



Q4 2014 Report

Office of Police Conduct Review

October 1, 2014 – December 31, 2014

Table of Contents

Complaint Processing	2
Coaching	2
Investigation	4
Police Conduct Review Panel	4
Chief's Actions	4
Police Conduct Oversight Commission	5
Measures	
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 93 complaints between October 1, 2014 and December 31, 2014 containing 53 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.

Between October 1, 2014 and December 31, 2014, the joint supervisors have predominantly utilized coaching, mediation and investigations to resolve complaints, with 48% of cases receiving either coaching or 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 half of OPCR cases are dismissed after the initial filing. Of those cases that are dismissed, 28% were dismissed for jurisdictional issues (e.g. cannot identify officer, complaint is older than 270 days, does not involve MPD), 28% for failing to state a claim (even if true, the officer's actions do not amount to misconduct), 4% as duplicate complaints, 8% for a lack of cooperation with the investigation, and 32% for no basis, either because they lacked any actual evidence or direct evidence contradicted the complainant's allegations (e.g. squad recordings). No OPCR cases have yet involved body camera 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.

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, 39 cases sent to the precincts resulted in coaching.

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 2014, officers were coached by supervisors in 36% of cases returned to the OPCR. At the end of Q4 2014, nearly 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, indicating a culture change in how MPD conducts the coaching process.

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 12:

Precinct	Sent	Returned	Pending
1st	4	2	2
2nd	1	1	0
3rd	1	1	0
4th	3	3	2
5th	1	2	0
Other*	1	1	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 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 62% 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 2014, 100 % 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 4 case recommendations during Q4 2014. Two civilians were appointed to the Panel in Q4 2014 to begin work in January of 2015.

CHIEF'S ACTIONS

The chief issued two instances of training/coaching in Q4 2014 resulting from A-level violations. The chief currently has one OPCR case in her queue. In one instance in Q4 2014, the Office of the Chief disagreed with the merit recommendation issued by the PCR. The officer received no discipline in the case. 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. Members appointed to the Police Conduct Oversight Commission met three times in Q4 2014 for meetings. The Commission released a [2013-2014 report \(PDF\)](#) summarizing its first year of operation.

In Q4 2014, the Commission completed two drafts of research and study projects. One addresses the [MPD coaching process \(PDF\)](#) and the other reviews [police cultural awareness trainings from around the country \(PDF\)](#). The cultural awareness study was presented at the November Commission meeting. The coaching study was completed in December and will be presented during the first Commission meeting in 2015.

The Policy and Procedure Committee also met three times. The Outreach Committee was placed on hold pending the appointment of new Commissioners. 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 heard a [presentation on data collection during stop and frisk encounters \(PDF\)](#), presented by Lt. Hoff and Sgt. Bantle of the Minneapolis Police Academy. This led to a later discussion of a potential study on the subject.¹ Policy and Procedure Committee members discussed the recently released Body Camera standard operating procedure and recommendations regarding the cultural awareness research and study. They have developed a framework for implementing trainings that will be presented at an upcoming Commission meeting.

PCOC Committee chairs attended a NACOLE (National Association of Civilian Oversight of Law Enforcement) mini-conference in November of 2014. The conference included presentations on law enforcement auditing, risk management, and reporting. Commissioners also learned about different investigative styles and met with other practitioners in the field.

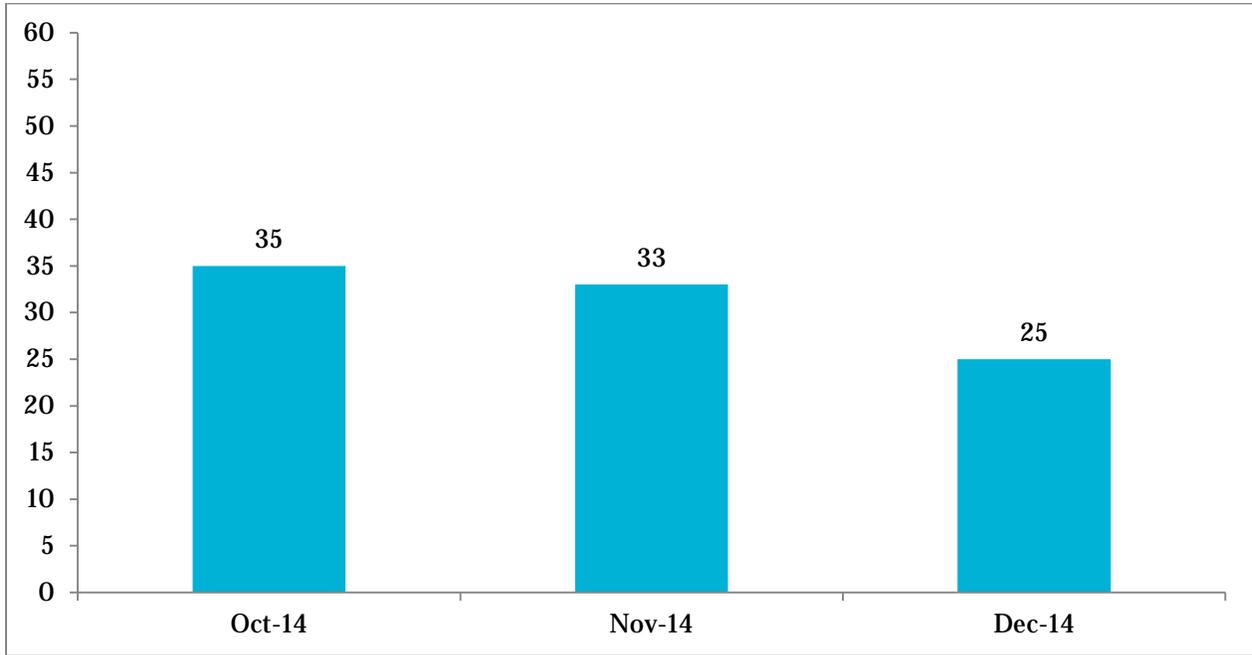
The Commission reviewed twenty case synopses and six case summaries during Q4 2014. The Commission also continued work on two programs of research and study. Regular meetings will continue to occur on the second Tuesday of each month at 6:00 PM. For all Commission data, including case summaries, synopses, agendas, and minutes see the PCOC website: <http://www.ci.minneapolis.mn.us/civilrights/conductcomm/index.htm>.

¹ Later, the subject was picked up by the Minneapolis City Council who issued a research request to the MPD and City Attorney's Office, and the Commission will explore methods to create synergy between the two projects.

