

Police Conduct Oversight Commission

Minutes

Regular Meeting August 9, 2016

Starting at 6:00 p.m.

350 Fifth Street, Room 241, Minneapolis, MN 55407

Commission Members Present: Andrea Brown (Chair), Adrianna Cerillo, Amran Farah, Afsheen Foroozan, Jennifer Singleton (Vice Chair), and Laura Westphal.

Commission Members Absent: Andrew Buss.

Staff Present: Imani Jaafar - OPCR Director, Ryan Patrick - Police Conduct Operations Supervisor, Kaela McConnon, and Gabriel Ramirez.

Chair Brown called the meeting to order at 6:03 p.m.

A quorum of the Commission was present.

Singleton moved to adopt the meeting agenda.

Seconded.

No discussion. All-in-favor. None opposed.

The motion carried.

Foroozan moved to adopt the meeting minutes from July 12, 2016.

Seconded.

No discussion. All-in-favor. None opposed.

The motion carried.

Public Comment

Jacque Erickson:

- Runs Hacienda la Paz, which is a non-profit organization in Minneapolis dedicated to creating leadership in the community.
- Has been conducting peace forums in the community on relevant ideas to foster better understanding among various groups addressing relevant and timely issues.
- Has been working with Commissioner Westphal with regard to holding a peace forum.
- Looks forward to hearing from the police chief and Bob Kroll, who is the union president, on how they will work together to enact change and is interested in having them participate in the peace forum.

Chuck Turchick:

Pending Approval

- Suggested that the complaint filing experience study be circulated throughout the city government.
- Mentioned experiencing difficulty accessing online complaint forms.
- Discussed publicity since the Philando Castillo shooting and issues associated with the officer involved, which included attending a training course called “Bulletproof Warrior.”
- Questioned why there are no mechanisms in place to monitor or to measure police performance mentioning that the Wilder Foundation survey, which is distributed to households within the community, does not include a category for police performance and services.

David Bicking:

- Commented on the changes in police policy indicating that some of them, including police officers duty to report misconduct, has been on the books for some time and is commonly disregarded; expressed doubt that the new policy will affect positive change.
- Discussed PCOC functions with regard to recommending policy change and suggested the Chair report on monthly PCOC activities.
- There will be a hearing on the charter amendment for police insurance on Wednesday, August 3, 2016 at 9:00 a.m.

New Business

Complaint Filing Experience Study

Ryan Patrick, Police Conduct Operations Supervisor, addressed the Commission. The following were the main points from his presentation:

- The goal of the study was to catalog and review each complaint filing source.
- State law requires that a complaint be a signed document alleging police misconduct, which eliminates the ability to file a complaint via email or telephone due to lack of a signature, including 311 calls; 311 operators are not currently trained on the OPCR process.
- Complaints may be filed via the internet or in person.
- When filing online and using a major search engine the page that does not the most current information about the complaint filing process is not the top result and the form does not provide any further information about the process once the complaint is filed.
- There are challenges filing in person at City Hall, it can be difficult to reach during business hours, it lacks privacy, and is not the most friendly place to file a complaint.
- The OPCR is a potentially confusing name and the office is difficult to find because the department is nestled within the Civil Rights Department.

Pending Approval

- Also suggested having an off-site interview location or office for both OPCR and IA complaints, which has also been recommended by PERF, to allow those who may be uncomfortable walking past the police to file a complaint better access to the process.
- Sent testers to the precincts, who were trained attorneys, and 13 out of 15 of them could not file a report at the precincts, with the exception of the 4th Precinct, who gave them the forms and sent in the complaints.
- At some locations the officers expressed discomfort with taking a complaint.
- Changes include updating the complaint process manual, the complaint process on the OPCR webpage has been updated for clarity, and complaint form language has been modified to clarify civilian and sworn investigator selection.
- The target date for training sergeants and above in November 2016.
- Recommendations include the development of a unique form and training for 311 operators to provide them instruction on OPCR procedures and eliminating the expectation that a telephone call is sufficient for filing a complaint, creating a complaint resource page on the Minneapolis home page, providing forms at community partner locations along with a simple card that provides an explanation of the process, training for all officers on the OPCR process, and setting up complaint filing stations at precincts.

