



# Q3 2015 Report

Office of Police Conduct Review

July 1, 2015 – September 30, 2015

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## COMPLAINT PROCESSING

Cases in the intake pipeline at the end of Q2 2015 are now resolved. As such, data is now available for those cases. To provide an update, portions of this report will contain Q2 2015 data: the allegations section, case resolution section, and precinct complaint/allegation information.

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.

The OPCR received 124 complaints between July 1, 2015 and September 30, 2015. OPCR Staffing changed significantly during Q3 of 2015; both the Director, who was unable to review cases beginning in August, and the Intake Investigator left the Office. This reduction in staffing had a significant impact on the operation which came at a time when the number of complaints filed is typically higher. As of September 30, 2015, 98 cases were pending assignment. In an effort to effectively process these cases until these positions can be filled with new permanent staff, the OPCR leadership reassigned and trained existing staff on complaint processing, and they have worked throughout September on this effort. Cases are now flowing through the system again. However, for this quarterly report, detailed data on complaints filed during August and September is currently unavailable, and as such, an update will be provided during the November 2015 Commission meeting.

## 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 Q3 of 2015, officers were coached by supervisors in 44% of cases returned to the OPCR during that period. At the end of Q3 2015, all 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; 22 complaints were sent to coaching to resolve in Q3 2015. See the table below and graphs on page 12:

Precinct	Sent	Returned	Pending
1st	0	1	0
2nd	0	0	0
3rd	4	7	1
4th	2	6	1
5th	1	2	1
Other*	1	2	0

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

There are several items to note. First, a case may be returned by MPD supervisors but be awaiting approval by OPCR supervisors before closing the case. Next, cases assigned to coaching may 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. Finally, a single case could be sent to multiple precincts when multiple officers are involved.

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 visited the 2nd precinct in May to conduct specific coaching training and 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 70% 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. Of cases that were assigned to investigation, 71% expressed no preference for investigator type.

## **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 12 case recommendations during Q3 2015. Two new sworn panelists began work in Q3 2015, bringing the number of sworn panelists to 9.

## **CHIEF'S ACTIONS**

The Chief issued one written reprimand in Q3 2015 resulting from two sustained B-level violations. The Chief also issued a 10 hour suspension as a result of a sustained B-level violation. The chief currently has four OPCR cases with merit recommendations in her queue. 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. The Commission completed work on its [body camera study](#), issuing recommendations and a model body camera policy to the MPD. The study was presented to the Minneapolis City Council on September 30, 2015.

In Q3 2015 the Commission launched a study into arrests where one of the listed charges was 'Doesn't Fit Any Crime' or "MISC." The ACLU raised this issue in the August during a [presentation \(Prezi\)](#) to the Commission on the report they issued. The study will examine the practice of arrests with the MISC label to determine reasons for the ambiguous label. It will also collect data regarding these arrests, noting any patterns or trends.

The Policy and Procedure Committee also 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 Policy and Procedure Committee monitored research and study progress at each meeting, continued work on the cultural awareness training study, and received presentations from the police department on the use of chemical agents (training and policy) as well as the school resource officer program and juvenile diversion.

The Outreach Committee met three times to follow up on actionable items regarding the MPD Body Camera Policy and Summer Outreach opportunities. The Commission hosted the final two of the three community listening sessions to gather public input on body camera implementation on July 11 and July 25.

To raise awareness for the Commission's activities, Commissioners attended community events including the Cinco de Mayo parade, the Twin Cities Pride Festival and Open Streets events.

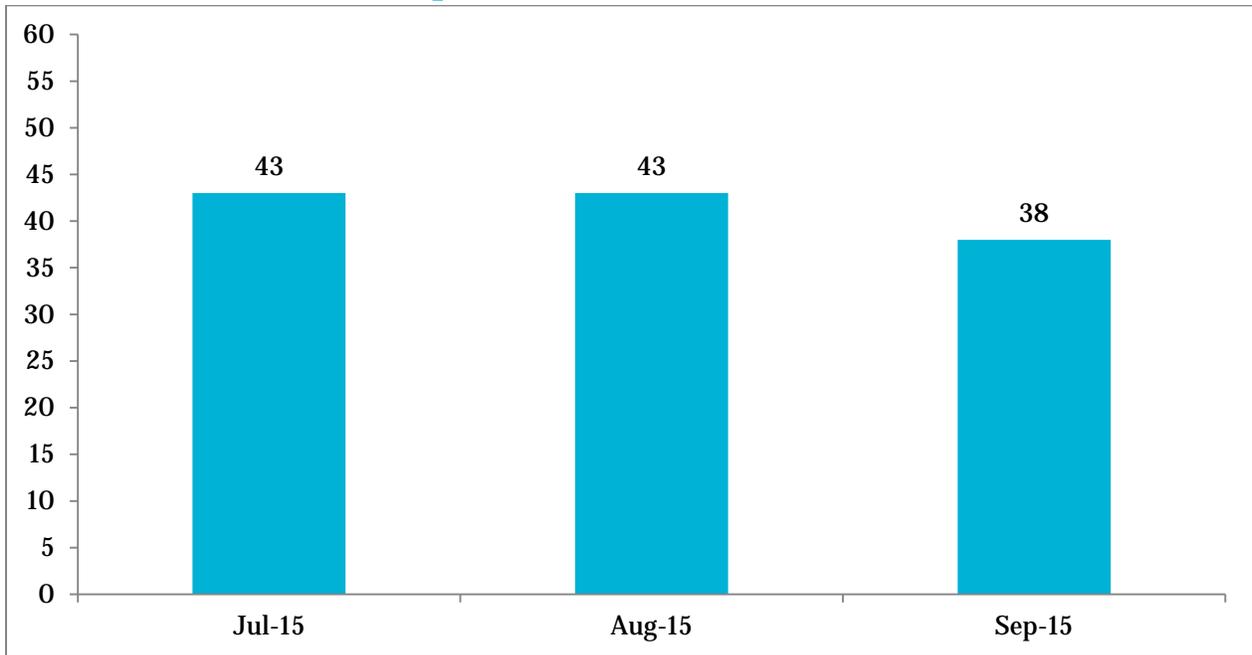
The Commission reviewed thirty case synopses and nine case summaries during Q3 2015 which can be found on the [Commission case data page](#). Regular meetings will continue to occur on the second Tuesday of each month at 6:00 PM. For all Commission data, including case summaries, synopses, agendas, and minutes see the PCOC website:

