

***Pending Approval***

**POLICE CONDUCT OVERSIGHT COMMISSION**  
***Minutes***  
**Regular Meeting August 11, 2015**  
**Starting at 6:00 p.m.**  
**350 Fifth Street, Room 241, Minneapolis, MN 55407**

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**Committee Members Present:** Andrea Brown (Chair), Andrew Buss, Adriana Cerillo, Amran Farah, Jennifer Singleton (Vice Chair), and Laura Westphal.

**Staff Present:** Michael K. Browne, Director – Office of Police Conduct Review (612) 673-5500. Also present, Legal Analyst Ryan Patrick

**Chair Brown called the meeting to order at 6:02 p.m.**

**A quorum of the Commission was present.**

**Chair Brown congratulated Director Michael Brown, of the Office of Police Conduct Review, for his recent appointment to the Judiciary.**

**PUBLIC COMMENT**

Chair Brown opened the floor for public comment. The following is a list of the members of the public who addressed the Commission and the topics covered in their discussion:

*Dave Bicking:*

- Role of the PCOC on the OPCR complaint process and subpoena power
- OPCR results
- All-complaints data request submitted to OPCR
- Complaints filed by civilians and disciplinary actions

*Chuck Turchick:*

- PCOC and OPCR relationship
- Lieutenant Baird's Presentation at the Policy and Procedure Committee Meeting and De-Escalation Techniques
- The role of Body Cameras and documenting different perspectives
- Minneapolis Police Departments Tased and Glazed raffle

*Janet Nye:*

- Role of the PCOC and OPCR
- The shooting of Terrance Franklin

With no further public comment, Chair Brown moved to the next item on the agenda.

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### **ACLU PRESENTATION**

*Jana Kooren, Public Education and Communications Director, and Theresa Nelson, Legal Director, of the American Civil Liberties Union addressed the Commission. The following were the main points from their presentation:*

- In 2012 the National ASLU delved into low level drug arrests, in particular marijuana, finding that African Americans were more likely to be arrested.
- In Minneapolis African Americans are 12 times more likely to be arrested for small drug offenses, however African and white populations use at the same rates.
- Have analyzed over 96,000 low level arrests in Minneapolis from January 2012 to September 2014, which included petty misdemeanor, misdemeanor, and gross misdemeanor offenses.
- In the sampling the ACLU found that African Americans and Native Americans, at 8.7% and 8.6% respectively, were more likely to be arrested.
- There were 906 low-level arrests that were tagged “doesn’t fit any crime;” sent queries asking what this identifier meant and have not received a response.
- Of the 906 72% were black, 18% white, and 4% Native American and it appears that several of the arrests contained multiple charges.
- Have also searched the Courts Registry of Actions and found instances where individuals are taken into custody to have formal complaints filed the next day with actual charges citing criminal codes, however the initial arresting charge was listed as “doesn’t fit any crime.”
- Unable to look at ethnicity in the data; there is a field available in the database but usage is widely inconsistent and many files were not coded.
- Approximately 25% of the arrests that come through are not charged; perhaps there are ways to gain a better understanding on how to prevent this.
- Also found a wide disparity in the issuance of warrants; it is not clear what is generating them and the database system does not track what they were issued for.
- There is discussion about making the database more accessible; an open data website may be the perfect venue for data to be more to become available on a regular basis.

With the conclusion of the presentation from the ACLU, Chair Brown opened the floor for discussion. The following is a list of speakers during the discussion and an abstract of the main points presented:

*Brown* – asks if there has been discussion with the City Attorney with regard to low-level offenses. Also questions race distinctions and if the ACLU is asking that the MPD make a presumption or ask the individual at the time of their arrest and if the presumption is that when issuing warrants that they are only issued on minority populations and if this is coming from the bench.

*Buss* – questions if this is an issue with regard to the system and what could be leading to charges given that there are multiple levels in which one could be stopped by an officer.

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*Singleton* – suggests that with regard to the ethnicity category in the database and reporting that this involves the officer’s perception. In addition, on the recommendation for increasing data accessibility and have whether or not considerations with respect to privacy and if data should be searchable by employers been made.

*Farah* – asks if spitting is and available category under the “does not fit any crime” distinction and if warrant amnesty is part of the recommendation the ACLU is making to the PCOC.

Then, after a brief discussion, being duly acknowledged by Chair Brown, the following motion was made:

**Commissioner Singleton moved to refer to the Policy and Procedure Committee the development of the methodology for a program of research and study examining arrests for “doesn’t fit any crime.”**

Commissioner Singleton also noted that this is the same kind of policy used to develop the investigatory stop methodology is to take it to the P&P Committee to work out the methodology and bring that methodology back to the full Commission.

Commissioner Buss seconds the motion.

With no further discussion from the members present, the chair closed the discussion and called for a voice vote. All in favor. None opposed.

