

POLICE CONDUCT OVERSIGHT COMMISSION
Minutes
Regular Meeting July 12, 2016
Starting at 6:00 p.m.
350 Fifth Street, Room 241, Minneapolis, MN 55407

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

Commission Members Absent: Adrianna Cerillo.

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

Chair Brown called the meeting to order at 6:01 p.m.
A quorum of the Commission was present.

Farah moved to adopt the meeting agenda with the following addition: add new item “A” under “New Business” to discuss the recent shootings in Saint Paul, Louisiana, and Dallas.

Seconded.

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

The motion carried.

Singleton moved to adopt the meeting minutes from June 14, 2016.

Seconded.

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

The motion carried.

Public Comment

Chuck Turchick:

- Called for a moment of silence to recognize those who were injured or passed in the recent past events.
- Commented on the MPD’s recruiting film expressing gratitude for the Commissioner’s assistance in removing the video from the internet.
- Commentary on Case Summary Data #10 addressing individual levels of accountability stating that perhaps the complainant may have felt threatened in regard to pursuing the complaint and perhaps more could have been done in the form of outreach to the individual.
- Addressed cultural awareness and de-escalation training in addition to accountability within the policy and culture of the MPD and asked for more attention in that area.

David Bicking:

Pending Approval

- Commented on the complaint filing experience study indicating that it would be beneficial to include feedback on people's experiences with filing complaints.

Kathy Czech:

- Indicated that it with regard to the mental health working group that it is being considered to keep the group to between 12-15 representatives, which limits the cultural diversity of the group and can prove problematic further down the road.
- Encouraged the group to also include individuals who work in the field and not in an office type setting.
- Suggested involving representatives from the University of Minnesota to participate in the working group.

New Business

Recent Events in Saint Paul, Louisiana, and Dallas Discussion

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

Farah - indicated that friends, family, and members of the community are upset and the PCOC needs to revisit the role the group plays within the community. Expressed concern in that after events, such as the shootings that occurred in the very recent past, there is a period of focus and attention, which dies away and becomes largely forgotten until the next event.

Westphal - indicated that she does not like what is happening but indicated that it is an urgent opportunity and reiterated that Commander Schoenberger is invited to come in and update the Commission on what is being done within the MPD in terms of training stating that the community needs to know what steps are being taken in this arena. Additionally, the culture needs to change and she is involved and speaks to many community members; those that regularly attend meetings and participate know that the group is affecting positive change, perhaps not large steps, but there has been progress.

Foroozan - addressed culture and attitude issues within the MPD indicating that the issues may not be as pervasive as perceived, however there are those officers out there who are making political statements using their uniforms. There exists little discussion on de-escalation training with regard to new recruits and lateral transfers, suggesting that the training is either nonexistent or ineffective and there are little or no consequences for not using that training. Regarding the officer in the Jamal Clark case, BCA interviewed the officer, who referenced training received in San Diego, but there was no mention of training from the MPD. He stated there is a lot of work to be done and expressed frustration in that there is a struggle to get basic things implemented in a way that works for both the community and the police, such as body cameras.

Pending Approval

Buss - stated that although these incidents were not in Minneapolis, the PCOC and the community must learn as much as possible about the incidents, taking those lessons and heading things off before they become an issue here by taking a close look at how the PCOC can become more proactive in changing policy and procedure, getting ahead of it in the best way possible.

Singleton - indicated that structural and institutional racism is reflected within the police department, making it a difficult job in dealing with societal forces, but the PCOC can bridge part of the gap between the police and the community. What happened was terrible and divisive. However reviewing the policy and procedure manuals, working with MPD training, body cameras, and other policies can impact culture and the PCOC is open to suggestions to move the process along more quickly.

Brown - stated that a complete statement of her sentiments can be found at NPR, which were made at Philando Castile's vigil, however what happened to Mr. Castile and the officers in Dallas could happen to any member of her family. The PCOC Commissioners were chosen specifically because of the work they do individually within the community. Formerly being a police officer was because an individual was brave, one knew they were in the line of fire, but that individual knew it was an honor. Now perhaps 10% of officers know that they are there to serve and protect the community, the honor has become lost but we need to return to that type of training. It is a scary job however this is also a world in that citizens are afraid to call the police for assistance.

Farah - expressed agreement with Commissioner Singleton's sentiments indicating that there exists systemic racism. She stated that it is bigger than us and it is here to stay, questioning if this is something the public as a whole has bought into. However she indicated that she is hopeful with some of the changes the PCOC is making and the policies being created.

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

Complaint Filing Experience Study

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

- The issue has shown up in a number of places in that citizens have expressed that they have had difficulty with filing complaints either with the precinct or online and there is a breakdown in the process.
- The Audit Committee is looking at the process to review what can be done while being as inclusive as possible and making this more useful for everyone.
- The methodology is posted on the community page, including process analysis and a test of how the components of the study work.

Pending Approval

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 will be test cases sent through to see how they are going through.