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

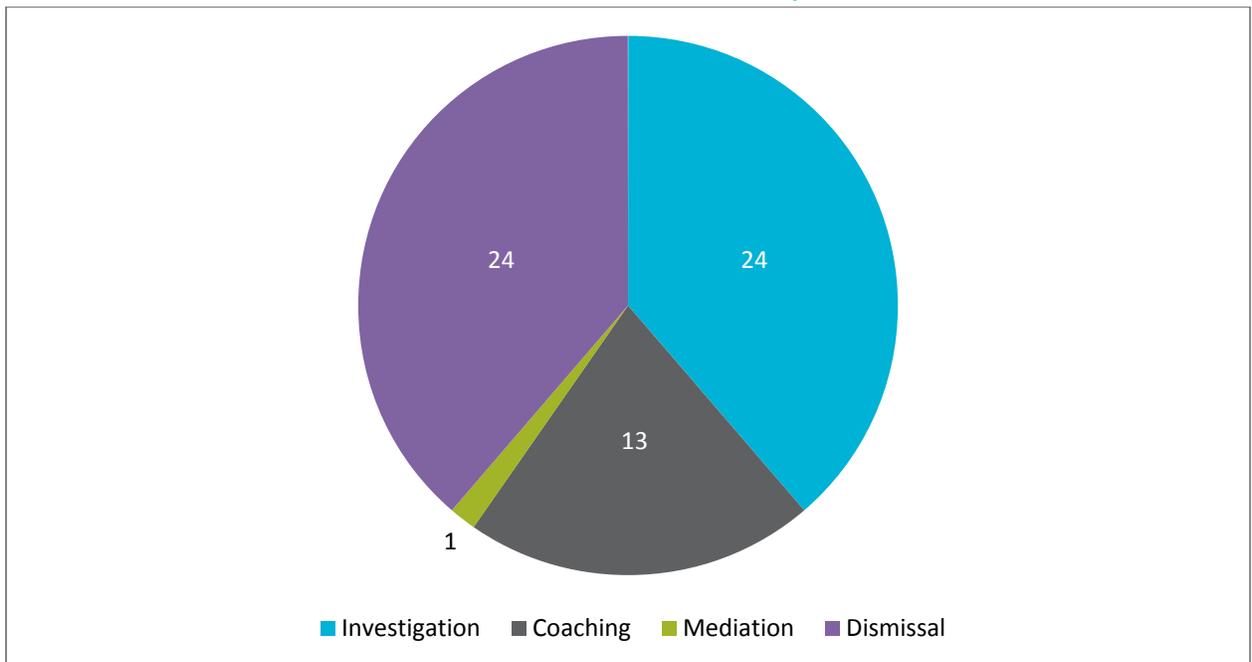
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### Complaints Filed Q3 2015 (124)

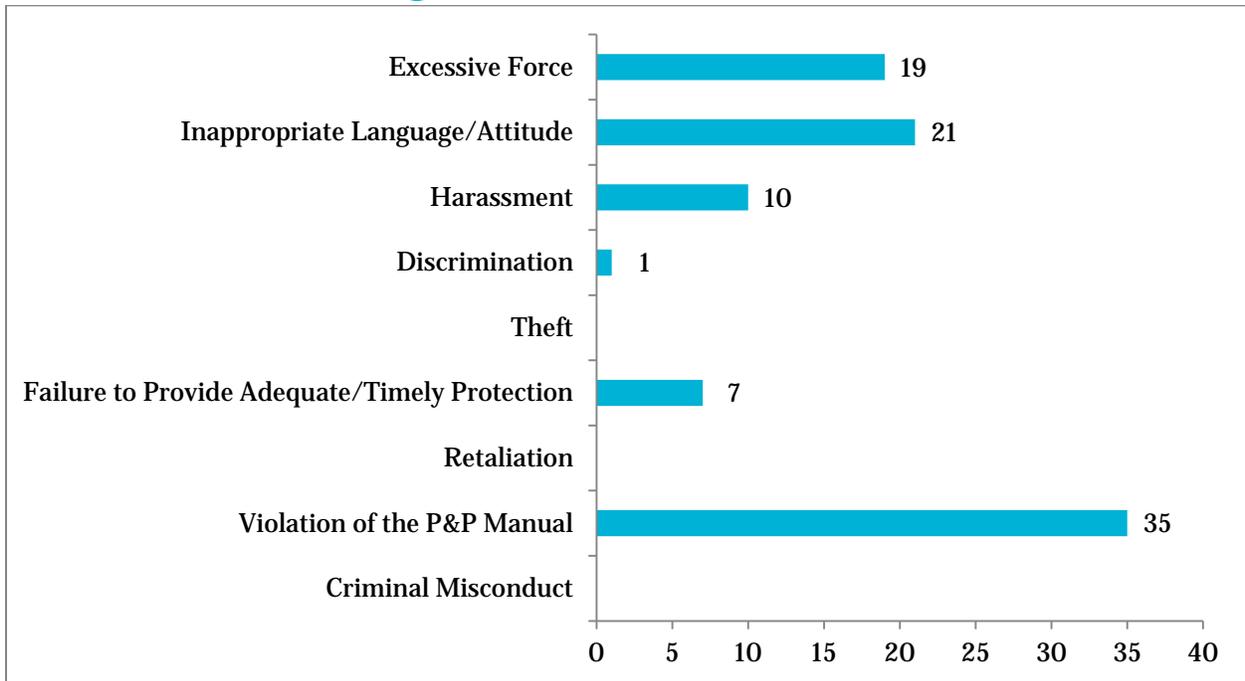


### OPCR Case Resolution in Q2 2015<sup>1</sup>

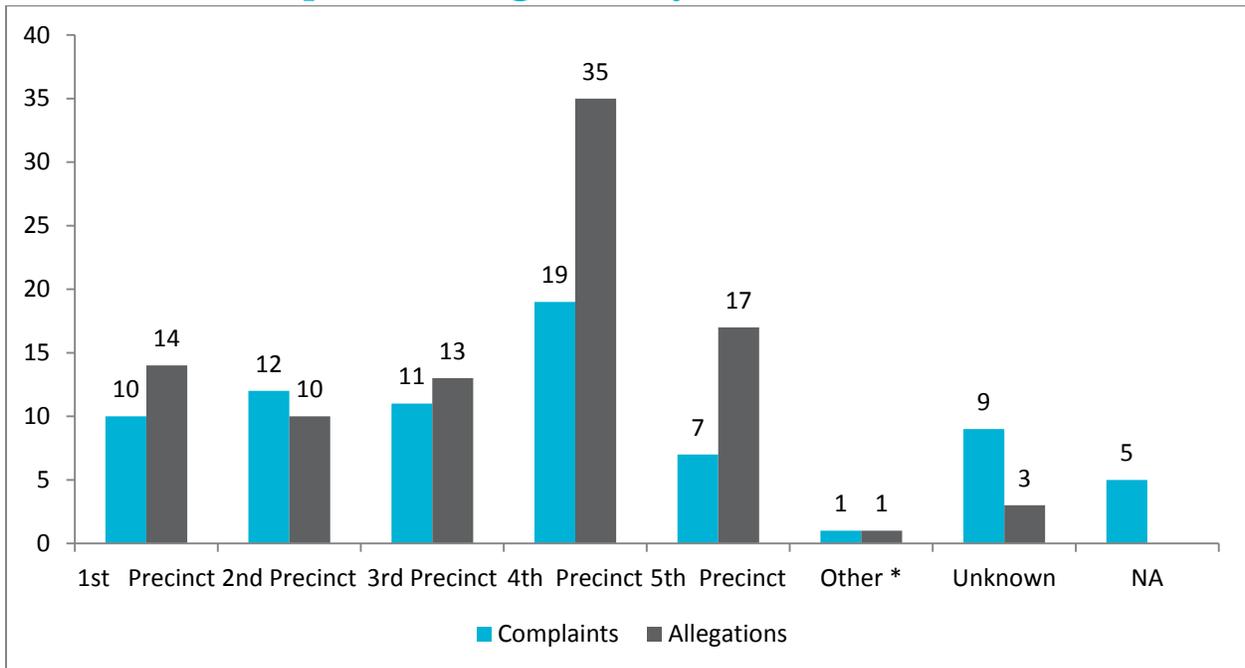


<sup>1</sup> It should be noted that at the end of Q2 2015, 98 complaints filed during the quarter were pending assignment or undergoing intake investigation.