With the conclusion of the presentation from Mr. Patrick, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Foroozan - asked if there is something that can be incorporated into lateral transfer training at the academy stating that there are problems that are concerning in that sworn officers are turning away complainants and the current lack of 311 operator training.

Cerillo - indicated that a friend went through the 311 call and would like to know when the training will be implemented, who will be conducting the training, if there will be different languages, if there are community partners, and how individuals making complaints will know their complaint has been received.

Singleton - thanked Mr. Patrick for his work on the study and expressed appreciation in that the PCOC has heard concerns from the community with regard to the complaint process and are now moving toward a solution to the problem. Also indicated that having community partners, intake days, and forms available will be a fabulous first step toward making this more successful and is hopeful that the MPD will proactively implement the recommendations.

Brown - asked if there was only one precinct that did what they were supposed to, which was the Fourth Precinct, where the testers were able to file a complaint.

Farah - asked how diverse the testers were and if there was any consideration with regard to allowing complaints to be taken over the phone.

Pending Approval

Patrick - indicated that the PCOC has been contacted by the academy and new recruits and laterals will have training on the complaint process. Training will be in different blocks and the OPCR will be working to roll out the program, step one was working with the academy. The materials are produced in different languages and the attorney testers were from different age groups, races, and genders. With regard to phone complaints, an individual can make a complaint via telephone, but the form must be mailed to the complainant for signature and then returned to the office, which takes additional time and decreases the likelihood that the form will be returned to the office for investigation.

With no further discussion on the matter, the Chair then recognized Commissioner Singleton and the following motion was made:

Move to adopt the Complaint Filing Experience Study and forward the recommendations to the MPD.

Seconded by Westphal.

The Chair opened the floor for discussion. With no further discussion on the matter, the Chair called for a voice.

All-in-favor. None opposed.

The motion carried.

Officer Liability Whitepaper

Ryan Patrick, Police Conduct Operations Supervisor, addressed the Commission. The following were the main points from his presentation:

- Part of the goal is to avoid asserting opinions and gaining a broader understanding of the issue, including community stakeholders, the MPD, the federation, the community, and academics.
- There is a hesitancy to participate while there is litigation pending, hence we don't have the kind of diversity we want to put together a whitepaper.
- It will not be provided at this meeting, but if more information is received we will move forward.
- The right people did talk to us, but it is just not comprehensive enough at this point.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

Outreach Committee

Commissioner Westphal addressed the Commission. The following were the main points from her update:

Pending Approval

- The full Chair Report is available online.
- Requested that the other Commissioners who are interested and available to attend the remaining Open Street events emphasizing the need for a PCOC presence at the events.
- Indicated that she would like to have an open discussion on holding a peace forum.

With no further discussion on the matter, the Chair then recognized Commissioner Westphal and the following motion was made:

Move to have a peace forum discussion.

Cerillo Seconded.

The Chair opened the floor for discussion. The following is a list of speakers and a brief abstract of their individual comments:

Brown – indicated interest in the logistics regarding the forum and the reasoning why the PCOC would be conducting the forum and how many sessions the PCOC would conduct.

Westphal – stated that at the moment there is one forum with the intent of bringing together the MPD and people from the community. Currently looking at holding the session at Sabathani or in the Fourth Precinct, having a strong moderator to focus discussion with the idea of having two panels, officers of different backgrounds and ethnicities, community members from activist groups, and listening members.

Cerillo – the forum is an opportunity to hear from the community and bring recommendations to the PCOC and then to the MPD indicating that it is also important to clarify to the public what the PCOC represents and help eliminate name confusions and misconceptions. Also indicated that there was a meeting with Jacque Erickson of Hacienda la Paz at which there was discussion regarding inviting Senators and people on the Governor's staff to participate, not as part of the panel, but to participate in the conversation. The goal is to have approximately 500 people in attendance.

Farah – questioned who would be represented on the panels, how they would be picked to participate on the panel, if they would be talking to each other, and if the public would be able to address both panels. Stating that she would like to see some involvement from the community at large rather than hand-picked stakeholders.

