



# Q4 2015 Report

Office of Police Conduct Review

October 1, 2015 – December 31, 2015

## Table of Contents

---

Complaint Processing	2
Coaching	2
Investigation	4
Police Conduct Review Panel	4
Chief's Actions	4
Police Conduct Oversight Commission	5
<b>Measures</b>	
Complaints Filed	7
OPCR Case Resolution	7
Allegations Filed	8
Complaints/Allegations by Precinct	8
Case Resolution by Allegation	9
Allegations by Precinct	10
OPCR Open Cases	11
Average Age of Outstanding and Completed Coaching Documents in Days	12
Policy Violations and Coaching by Precinct	12
Investigator Preference	13
OPCR Investigator Assignments	13
OPCR Investigative Timelines (Civilian and Sworn Units)	14
Police Conduct Review Panel Recommendations on Allegations	15
Police Conduct Review Panel Recommendations in Detail	15
Current Pending Cases with the Chief	16
Discipline Types Issued by Chief	16
Complainant Demographics	17

## COMPLAINT PROCESSING

The OPCR received 70 complaints between October 1, 2015 and December 31, 2015 containing 77 individual allegations. It should be noted that complaints pending joint supervisor review may not yet have allegations assigned.

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.

Of cases reviewed, 30% were assigned to full 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.

Of the 58% of cases that were dismissed, 52% were dismissed for jurisdictional issues (e.g. cannot identify officer, complaint is older than 270 days, does not involve MPD), 8% for failing to state a claim (even if true, the officer's actions do not amount to misconduct), and 40% for no basis, either because they lacked any actual evidence or direct evidence contradicted the complainant's allegations (e.g. squad recordings).

As a result of the work to eliminate the Q3 2015 backlog, there were still a number of complaints filed in Q4 2015 that are awaiting joint supervisor review. As such, the proportion of complaints assigned to investigation, coaching, mediation, or dismissal may likely change.

## 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.

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 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 Q4 of 2015, officers were coached by supervisors in 43% of cases returned to the OPCR during that period. At the end of Q4 2015, the 1st, 2nd, 3rd, and 5th precincts as well as the additional, non-precinct divisions were operating within the 45 day timeline.

Assessing various aspects of the coaching process is critical given its importance. See the table below and graphs on page 12:

Precinct	Sent	Returned	Pending
1st	1	1	0
2nd	4	3	1
3rd	0	1	0
4th	3	2	3
5th	0	1	0
Other*	0	0	0

*\* 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 could 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, the joint supervisors will 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 72% 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 in Q4 2015, 4 of 5 complainants received the investigator type of their choice when a preference was expressed.

## **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, only one allegation out of the hundred plus reviewed has been forwarded to the chief with a split recommendation.

The Review Panel issued 6 case recommendations during Q4 2015. Of those 6 cases, panelists issued 21 merit recommendations on significant allegations such as discrimination, excessive force, and truthfulness.

## CHIEF'S ACTIONS

In Q4 2015, the Chief issued a 40 hour suspension as a result of a sustained C-level violation for failing to investigate a domestic assault and a letter of reprimand as a result of a sustained B-level violation for allowing removal of property in violation of policy. The Chief issued additional training for two officers as a result of sustained A-level violations of the vehicle search policy.

## 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.

During the October 13, 2015 Commission meeting, MPD leadership informed the Commission that recommendations from the Investigative Stops study will be implemented. Officers will now be required to document reasons for suspicious person stops and outcomes as well as demographic information about those stopped. The Commission received its fifth completed study during the December 2015 meeting. The study analyzed a variety of factors in arrests for "Doesn't Fit Any Crime" or "miscellaneous." The study again reinforced the need for documentation of ethnicity in reports.

The Commission launched an important research and study project in response to concerns raised by StampMN regarding the treatment of those experiencing mental health issues. While the study is in its infancy, it aims to provide significant improvements in service to those in need. OPCR analysts are currently developing methodology for the study to be finalized in Q1 2016.

The Policy and Procedure Committee 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 Committee discussed and initiated the study on mental health issues, and a representative of the Policy and Procedure Committee met with Duluth Police command staff and care workers to discuss the Duluth pilot program for responding to mental health emergencies. The Committee continues to monitor ongoing programs of research and study as well as MPD policy revisions. The Outreach Committee met twice and formulated new outreach opportunities to present to the Commission.

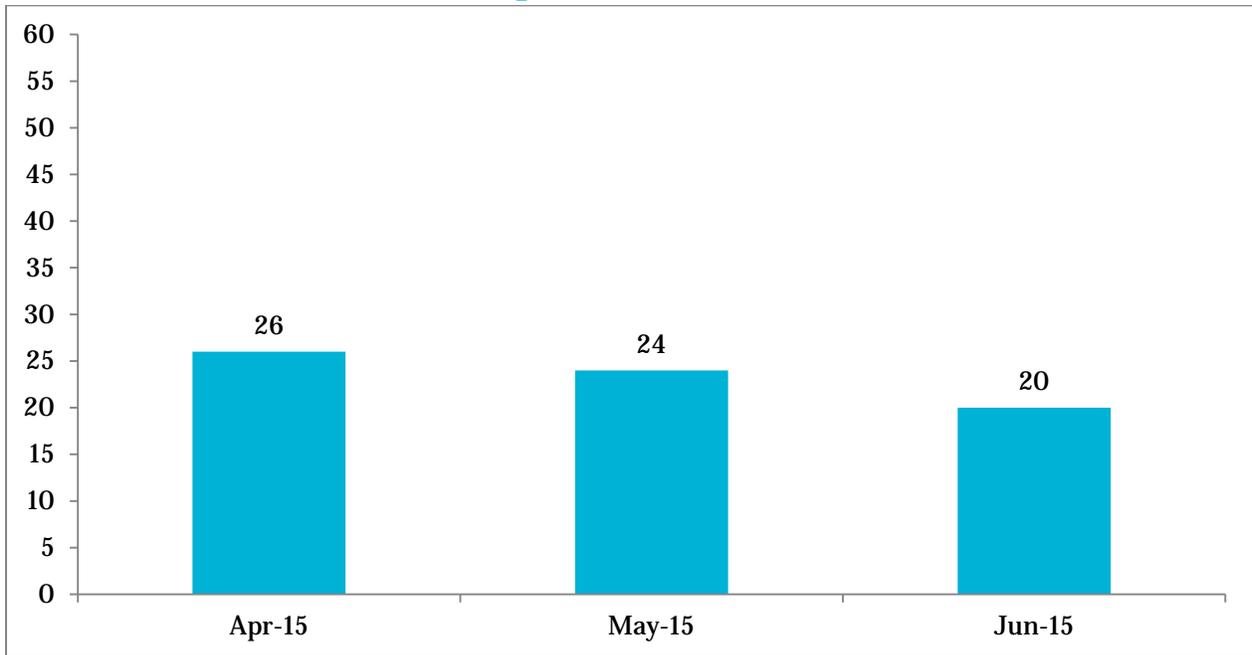
The Commission reviewed thirty case synopses and nine case summaries during Q4 2015 which can be found on the [Commission case data page](#). Regular meetings will continue to occur on the second Tuesday of each month at 6:00 PM. For all Commission data, including case summaries, synopses, agendas, and minutes see the PCOC website:

<http://www.ci.minneapolis.mn.us/civilrights/conductcomm/index.htm>.