Patrick - indicated that it is possible to look at that, but will be exploring many different ways and the process should be mapped out.

Singleton - indicated that this is something that has come up in the OJP committee in that community members have expressed concerns with regard to the ability to file complaints and whether the forms were accurate and in appropriate languages. Hopefully the study would make sure that there are no initial barriers to filing a complaint and make sure that people are able to file a complaint.

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

Move to conduct a complaint filing experience study in accordance with the methodology posted on the Audit Committee's website.

Seconded by Buss.

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 Motion

The Chair recognizes Commissioner Singleton and the following motion was made:

Motion for the Police Conduct Oversight Commission to prepare a neutral white paper researching the police professional liability insurance amendment proposed by the Committee for Professional Policing.

Seconded by Buss.

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

Brown - asked for an explanation of what a white paper entails.

Pending Approval

Patrick - explained that a white paper is a neutral review of existing information on the topic as opposed to a research and study, which contains more detail, analysis and recommendations.

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

All-in-favor. None opposed.

The motion carried.

Quarterly Report

Imani Jafaar, Director of the Office of Police Conduct Review, addressed the Commission. The following were the main points from her presentation:

- There were 69 complaints in 2015, however in 2016 there were almost double that amount and the distribution remained about the same.
- The complaints are broken down by allegations by precinct.
- There is an increase in the First Precinct, which is in the downtown area, however the other precincts have remained relatively consistent.
- Intake resolutions, 38% were outside of jurisdiction, 27% were dismissed, and 75% of those cases remaining were going forward for investigation, which is an increase.
- There are only five cases outside of the 90 day timeline, which is significant given that the office only has two investigators.
- Have launched a sharepoint site for the panelists, which is a nice tool to allow them to review materials off-site and allows for tracking in each step of a case.
- With regard to discipline, there was one referred for training, one suspension, and one in the “other” category.

With no further discussion on the matter, the Chair opens the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Westphal - asked if there was a reason for the total number of complaints doubling between 2015 and 2016.

Jafaar - the OPCR has done quite a bit of outreach to the community at large and the legal community, in addition to word of mouth, to inform of the service offered.

Foroozan - asked if there are resources to accommodate the increase in complaint activity.

Jafaar - stated that there are two OPCR investigators and nine in Internal Affairs indicating that the office is at a tipping point; best practices are 10 complaints per investigator, which is definitely concerning for both groups.

Farah - asked what the “other” category refers to.

Pending Approval

Jafaar - indicated that “other” involved a demotion.

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

Internal Affairs Quarterly Report

Lieutenant Henry Halverson of the Minneapolis Police Department addressed the Commission. The following were the main points of his presentation:

- Allegations have gone down, which are at 10; some of the complaints do not fall under OPCR ordinance and can include HR complaints and such.
- With regard to policy violations and coaching, some stem from a complaint in the Fourth Precinct on a possible pursuit violation and a large number of officers were coached on that incident.
- The final numbers on cases five received a written reprimand and there were four recent suspensions.

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

Brown - stated that the first slide indicated 10 allegations, but the last slide showed nine results questioning what happened to the missing allegation.

Halverson - stated that he did not have that information and that it was possible that allegation could be part of those that resulted in coaching.

Foroozan - asked if there was a breakdown on discipline types and if officer drug use fell under HR policy.

Halverson - indicated that it could involve discipline by the Chief, but the first ones would involve code of conduct violations, which falls under HR policy. He also stated that with regard to drug policy, it would depend on how it came to the attention of the department, but that would also fall under HR policy.

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

Leadership and Development Plan

Lieutenant Henry Halverson of the Minneapolis Police Department addressed the Commission. The following were the main points of his presentation:

- The proposed program’s premise involves leadership and would focus on different ideas or facets of leadership.

Pending Approval

- The group would meet once a month and discuss different topics of leadership and would involve a video or book discussion.
- The program would meet monthly for nine months and hopefully help open the eyes of future leaders that the MPD has identified and help them understand different ideas to enhance their abilities to lead.
- The goal involves developing people using the idea as a platform on what we need to do to start.

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

Foroozan - suggested that it would be useful to have the participants connected with the Commission at an early stage and throughout the nine-month period by attending a few meetings to help them understand the resources available for them.

Westphal - indicated that several members of the Commission may prove beneficial as guest speakers.

Singleton - stated that one of the first items the PCOC worked with involved coaching, which supervisors had difficulty with because they had no training and asked if the officers can receive post credit for participation.

Farah - asked if they will be looking at diversity when making selections of participants.

Halverson - indicated agreement in participant participation with the PCOC to gain an understanding of what the Commission does. He also stated that this is in the infancy stages and there has not been discussion about post credit and hopes to avoid pitfalls by providing insight to individual development for leading people further down the road in their careers. He also indicated that diversity is important to the department, but has not had a conversation with the administration with regard to the selection process.