## Allegations Filed in Q2 2015 (93)



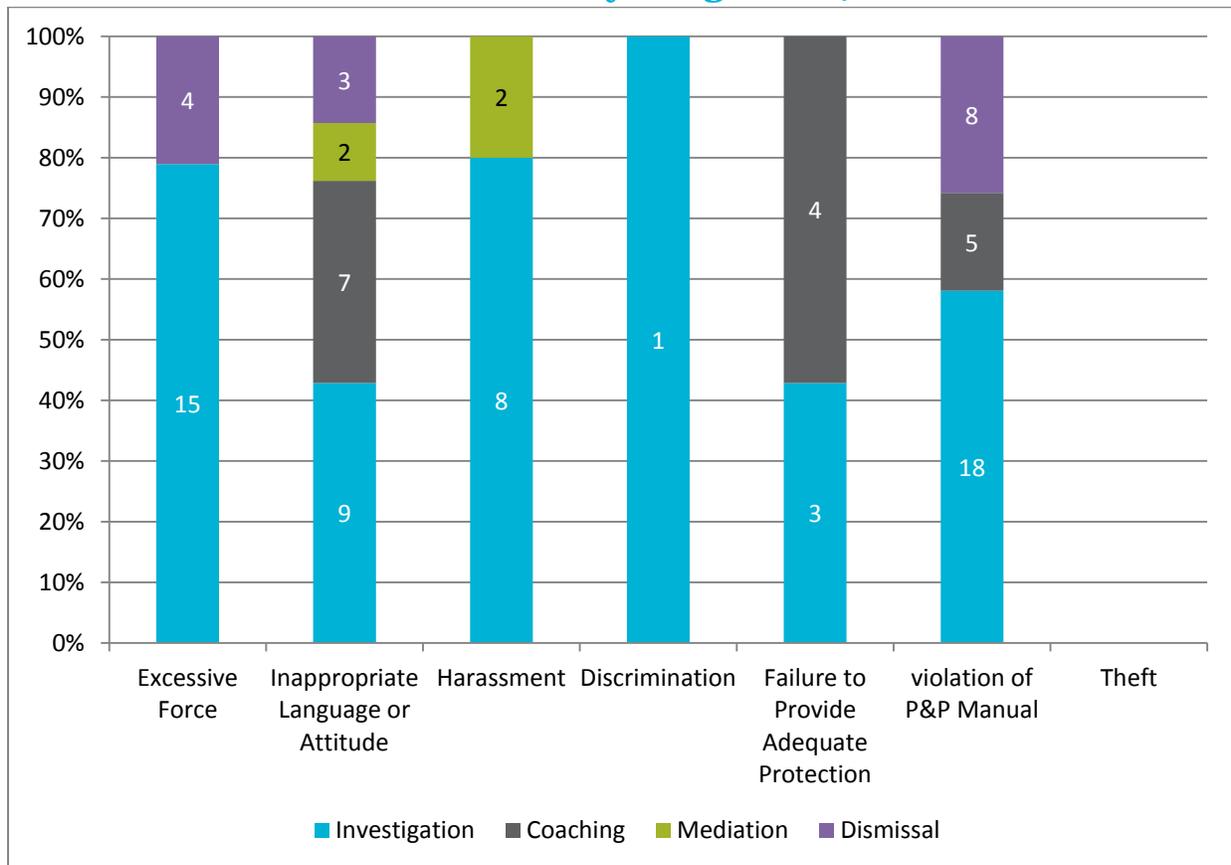
## Complaints/Allegations by Precinct Q2 2015\*\*



\* 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.

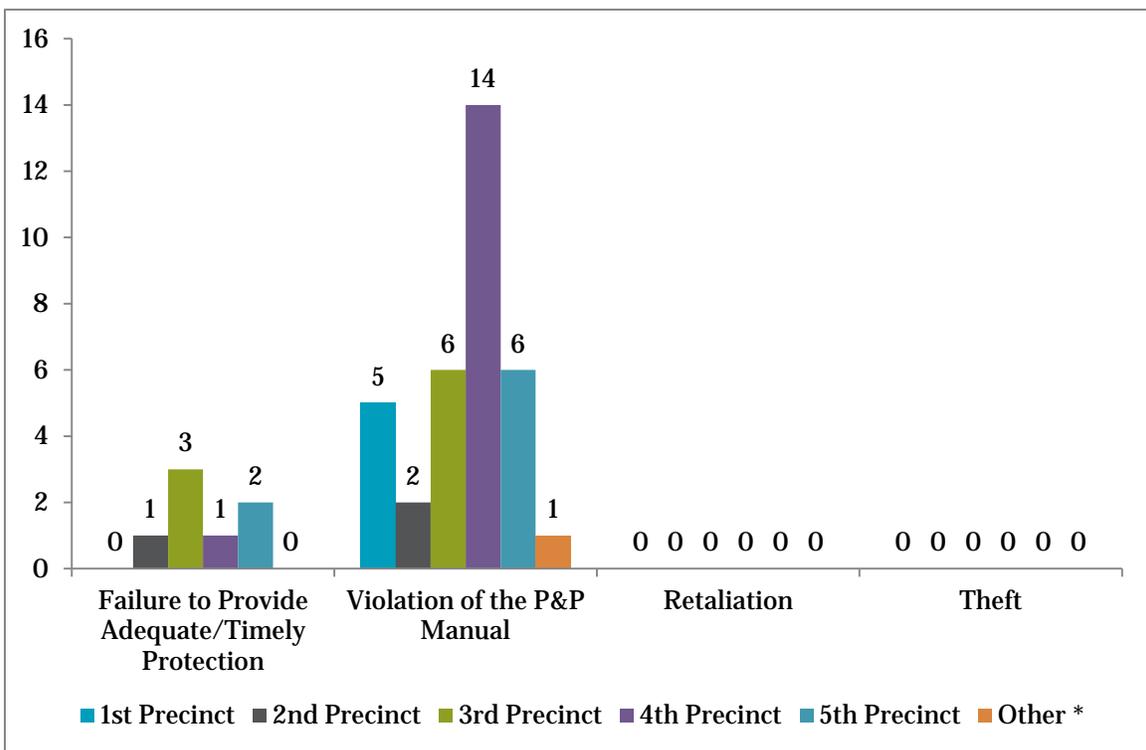
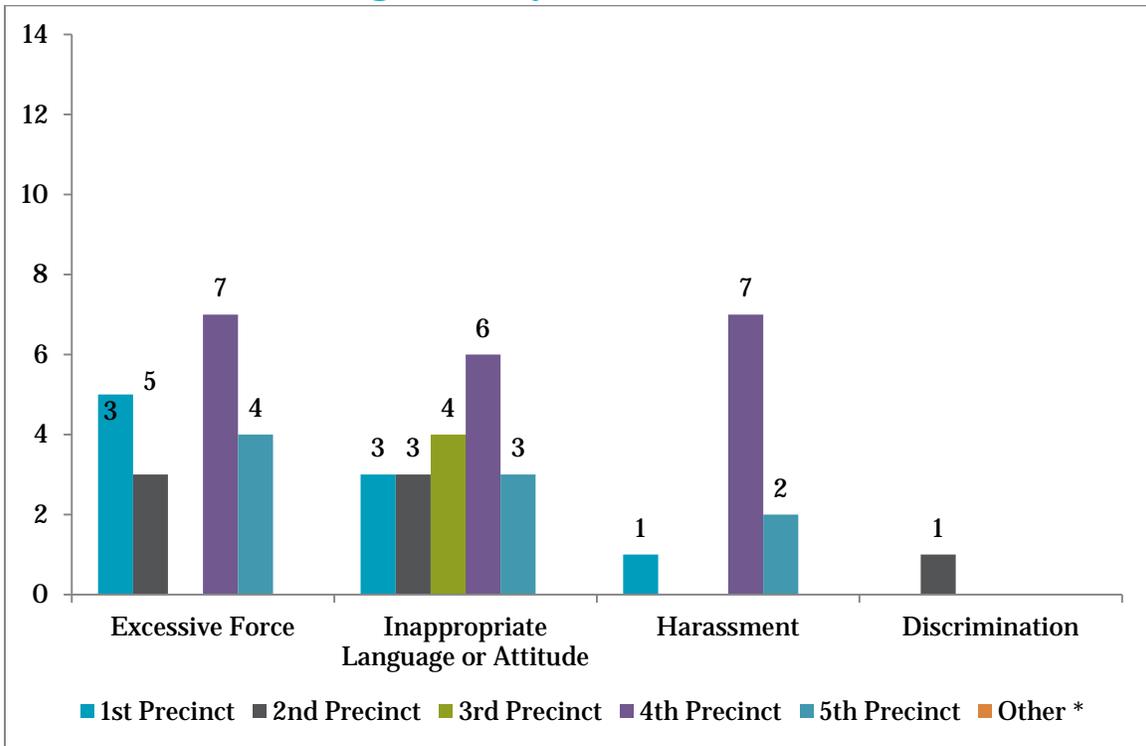
## Case Resolution by Allegation Q2 2015