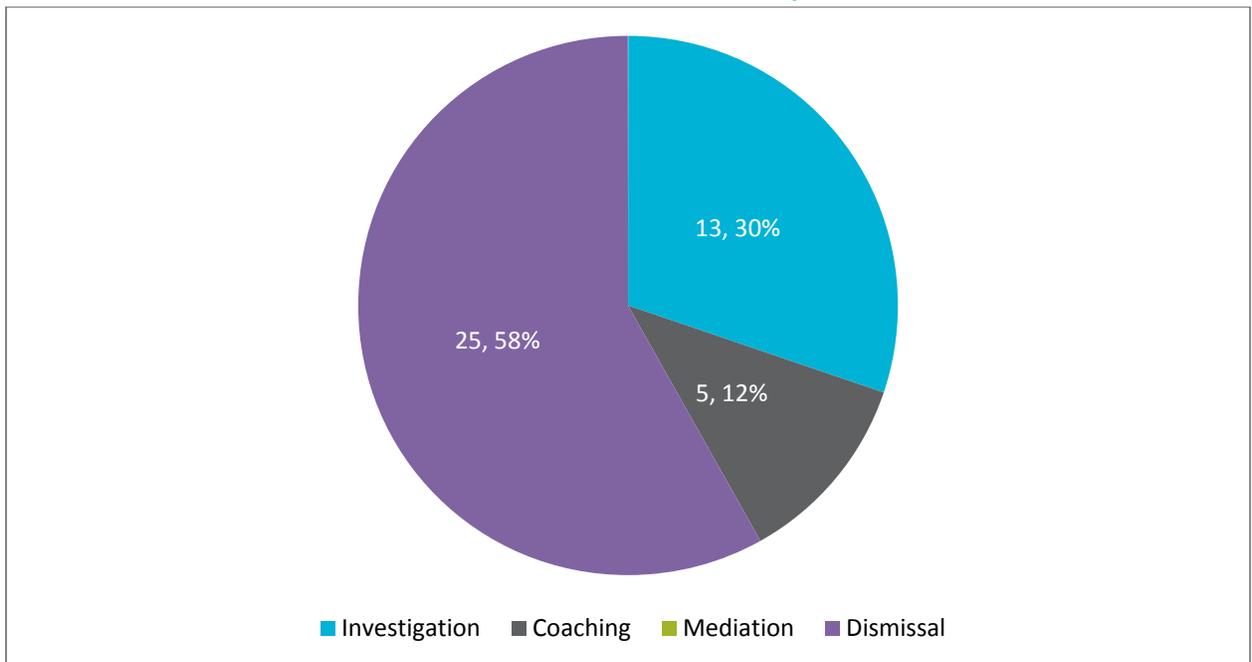
## MEASURES

Complaints and Case Assignments	7
Allegations in Detail and Complaints and Allegations by Precinct	8
Case Resolutions by Allegation	9
Allegations by Precinct	10
Open Case Inventory	11
Coaching Statistics	12
Investigator Preference and Assignment	13
Investigation Timelines	14
Review Panel Recommendations	15
Chief Activity	16
Complainant Demographics	17