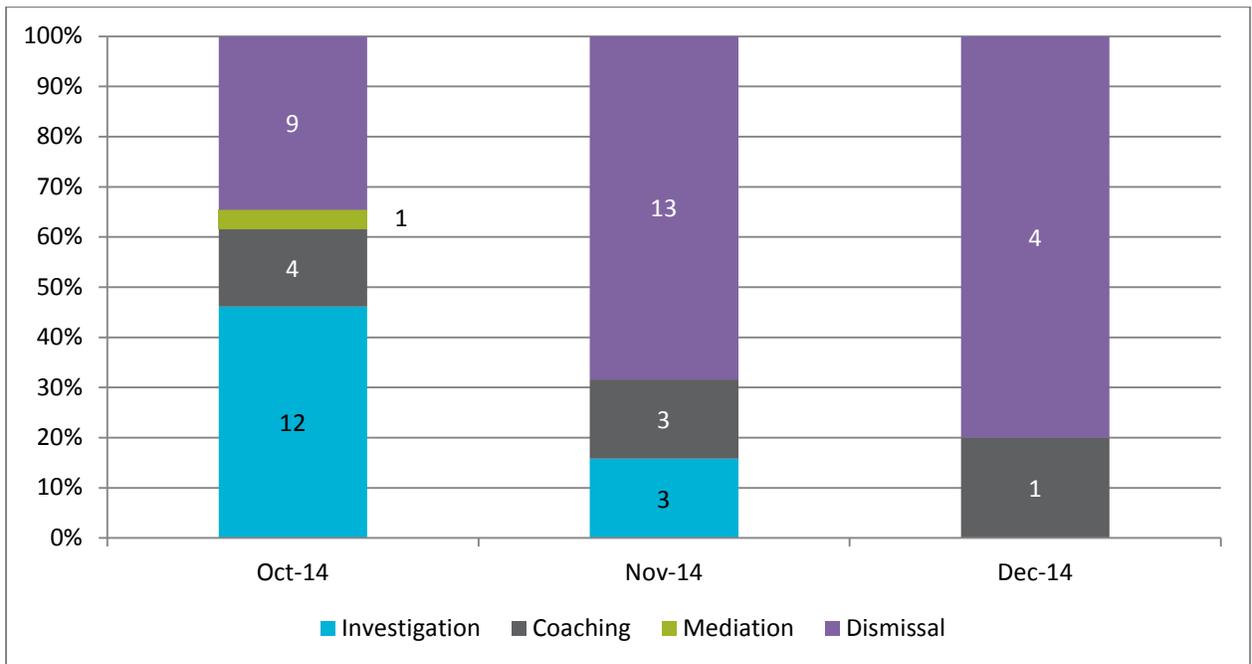
MEASURES

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

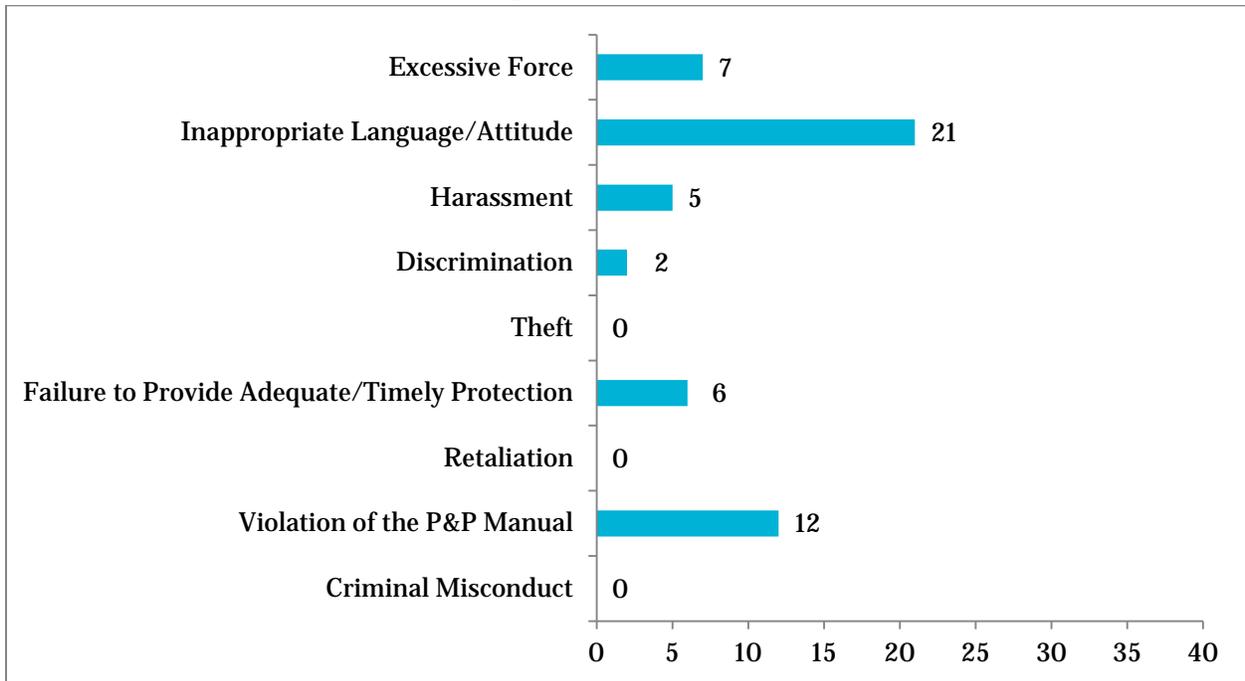
Complaints Filed (93)