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

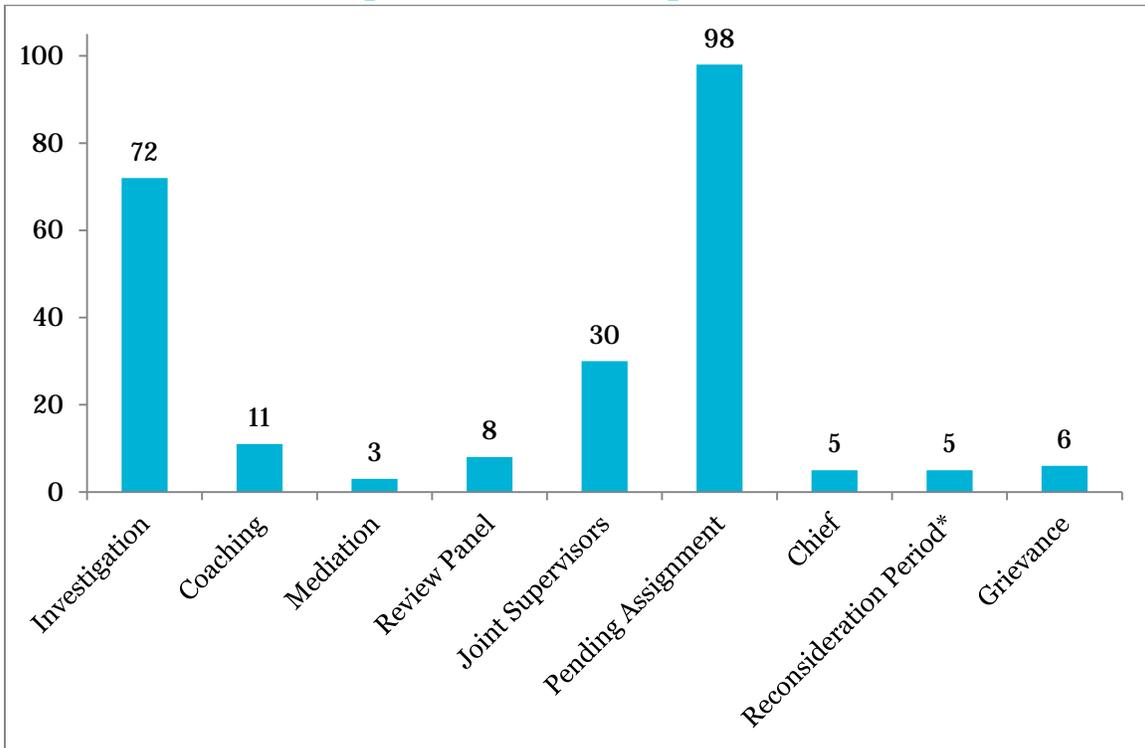
- 10-401 Responsibility For Inventory Of Property And Evidence
- 5-306 Use Of Force – Reporting And Post Incident Requirements
- 5-105(2) Professional Code Of Conduct
- 7-401 Normal Vehicle Operation
- 5-105(3) Professional Code of Conduct

## Allegations by Precinct Q2 2015



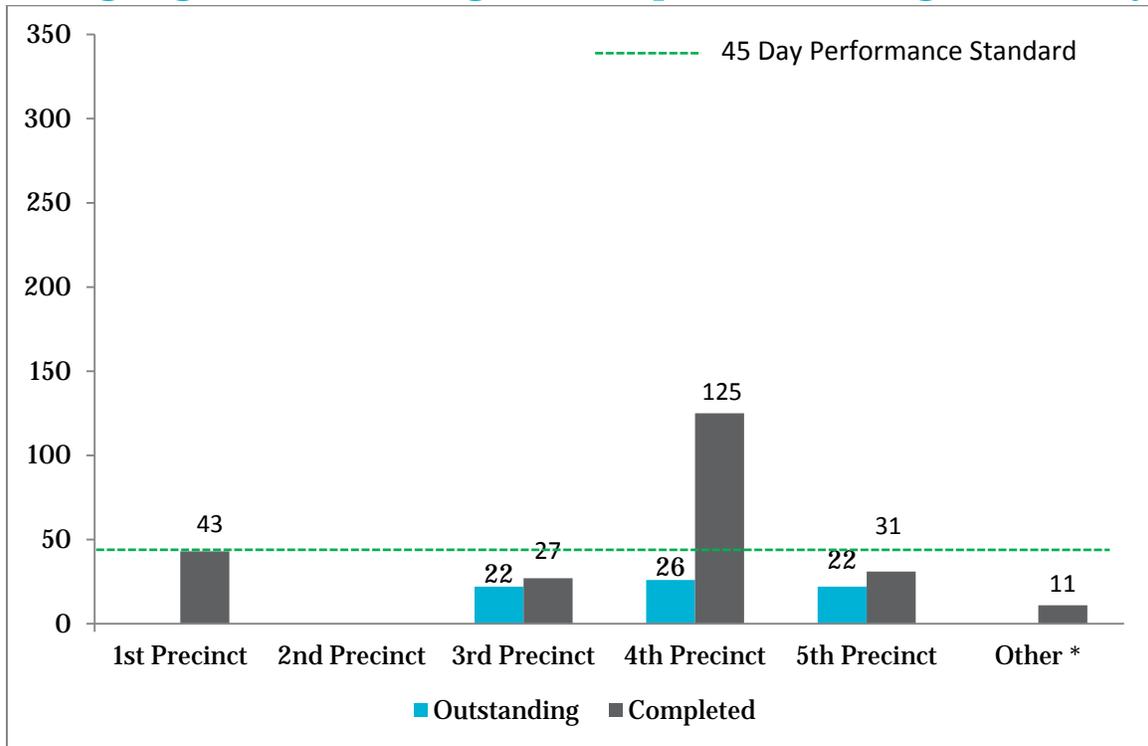
*\* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division. Additional allegations were filed against officers whose identities were not known at the time of this report. Hence, those allegations are not listed against a specific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