### Complaints Filed (70)

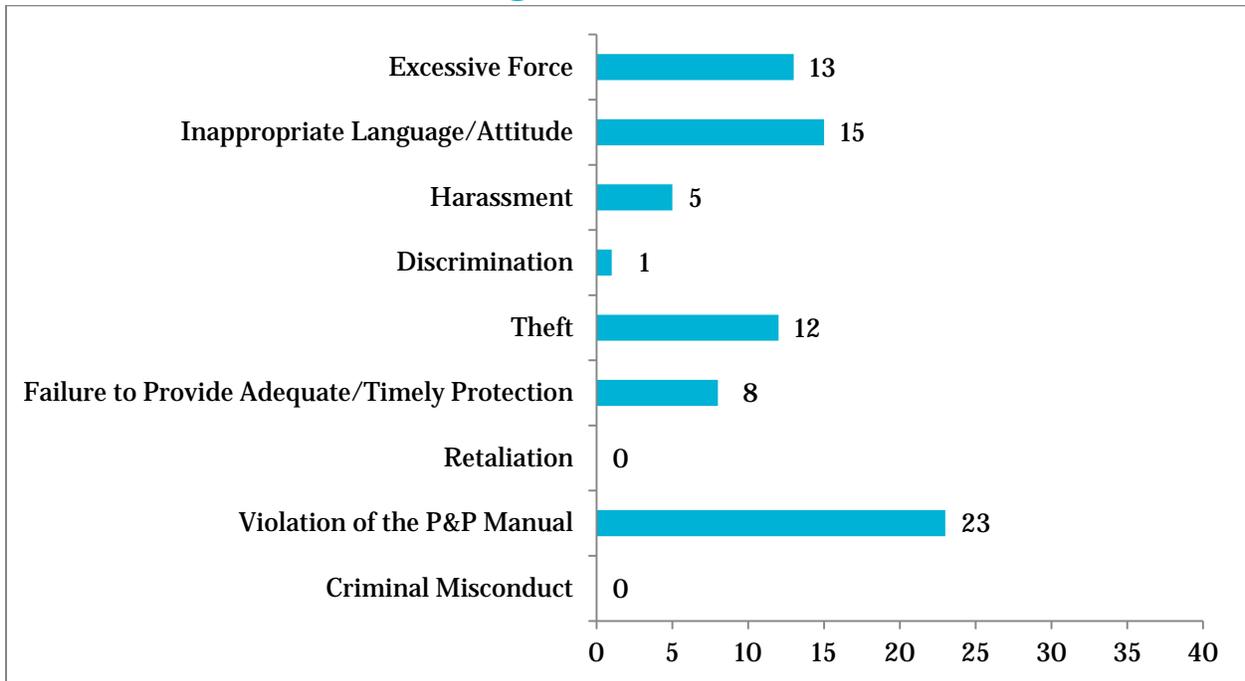


### OPCR Case Resolution in Q4 2015<sup>1</sup>

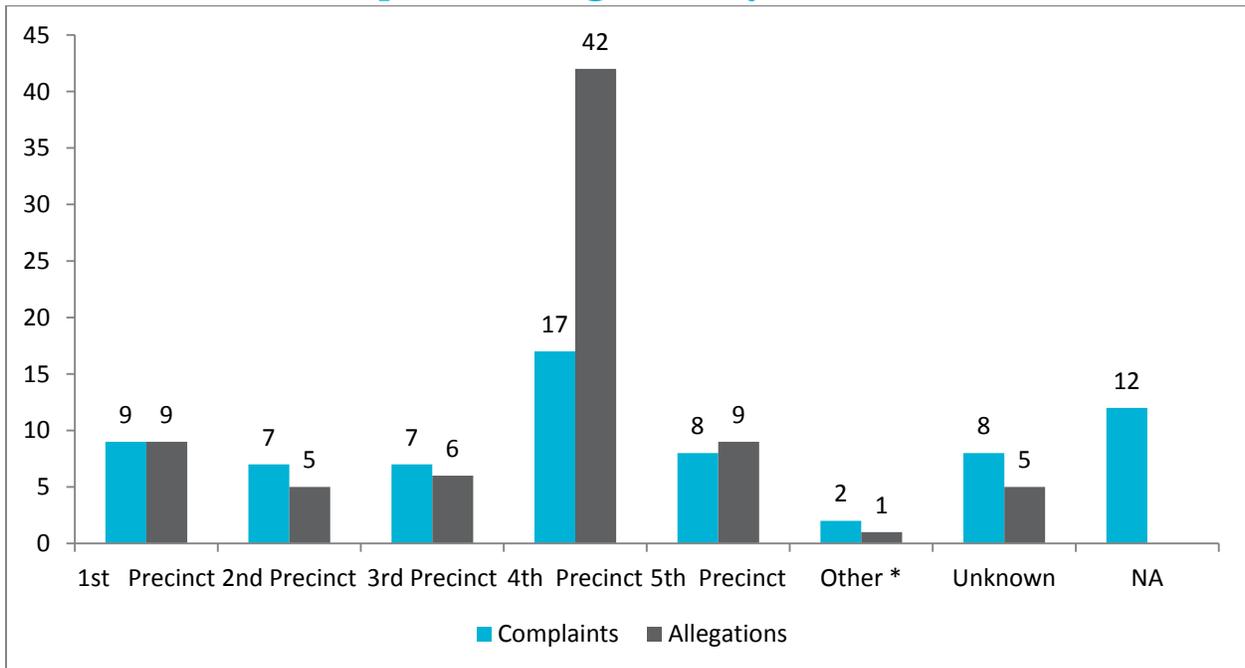


<sup>1</sup> It should be noted that at the end of Q4 2015, 27 complaints filed during the quarter were pending assignment or undergoing intake investigation.

## Allegations Filed (77)



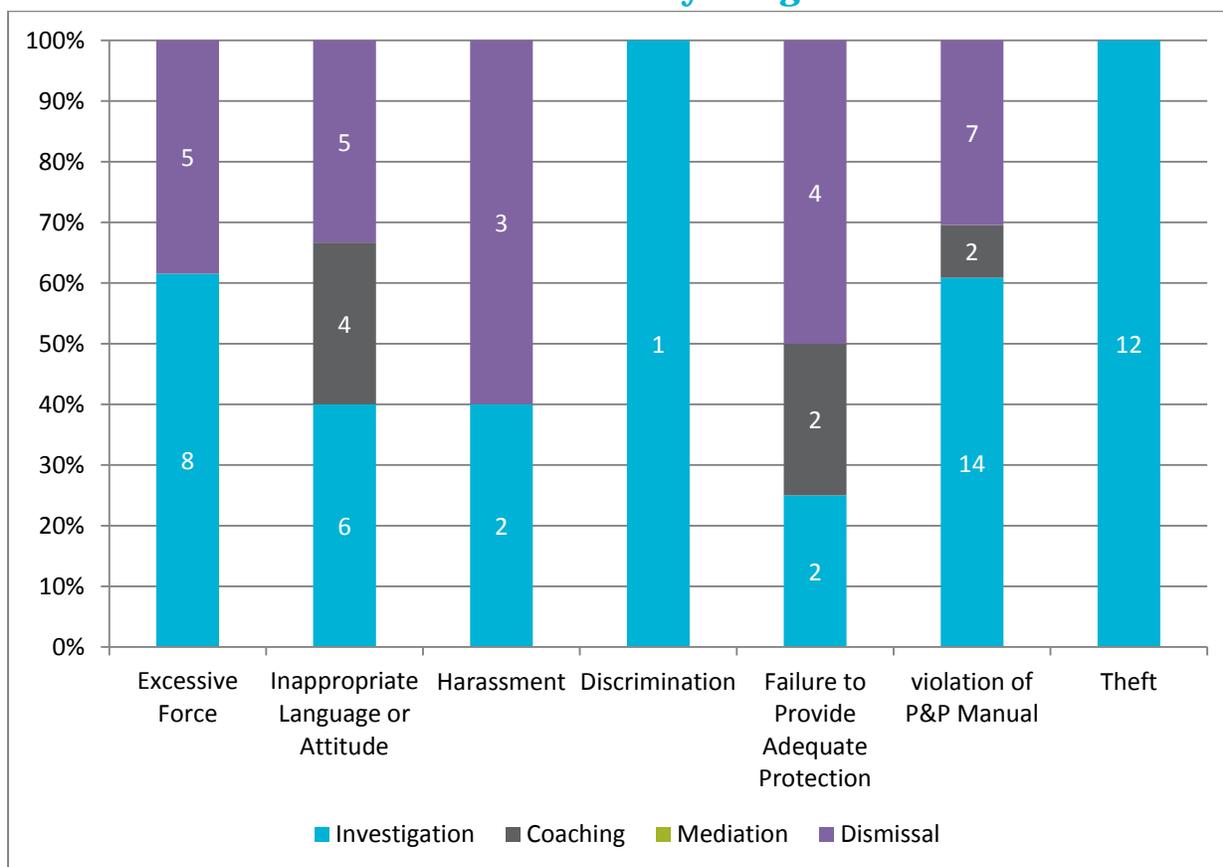
## Complaints/Allegations by Precinct\*\*



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

\*\* Unknown complaints may be against Minneapolis Police Officers but require further investigation to determine identity. NA complaints are no jurisdiction complaints not against the Minneapolis Police Department.

