

Minneapolis
City of Lakes

OFFICE OF POLICE CONDUCT REVIEW

Q3 2014 Report
July 1, 2014 – September 30, 2014

Contents

COMPLAINT PROCESSING 3

COACHING 3

INVESTIGATION 5

THE POLICE CONDUCT REVIEW PANEL 5

CHIEF’S ACTIONS 6

THE POLICE CONDUCT OVERSIGHT COMMISSION 6

MEASURES..... 7

 Complaints Filed 8

 OPCR Case Resolution 8

 Allegations Filed 9

 Complaints/Allegations by Precinct 9

 Case Resolution by Allegation 10

 Allegations by Precinct 11

 OPCR Open Cases 12

 Average Age of Outstanding and Completed Coaching Case in Days 13

 Policy Violations and Coaching By Precinct 13

 Investigator Preference 14

 OPCR Investigator Assignments 14

 OPCR Investigation Timeline 15

 OPCR Review Panel Recommendations on Allegations 16

 OPCR Review Panel Recommendations in Detail 16

 Chief Actions 17

 Complainant Demographics 18

COMPLAINT PROCESSING

The OPCR received 134 complaints between July 1, 2014 and September 30, 2014 containing 113 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 July 1, 2014 and September 30, 2014, the joint supervisors have predominantly utilized coaching, mediation and investigations to resolve complaints, with 48% of cases receiving either coaching or investigation. The joint supervisors, as indicated page 12, referred all but one allegation 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, 51% were dismissed for jurisdictional issues (e.g. cannot identify officer, complaint is older than 270 days, does not involve MPD), 15% for failing to state a claim (even if true, the officer's actions do not amount to misconduct), 6% as duplicate complaints, 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 supported 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. New this quarter, MPD has implemented a process where shift lieutenants are responsible for quality control measures on all documents completed. After this step, 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.

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. The data indicates that OPCR involvement in this process has been highly effective. In the past year, 48 cases sent to the precincts resulted in coaching. As a comparison, the Civilian Review Authority could have investigations resulting in a final outcome of coaching after a completed case was submitted to the MPD. In the history of the Civilian Review Authority, the highest number of cases in a given year resulting in coaching was 14 which were referred from the Chief’s office.

Because the coaching process is an important tool 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 Q3 of 2014, officers were coached by supervisors in 44% of cases returned to the OPCR. At the end of Q3 2014, all precincts and divisions are operating within the 45 day timeline, a striking improvement from the first annual OPCR report where only Precincts 3 and 5 met the standard.

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	Pending
1st	3	9	1
2nd	2	5	0
3rd	1	2	0
4th	3	6	2
5th	4	8	0
Other*	4	4	1

* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.

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. Cases initially assigned to coaching may also be awaiting a check for any prior discipline history that enhance the current alleged violation to a higher category offense requiring the case to be assigned to investigation..

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. This triggered the implementation of an additional level of MPD quality control before documents are returned to OPCR supervisors. 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 48% 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, 94 % 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 7 case recommendations during Q4 2014. There are currently two civilian vacancies on the Police Conduct Review Panel. Applications for new civilian panelists will take place during the fall appointment cycle.

CHIEF'S ACTIONS

The chief issued discipline in three cases. In the first case, one B-level violation of 5-105(10) was sustained against one officer. The officer received a ten hour suspension. In the second case, one officer was found to have violated MPD Policy § 5-102, a D-level violation, as well as 5-105(15), a B-level violation. The officer received a 120 hour suspension. The third case entered the OPCR process before the formation of the Police Conduct Review Panel. Upon closure, the officer involved received an 80 hour suspension for a sustained D-level excessive force allegation. To date six suspensions were issued as a result of OPCR cases, representing an average of 3 suspensions per year. The average number of hours per suspension was 40. The former Civilian Review Authority averaged .7 suspensions per year with an average of 27 hours per suspension.

The chief currently has two OPCR cases in her queue, one with a merit recommendation. Three additional cases were completed by the Police Conduct Review Panel, two with merit recommendations, at the end of the quarter. They will be delivered to the chief during the first week of Q4. 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, 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 six members appointed to the Police Conduct Oversight Commission met three times in Q3 2014 for meetings. The two active committees, Policy and Procedure and Outreach, also met three times. 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.

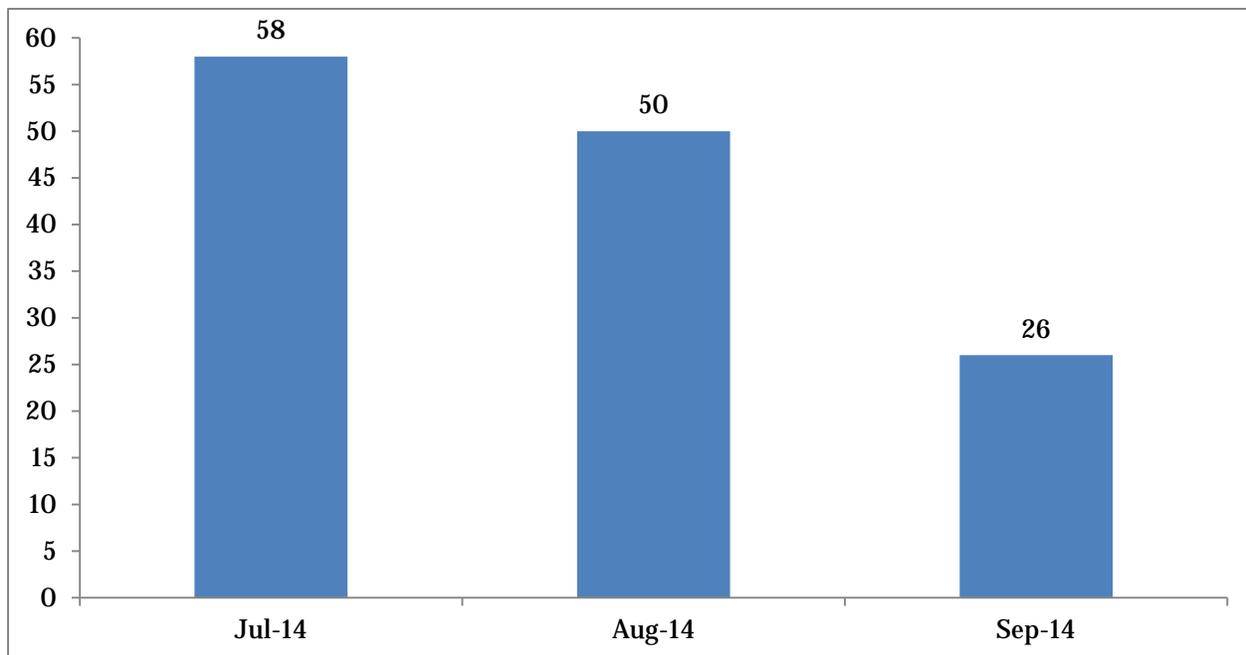
The Policy and Procedure Committee received research and study updates at each meeting. The Committee also received status updates on body camera policy progression, reviewed mobile squad computer training materials, and created an online issue tracking system that can be viewed in real-time by the public. Members of the Outreach Committee organized an off-site Commission meeting to be held on October 14, 2014, hosted a Continuing Legal Education course about the OPCR and Commission process, and attended forums hosted by members of the Minneapolis City Council and the Department of Homeland Security – Office for Civil Rights and Civil Liberties. Further, the chair of the Commission also attended the NACOLE (National Association of Civilian Oversight of Law Enforcement) conference, receiving four days of comprehensive training on all issues surrounding police misconduct and civilian oversight.