Outreach Committee

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

- Suggested extending an invitation for Commander Schoenberger to address the Commission.
- The National Initiative is going on and has lofty goals addressing many of the same problems the Commission is discussing.
- Also suggested inviting Officer Glen Burt, or someone from the National Initiative team to come in and address the Commission.
- Other details about current outreach efforts can be found on the Committee's webpage.

Pending Approval

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

Policy and Procedure Committee

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

- There was no quorum at the last meeting and was unable to take any official action.
- Met with Mr. Patrick regarding the MPD Policy and Procedure manual revisions; have been able to work out the details with the National Initiative to avoid duplication and a methodology has been created to move the project forward.
- Continued work on the mental health workgroup by working through the scope and process that was approved two months ago in having specialized CIT training, working with triage, and having a year timeline on getting a pilot co-responder model in place.
- There will be an upcoming conference call with Dr. Abbott and Mr. Patrick regarding the co-responder pilot program.

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

Brown - indicated that there is another group, a policing the police forum called "Dialogue in Action," which will be doing something quite similar to the mental health co-responder model stating that they are focused on the bigger picture and has Minneapolis foundation money available to them.

With no further discussion on the matter, the Chair recognizes Mr. Patrick who addressed the Commission on the methodology created for the MPD Policy and Procedure manual project. The following were the main points from his presentation:

- Phase one included standardization of the number mechanism, which is currently in a disarray.
- The first wave will include eliminating duplicate entries and adjusting content accordingly.
- The second phase will include looking at policies that have become stagnant and making sure they are up to date while looking at best practices.
- The third involves creating a new discipline matrix to correspond to the policy and procedure manual.
- We do not want to do this project in isolation and will be working with Commander Case and various officers to make a collective effort.

With the conclusion of the presentation from Mr. Patrick, the Chair recognizes Commissioner Singleton and the following motion was made:

Pending Approval

Move for the Police Conduct Oversight Commission (PCOC) to conduct a program of research and study to make recommended revisions to the Minneapolis Police Department Policy and Procedure Manual, in accordance with the methodology presented at the July 12, 2016 PCOC meeting.

Foroozan seconded.

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.

Audit Committee

Commissioner Buss addressed the Commission. The following were the main points from his update:

- Discussion included risk assessment, the main foundation of work on audit and working with newly created quality assurance.
- Currently looking for new opportunities and areas in need of focus and attention.
- The Committee will not be meeting every month, perhaps a four times per year as the group monitors Research and Study projects and will publish the schedule online.

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

Unfinished Business

2016 Selected Case Summaries: June Case(s) 7, 9, and 10

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

Buss - stated that with regard to case seven, there have been community members who made comments about similar incidents. The issue involved a woman who had thrown a beer can and the officer ordered her to pick it up and attempted to physically force her to follow through when there were other options available to the officer.

Foroozan - expressed agreement indicating that physically touching a member of the community should be viewed as a last resort.

Singleton - expressed similar concerns and had questions with regard to the squad video indicated that there seemed to be a power failure and asked how often that happens, what can prevent it, and if this is a concern with body cameras.

Pending Approval

Patrick - the issue took place when the officers were out of the car, which seemed as though it was a technology related issue. With regard to body cameras, there were a number of tests to ensure that the battery life was sufficient to make it through an entire shift.

Foroozan - with regard to case number 10, the investigators were focused on the wrong issue and there was confusion with regard to who they can touch.

Buss - expressed understanding of the inability of the investigator to follow through without the cooperation of the complainant in the case involving the woman in the coffee shop, but the real concern is the perception of those who witnessed the officers' actions and asked if they are trying to reach just the complainant or are they also trying to reach out to witnesses too.

Jafaar - indicated that the office relies on follow-up information and the investigators use a variety of methods to make sure they are using every avenue available before closing the case.

Brown - asked if it is possible to look at caveat coaching, indicating that in the overview it appears as though there are other issues in regard to the officer at play.

Jafaar - stated that if there is corroboration the office will open a case with the joint supervisors.

Westphal - stated that with regard to the tone of culture changes that is needed to take is that of a customer service representative, just behave politely. With regard to the no-knock warrant case number nine, the complainant perhaps was uncooperative or reluctant to speak to the police because the officer killed the gentleman's dog, although it was a no-knock warrant, which can be quite traumatizing, these types of complaints must be watched carefully.

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

Move to move case number nine to the issue tracking queue under the heading of no-knock warrants.

Seconded by Foroozan.

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.

The Chair then recognized Commissioner Foroozan and the following motion was made:

Pending Approval

Move to move case number seven to the issue tracking queue for tracking under the heading of power failure.

Seconded by Singleton.

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:	1, 3, 10	Singleton:	1, 3, 10
Cerillo:	Absent	Westphal:	1, 6, 10
Farah:	2, 3, 10	Brown:	1, 3, 10
Foroozan:	1, 9, 10		

Chair Brown indicated the new case selections for discussion at the August 2016 meeting are **case numbers 1, 3, and 10** 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:

Foroozan moved to adjourn.

Seconded.

All-in-favor. None opposed.

The motion carried.

Chair Brown adjourned the meeting at 7:36 p.m.