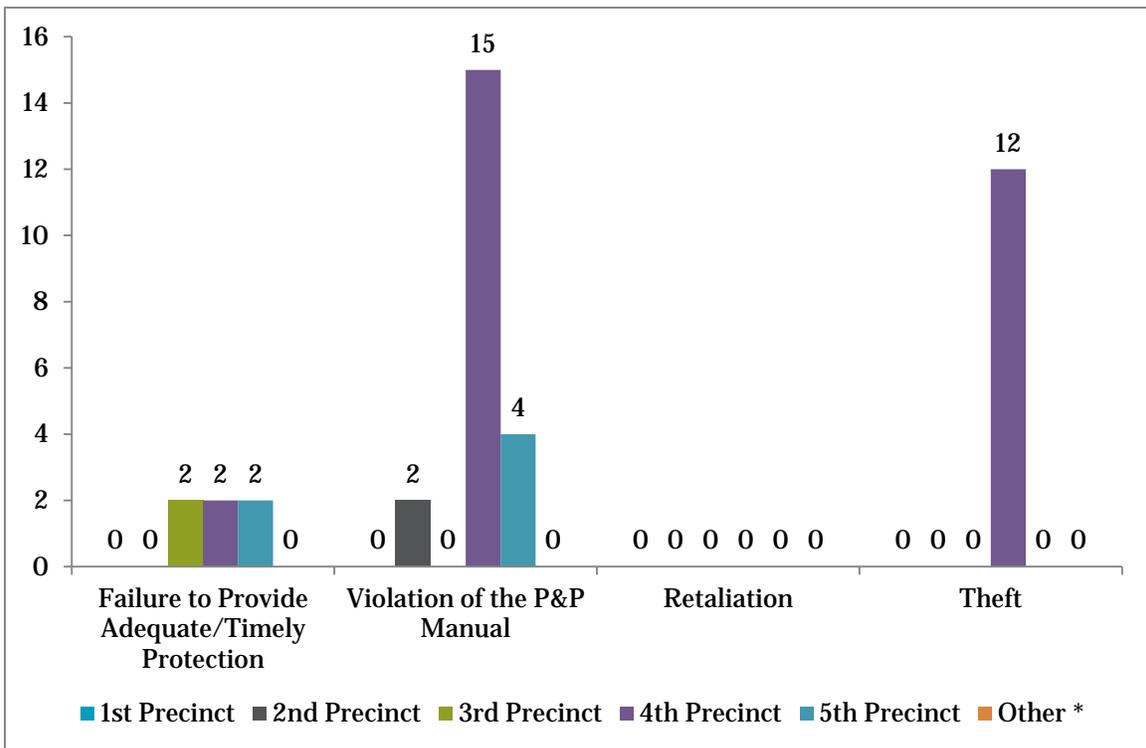
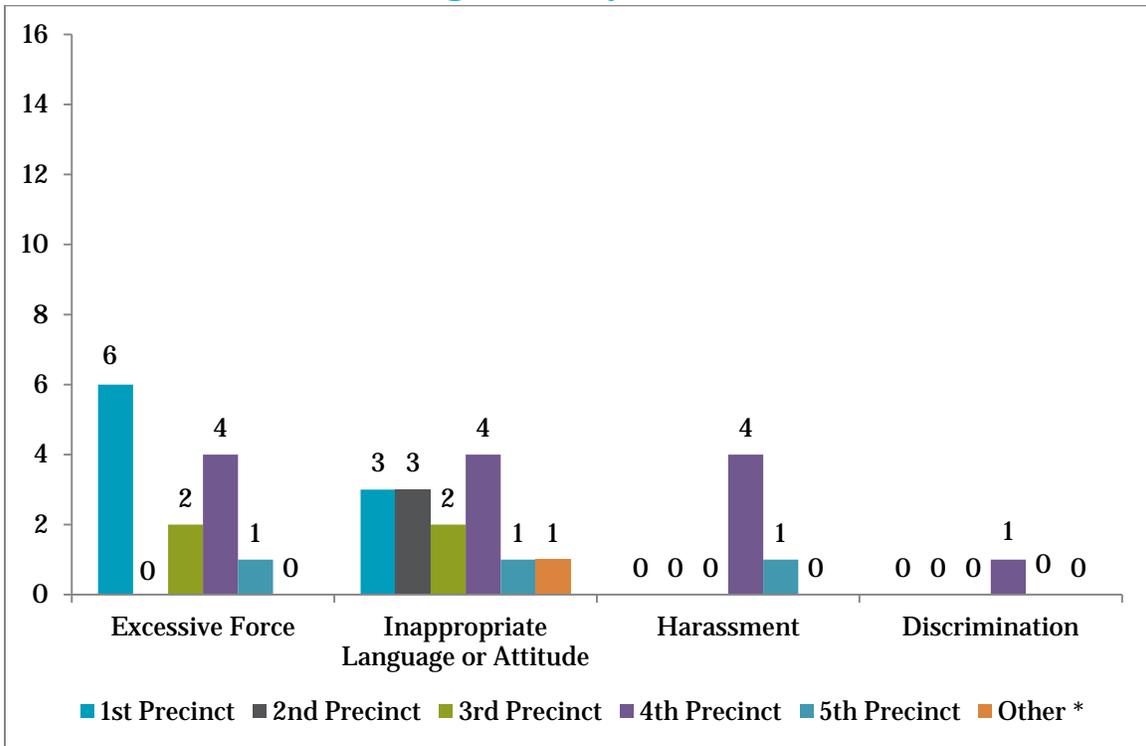
## Case Resolution by Allegation



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

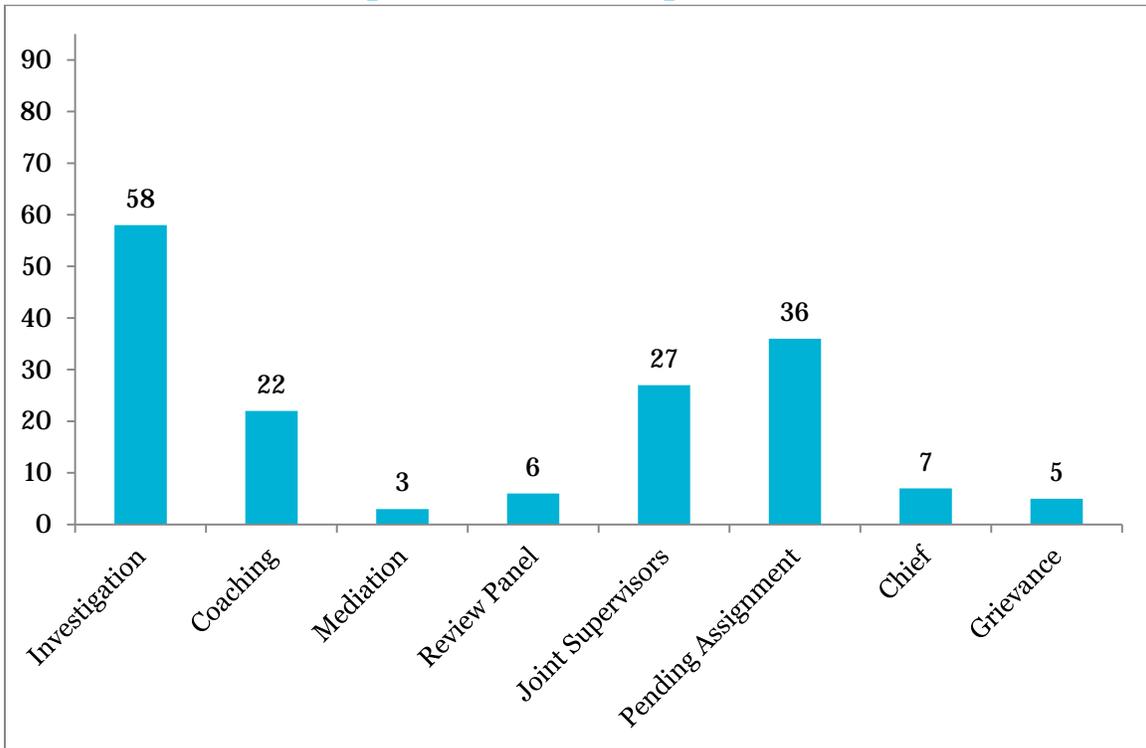
- 5-103 Use of Discretion
- 5-105(2) Professional Code Of Conduct
- 7-401 Normal Vehicle Operation
- 5-105(3) Professional Code of Conduct
- 7-701 Impounding Vehicles
- 10-407 Inventory of Coin and Currency
- 9-200(III)(C) Search and Seizure