The Commission reviewed thirty case synopses and nine case summaries during Q3 2014. The Commission also continued work on two programs of research and study. One addresses the MPD coaching process and the other reviews police cultural awareness trainings from around the country. Regular meetings will continue to occur on the second Tuesday of each month at 6:00 PM. For all Commission data, including case summaries, synopses, agendas, and minutes see the PCOC website: <http://www.ci.minneapolis.mn.us/civilrights/conductcomm/index.htm>.

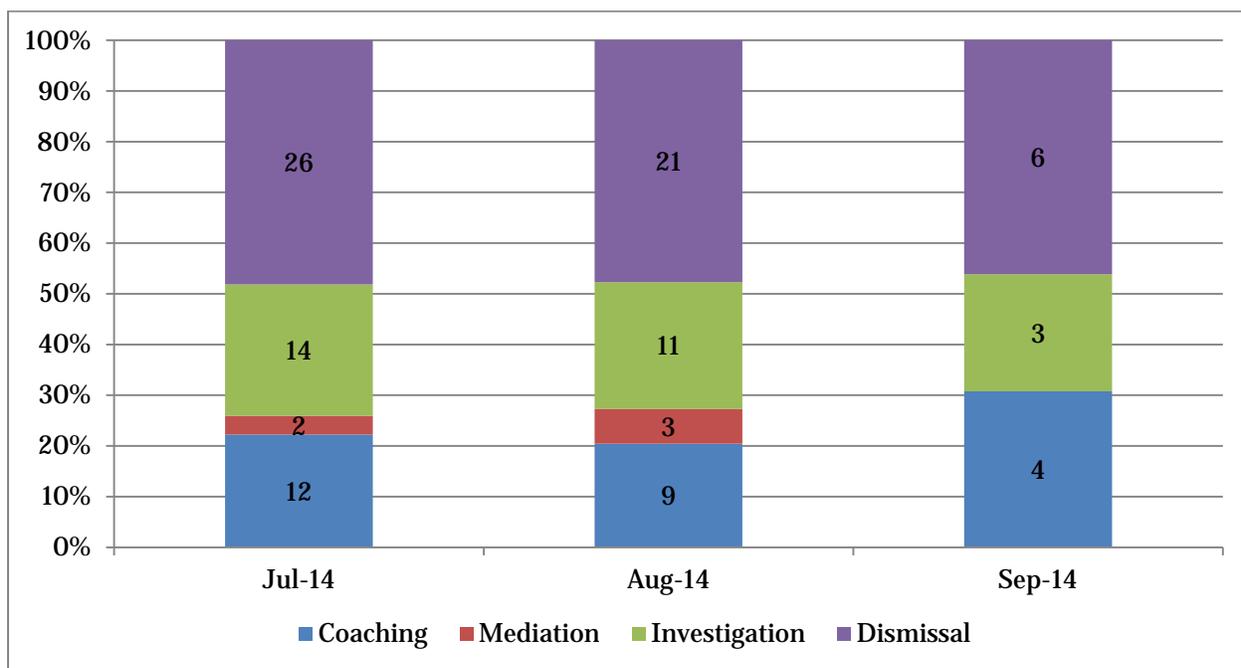
MEASURES

Complaints and Case Assignments	8
Allegations in Detail and Complaints and Allegations by Precinct	9
Case Resolutions by Allegation	10
Allegations by Precinct	11
Open Case Inventory	12
Coaching Statistics	13
Investigator Preference and Assignment	14
Investigation Timelines	15
Review Panel Recommendations	16
Chief Activity	17
Complainant Demographics	18

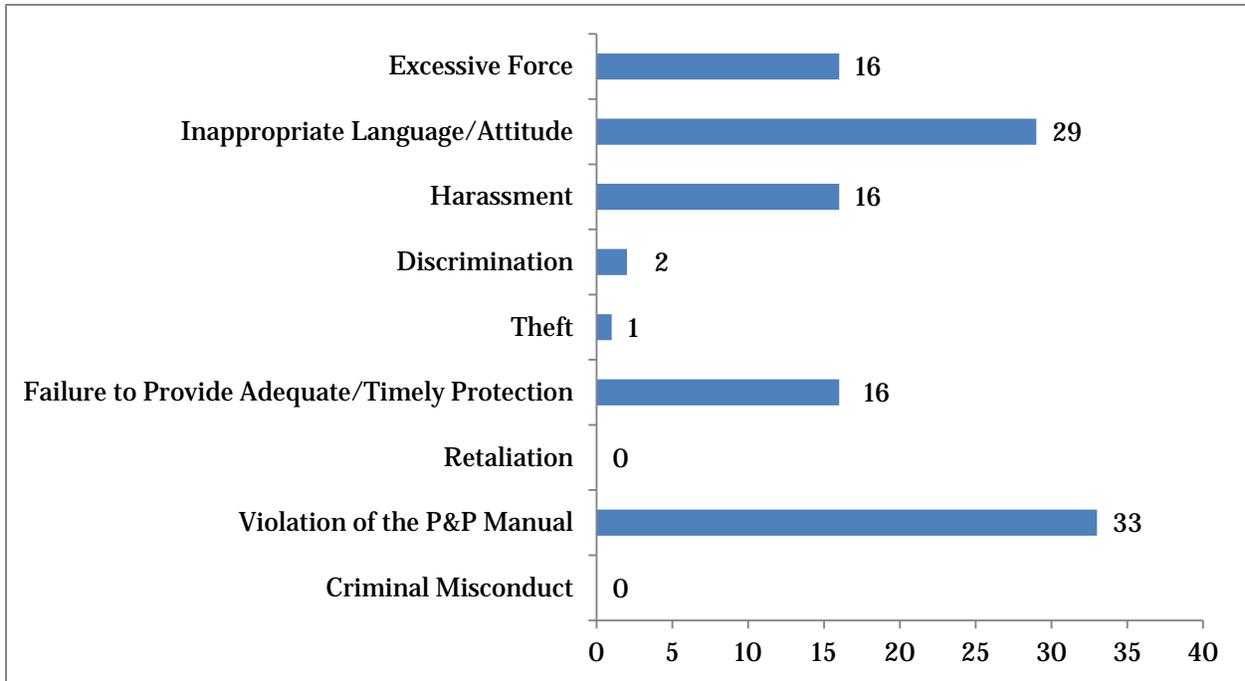
Complaints Filed (134)



