



Q1 2016 Report

Office of Police Conduct Review

January 1, 2016 – March 31, 2016

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 82 complaints between January 1, 2016 and March 30, 2016 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, 54% were dismissed for jurisdictional issues (e.g. cannot identify officer, complaint is older than 270 days, does not involve MPD), 10% for failing to state a claim (even if true, the officer's actions do not amount to misconduct), and 34% 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.

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 Q1 of 2016, officers were coached by supervisors in 57% of cases returned to the OPCR during that period. At the end of Q1 2016, the 1st, 2nd, 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	0	1
2nd	1	2	0
3rd	3	1	2
4th	2	1	2
5th	3	2	0
Other*	0	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 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 Q1 2016, 5 of 7 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 12 case recommendations containing 46 allegations during Q1 2016. Of those 12 cases, panelists issued 8 merit recommendations.

CHIEF'S ACTIONS

The Chief issued a 40 hour suspension (approximately \$1,450 in pay) as a result of a use of excessive force allegation. The Chief issued a 60 hour suspension (approximately \$2,175 in pay) and a letter of reprimand as a result of a discrimination allegation. The Chief issued a 30 hour suspension (approximately \$1,050 in pay) and a letter of reprimand as a result of allegations of inappropriate language and violations of the MPD Policy and Procedure Manual. The Chief issued a written reprimand for a sustained violation of the MPD Policy and Procedure Manual. The chief discharged one officer as a result of sustained D-level violation.

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 March 2016 Commission meeting, the MPD presented its initial body camera policy. This came after review of the PCOC's exhaustive [Body Camera Implementation Research and Study \(PDF\)](#). The Commissioners questioned the MPD representative about the differences between the MPD Policy and the recommended policy the PCOC issued in its report. The MPD stated that the policy is not final and will update the PCOC on changes.

The PCOC received a preliminary report during the March 2016 meeting regarding law enforcement interactions with those experiencing mental health issues. The Policy and Procedure Committee reviewed the report and recommended additions. OPCR analysts will present the changes to the Commission in Q2 of 2016.

Both the Policy and Procedure Committee and the Outreach Committee changed membership during Q1 of 2016. 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. Commissioner Singleton now heads the Policy and Procedure Committee, and Commissioner Westphal heads the Outreach Committee. Both met three times during Q1 and developed new strategies for 2016. Also in Q1 of 2016, the Commission formed the Audit Committee. It will be staffed and operational in Q2 of 2016.

The Policy and Procedure worked on the study on mental health issues, and created a new project to review and revise the MPD Policy and Procedure Manual and discipline matrix. The Outreach Committee attended a number of events regarding the MPD body camera policy draft as well as the Community Connections Conference.

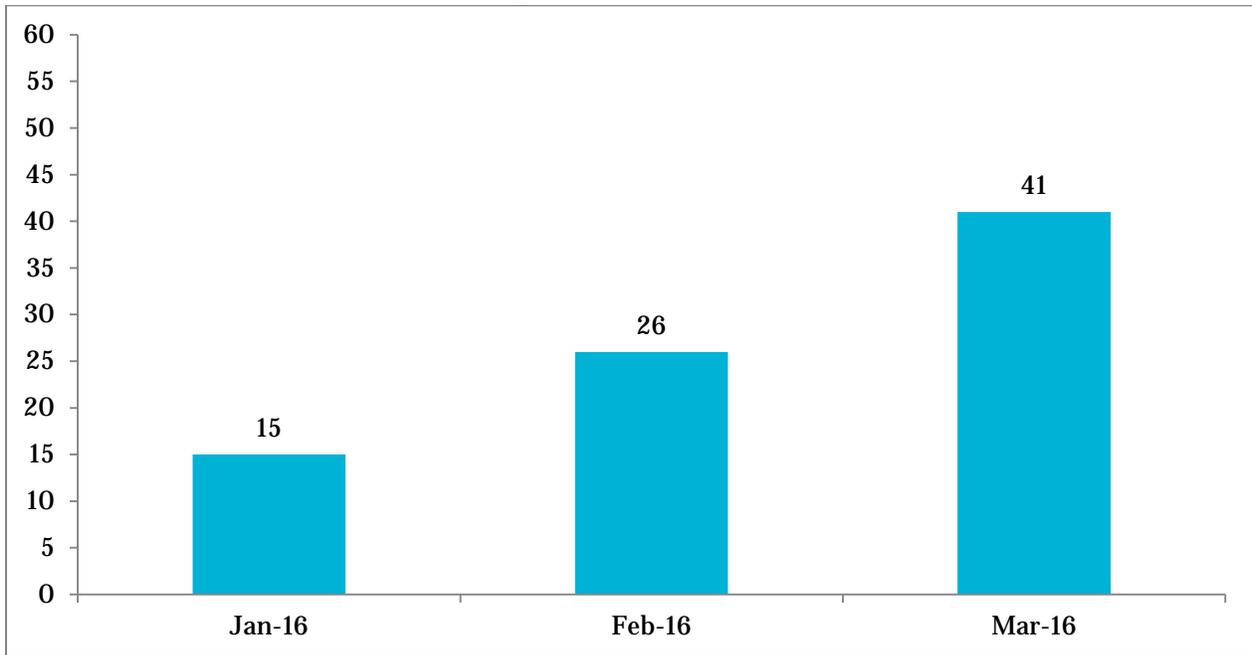
The Commission reviewed thirty case synopses and nine case summaries during Q1 2016 which can be found on the [Commission case data page](#). Regular meetings will continue to occur on the second Tuesday of each month at 6:00 PM. For all Commission data, including case summaries, synopses, agendas, and minutes see the PCOC website:

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

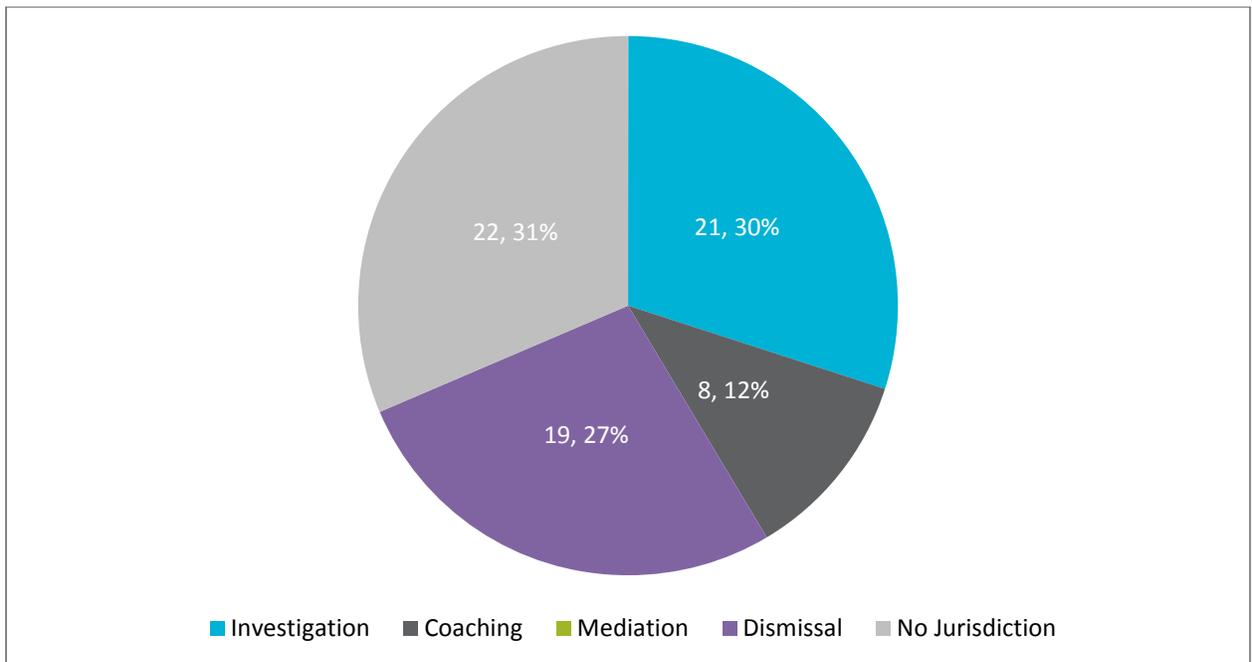
MEASURES

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 (82)

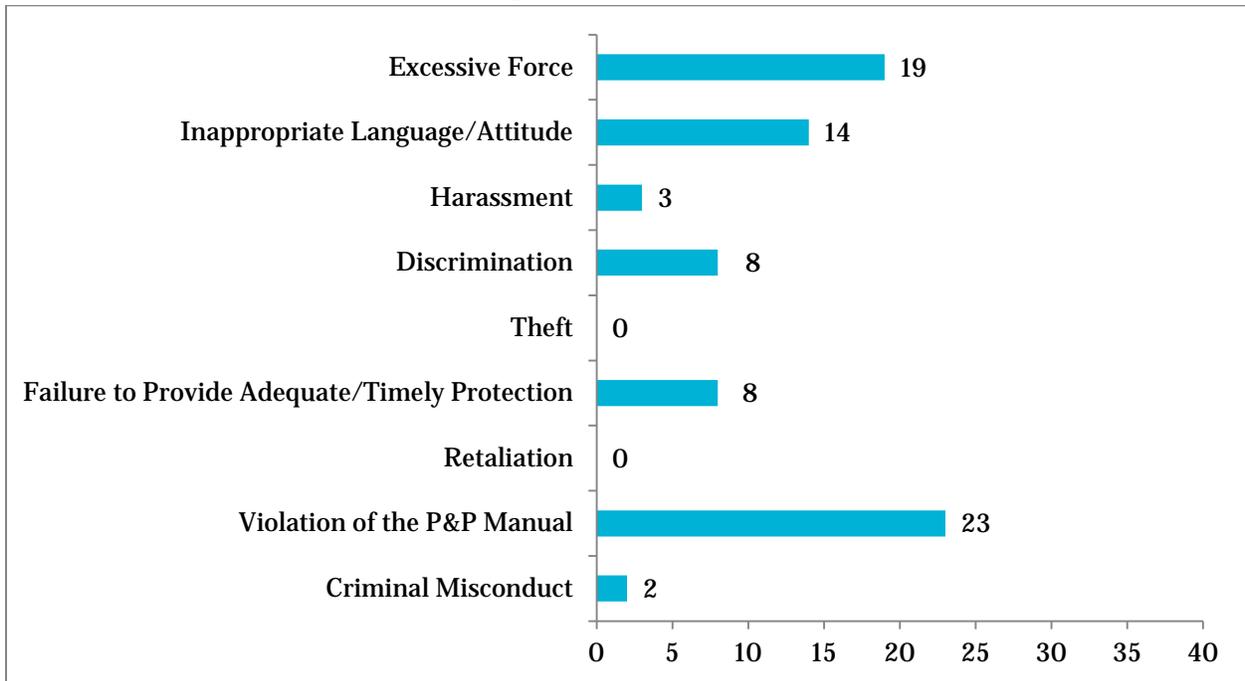


OPCR Case Resolution in Q1 2016¹

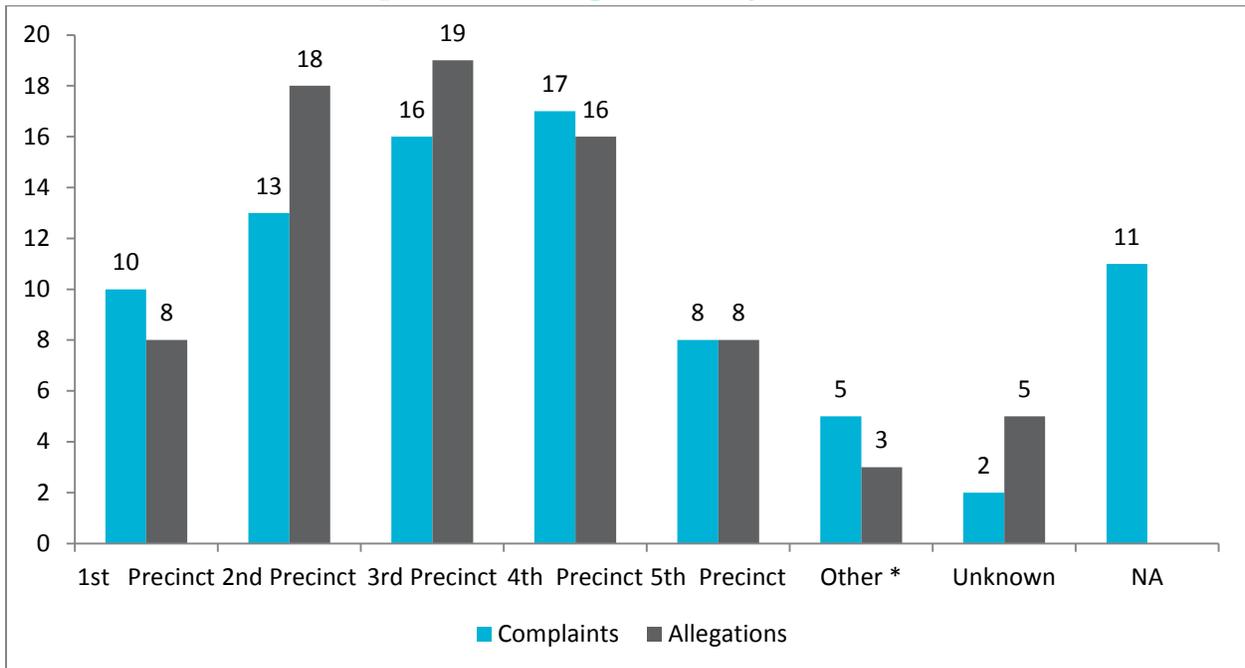


¹ It should be noted that at the end of Q1 2016, 12 complaints filed during the quarter were pending assignment or undergoing intake investigation.