## Allegations by Precinct

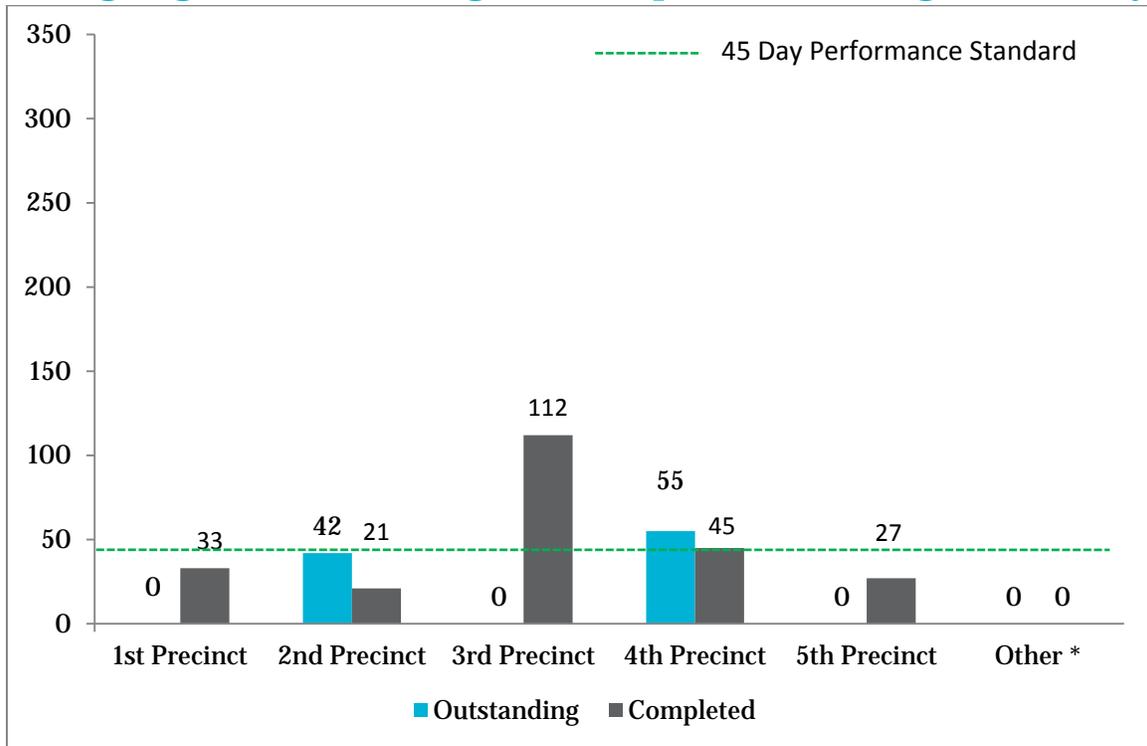


*\* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division. Additional allegations were filed against officers whose identities were not known at the time of this report. Hence, those allegations are not listed against a specific precinct.*

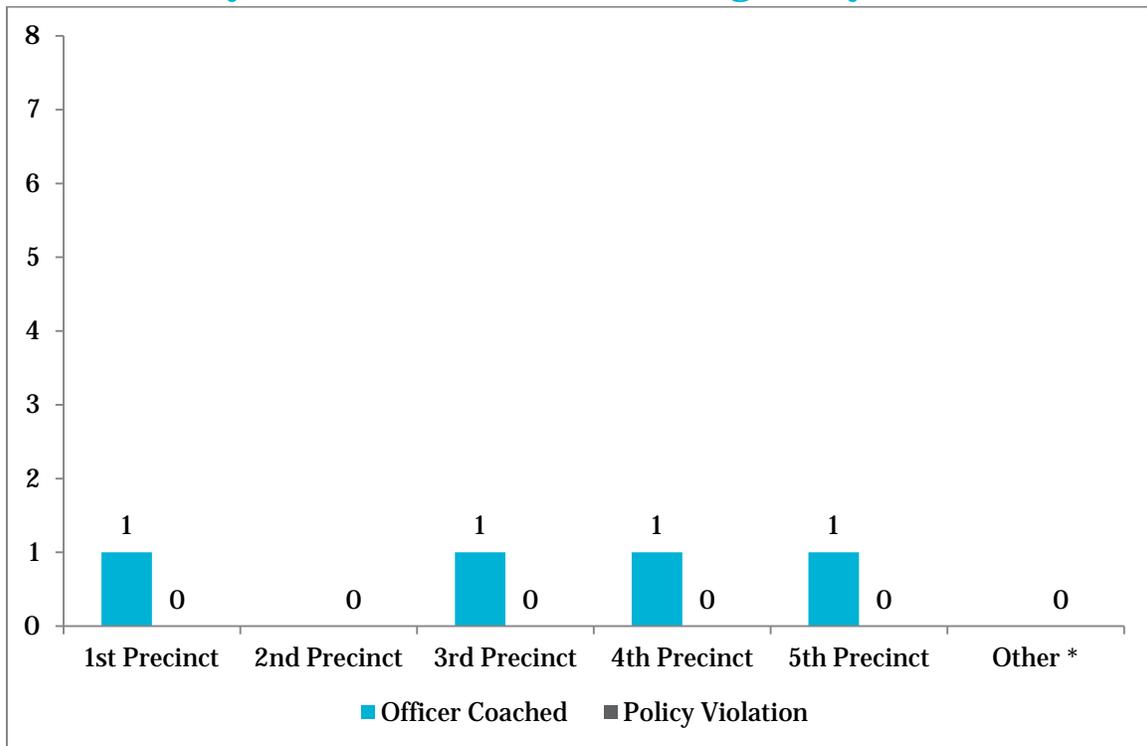
### OPCR Open Cases (170 Open/90 Closed)