**The motion carried.**

### Legal Policy Updates

*Sara Pherson from the Office of Police Conduct Review addresses the Commission. The following were the main points from his presentation:*

- MPD Policy and Procedure Manual § 4-222 concerning automated license plate readers was updated to reflect state statute, which now has more restrictions on data collection, logging information, and retention of data not associated with criminal activity.
- Additionally a bi-annual audit system will be used to ensure that the data collection system is in accordance with statute and handled by independent investigators.
- Changes with regard to access of information were initially vague and did not need modification.
- The Professional Policing Policy expanded in scope – previously included traffic and pedestrian stops and now includes contact with members of the public.
- U.S. v Trogden, involved an officer recognizing a known gang member loitering near a business with a no trespassing sign, case involves *Terry* Stops
- Davis v White, involved a booking incident where an altercation took place with an individual in holding; several issues involved including municipal liability, excessive force, deprivation of rights, and substantive due process.

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

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### **Committee Reports**

#### **A. Policy and Procedure Committee**

*Commissioner Buss, the Committee Chair, addressed the Commission. The following are the main points from his report:*

- The Policy and Procedure Committee met on July 28, 2015 and had two presentations, one from MPD Trainers and an impromptu presentation from Office Appledorn on body cameras.
- The officers from training discussed the usage and policies surrounding the use of chemical agents, what they are, their composition, the types of devices and agents they use, and where and when they are used.
- There was discussion and questions with regard to chemical usage leading to arrests, and the intent to arrest, in addition to usage with regard to juveniles.
- Officer Appledorn discussed her experiences participating in the body camera pilot program, her concerns with regard to use or inability to use cameras in private homes, citizen requests with regard to recording, and medical facilities.
- Mr. Patrick provided an update on the research and study with regard to the Seattle PD materials on Cultural Awareness, these materials will be available on the website, they include de-escalation policies and a follow-up on the Department of Justice materials; will review materials and make a recommendation.
- Met with DC Glampe and Commander Case to talk about what is being done at the academy with regard to training in general.
- They provided the Committee with a basic list of topic areas and extended an invitation to the Commissioners to sit in on areas of interest.
- Commissioner Westphal requested a SRO to address the Committee or Commission to gain an understanding of their particular training regimen and their interactions and relationships between groups.

With no further discussion, Chair Brown moves to the next item on the agenda.

#### **B. Outreach Committee**

*Commissioner Singleton, the Committee Chair, addressed the Commission. The following are the main points from her report:*

- The Committee met on July 23, 2015.
- A list of 311 community events was sent to the Commissioners.
- Commissioner Cerillo spoke with an individual involved with Open Streets; the Commission has the opportunity to be present at the August 16, and August 23 events between the hours of 11:00 a.m. and 5:00 p.m.
- Commissioner Westphal has been in contact with the head of Student Affairs at the University of Minnesota in addition to their new chief, Chief Clark.

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- Continuing to monitor the Body Camera Policy research and study that is forthcoming, currently working with the office and will have a draft available at the next outreach meeting, which will be forwarded to the Commission at the next meeting.

**Commissioner Cerillo moved to have the Commission be present at the 311 events this Sunday, August 16<sup>th</sup> and August 23<sup>rd</sup>.**

Commissioner Singleton seconds the motion.

The commissioners engage in a brief discussion regarding the matter. The following is a list of the speakers during the discussion and a summary of their individual input:

*Buss* – asks about the location of the events.

*Cerillo* – the 16<sup>th</sup> is on Portland and the 23<sup>rd</sup> is downtown.

With no further discussion from the members present, the Chair closed with the discussion and called for a voice vote. All in favor. None opposed.

**The motion carried.**

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

### **Discussion of June 2015, Selected Case Summary Data**

*The Commissioners proceeded to engage in a discussion about case number eight summary data. The following is a list of the speakers during the discussion and an abstract of the points presented:*

*Buss* – the case had content that involved the ongoing issues with language.

**Buss moves to refer Case Summary #8 to the Policy and Procedure Committee queue for tracking with other language issues.**

Motion seconded by Westphal.

With no further discussion from the members present, the Chair closed with the discussion and called for a voice vote. All in favor. None opposed.

**The motion carried.**

*The Commissioners proceeded to engage in a discussion about case number one summary data. The following is a list of the speakers during the discussion and an abstract of the points presented:*

*Brown* – case involves a crowd that gathered and officer released; it is a perfect example where de-escalation training could have been really effective in keeping tensions to a minimum.

*Westphal* – appreciated the information with regard to the role investigators play.

*Buss* – meant to refer this case with Case Summary #8.

**Buss moves to refer Case Summary #1 to the Policy and Procedure Committee queue for tracking with other language issues.**

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Motion seconded by Westphal.

With no further discussion from the members present, the Chair closed with the discussion and called for a voice vote. All in favor. None opposed.

**The motion carried.**

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

**New Case Selection**

*Buss – 6, 7, 9*

*Cerillo – 6, 7, 8*

*Ferrar – 6, 7, 10*

*Singleton – 2, 6, 9*

*Westphal – 2, 6, 7*

*Chair Brown – 2, 6, 7*

Chair Brown indicates the new case selections for the September 2015 meeting are 2, 6, 7.

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

**ADJOURNMENT**

**With all of the Commission's business being concluded, the chair adjourned the meeting at 7:30 p.m.**