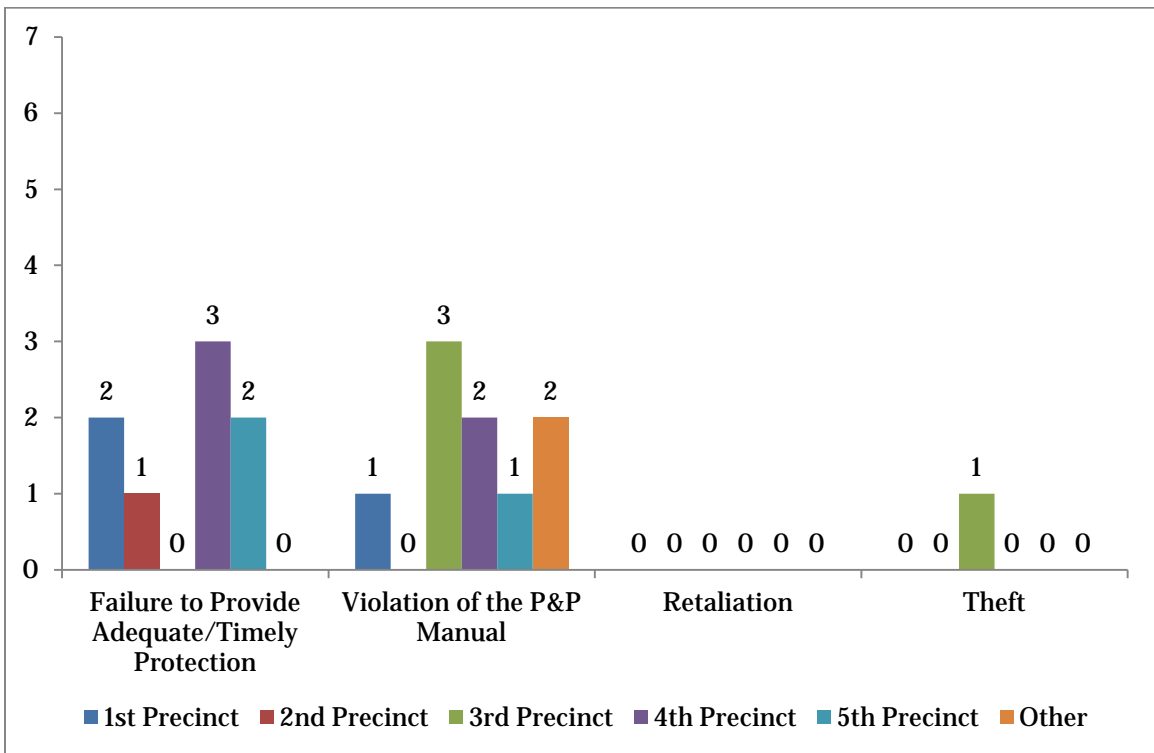
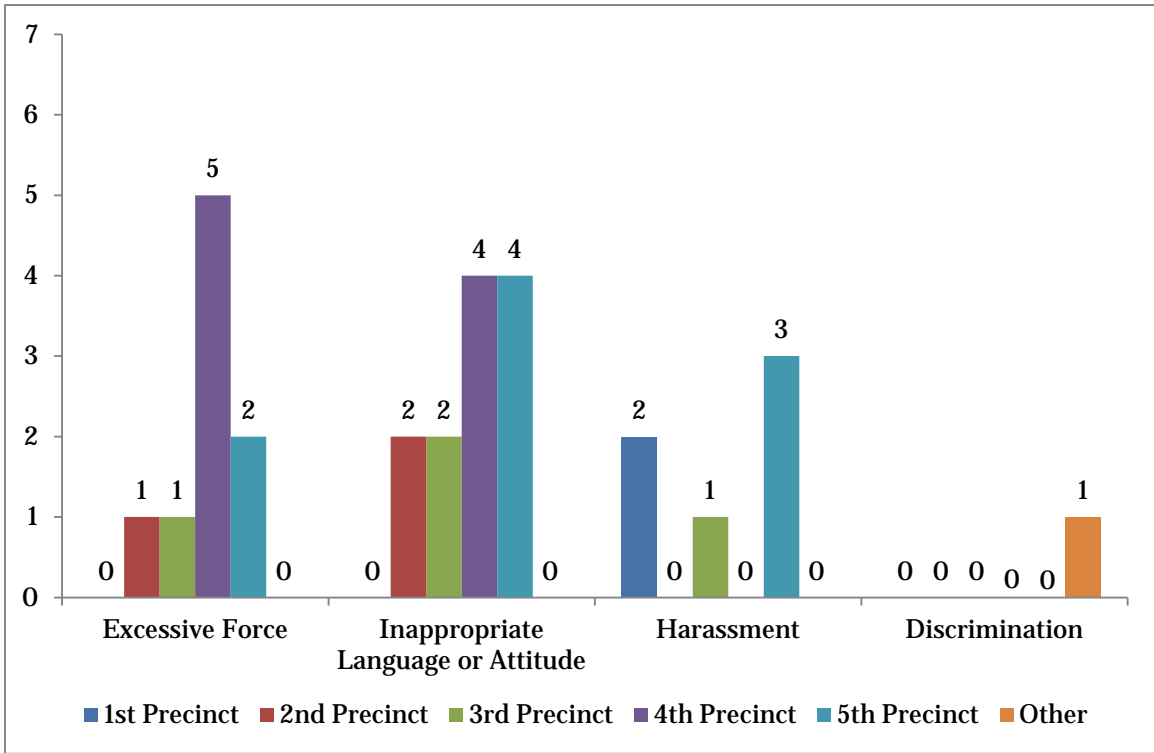
Complaints/Allegations by Precinct