### OPCR Open Cases (238 Open/82 Closed)

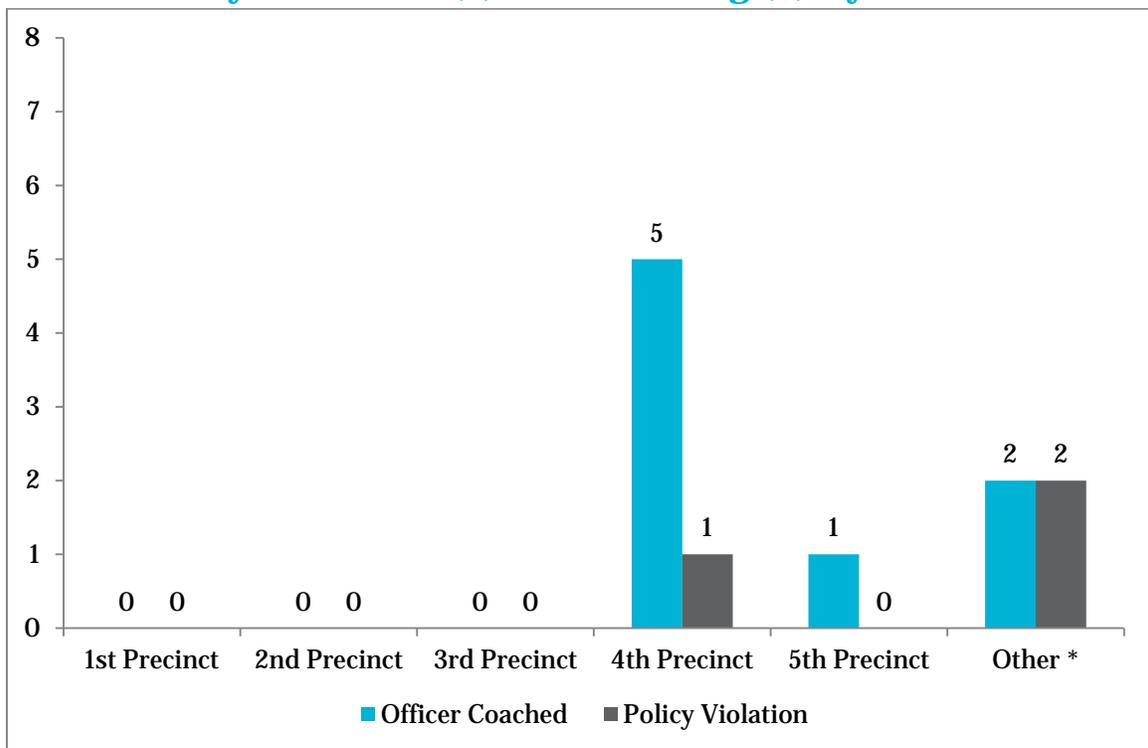


*\* Cases in the reconsideration period are those that have been completed by the review panel but are awaiting a request for reconsideration from complainant. Complainants have 15 days from the receipt of notification of a review panel recommendation to request reconsideration.*