Westphal – indicated that one panel would consist of MPD representatives and the other made up of community members; everyone is there to speak thoughtfully and listen to one another. Also stated that she has met with Cristina Kendrick of the of the MPD's NCR to assist with outreach to the community, including groups such as Black Lives Matter, the NAACP, and local advocates who are well versed on the topics.

Pending Approval

Foroozan – stated the importance for the forum to be a discussion between panel members indicating that the purpose is to open dialogue between specific groups and not create a forum on complaints about and to the MPD.

Brown – indicated that there are some great officers out there who are at the top, but the main complaint involves those on the street and the goal is an organic conversation, but a well-thought-out well-planned political debate could be fleshed out.

Westphal – have reached out to officers of color, not of rank, to have a more organic discussion. The precinct heads have been helpful. The entire forum has not been fleshed out, but one of the issues presented involves what questions to pose to the panel.

Brown – stated that it might be wise to have the matter go back to the Outreach Committee to develop something more concrete to bring back to the Commission. Also asked if there are names or suggestions for a moderator.

Singleton – asked if the Committee was approached by anyone and if there is a need for the forum.

Westphal – indicated that Commissioner Cerillo engaged in discussions after the Castillo shooting. She has also reached out to the Federation and they have expressed tentative interest and someone will be there as a representative to speak at the forum.

Farah – asked if the Committee was thinking of holding the forum in September.

Westphal – stated it is yet scheduled but wants to avoid putting the matter off for six months.

With the conclusion of the discussion, the Chair recognized Commissioner Westphal and the following motion was made:

Move that we continue to put together a peace forum under these general guidelines.

Seconded by Foroozan.

The Chair opened the floor for discussion. The following is a list of speakers and a brief abstract of their individual comments:

Singleton – asked if this means that the Outreach Committee would continue to work on the peace forum and bring a proposal back at the next meeting, including who the proposed moderator would be and a list of participants.

Westphal – indicates that the Outreach Committee would continue working and come back with logistics, clear purpose, a proposed moderator, and a list of participants.

Pending Approval

With no further discussion on the matter, the Chair called for a voice vote.

All-in-favor. None Opposed.

Motion carried.

Policy and Procedure Committee

Commissioner Singleton addressed the Commission. The following were the main points from her update:

- Continuing to work on the Mental Health workgroup.
- Met with Assistant Chief Arneson, who has interesting insight into funding sources, and will meet with her again in the near future.
- Continuing to work with Dr. Abbott and dedicated community members on the co-responder model and workgroup.
- The review of the Policy and Procedure Manual is ongoing but was sidelined by the Complaint Filing Experience Study.
- Hoping to have a MPD representative present at an upcoming meeting to give the Committee an opportunity to question the new use-of-force policy, which was something the Committee wanted to look into.
- Added two cases to the queue for tracking.

With the conclusion of the update from Commissioner Singleton, Commissioner Foroozan addressed the Commission; the following were the main points from his presentation:

- Initially presented providing a yearly snapshot of the Chief's performance, it makes sense to look at things the Commission is doing and how it is perceived by doing after action reports at time intervals at the Commissions discretion.
- Review items to include involve PCOC studies and recommendations, analyzing actual implementation, how long it took for recommendations to become standard oversight policy, how it has progressed, how receptive the MPD has been, and if they are working with the Commission in terms of implementation.
- Reviews are at one and one half years; using remainder of the period to summarize and incorporate data on how the MPD is doing its job. For instance including proactive contacts, arrests versus convictions, and subsequent prosecutions.
- Also suggested including a review of complaints and demographics, distribution of training hours, what the officers are being trained on, and how that aligns with PCOC recommendations.

With the conclusion of the presentation from Commissioner Foroozan the Chair opens the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Cerillo – stated that the MPD was at a news conference; the PCOC was not formally invited.

Pending Approval

Foroozan – indicated that type of material would be part of the review.

Audit Committee

Chair Brown addressed the Commission. The following were the main points from her update:

- The Committee discussed risk assessment and the Complaint Filing Experience Study.
- Risk assessment will be looking at various issues within the MPD and creating quarterly reports to present to the Commission.
- There is a meeting scheduled with Mr. Patrick to discuss process and anticipate bringing a draft to the next meeting to solicit the Commission’s input in the process.