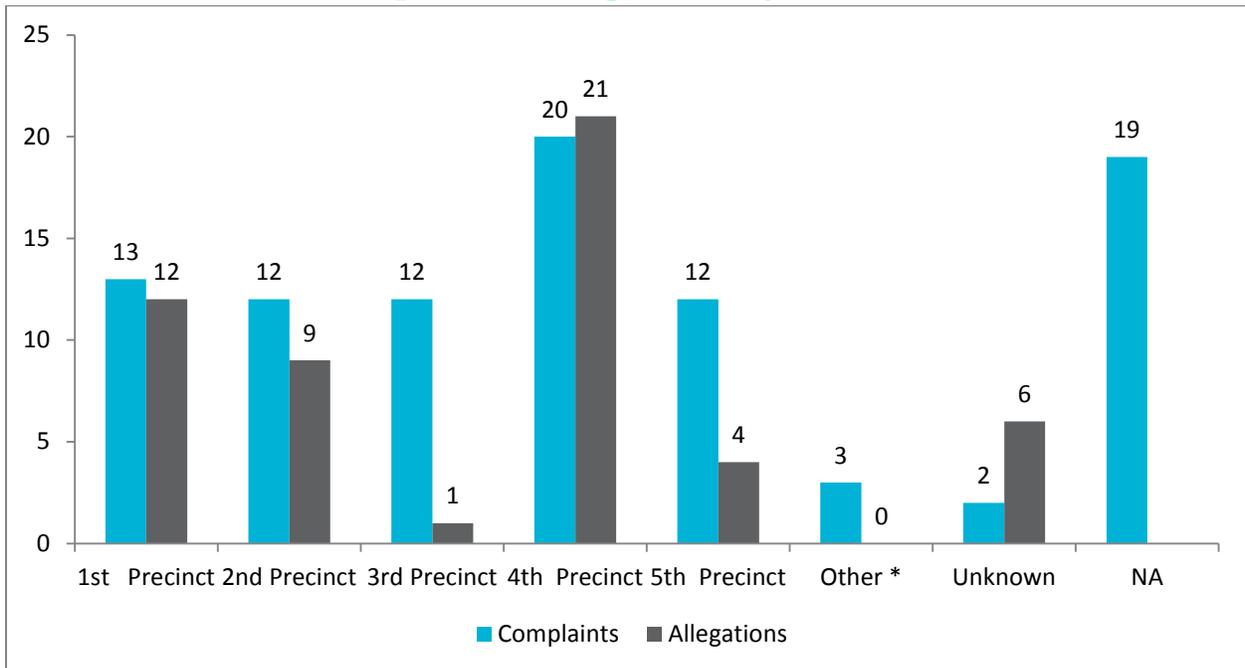
OPCR Case Resolution



Allegations Filed (53)