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

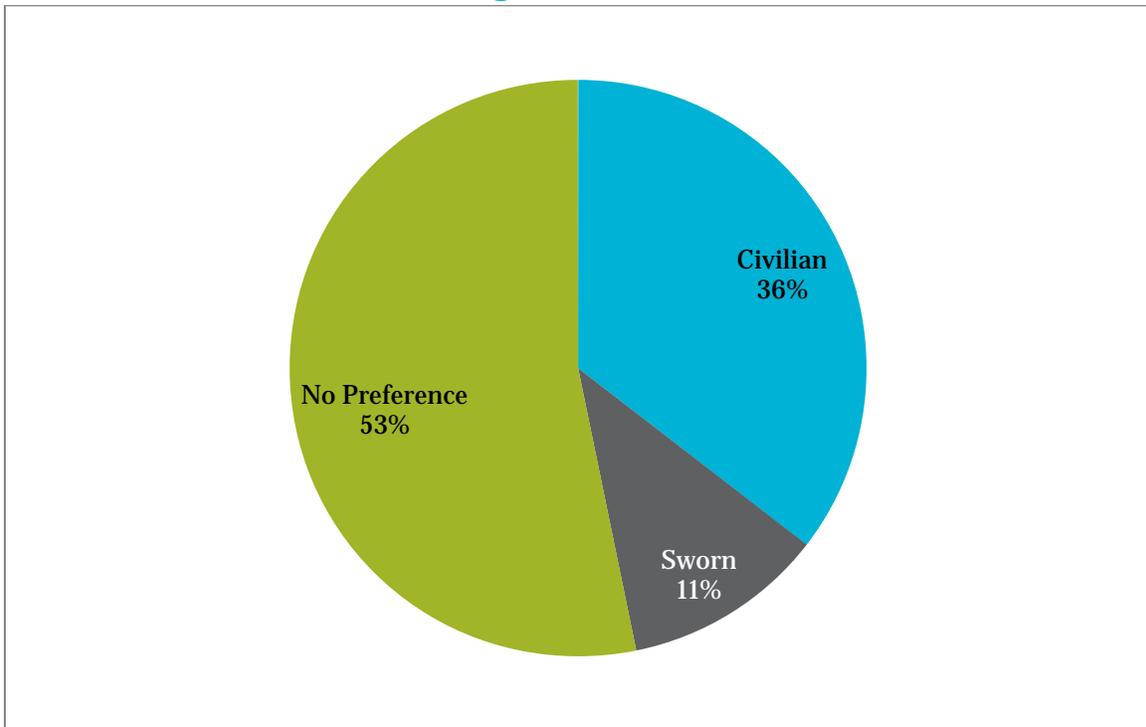


## Policy Violations (3) and Coaching (8) By Precinct

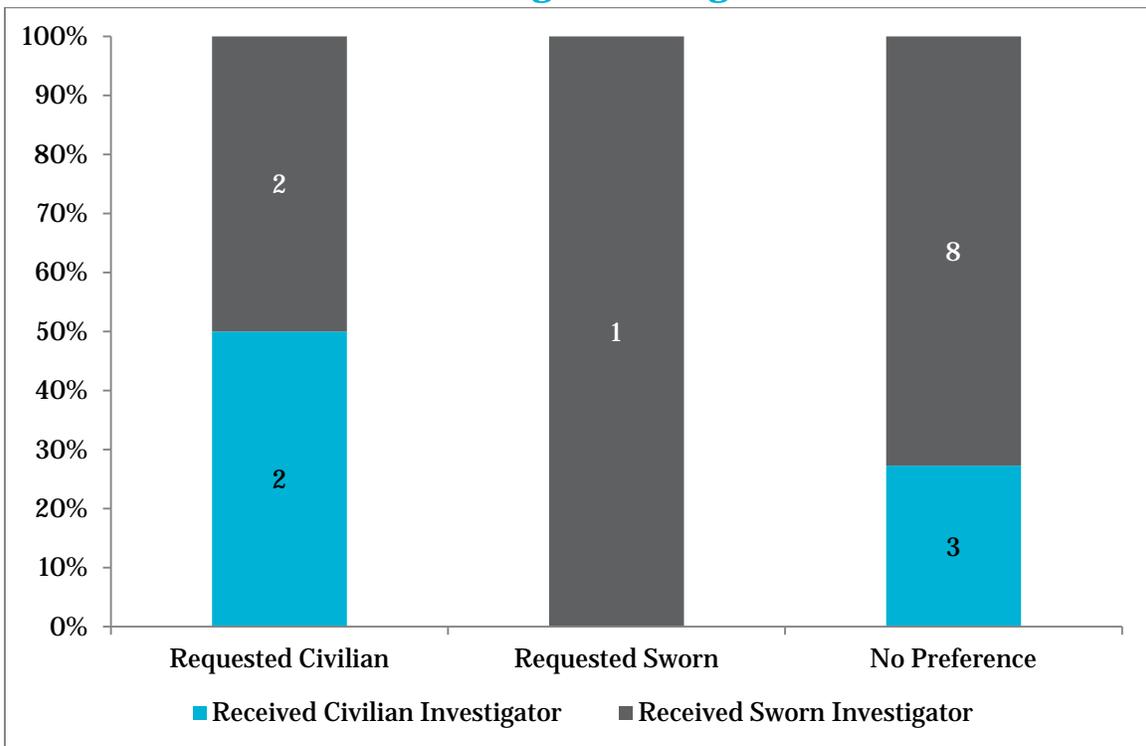


\* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.