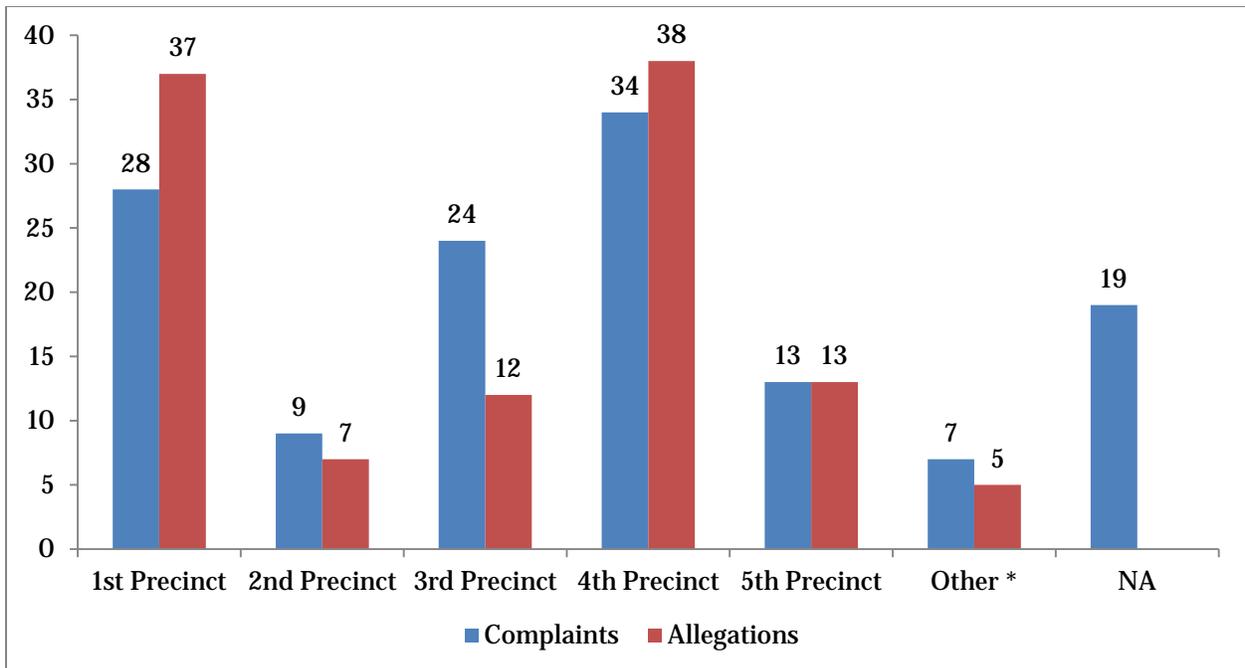
OPCR Case Resolution



Allegations Filed (113)

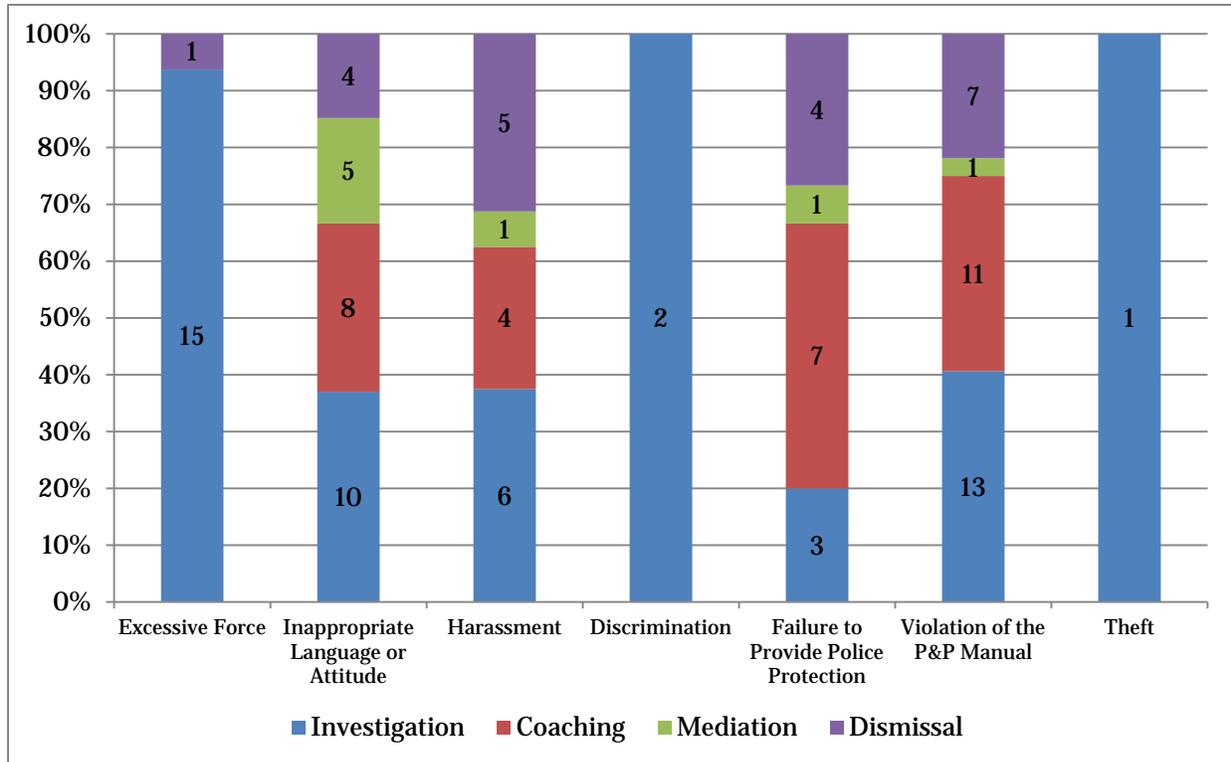


Complaints/Allegations by Precinct



* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.