With no discussion on the matter, the Chair moved to the next item on the agenda.

Update from the PCOC Chair

Chair Brown addressed the Commission. The following were the main points from her update:

- Attended the monthly meeting with the Chief.
- Was not informed of a press conference, but did find about the even on Facebook.
- Had a discussion with Deputy Chief Arradondo and provided him with the Complaint Filing Experience Study.
- Deputy Chief Arradondo provided a copy of the de-escalation policy, but provided little discussion on the matter.
- They stated in the meeting that the MPD have been working with IT and they have added the category of “perceived race” and will be adding “perceived gender” to the reporting system.
- However the MPD now requires 911 callers to provide personal information when reporting suspicious activity, which similar issues were addressed in the Investigatory Stop Study.
- Overall there is change, but the perception is when the MPD takes a step forward they tend to take two steps backward with regard to progress within the community.

With the conclusion of the update from the Chair, the Chair opens the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Cerillo – stated that she felt disrespected by being excluded from notification of the press release and also asked what could be done to improve communication within the group so that all Commissioners are aware of the monthly Commission activities. Suggested that perhaps invite the Mayor to address the Commission, stating that it is time someone took responsibility with regard to lapses in communication.

Pending Approval

Brown – indicated that she does not meet monthly with the Mayor, but would push for a meeting with her.

Foroozan - shares the same concerns as Commissioner Cerillo and expressed frustration that the Commission is less connected than it should be and treated as an outside or non-official group and does not know what the solution is.

Brown – indicated that the PCOC is underestimated and the group has proven that it is a viable body and resource. The frustration involves a perceived lack of respect and not having an office does not help the situation. Furthermore, because the group consists of all volunteers with an Outreach Committee, the functions are hindered when there is a lack of participation internally. However, a first step is inviting the Mayor to the next full Commission meeting.

Unfinished Business

2016 Selected Case Summaries: July Case(s) 1, 3, and 10

The Chair opened the floor for discussion on the case summary data from July 2016. The following is a list of speakers and an abstract of their individual comments:

Westphal – commented on cases one and 10, expresses disappointment in the lack of customer and community services in that a large number of officers were present in the event and none were named or coached. The officer stated that 10 words were taken out of context, which illustrates complicit bias and ignorance.

Singleton – with regard to case number 10, felt this case was a prime example of data collection on suspicious person and vehicle stops indicating that once the new system is rolled-out, which will require officer to input data that is searchable and will enable the ability to distinguish patterns that in turn will allow the ability for analysis to identify patterns and the ability to create viable and positive solutions or remedies.

Foroozan – asked if there is a way to generate an after-action report on coaching instances and if the content of those sessions are available.

Patrick – stated that there was a coaching study that looked at the process, which coincided with the program starting with at the MPD, but indicated it is possible to circle back to look at outcomes in areas such as frequency, quality, and training.

With the conclusion of the discussion, the Chair recognized Commissioner Singleton and the following motion was made:

Move to move case number(s) one and 10 to the Policy and Procedure Committee for further review.

Pending Approval

Seconded by Westphal.

The Chair opened the floor for discussion. With no further discussion on the matter, the Chair called for a voice vote.

All-in-favor. None opposed.

The motion carried.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

Audit Summary and New Case Selection

Buss:	Absent	Singleton:	2, 5, 7
Cerillo:	3, 6, 10	Westphal:	3, 5, 7
Farah:	Absent	Brown:	2, 5, 7
Foroozan:	3, 7, 8		

Chair Brown indicated the new case selections for discussion at the September 2016 meeting are **case numbers 3, 5, and 7** as the top picks, which were then selected by **unanimous consent of the Commissioners.**

With no further discussion on the matter, the Chair moved to the next item on the agenda.

Adjournment

With all of the Commission's business concluded, the Chair entertained a motion:

Singleton moved to adjourn.

Seconded.

All-in-favor. None opposed.

The motion carried.

Chair Brown adjourned the meeting at 7:45 p.m.