## Average Age of Outstanding and Completed Coaching Case in Days

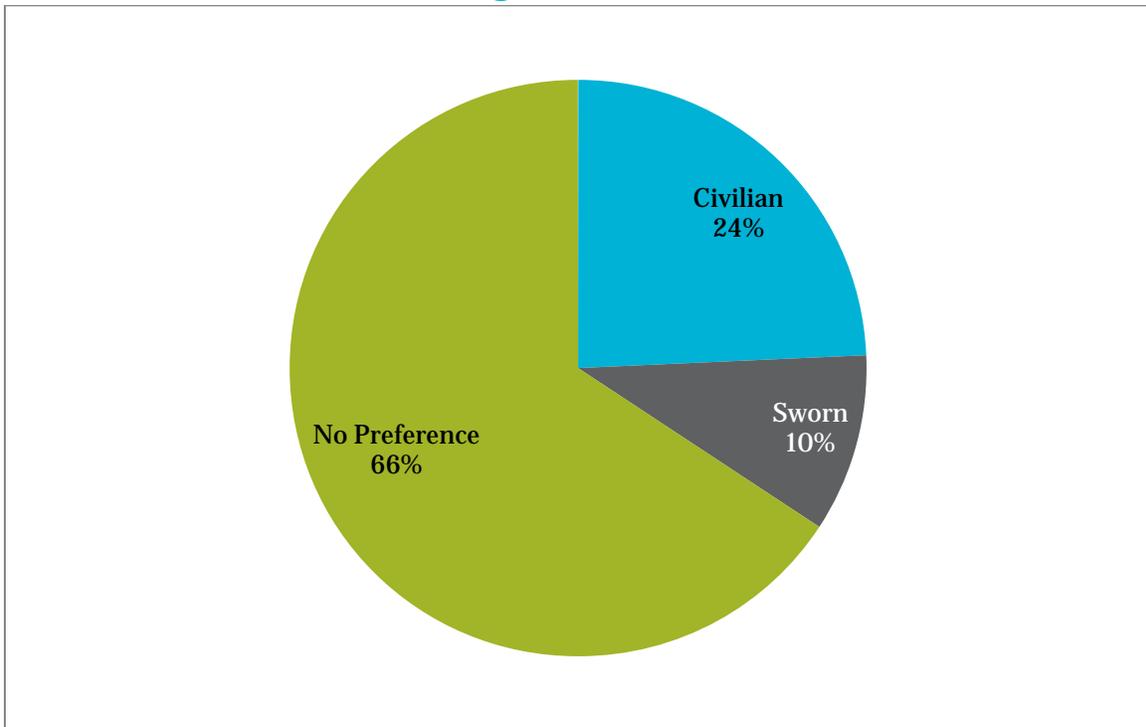


## Policy Violations (0) and Coaching (4) By Precinct

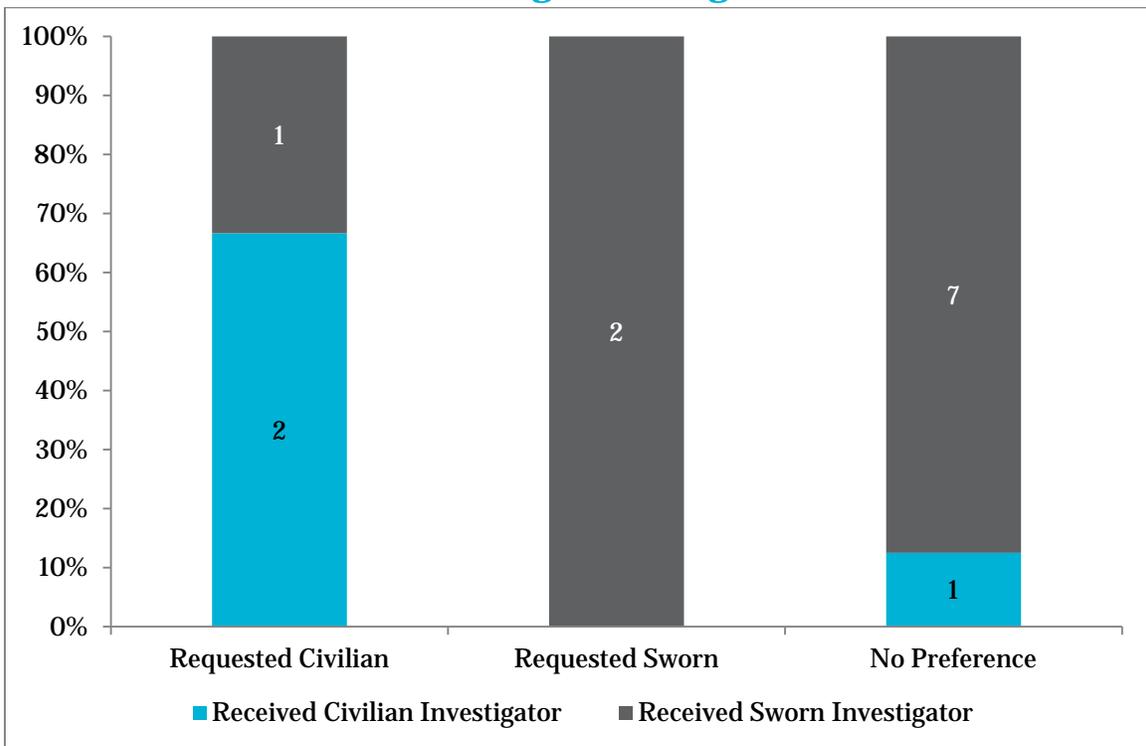


\* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.