Allegations Filed (77)



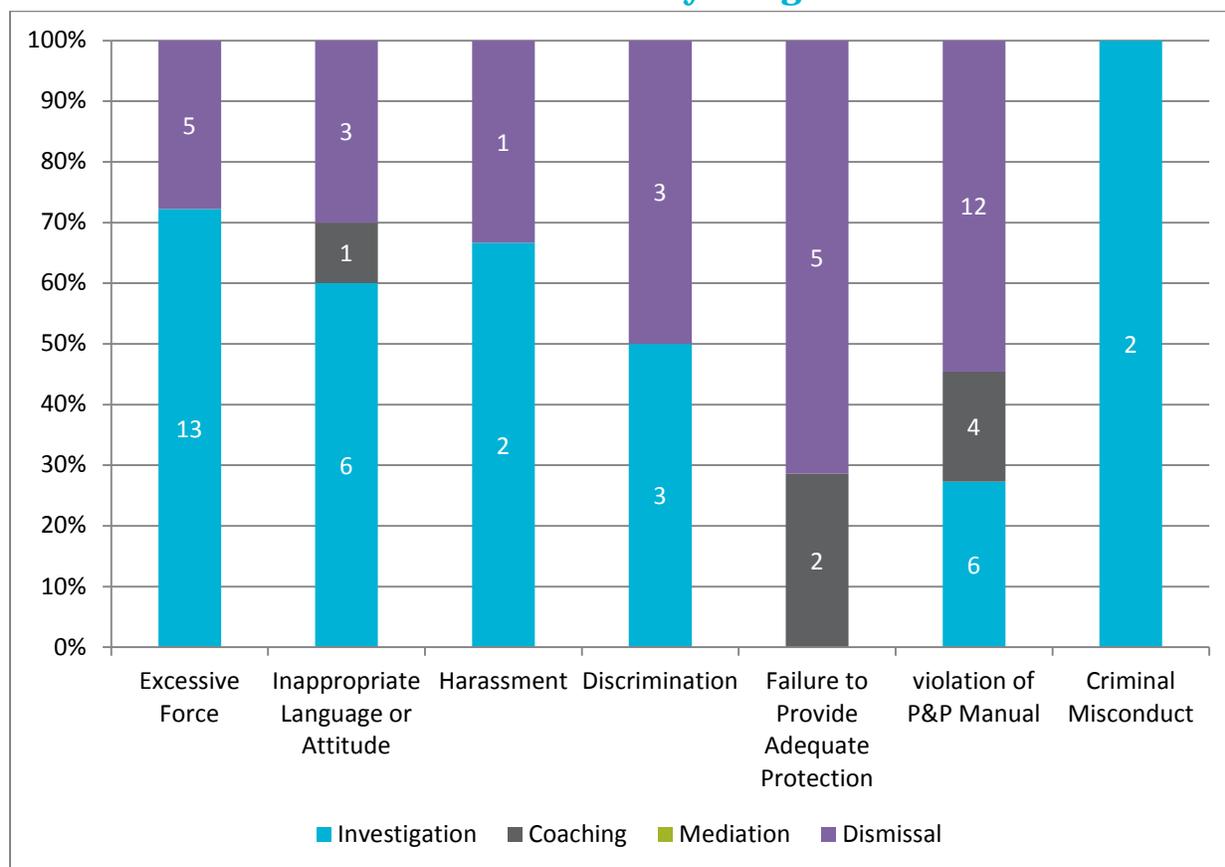
Complaints/Allegations by Precinct**



* 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.

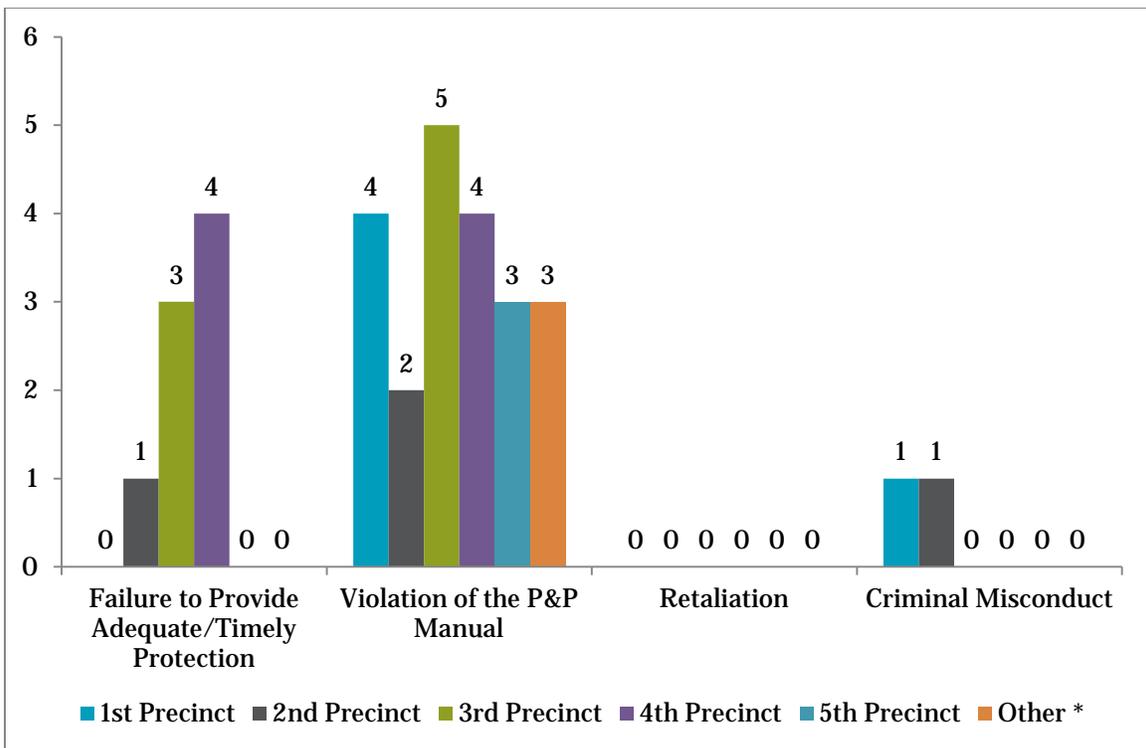
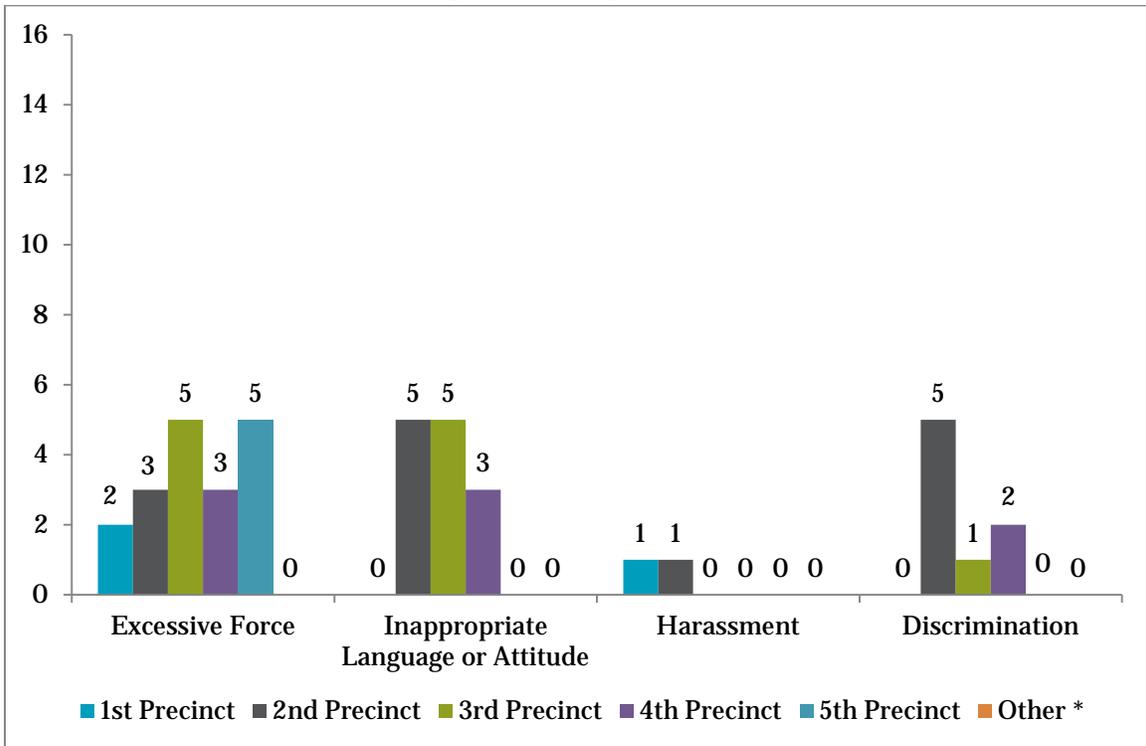
Case Resolution by Allegation