Case Resolution by Allegation

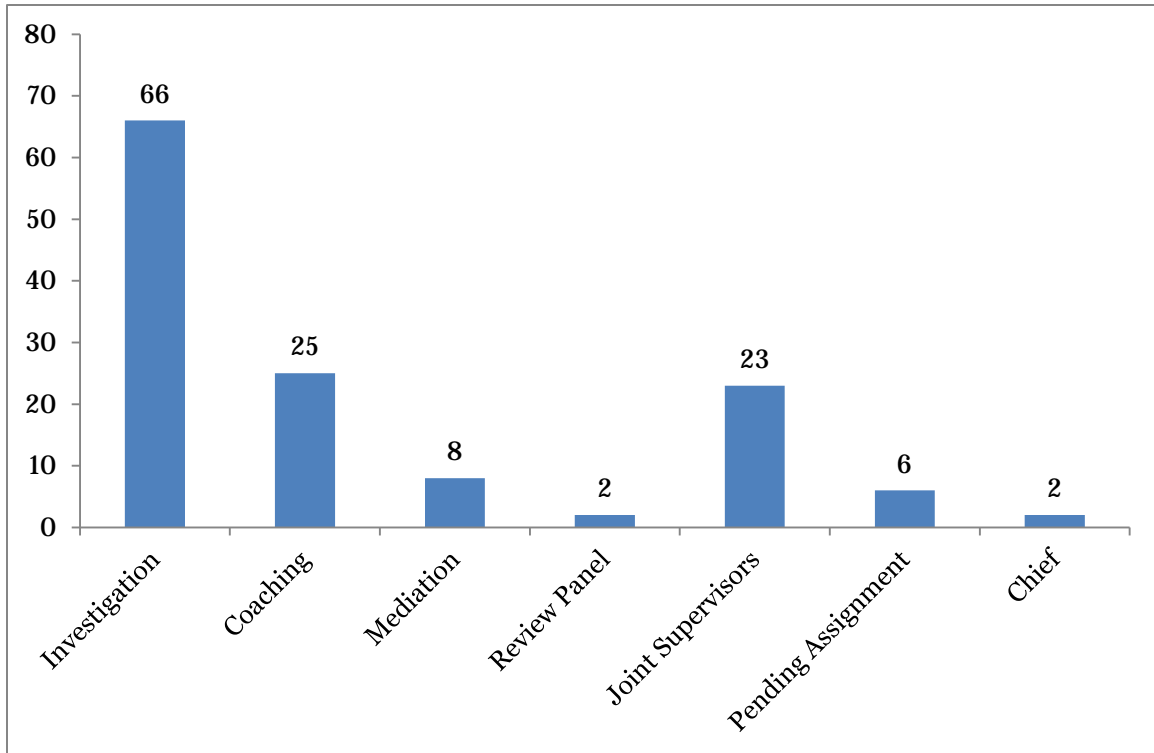


Allegations by Precinct

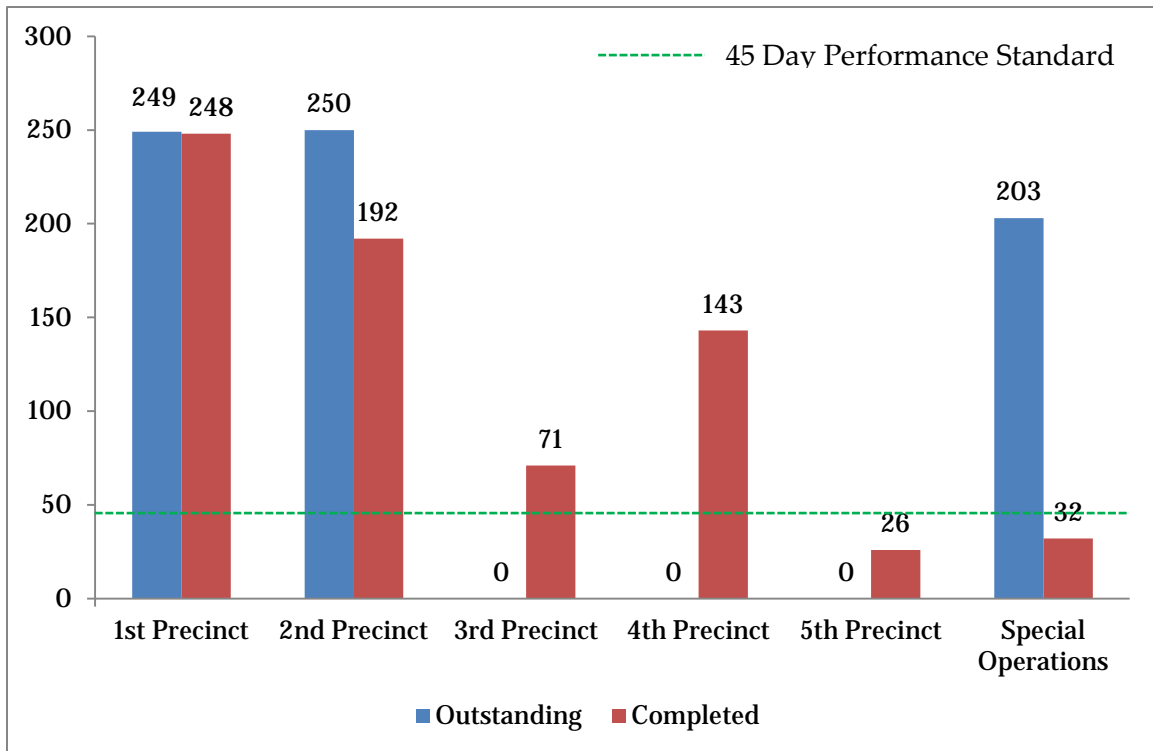