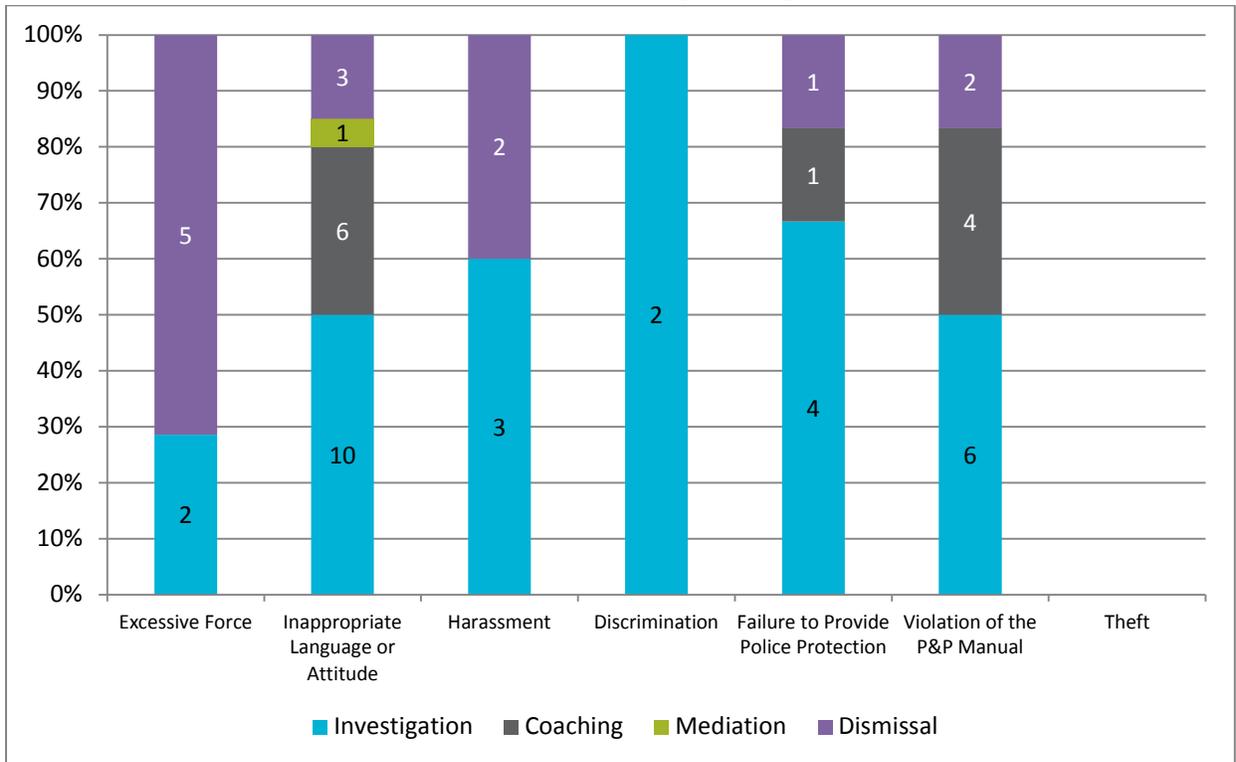


Complaints/Allegations by Precinct



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

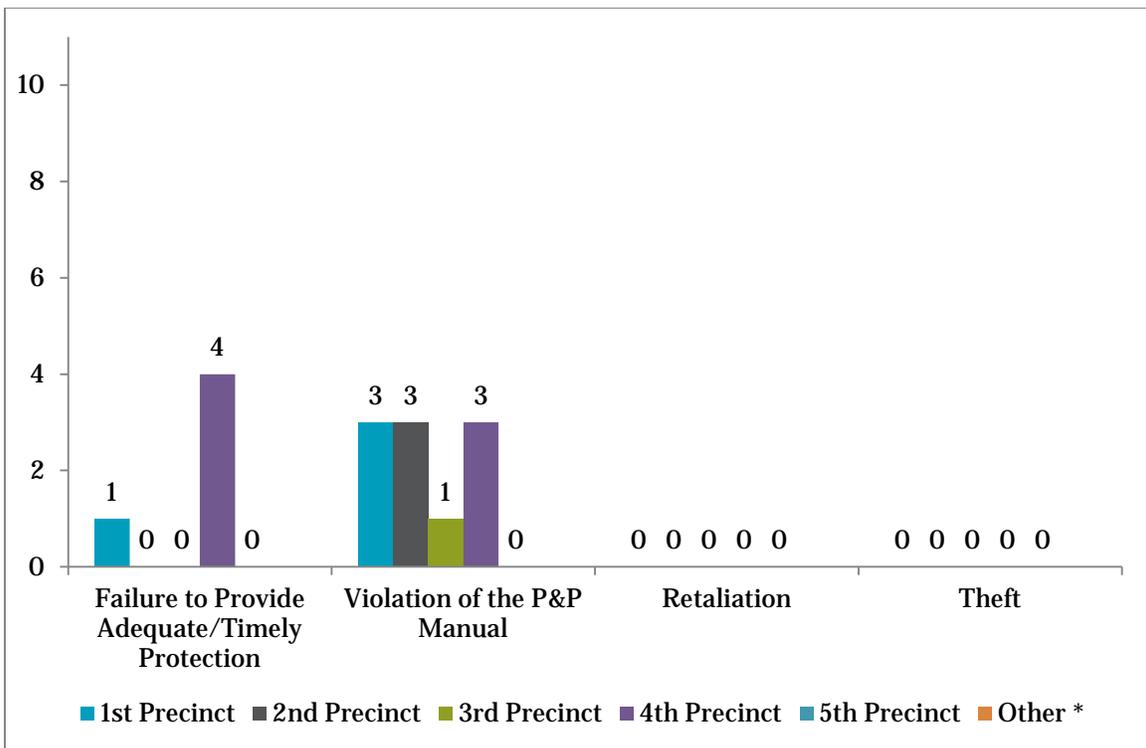
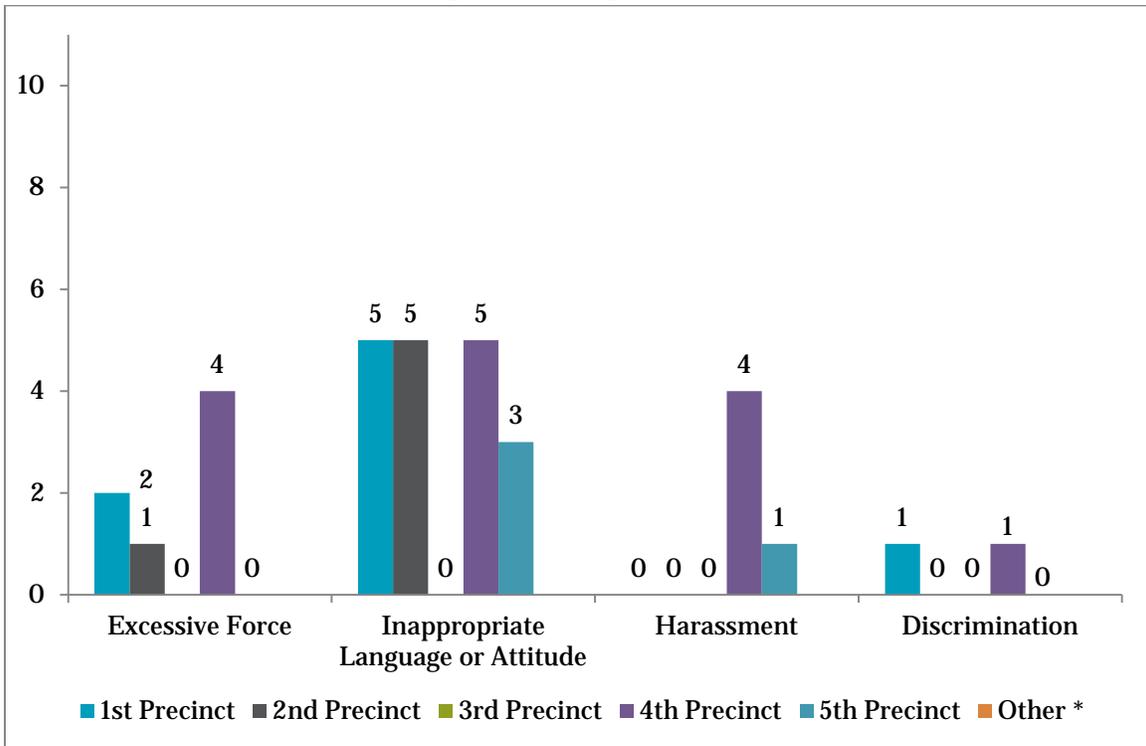
Case Resolution by Allegation



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

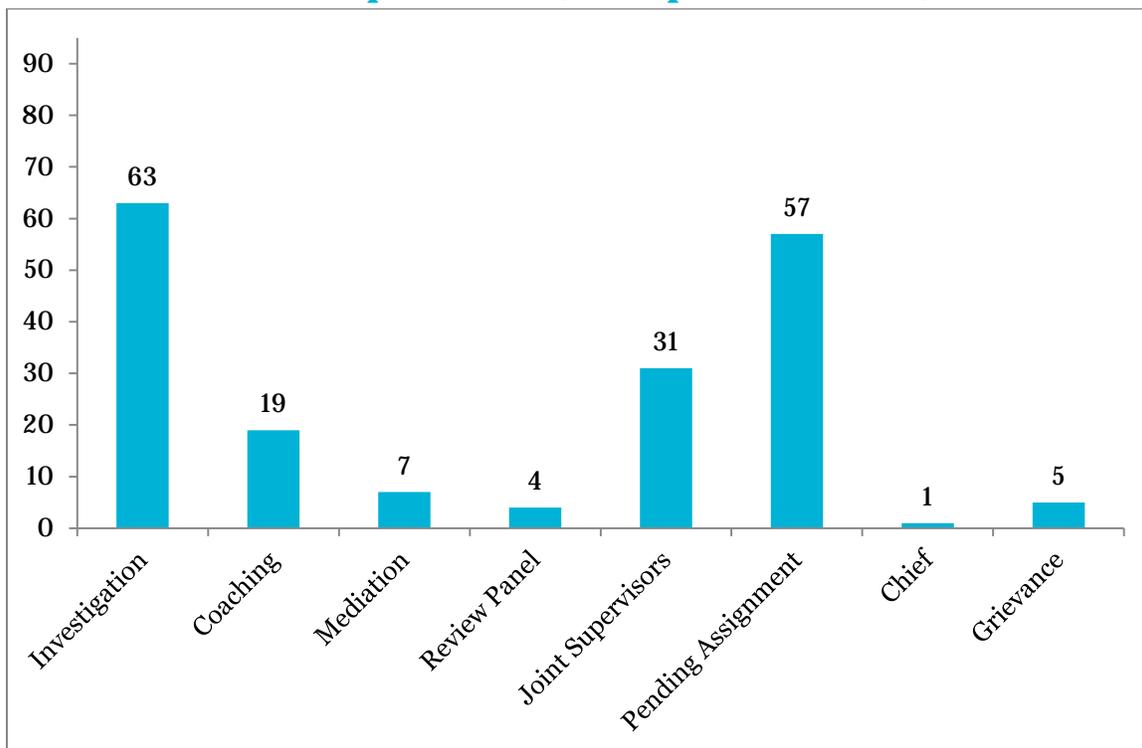
- 4-218(IV)(4) Mobile and Video Recording (MVR) Policy
- 5-306 Use of Force - Reporting and Post Incident Requirements
- 2-103 Complaints – External Reporting
- 5-105(9) Professional Code of Conduct
- 7-501 Traffic Accident investigation Procedures
- 7-401 Normal Vehicle Operation
- 7-314 Domestic Abuse
- 7-1001.02 Spoken Language Interpreter Services
- 5-105(2) Professional Code of Conduct