## Investigator Preference

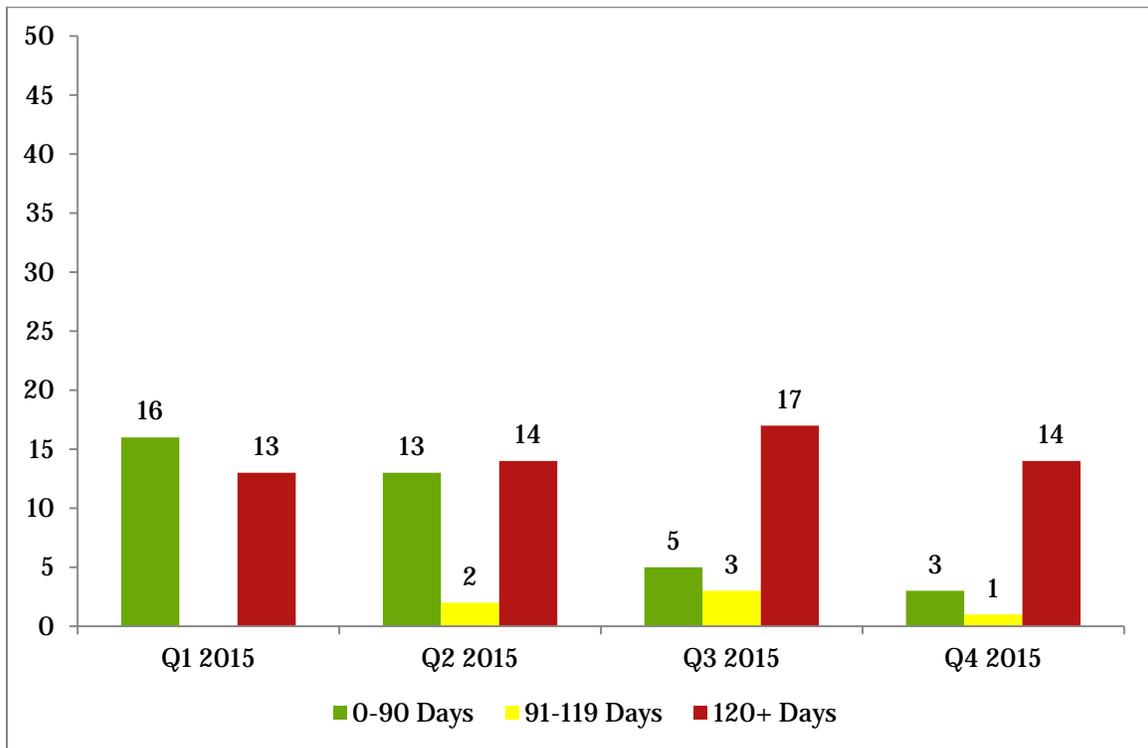


## OPCR Investigator Assignments

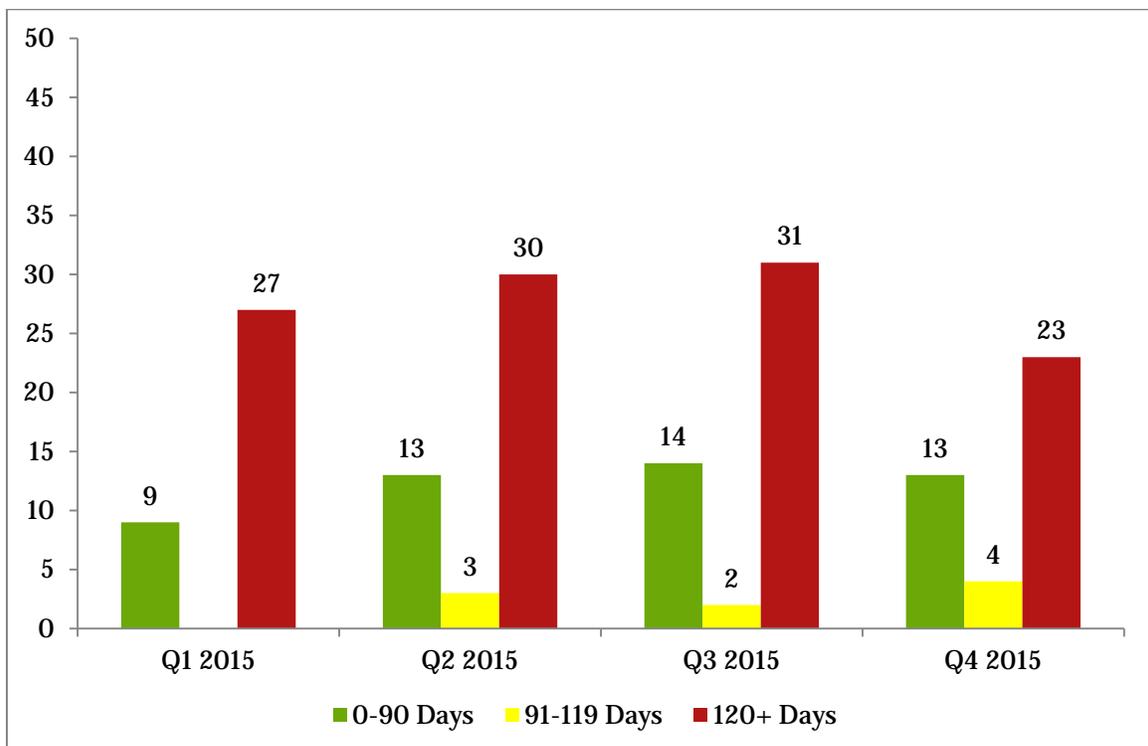


## OPCR Investigation Timeline

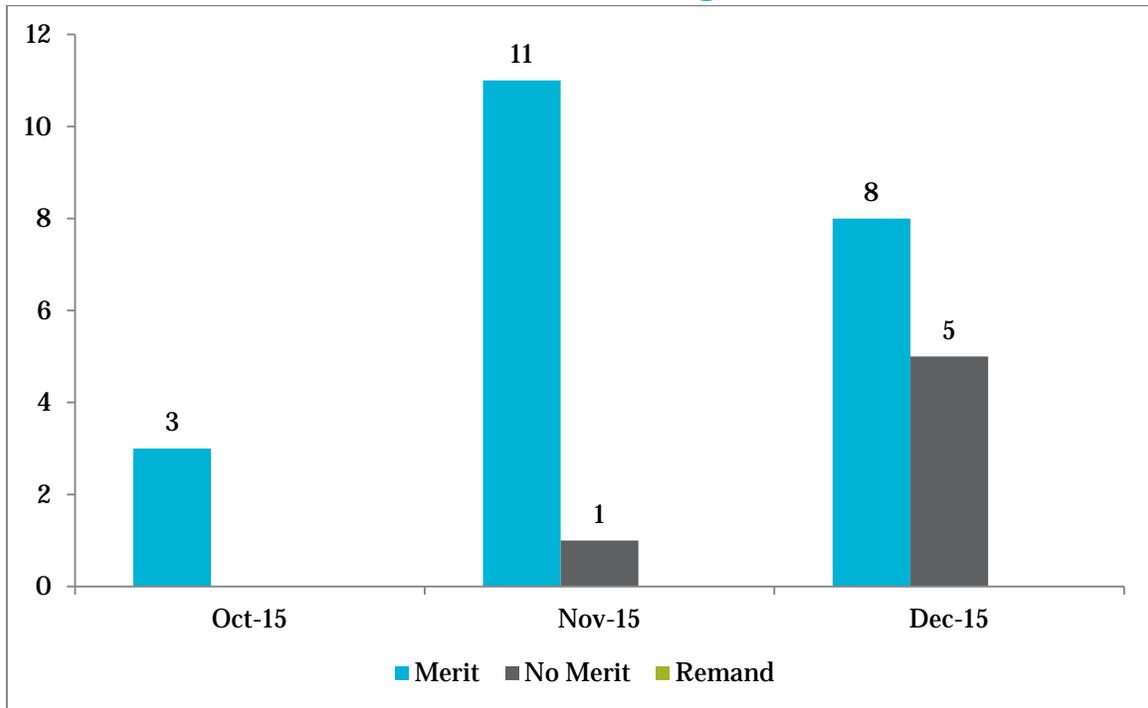
### Civilian Unit



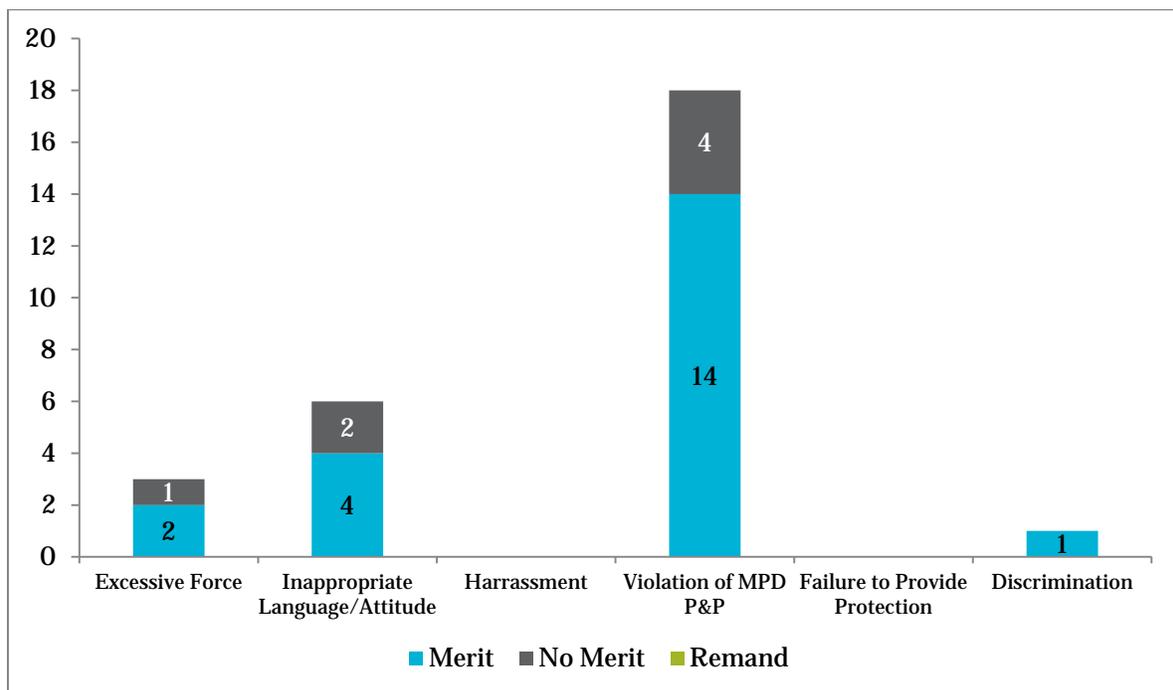
### Sworn Unit



## Review Panel Recommendations on Allegations (6 Cases Reviewed)

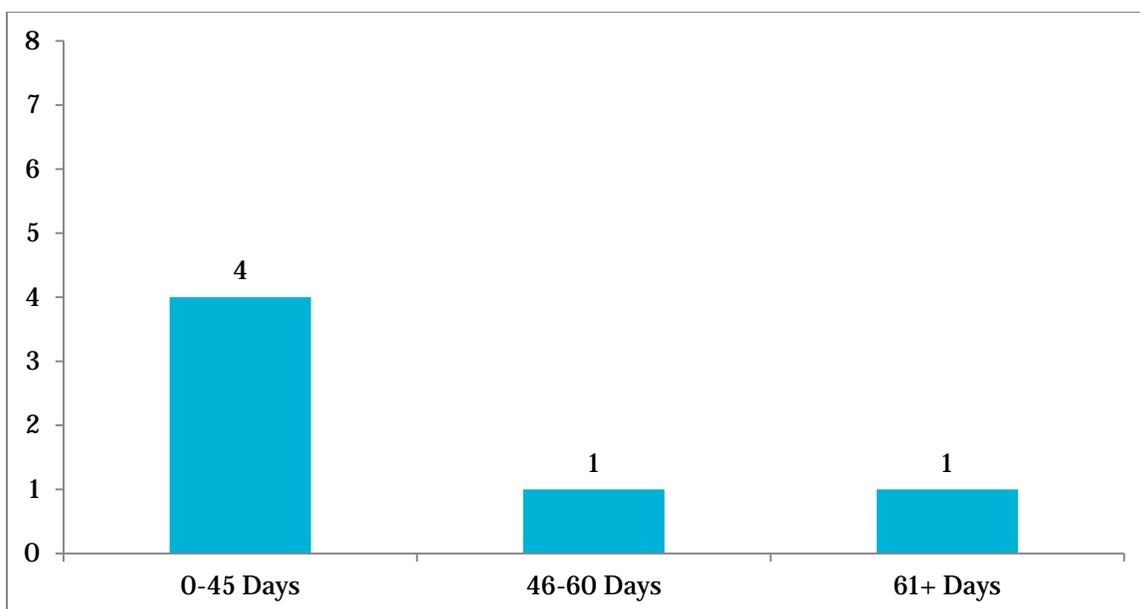


## Review Panel Recommendations in Detail

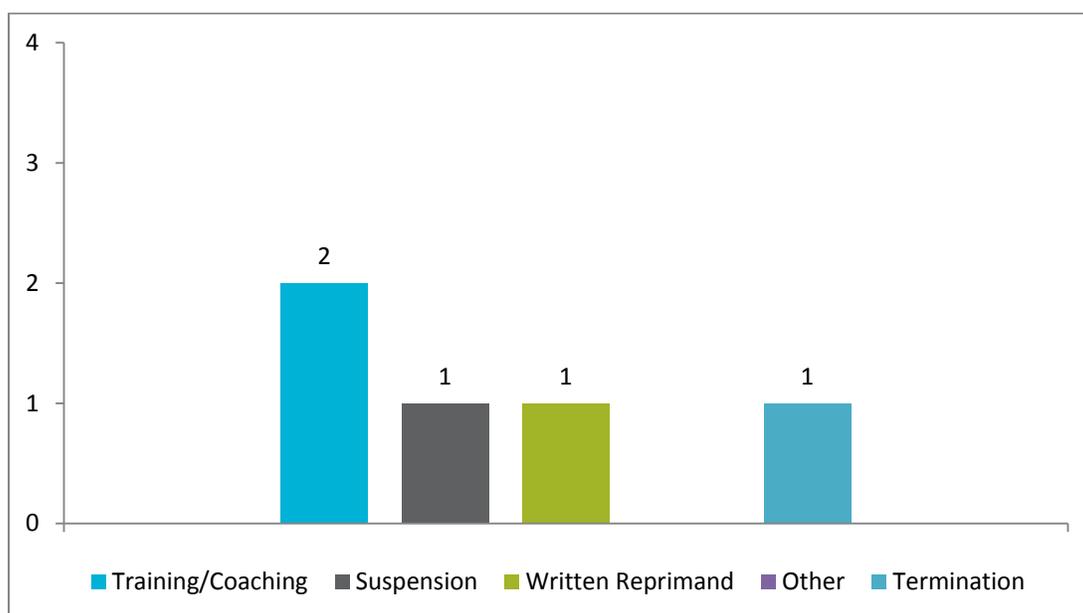


## Chief Actions

Amount of Time Current Pending Cases are with the Chief



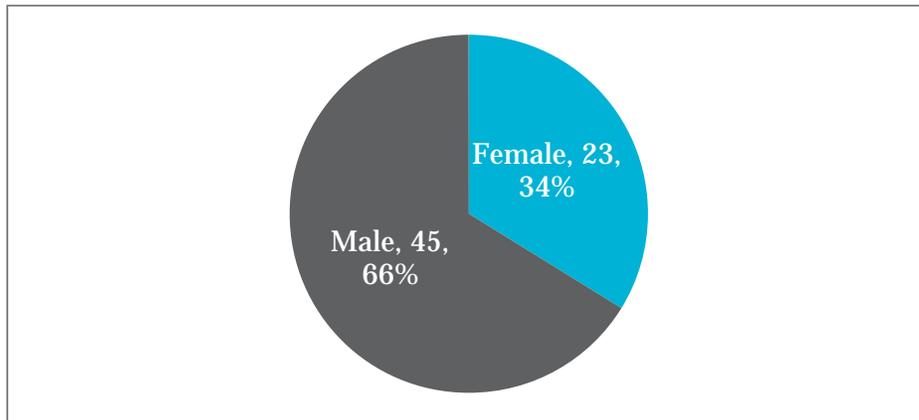