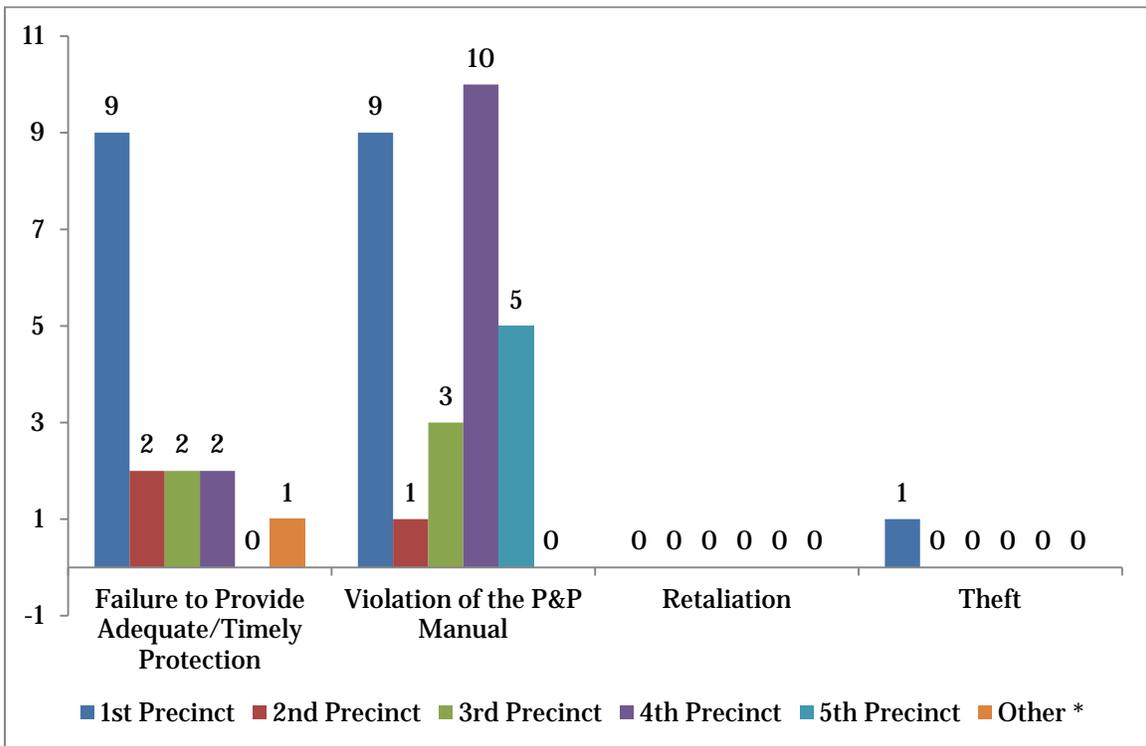
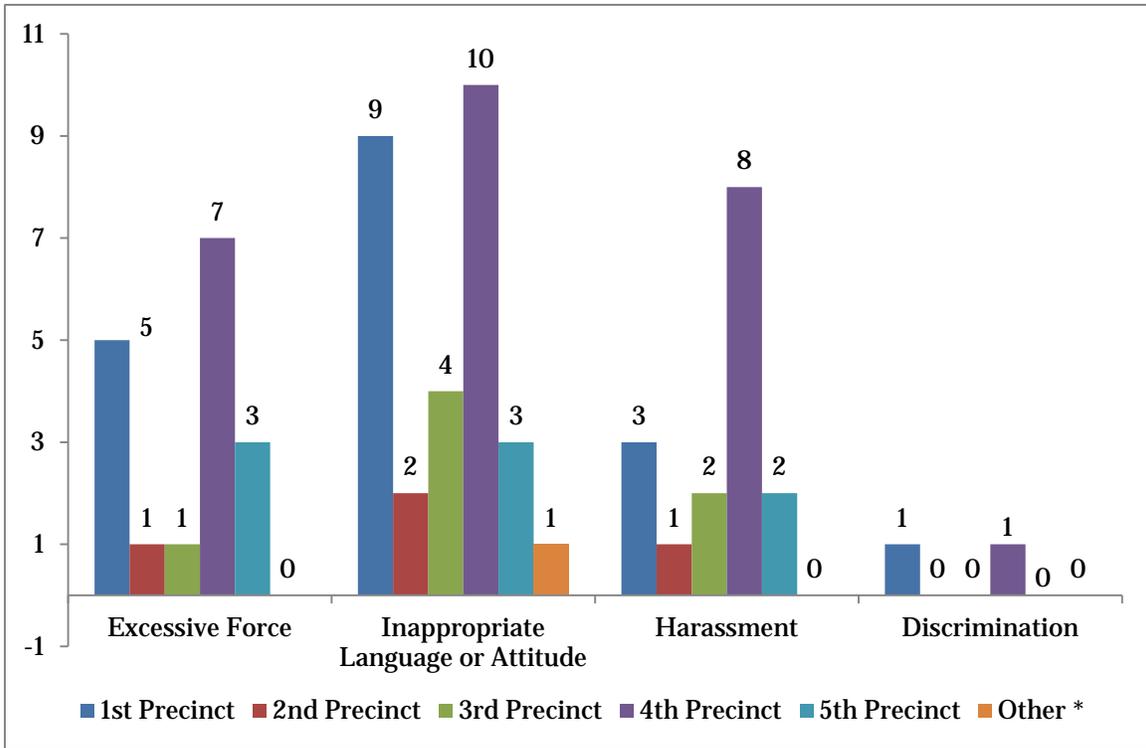
Case Resolution by Allegation



The cases listed as Violations of the P&P Manual included:

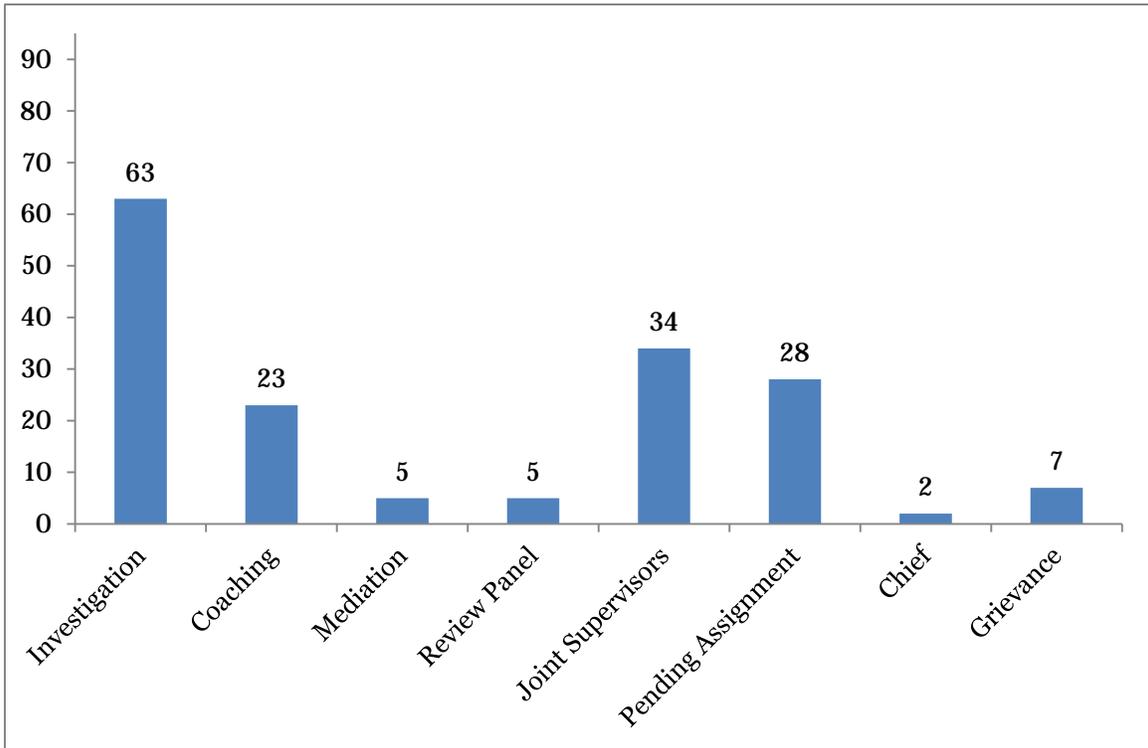
- 5-102 Code of Ethics
- 7-401 Normal Vehicle Operation
- 2-103 Complaints – External Reporting
- 5-105(9) Professional Code of Conduct
- 9-301 Search/Arrest Warrant Requirements
- 5-104.01 Professional Policing