Allegations by Precinct

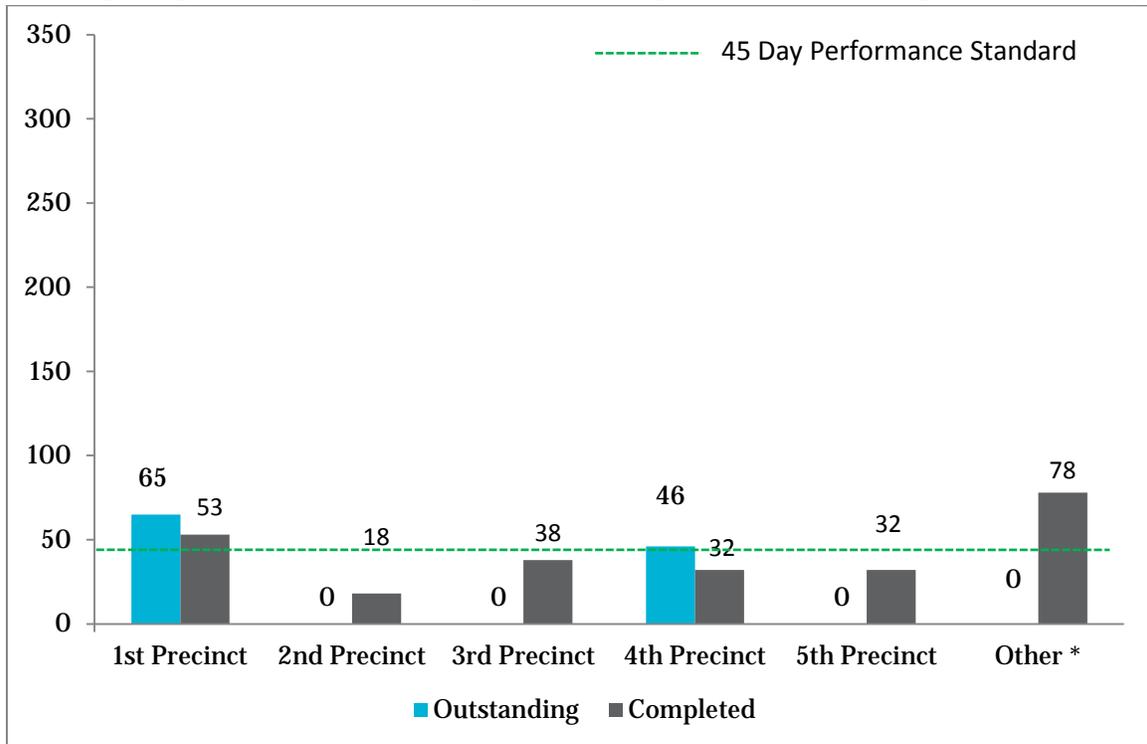


** Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division. Additional allegations were filed against officers whose identities were not known at the time of this report. Hence, those allegations are not listed against a specific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

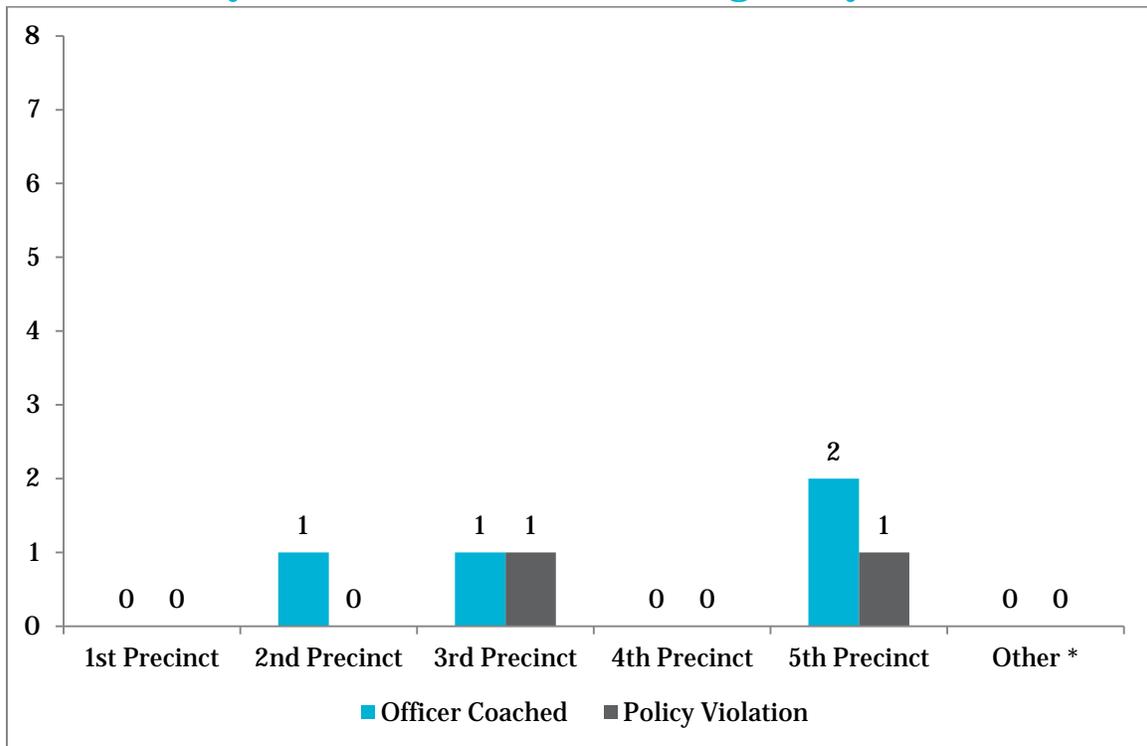
OPCR Open Cases (188 Open/84 Closed)