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

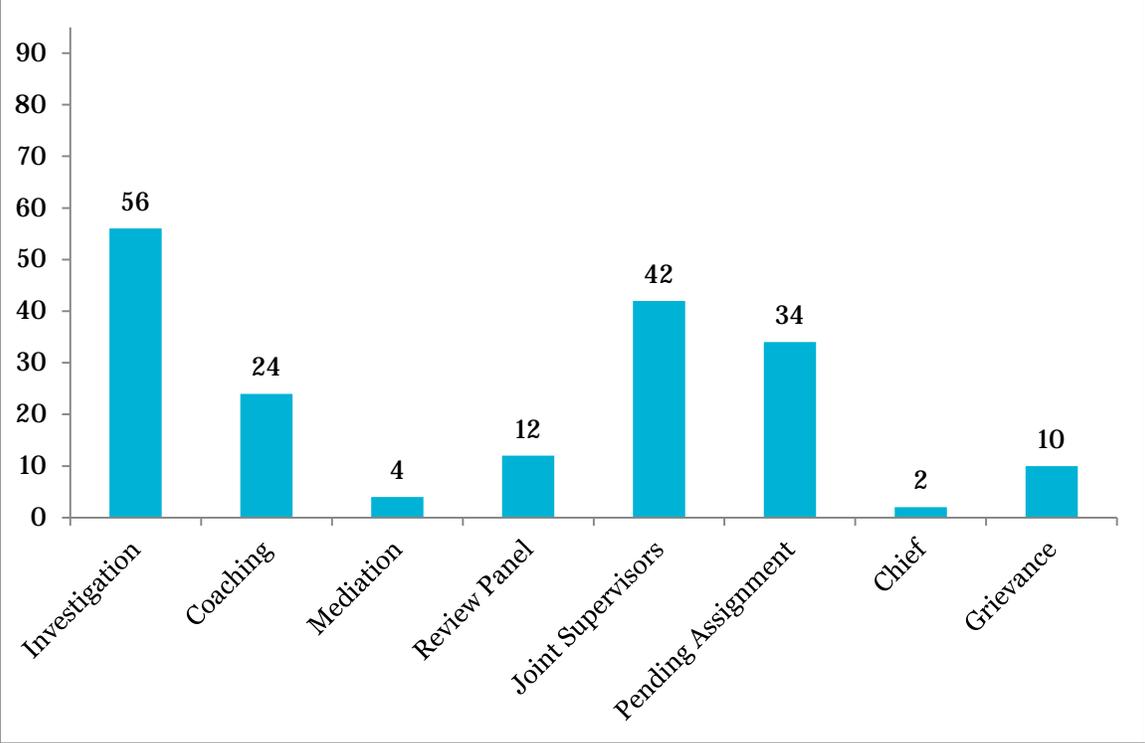
- 5-103 Use of Discretion
- 5-105(2) Professional Code Of Conduct
- 7-401 Normal Vehicle Operation
- 5-105(3) Professional Code of Conduct
- 7-701 Impounding Vehicles
- 10-407 Inventory of Coin and Currency
- 9-200(III)(C) Search and Seizure

Allegations by Precinct

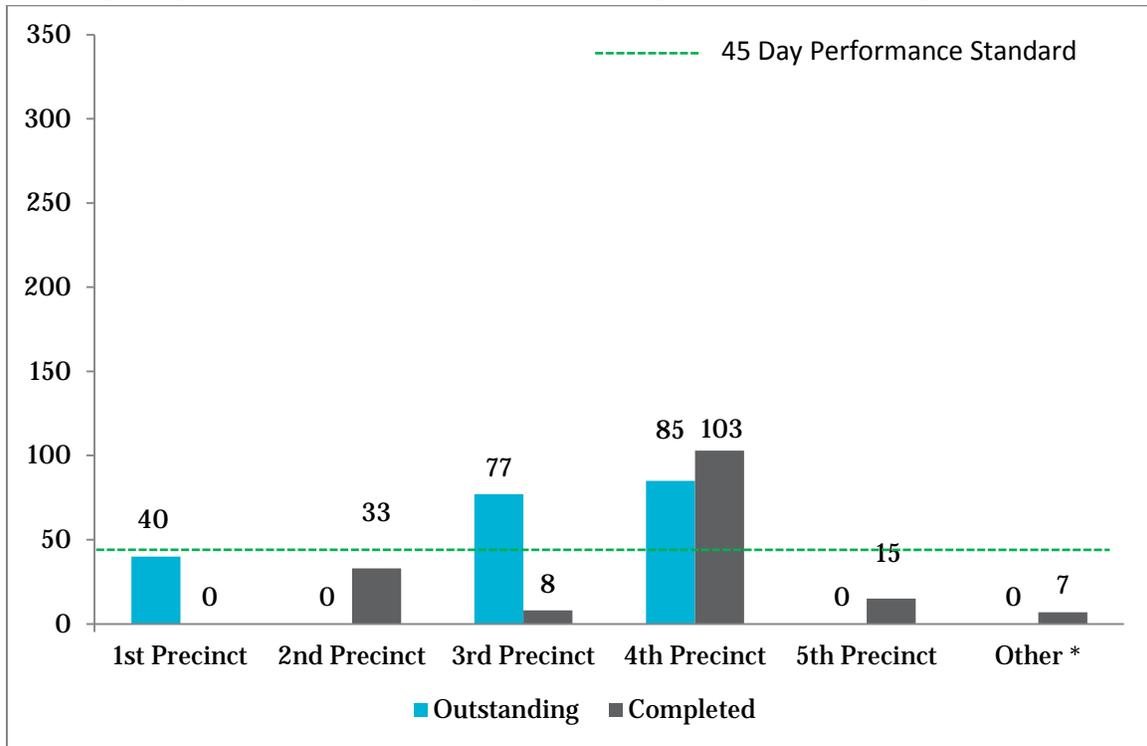


** Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division. Additional allegations were filed against officers whose identities were not known at the time of this report. Hence, those allegations are not listed against a specific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