Allegations by Precinct

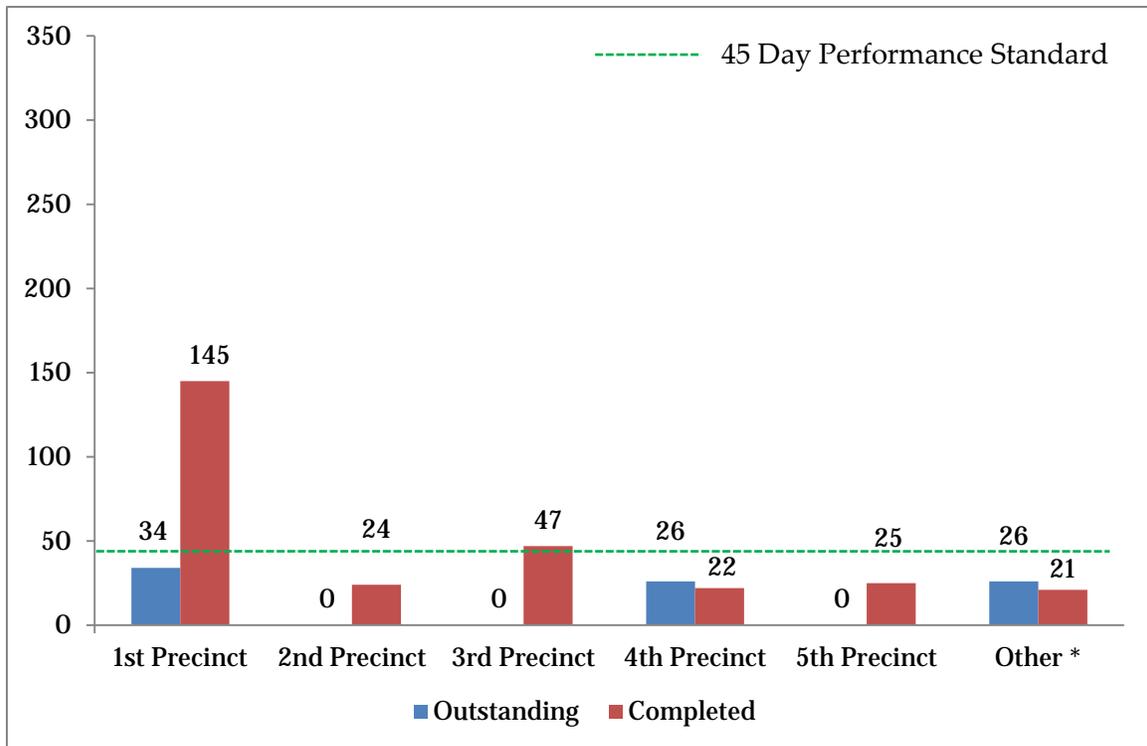


* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.

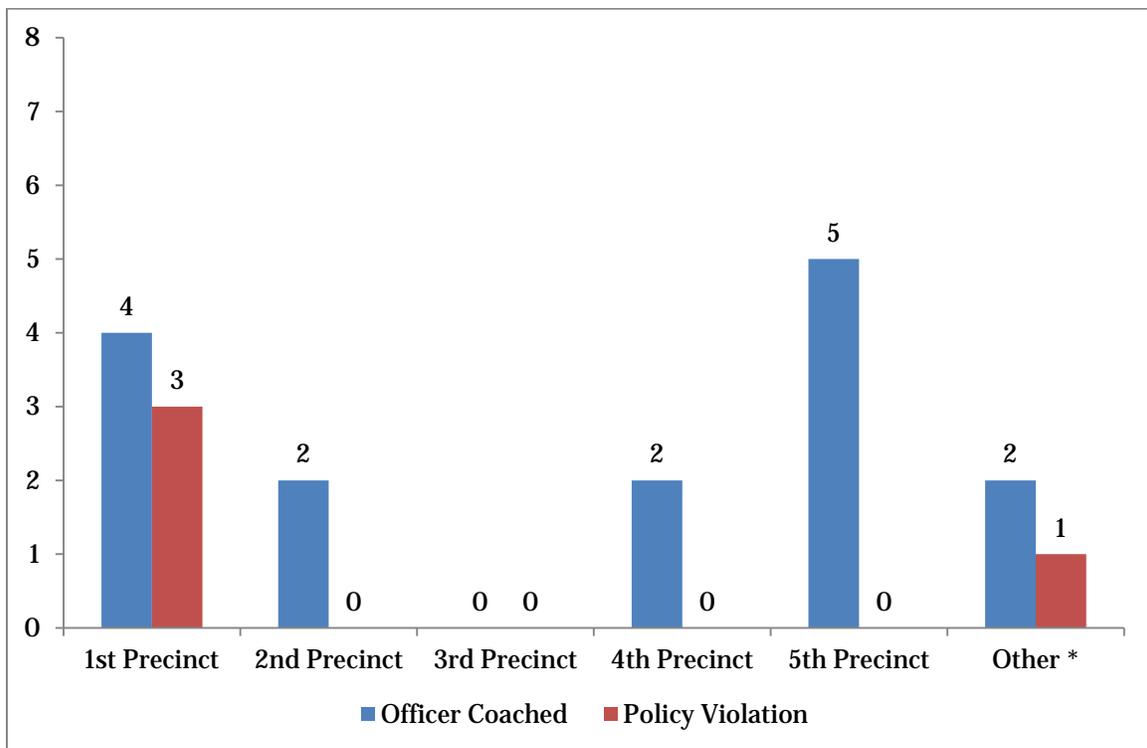
OPCR Open Cases (167 Open/132 Closed)