The category “other” may refer to Special Operations Division or another agency not specifically linked to a precinct.

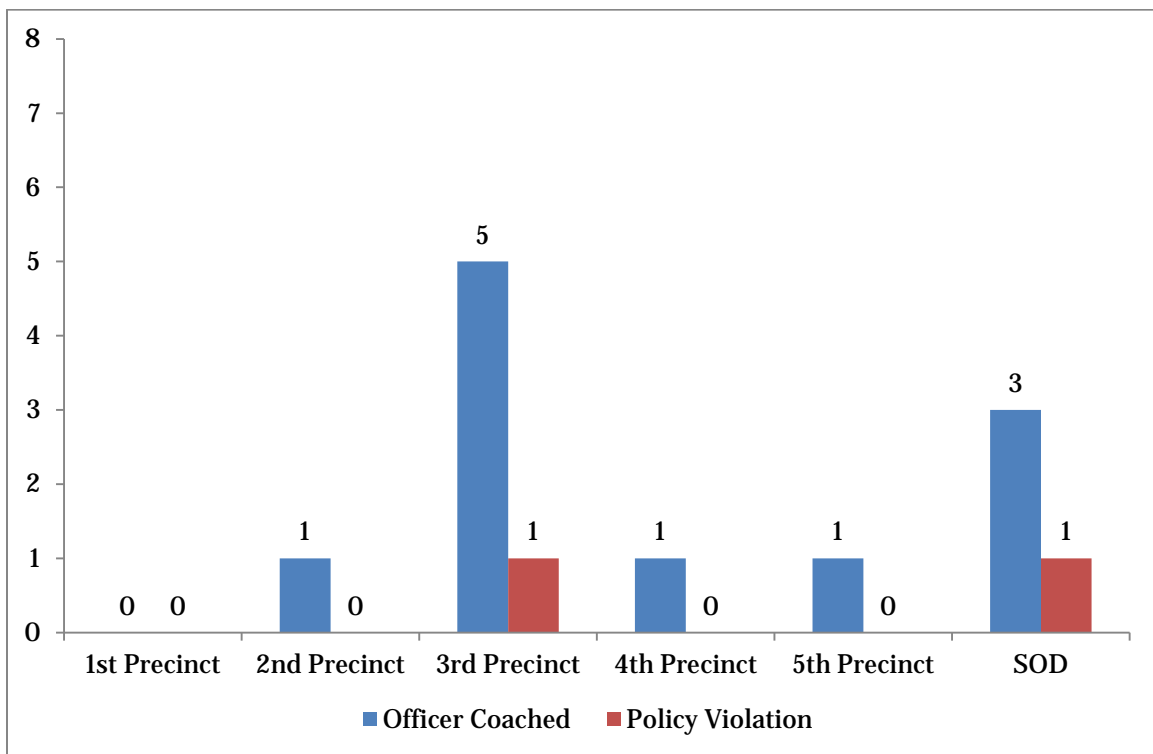
OPCR Open Cases (85 Closed)