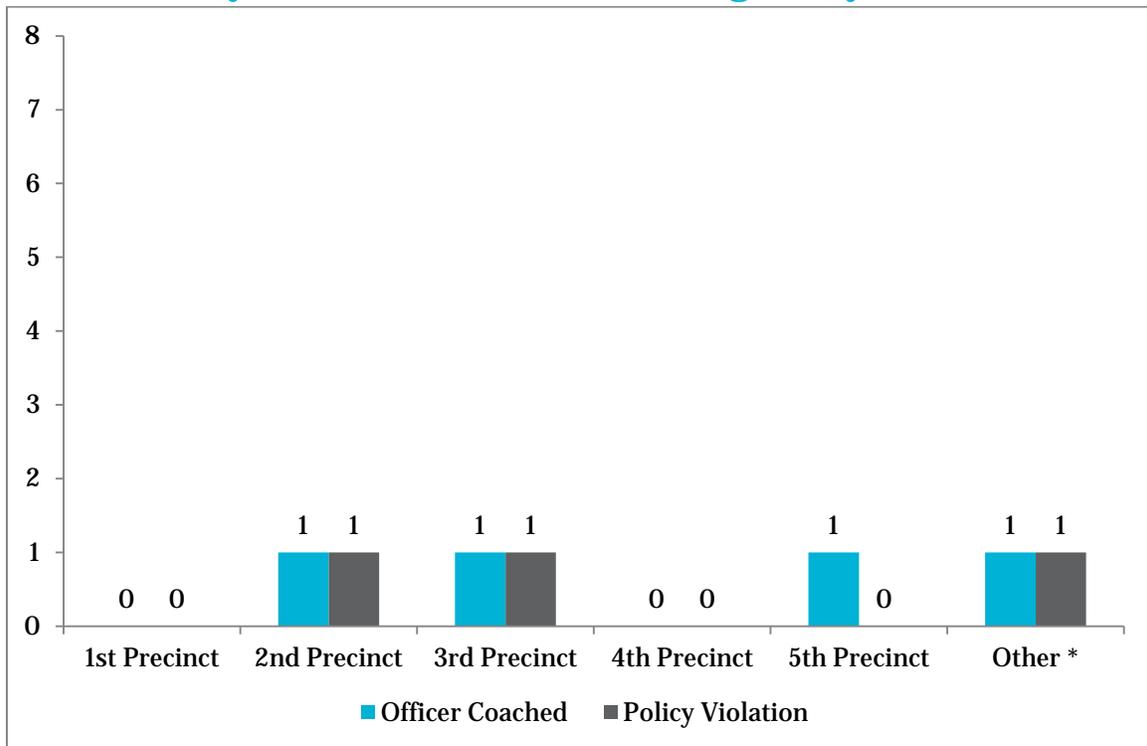
OPCR Open Cases (184 Open/104 Closed)