Average Age of Outstanding and Completed Coaching Case in Days

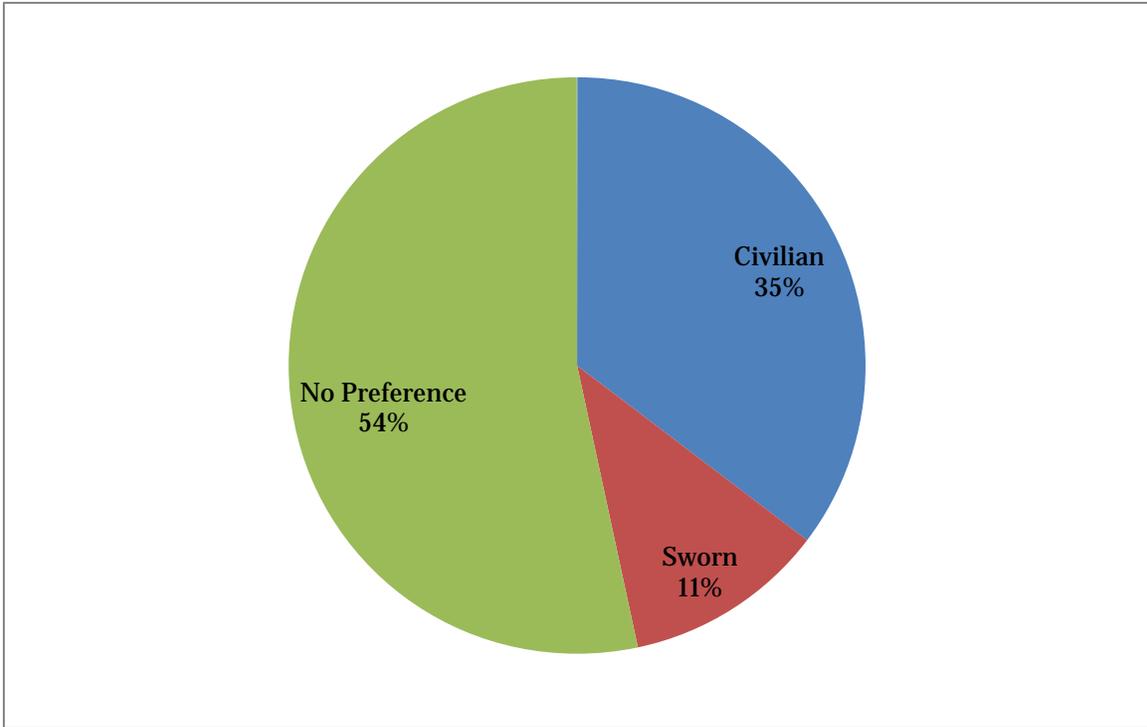


Policy Violations and Coaching By Precinct

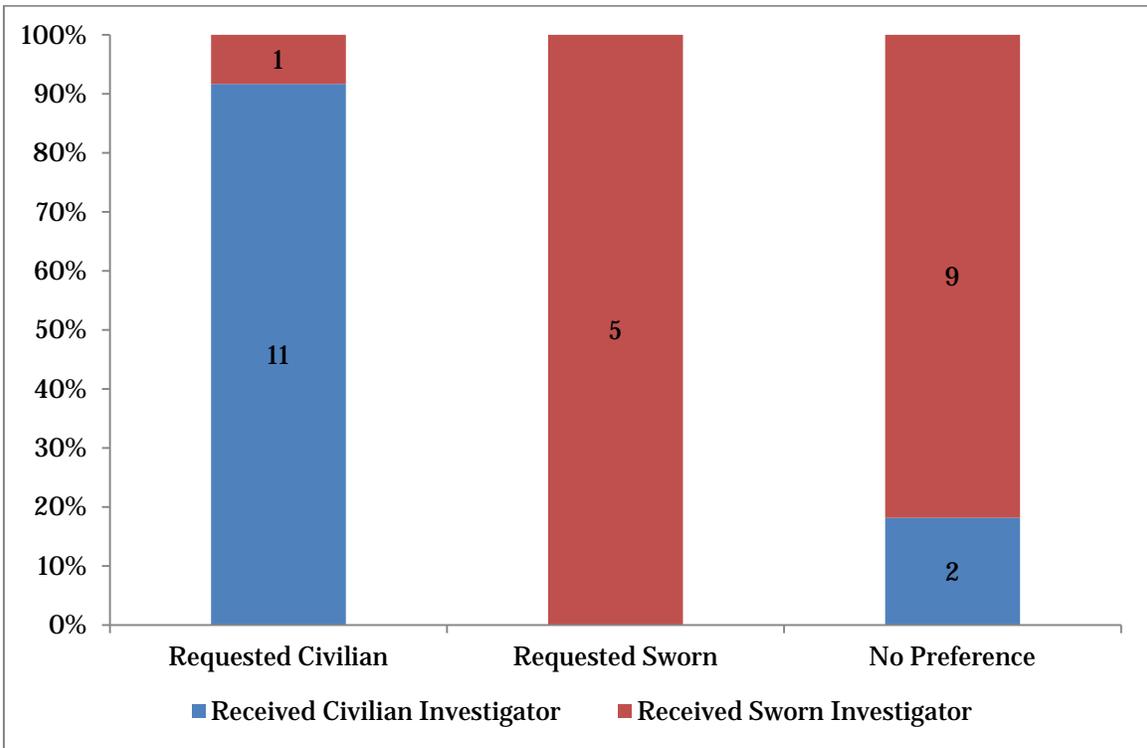


* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.