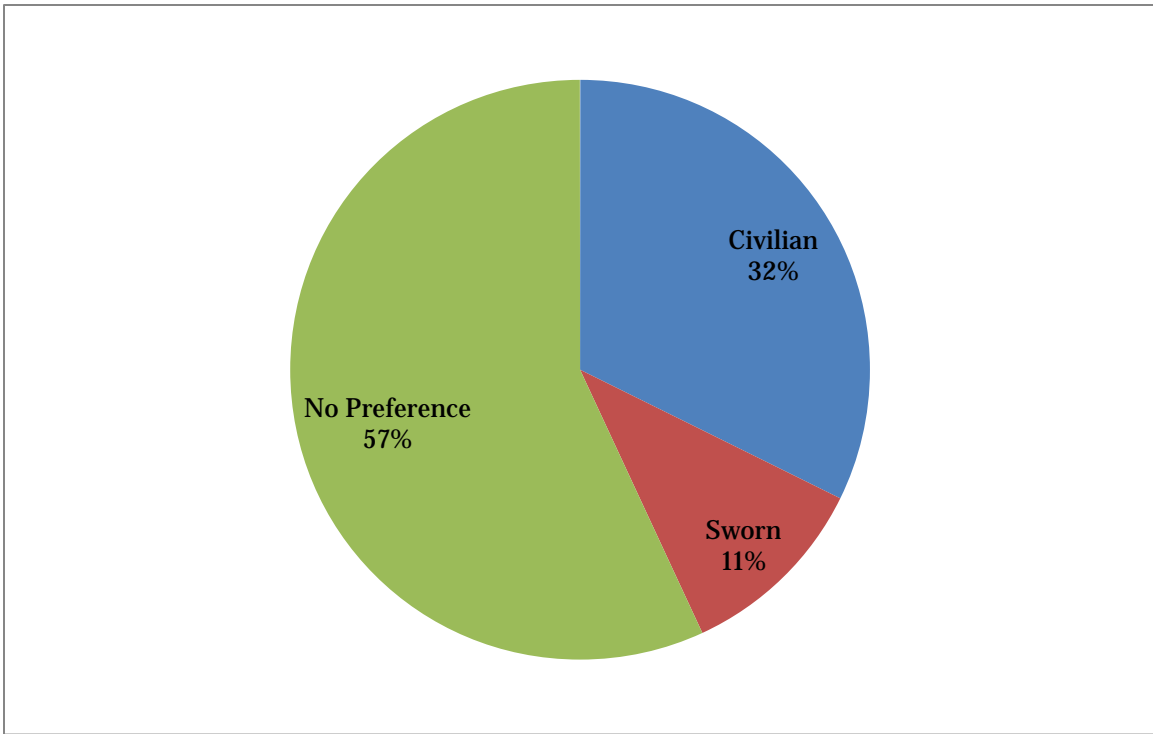
Average Age of Outstanding and Completed Coaching Case in Days



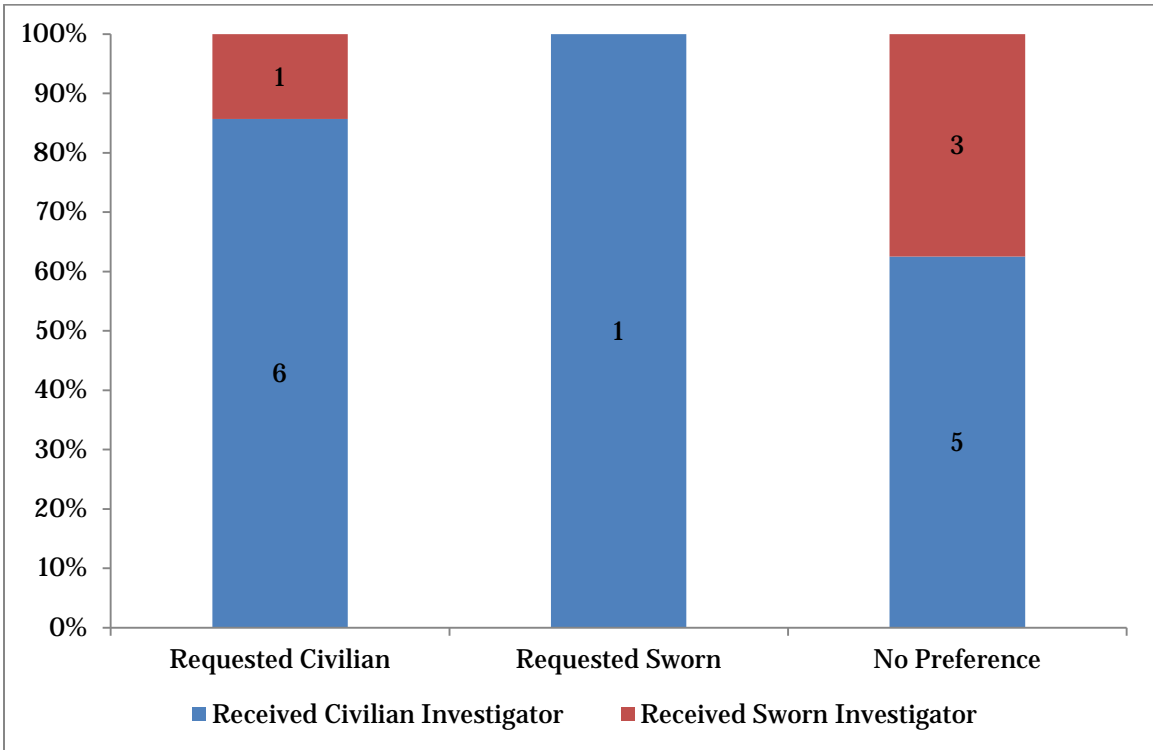
Policy Violations and Coaching By Precinct