Average Age of Outstanding and Completed Coaching Case in Days

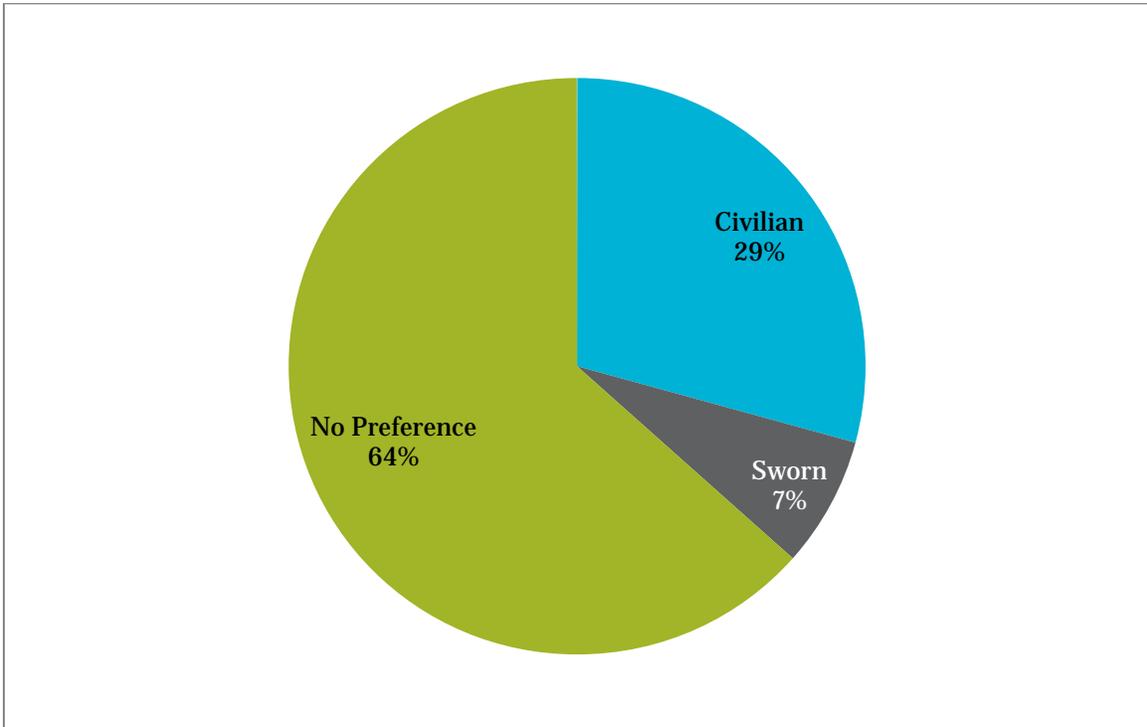


Policy Violations (3) and Coaching (4) By Precinct

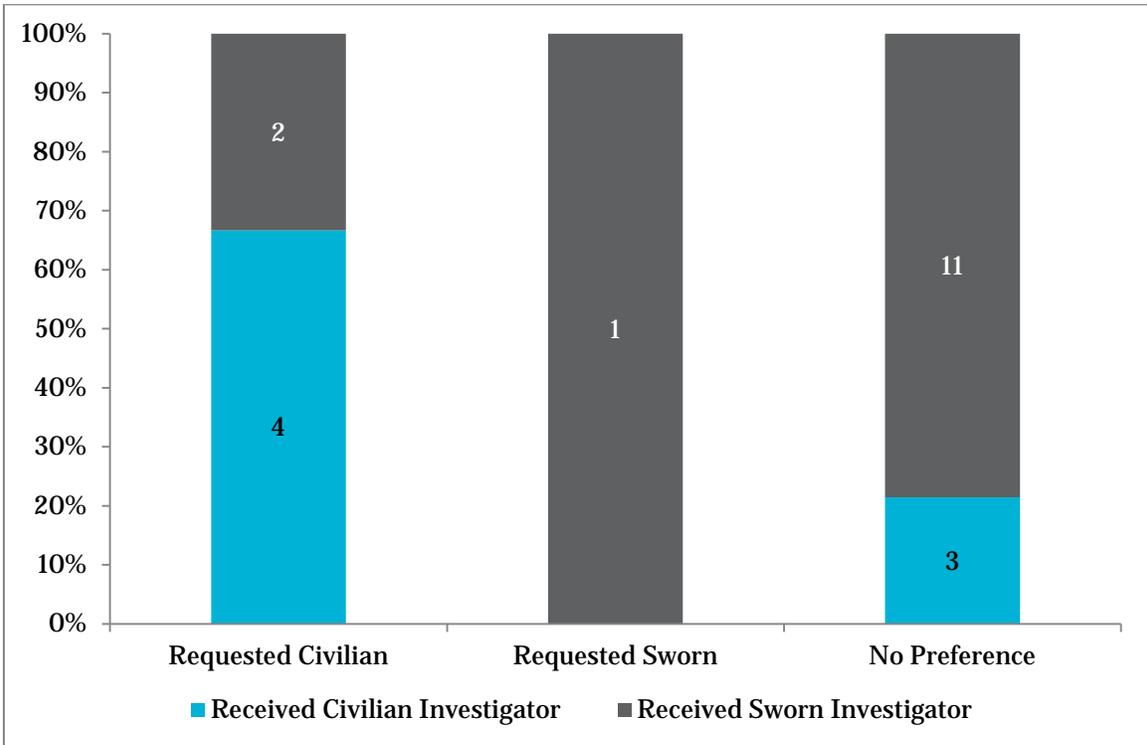


* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.