Investigator Preference

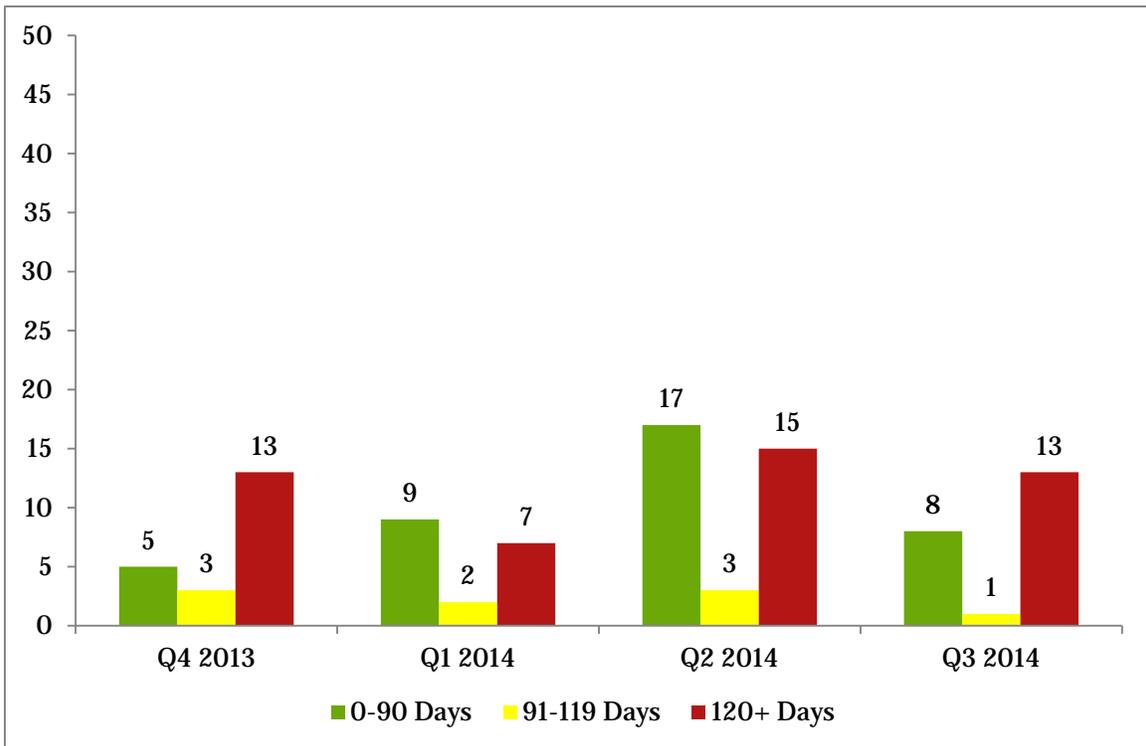


OPCR Investigator Assignments

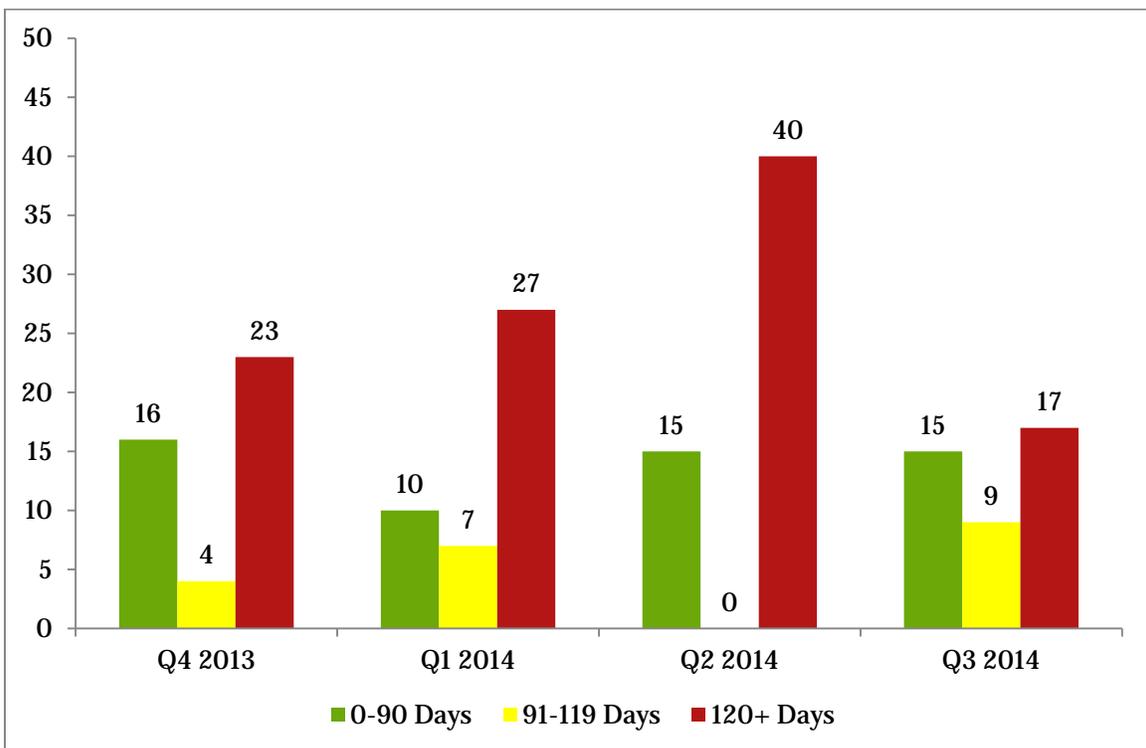


OPCR Investigation Timeline

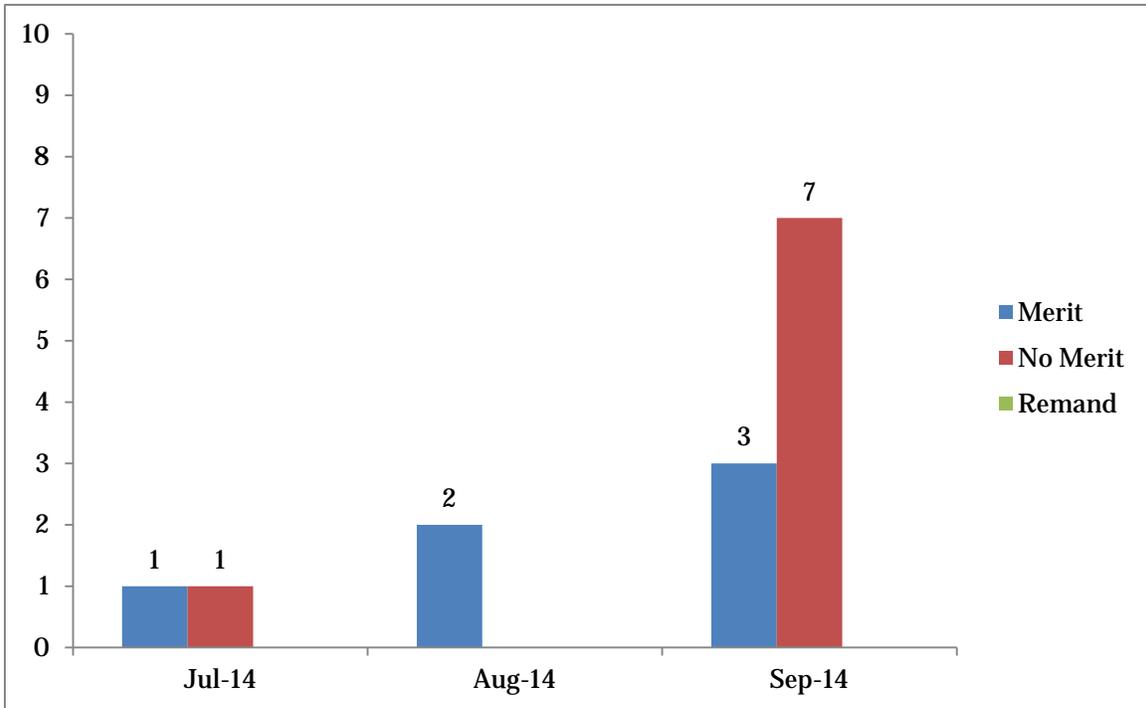
Civilian Unit



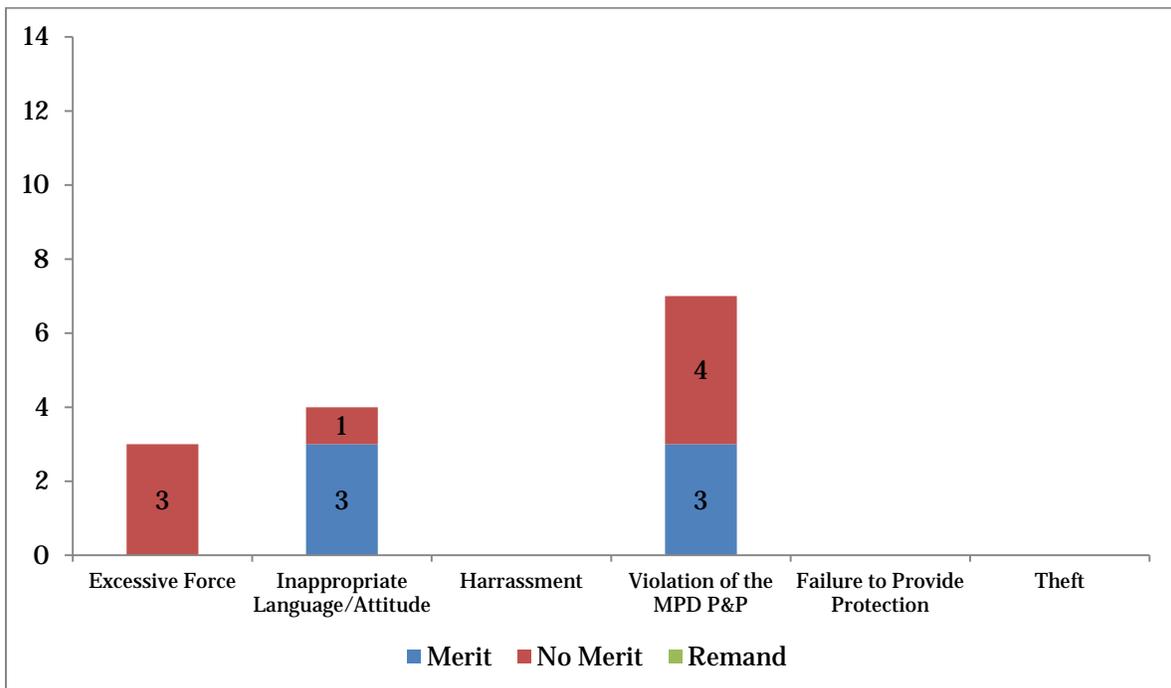
Sworn Unit



OPCR Review Panel Recommendations on Allegations (7 Cases Reviewed)