Average Age of Outstanding and Completed Coaching Case in Days

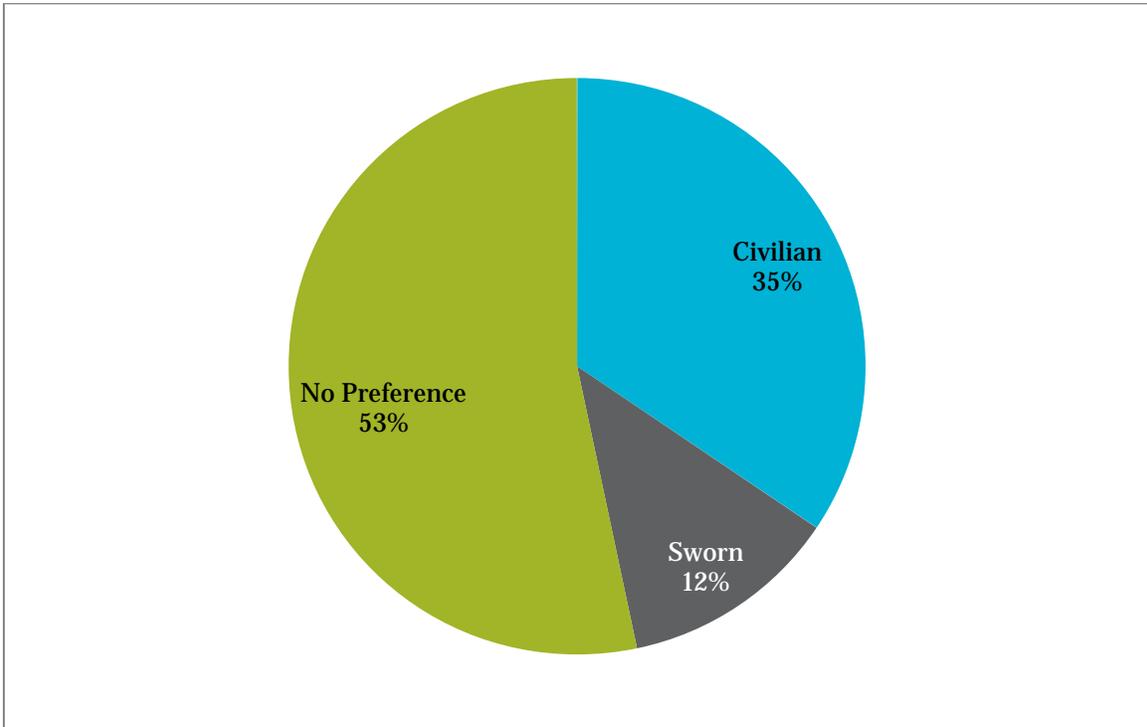


Policy Violations (2) and Coaching (4) By Precinct

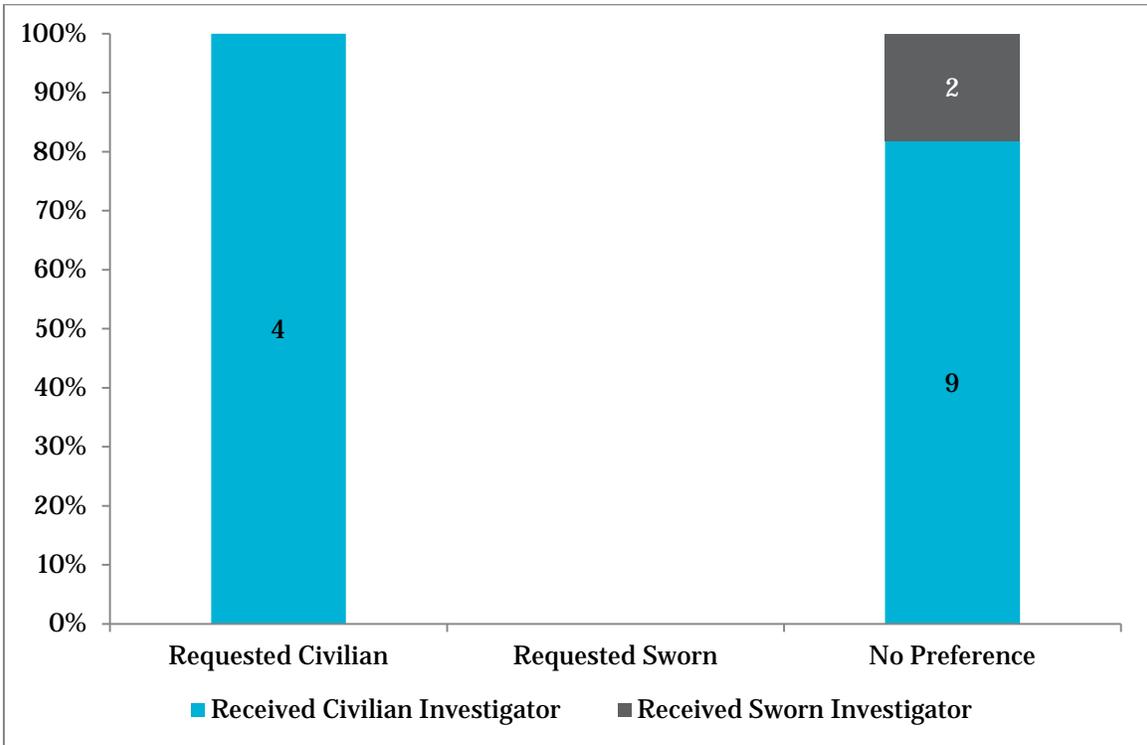


* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.