Investigator Preference

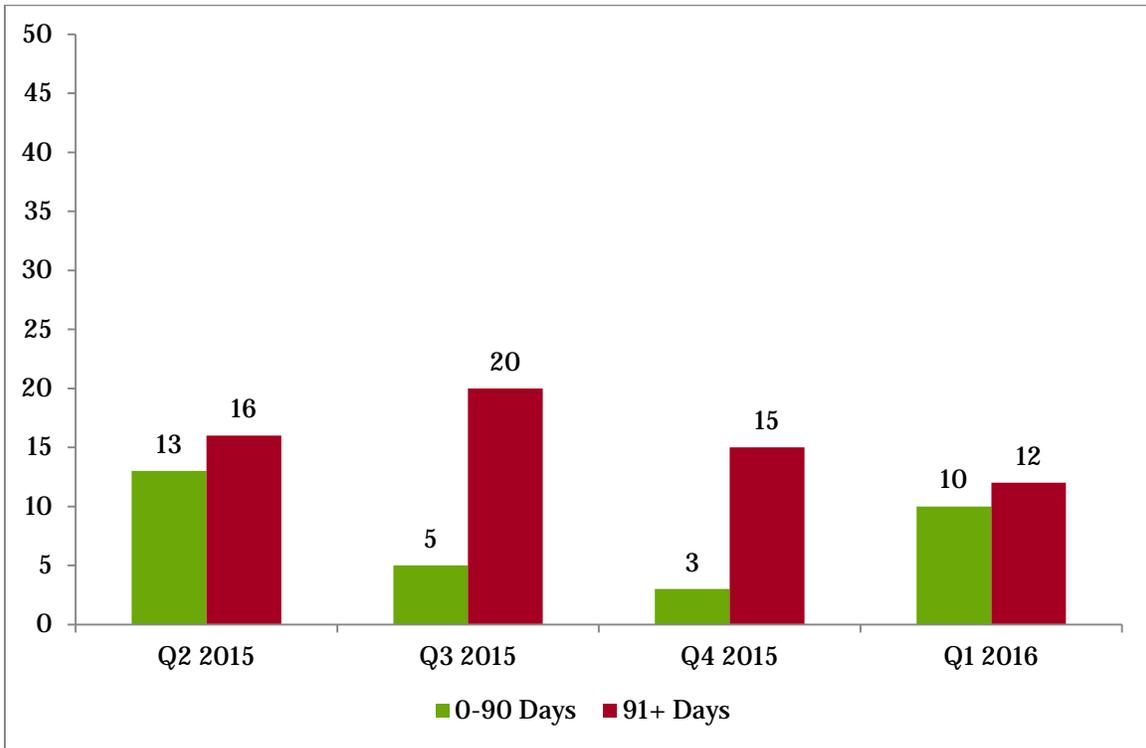


OPCR Investigator Assignments

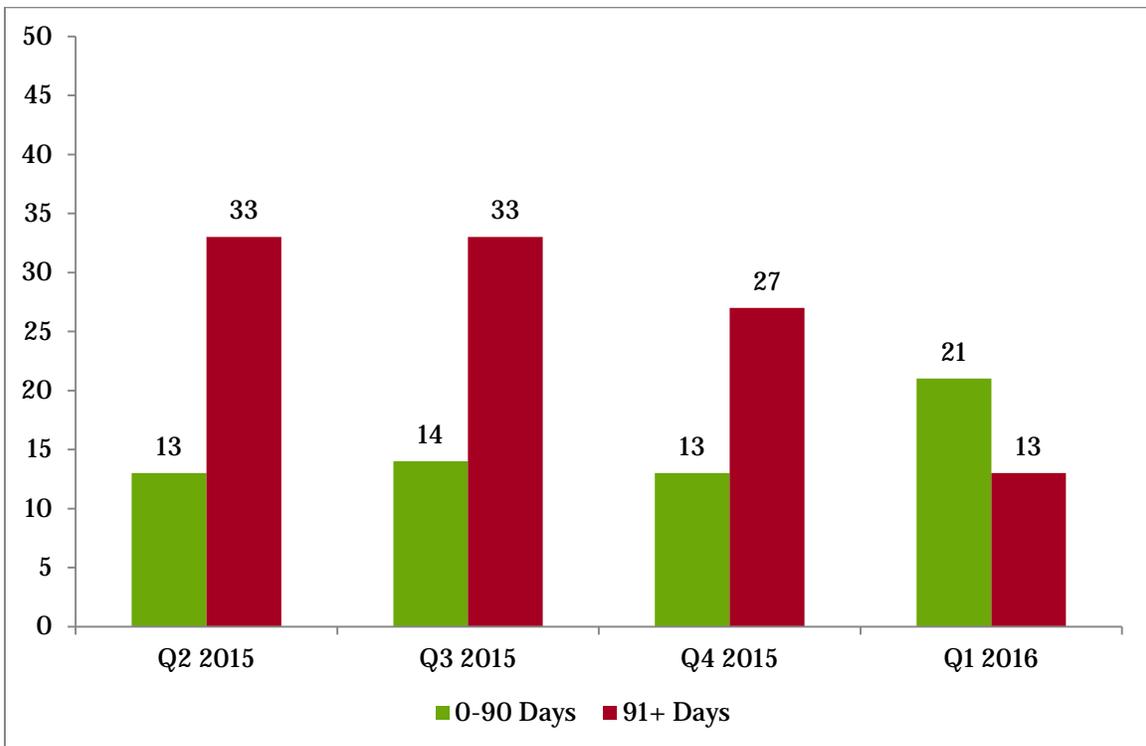


OPCR Investigation Timeline

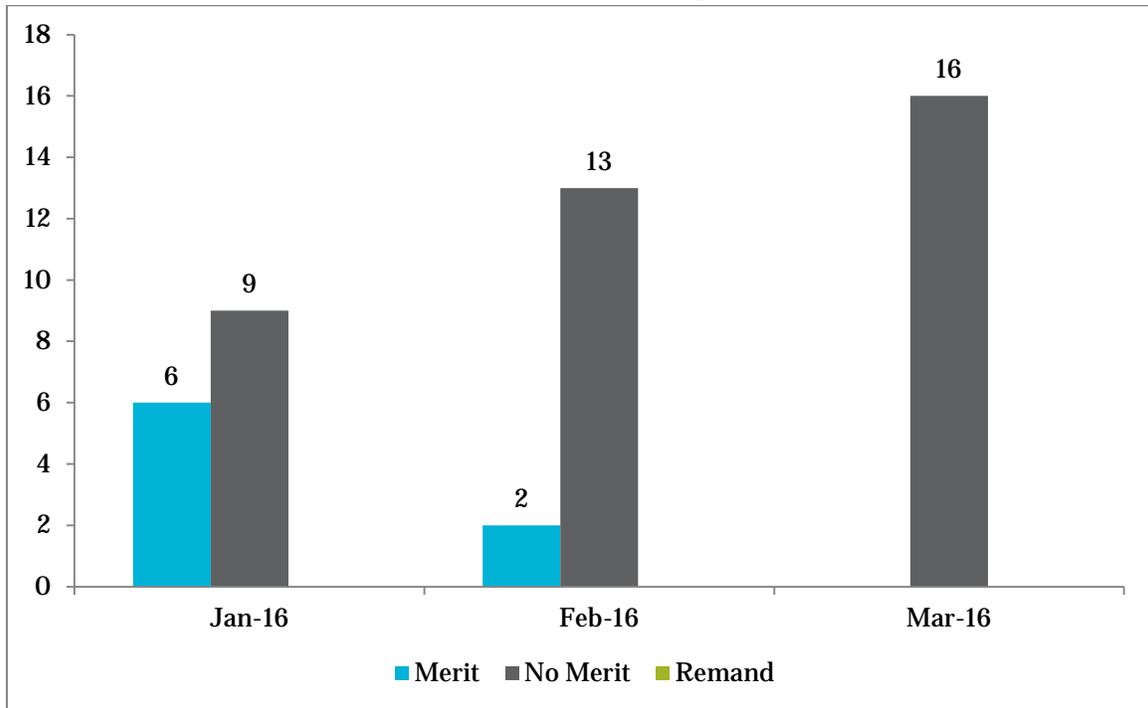
Civilian Unit



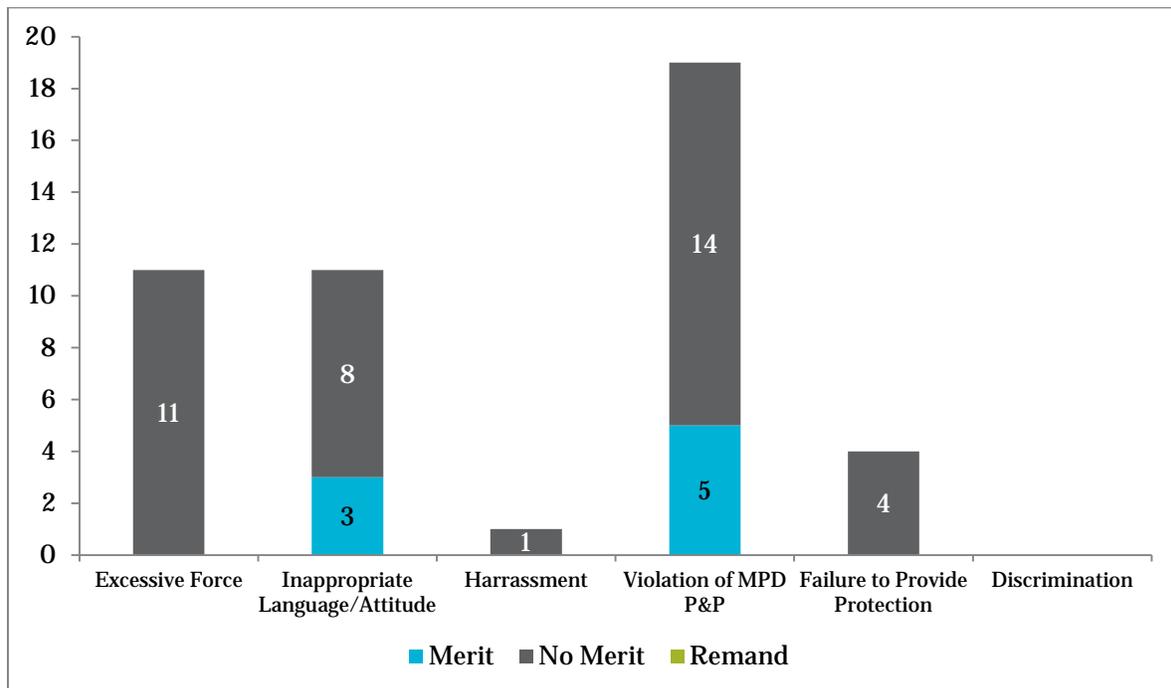
Sworn Unit



Review Panel Recommendations on Allegations (12 Cases Reviewed)