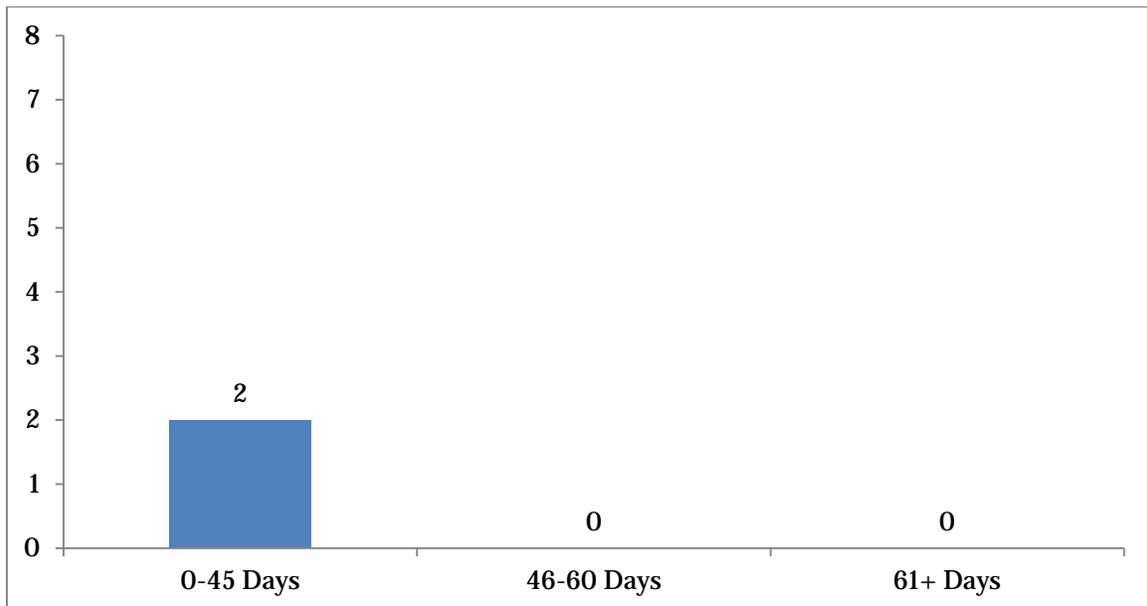


OPCR Review Panel Recommendations in Detail

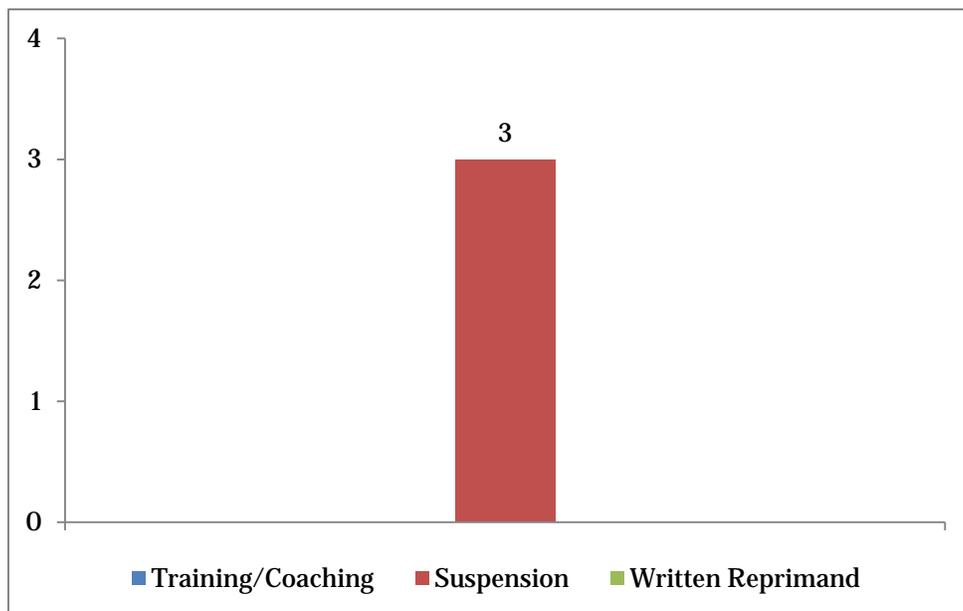


Chief Actions

Amount of Time Current Pending Cases are with the Chief



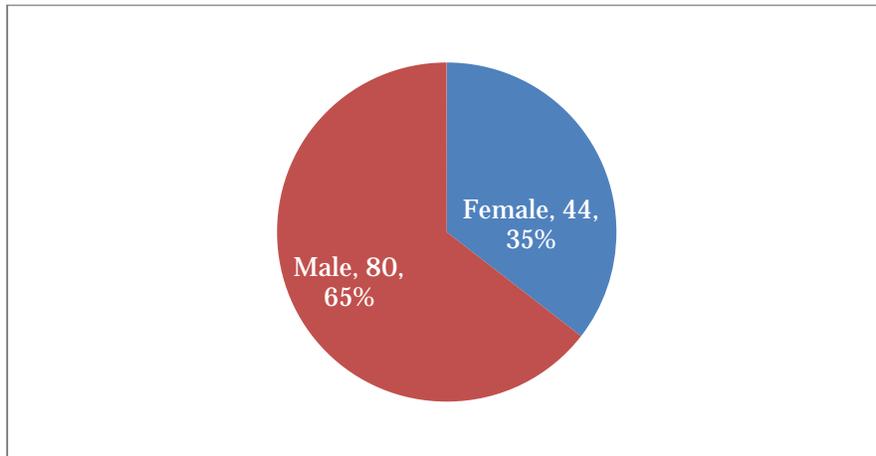
Discipline Types Issued by Chief



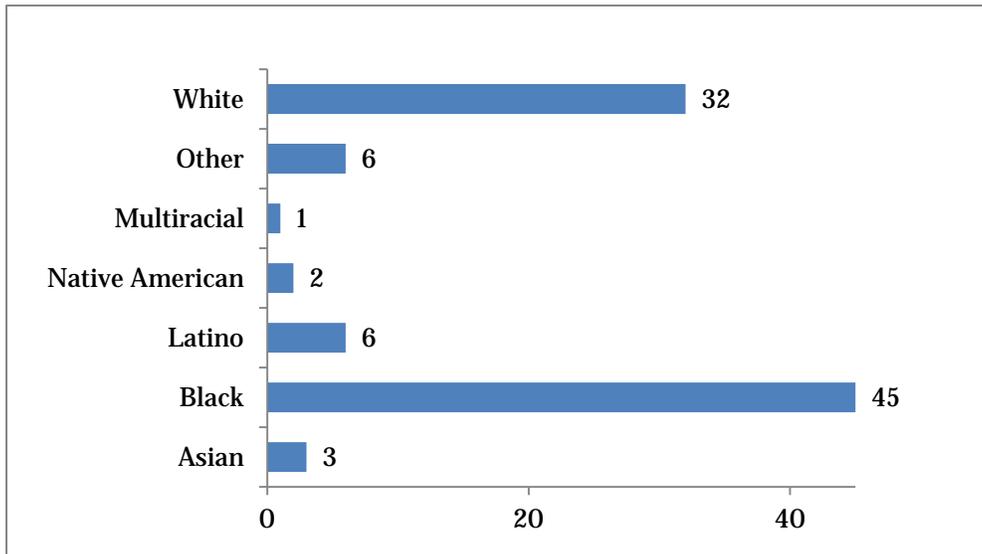
The Chief issued a 10 hour suspension as a result of a B-level language violation. The Chief issued an 80 hour suspension as a result of a D-level excessive force allegation. This case was initially processed before the creation of the Police Conduct Review Panel but was completed as an OPCR case. The Chief issued a 120 hour suspension as a result of a D-level code of ethics violation and a B-level code of conduct violation. Cases in which discipline has been issued do not become public until the expiration of the grievance period.

Complainant Demographics

Gender



Race



Age