Investigator Preference

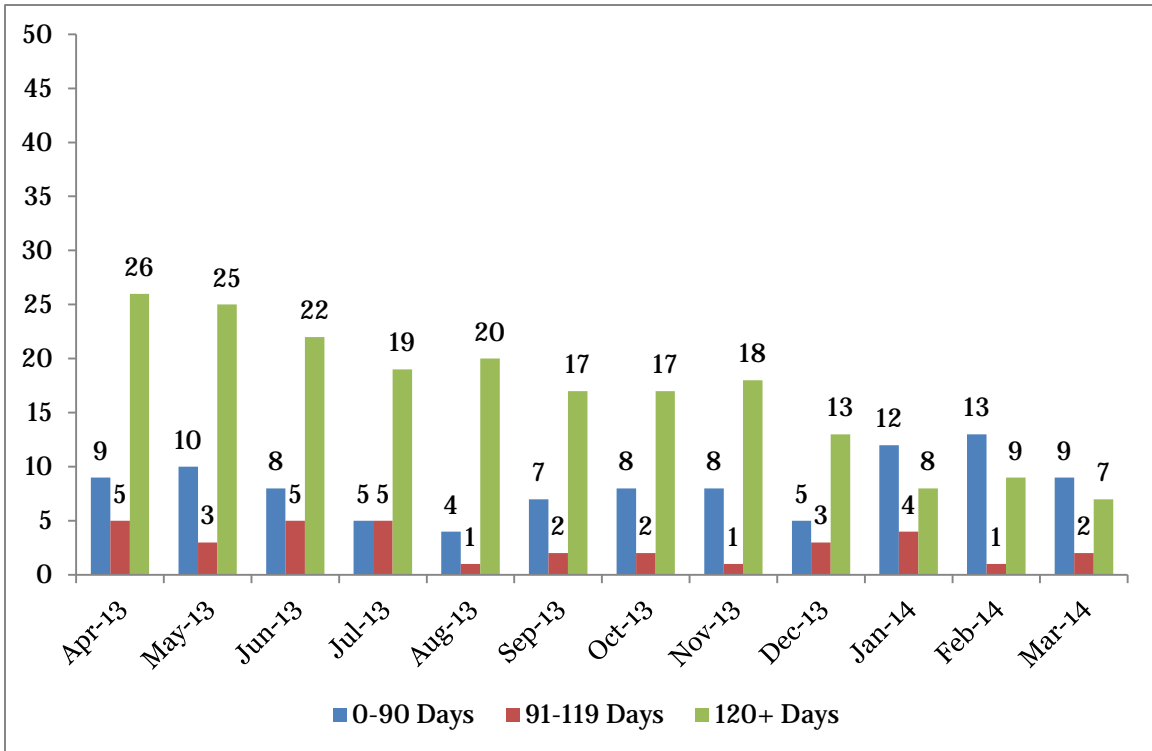


OPCR Investigator Assignments

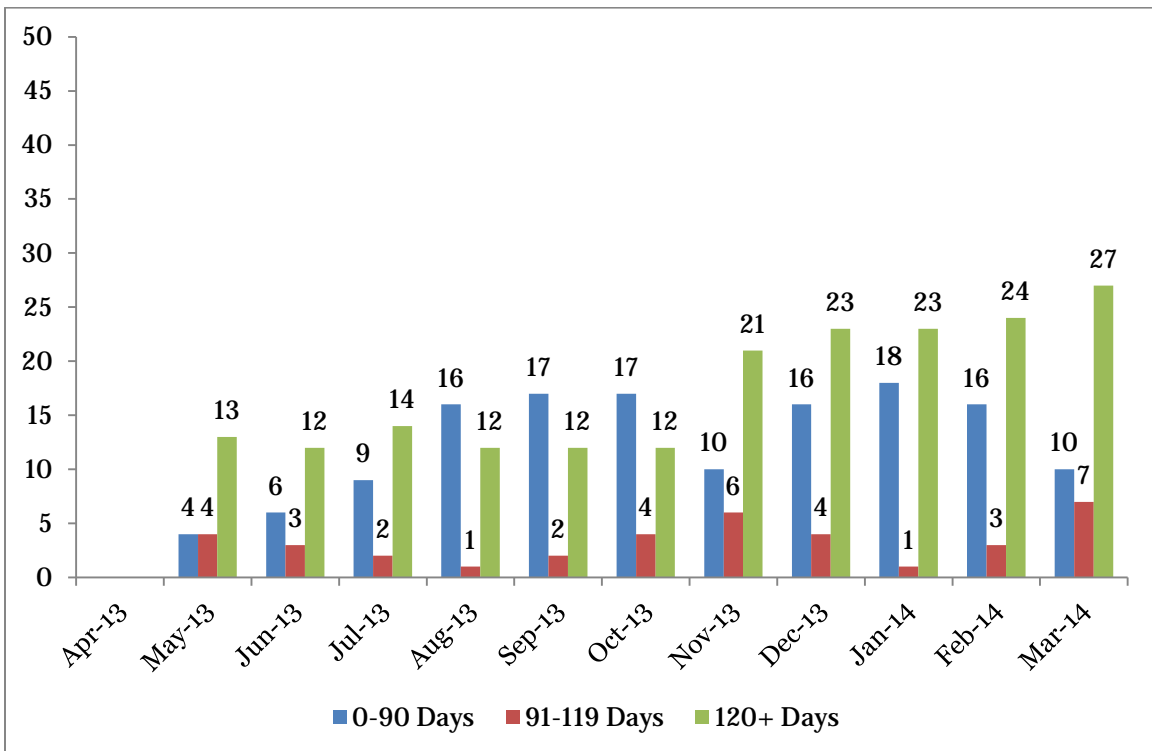


OPCR Investigation Timeline