Investigator Preference

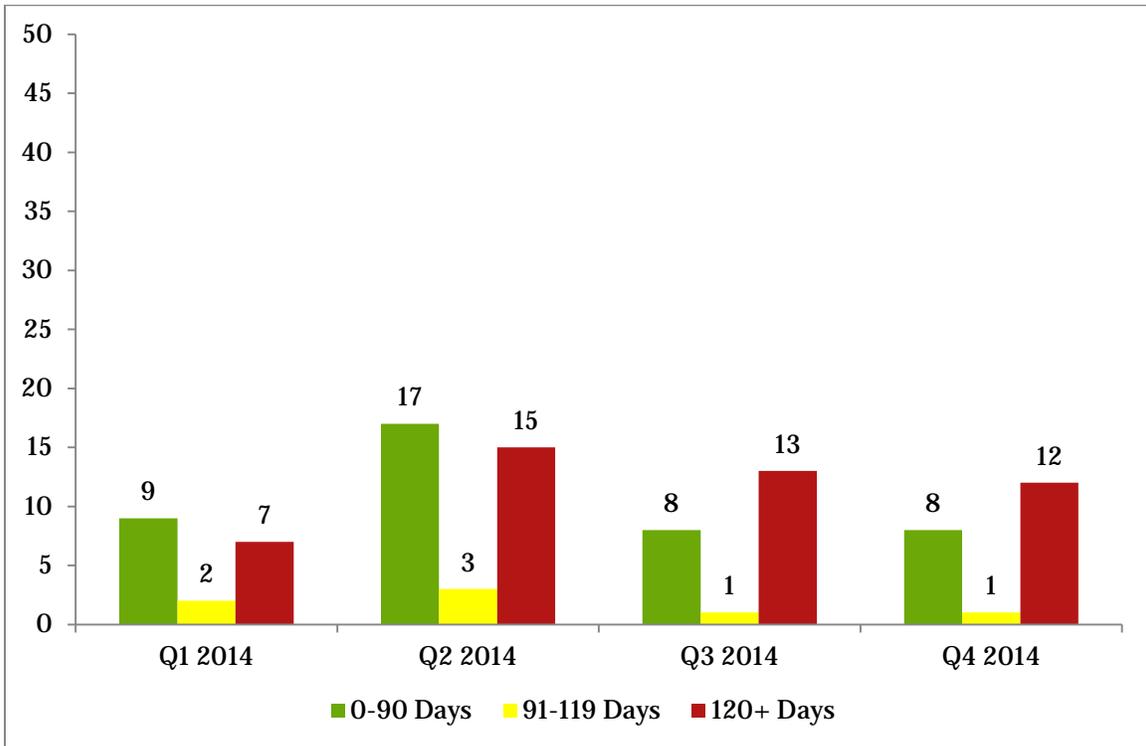


OPCR Investigator Assignments

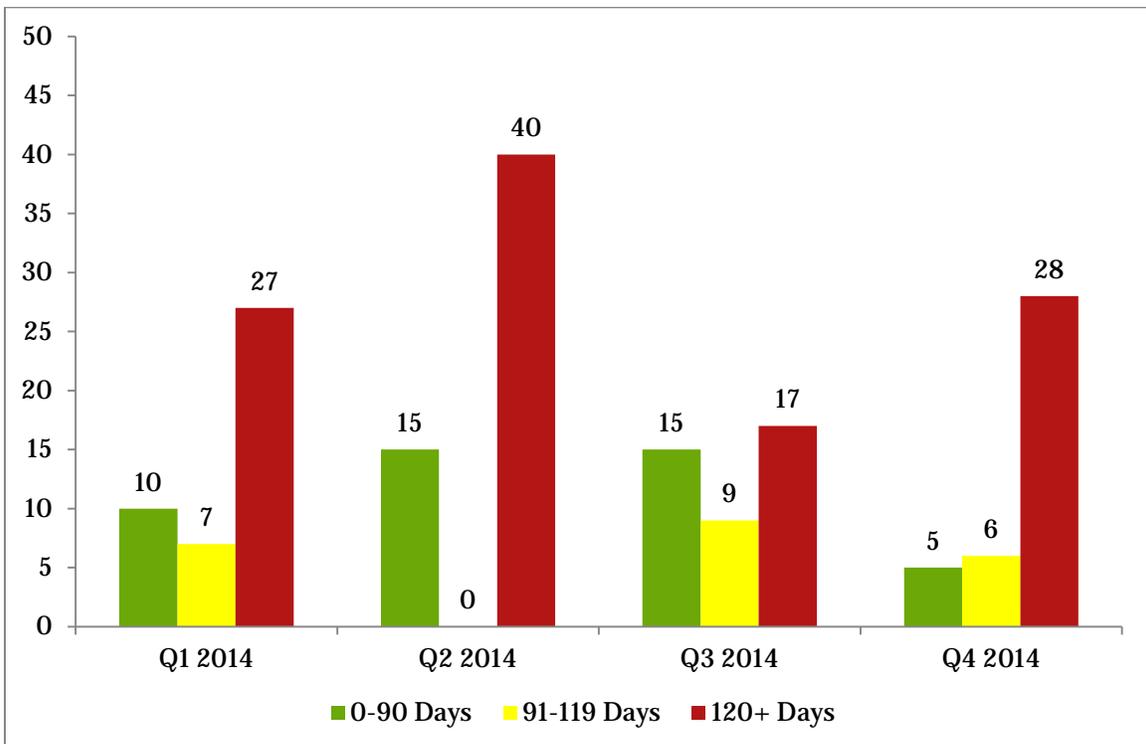


OPCR Investigation Timeline

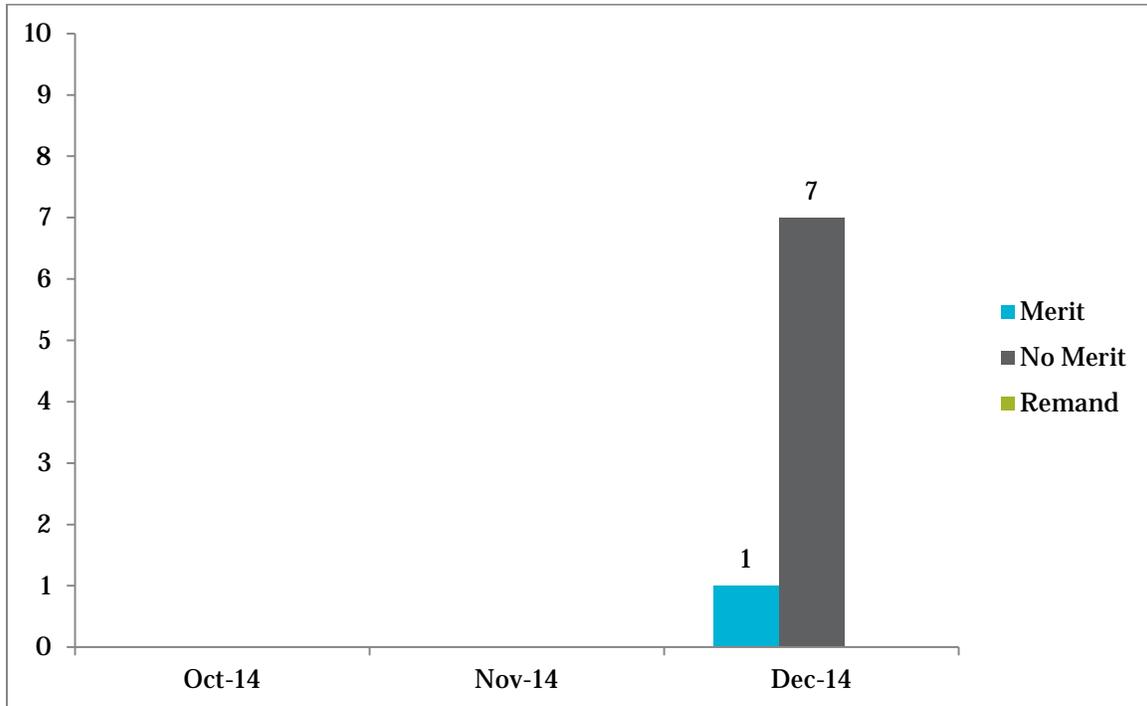
Civilian Unit



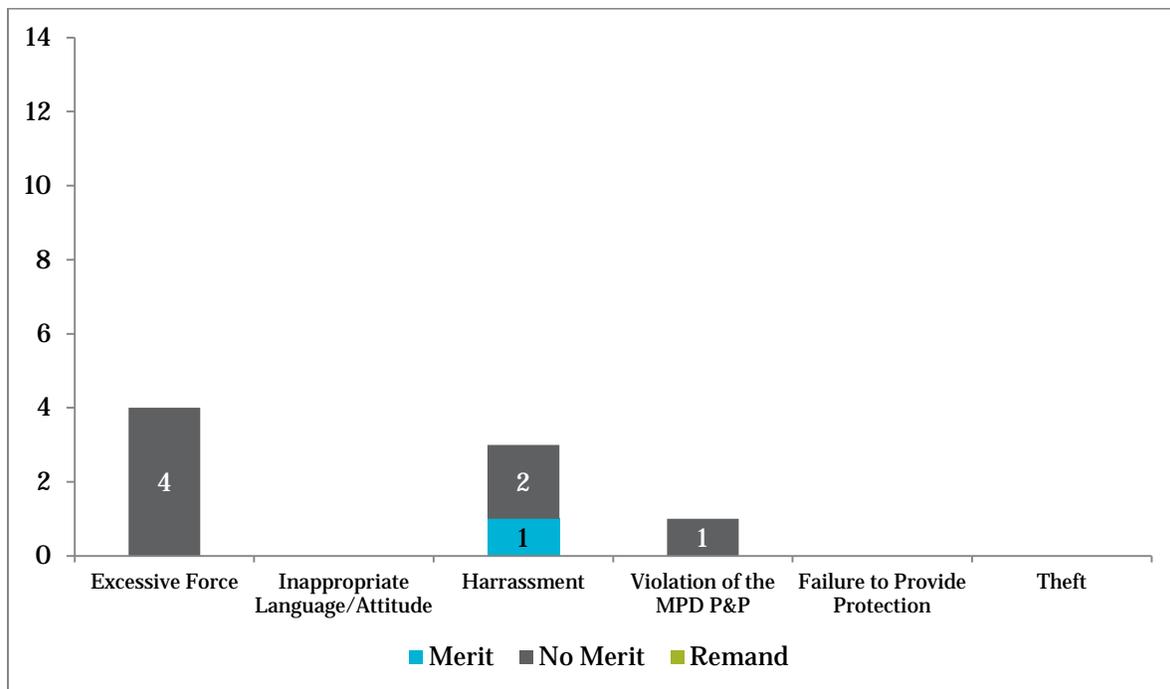
Sworn Unit



OPCR Review Panel Recommendations on Allegations (4 Cases Reviewed)

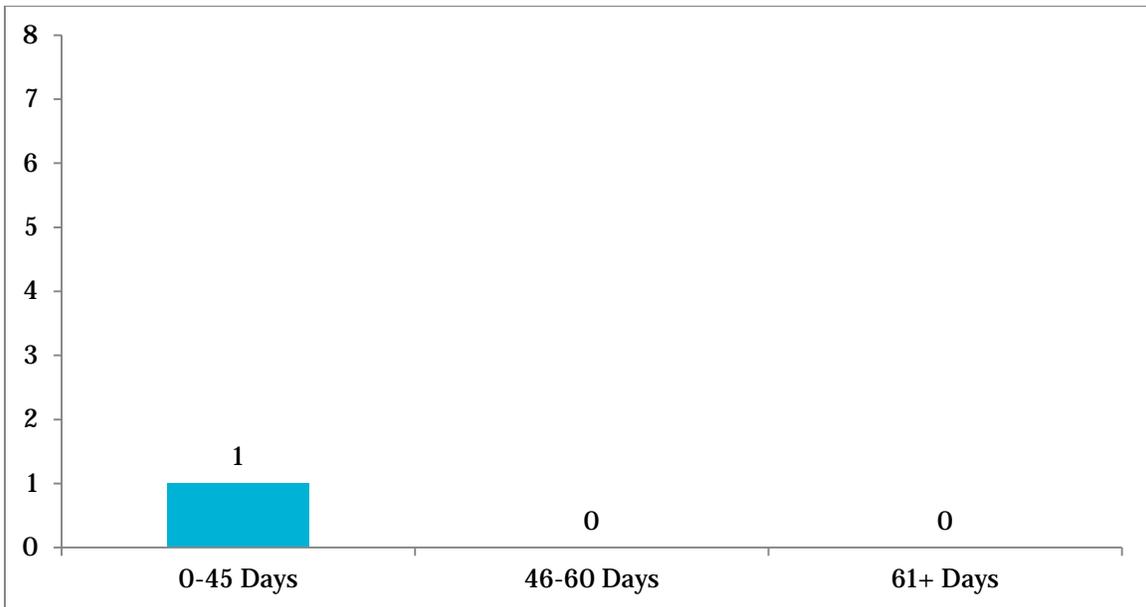


OPCR Review Panel Recommendations in Detail