## Investigator Preference

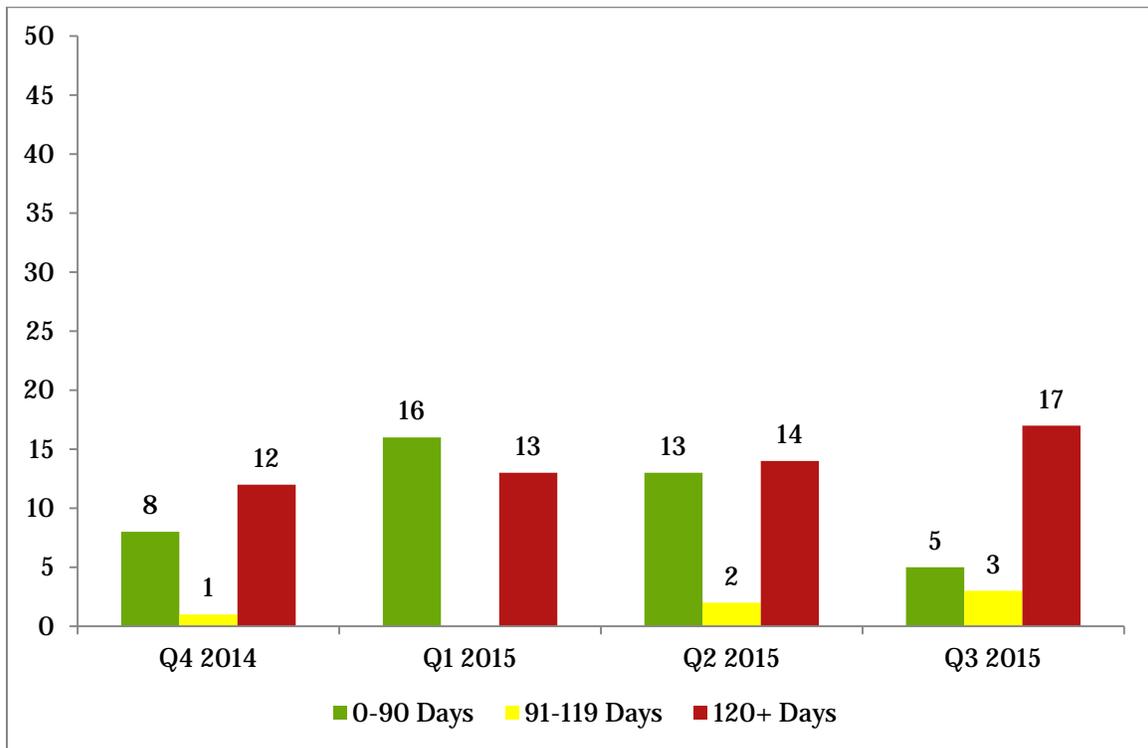


## OPCR Investigator Assignments

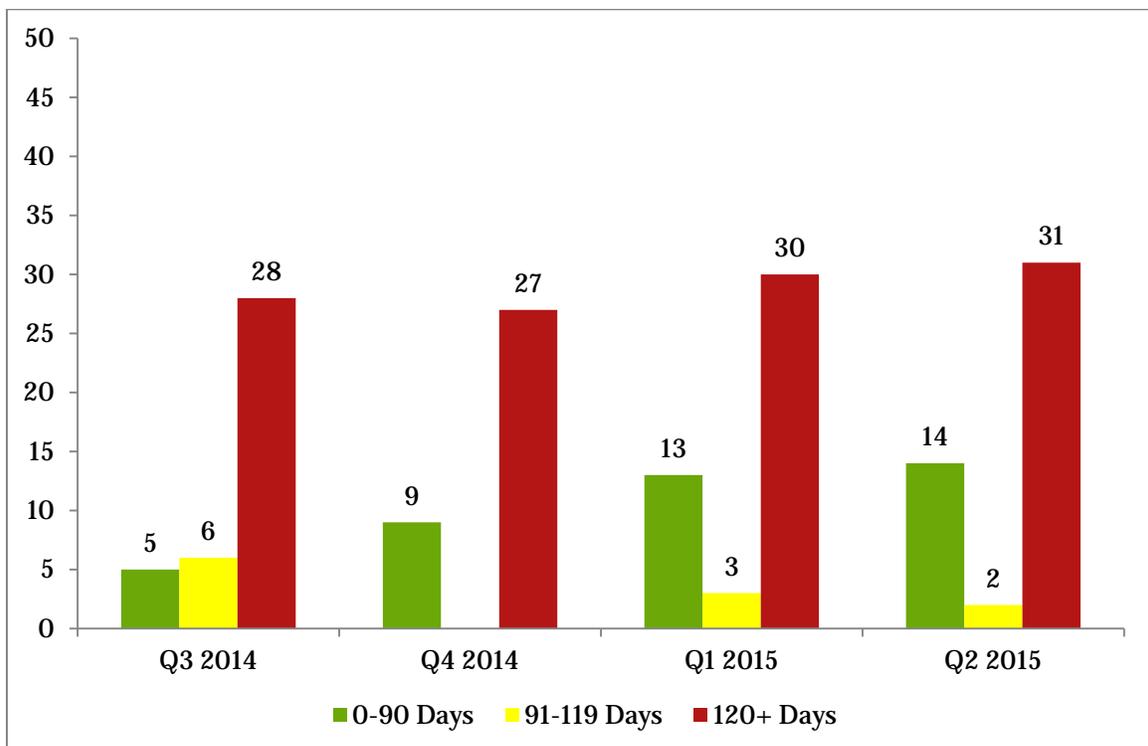


## OPCR Investigation Timeline

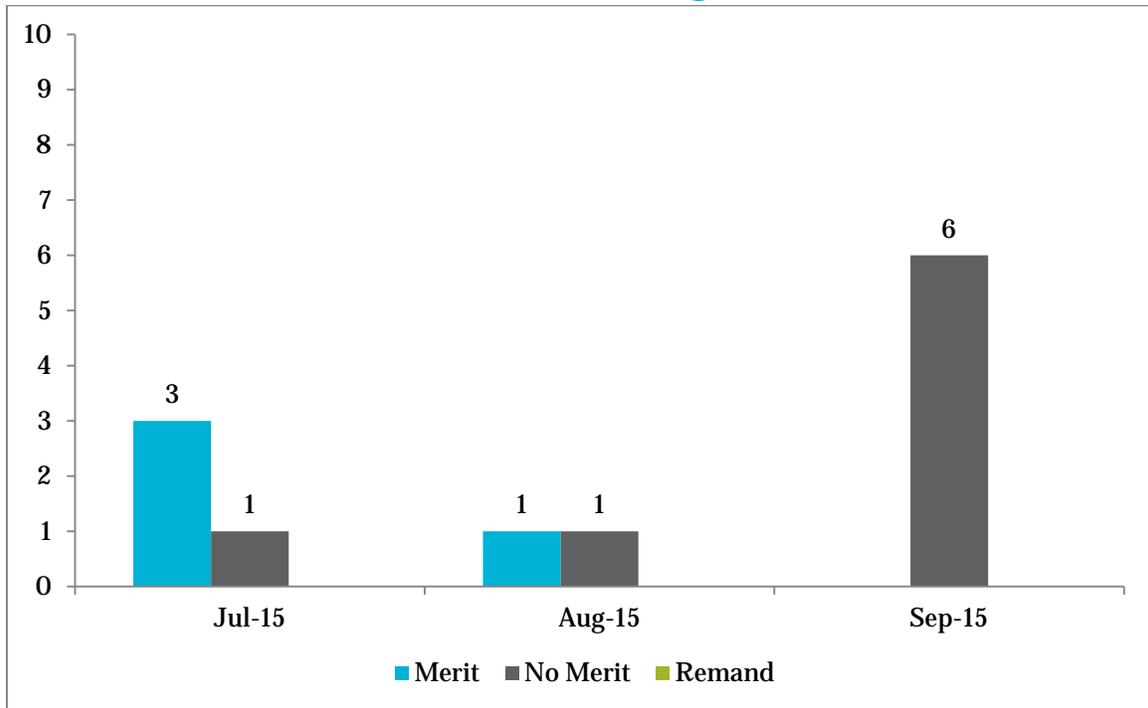
### Civilian Unit



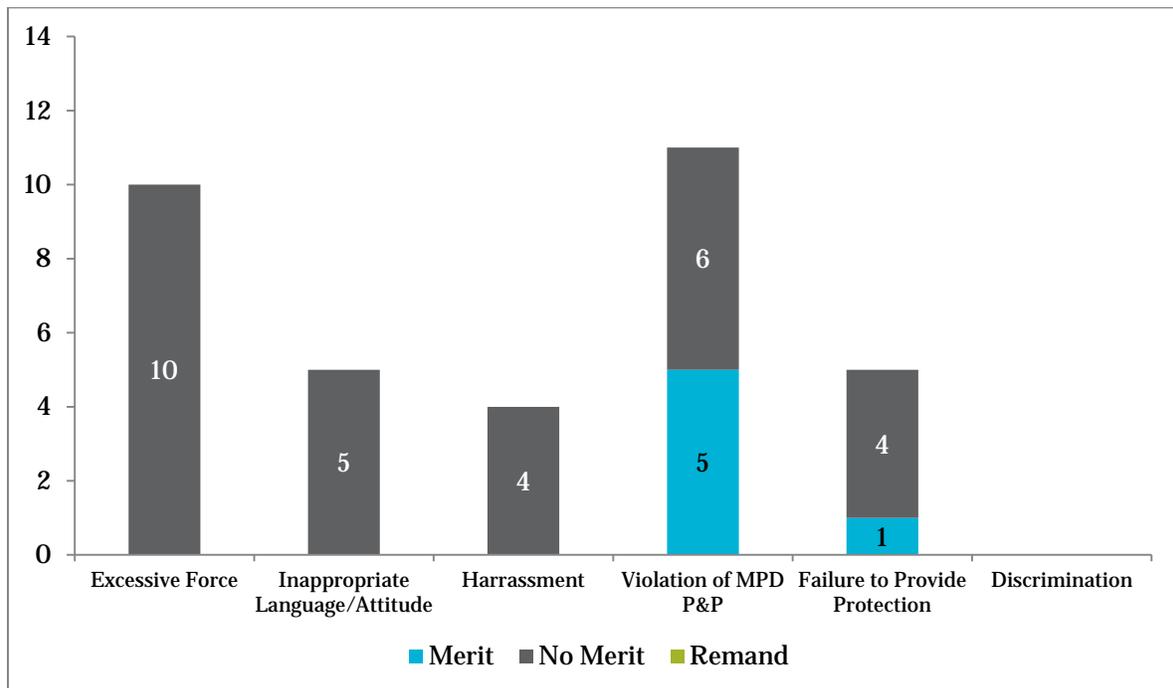
### Sworn Unit



## Review Panel Recommendations on Allegations (12 Cases Reviewed)

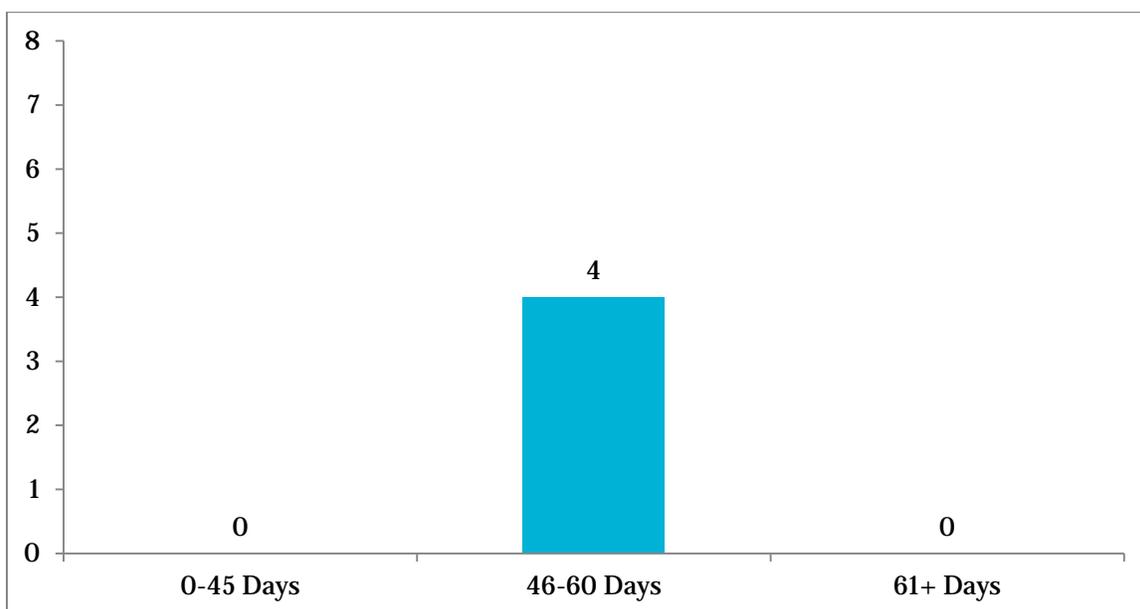


## Review Panel Recommendations in Detail

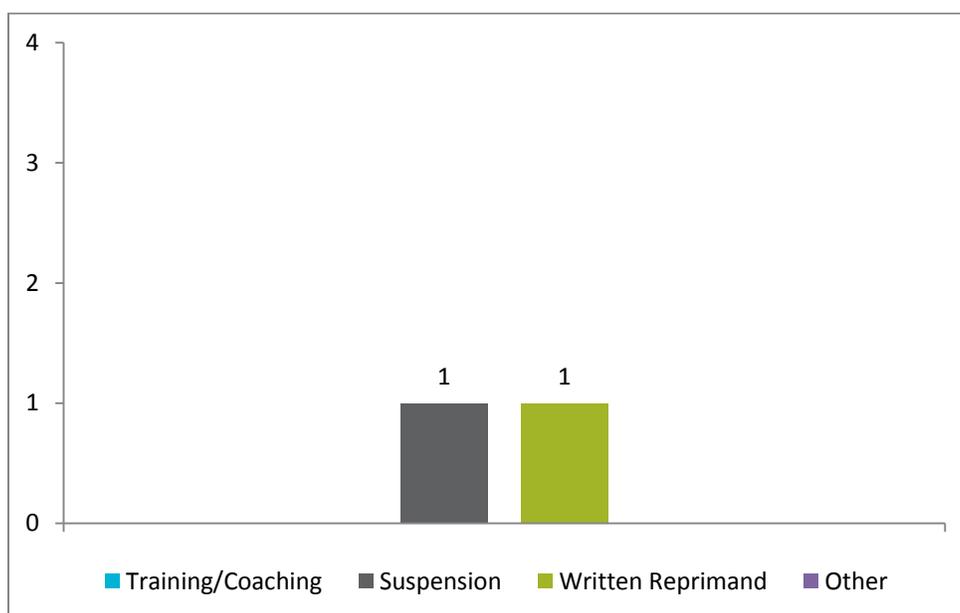