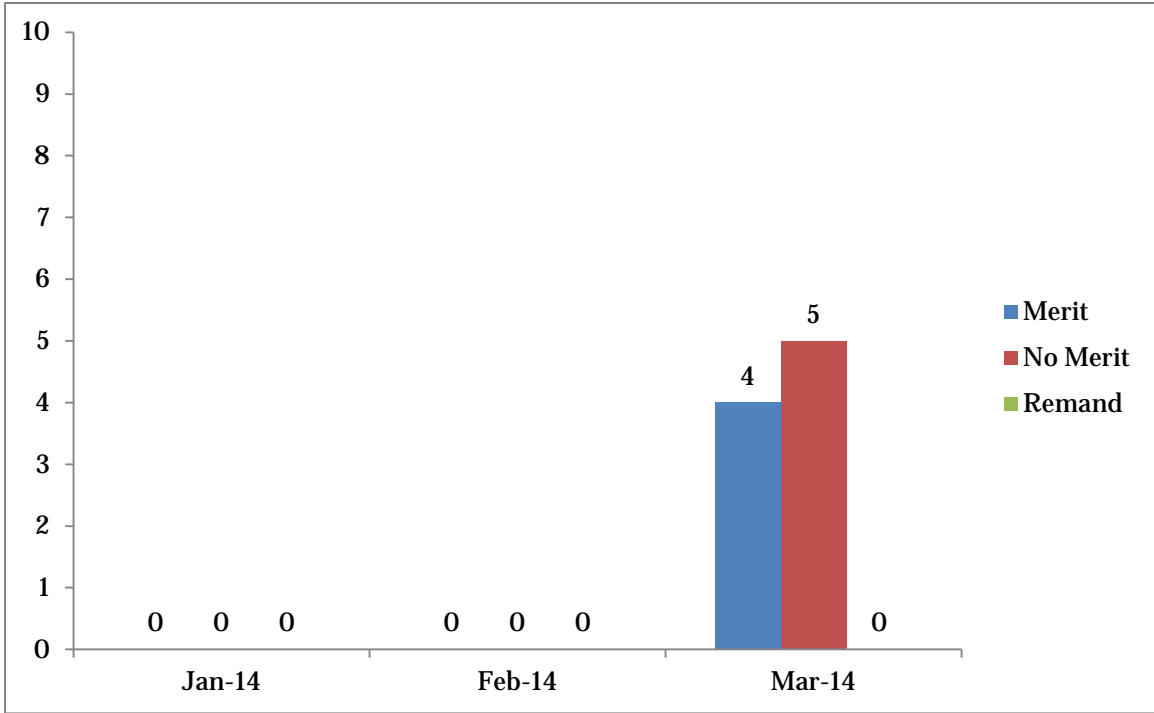
Civilian Unit



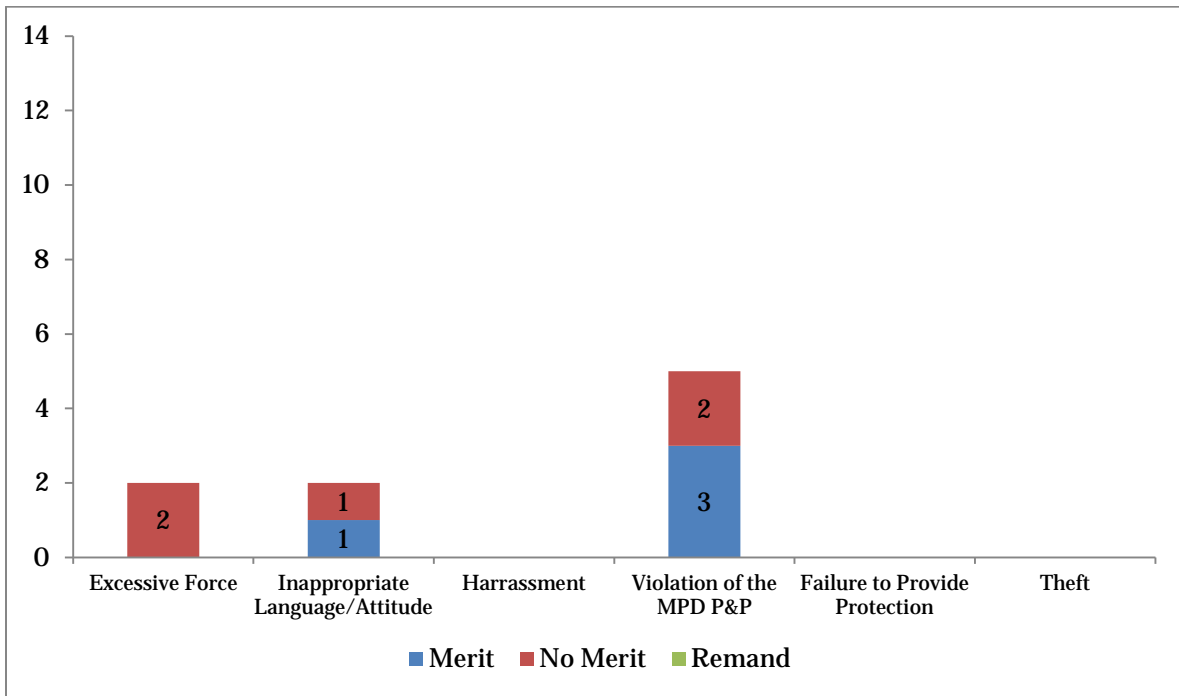
Sworn Unit



OPCR Review Panel Recommendations on Allegations (2 Cases Reviewed)