Discipline Types Issued by Chief



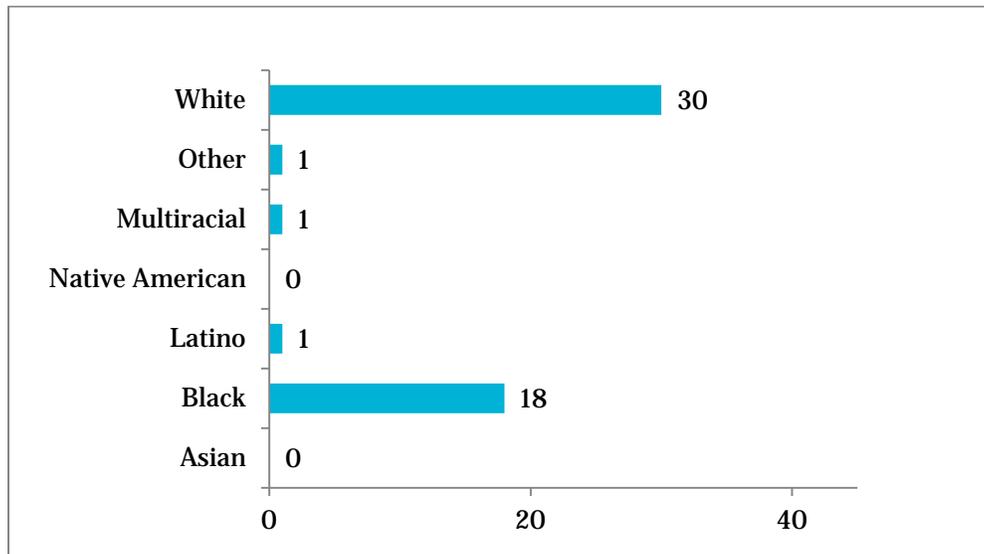
The Chief issued a 40 hour suspension as a result of a sustained C-level violation for failing to investigate a domestic assault and a letter of reprimand as a result of a sustained B-level violation for allowing removal of property in violation of policy. The Chief issued additional training for two officers as a result of sustained A-level violations of the vehicle search policy. The chief has decided to discharge one officer as a result of sustained D-level violations.

# Complainant Demographics

## Gender



## Race



## Age