## Chief Actions

Amount of Time Current Pending Cases are with the Chief



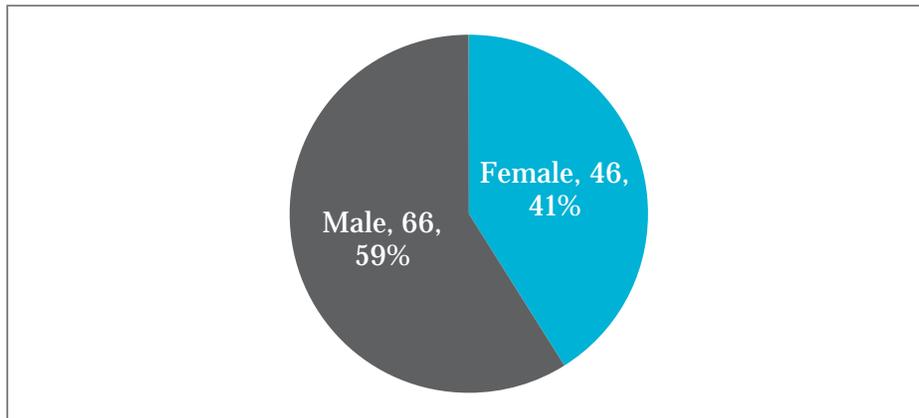
Discipline Types Issued by Chief



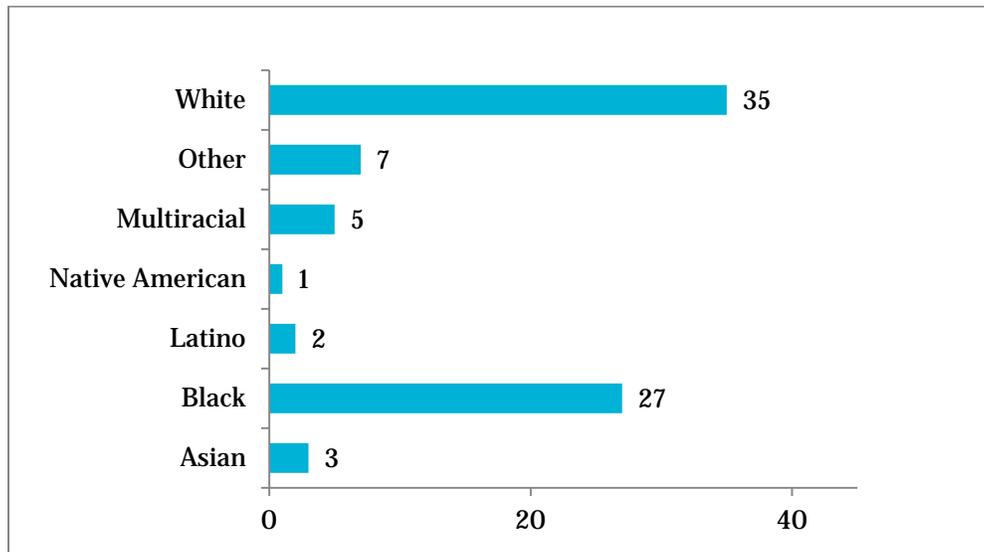
The Chief issued one written reprimand as a result of two sustained B-level violations for failing to report use of force. The Chief issued a 10 hour suspension as a result of a B-level violation for failing to report a use of force.

# Complainant Demographics

## Gender



## Race



## Age