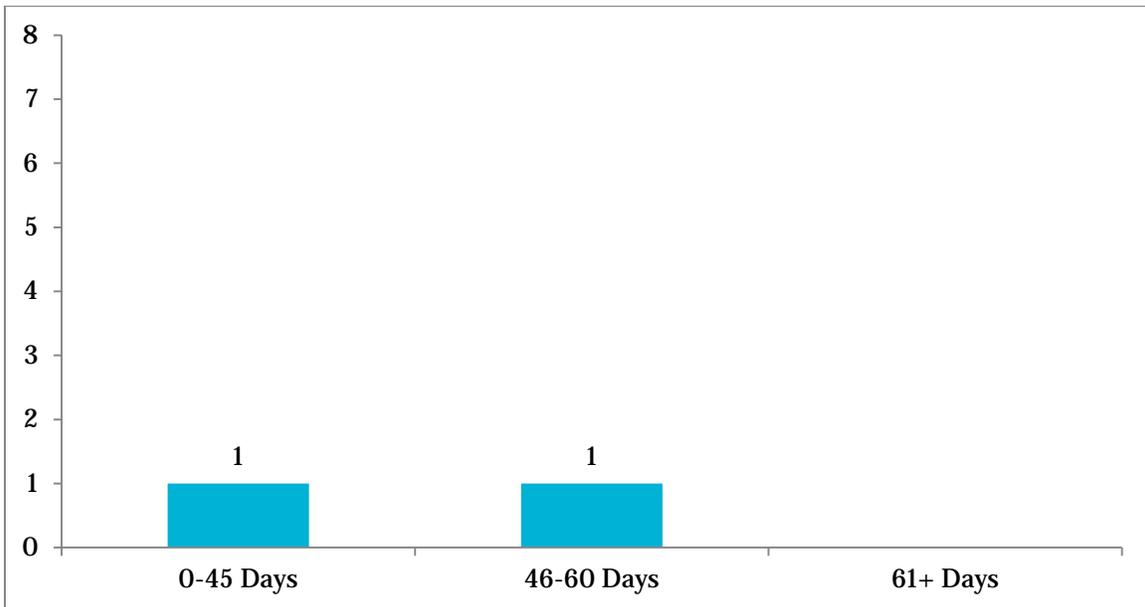


Review Panel Recommendations in Detail

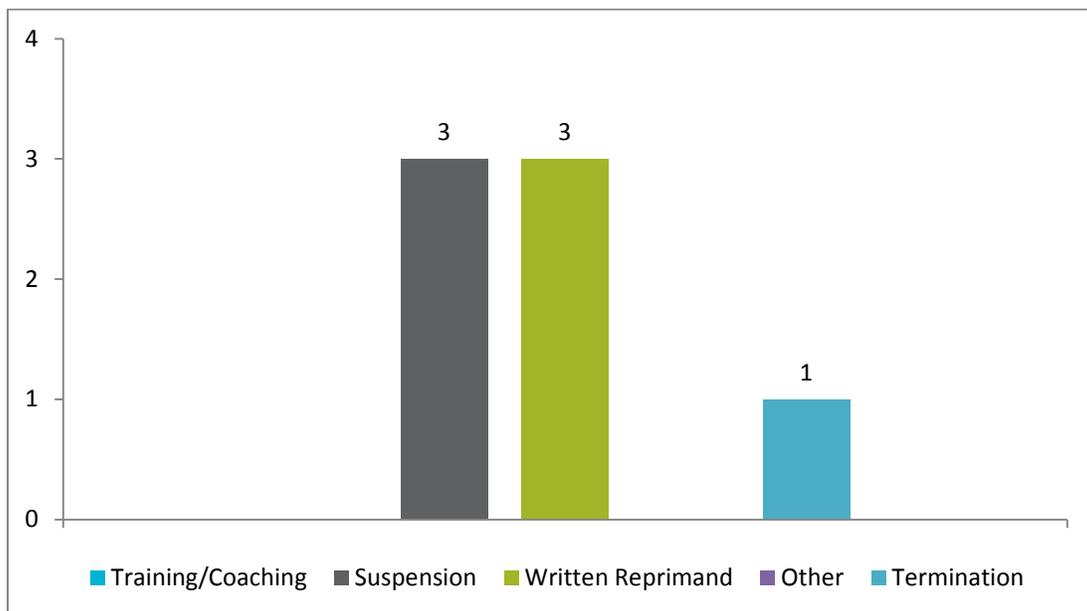


Chief Actions

Amount of Time Current Pending Cases are with the Chief



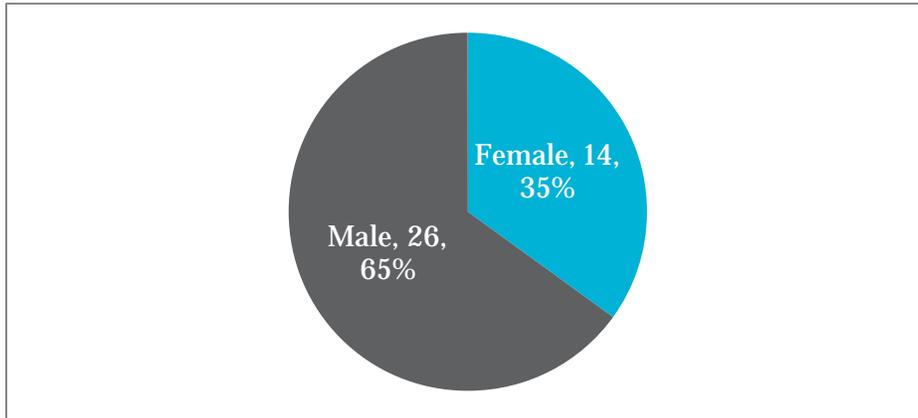
Discipline Types Issued by Chief



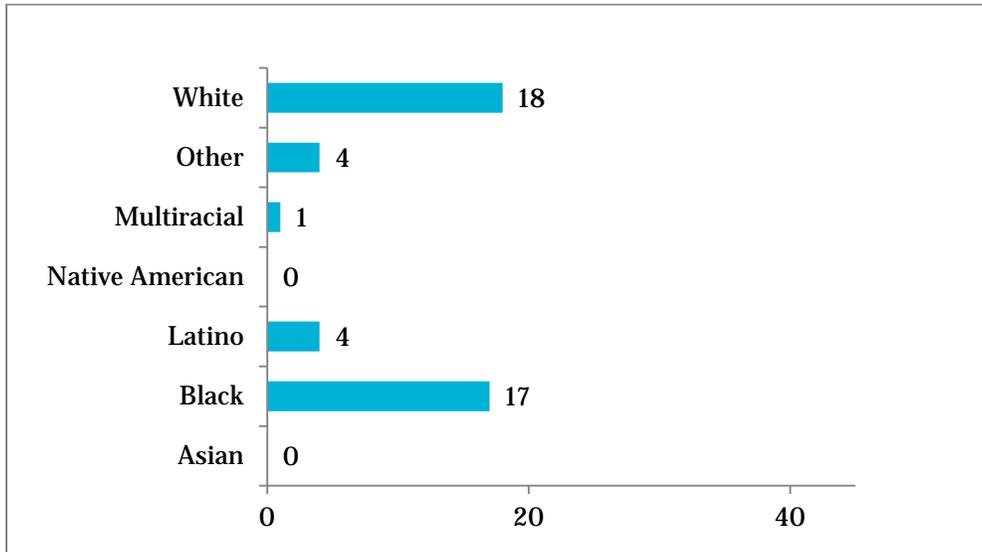
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Complainant Demographics

Gender



Race



Age