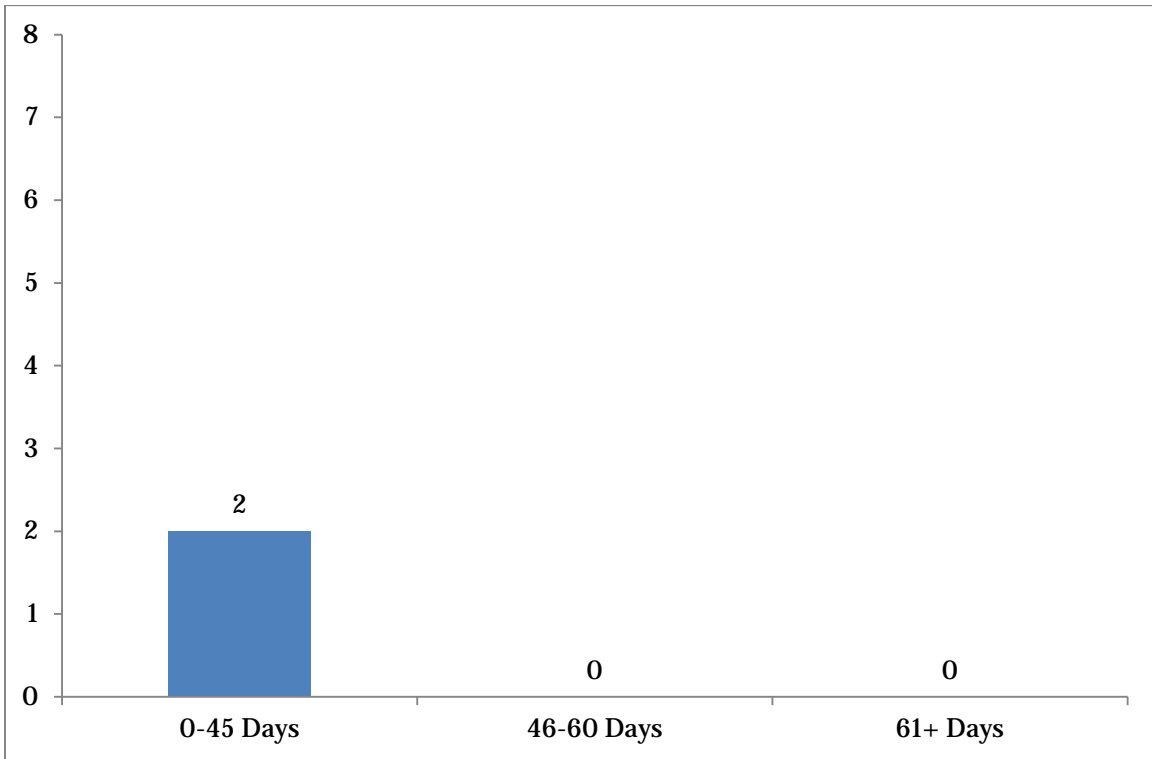


OPCR Review Panel Recommendations in Detail

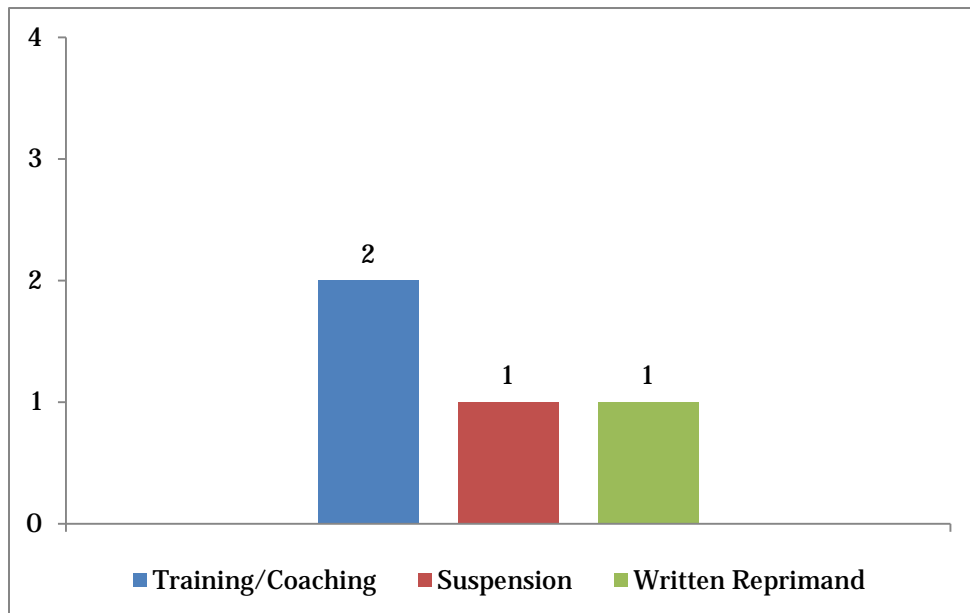


Chief Actions

Amount of Time Current Pending Cases are with the Chief



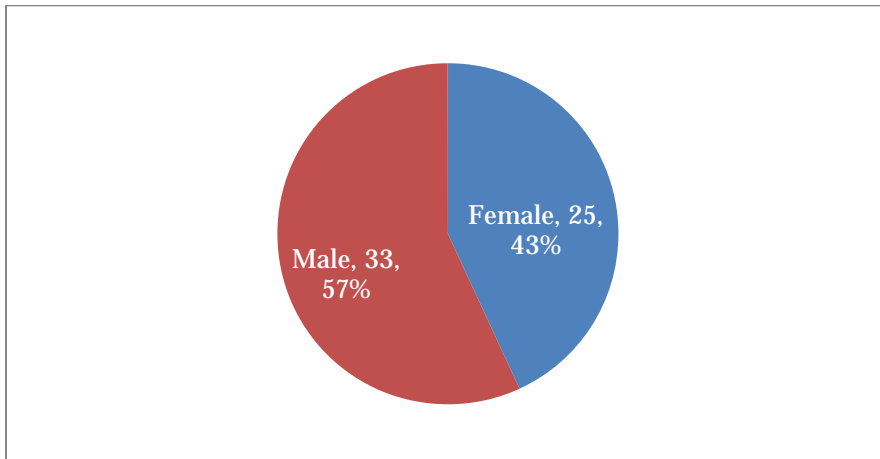
Discipline Types Issued by Chief



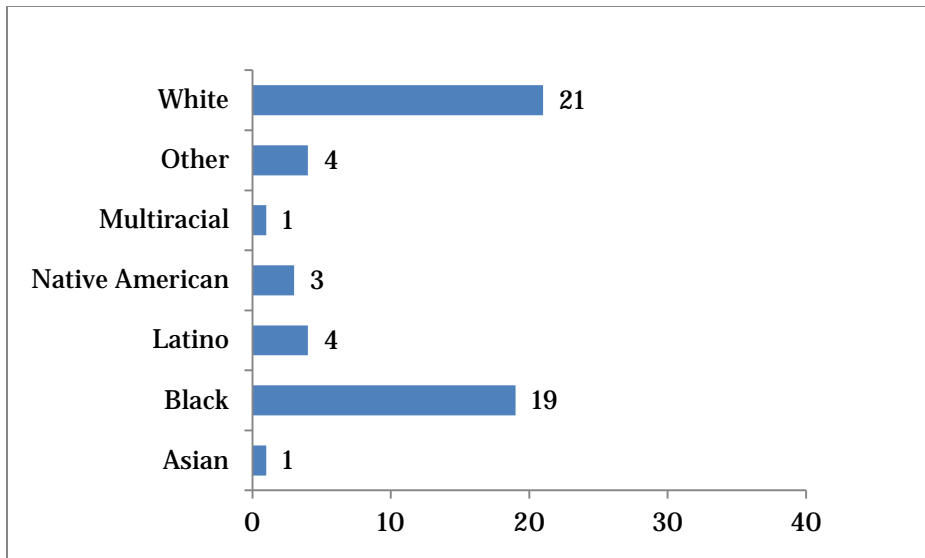
The chief issued a ten hour suspension on a case with a recommendation of merit from the Review Panel and as a result of sustained finding of misconduct. Cases in which discipline has been issued do not become public until the expiration of the grievance period.

Complainant Demographics

Gender



Race



Age