Chief Actions

Amount of Time Current Pending Cases are with the Chief



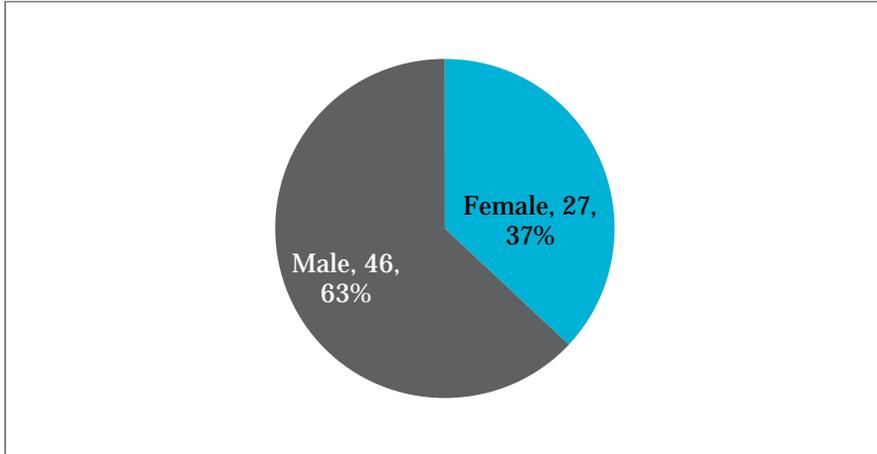
Discipline Types Issued by Chief



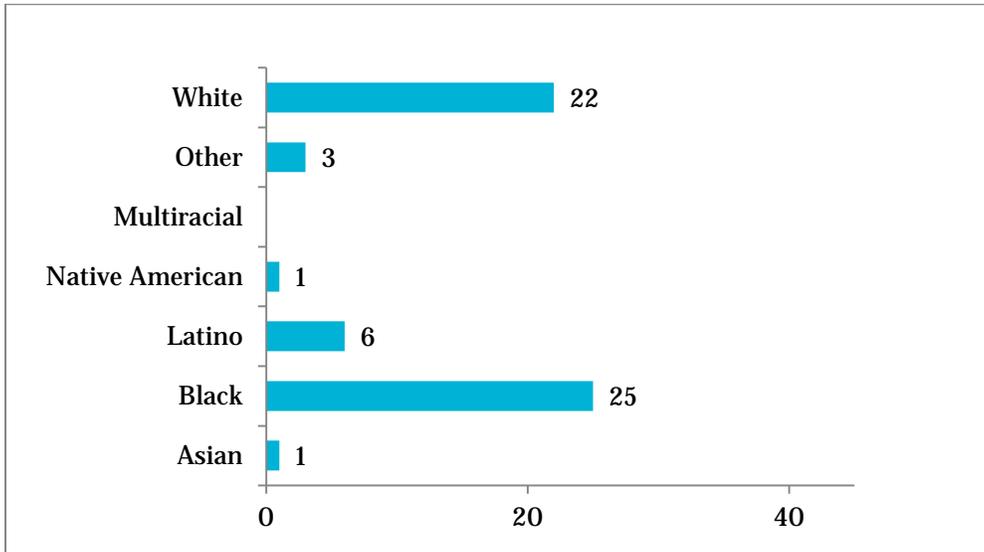
The Chief issued two instances of coaching resulting from A-level sustained policy violations. Cases in which discipline has been issued do not become public until the expiration of the grievance period.

Complainant Demographics

Gender



Race



Age

