Police Conduct Oversight Commission

Minutes

Regular Meeting March 8, 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: Adriana Cerrillo.

Staff Present: Imani Jaafar - OPCR Director, Ryan Patrick - Police Conduct Operations Supervisor, and Leda Schuster - Commission Clerk.

Chair Brown called the meeting to order at 6:02 p.m.
A quorum of the Commission was present.

Westphal moved to adopt the meeting agenda.
Seconded.
No discussion. All-in-favor. None opposed.
The motion carried.

Singleton moved to approve the meeting minutes with the following amendment: On page three under committee appointments, insert the word "explore" before establishing, which is more consistent with what the motion was.
Seconded.
No discussion. All-in-favor. None opposed.
The motion carried.

PUBLIC COMMENT:

Dave Bicking:

- Recommendations for the new public input period for the draft MPD body camera policy; urges PCOC non-participation.
- Observed that the new policy was presented two working days after the City Council approved the funding for the project; indicating that the MPD had already developed the policy well in advance.
- Questioned who will contribute input and has questions from the presentation at the Public Safety Committee meeting with regard to communications between the MPD and the PCOC.

- Indicated that the MPD reported that there was a meeting scheduled with the PCOC on March 3rd to discuss the PCOC's role in the process; would like to know the results of that meeting.
- Has carefully examined the redline and draft policies and the important PCOC recommendations were overlooked or left out, such as random reviews, public permission, policy revisions and accessibility, and discipline.

Cathy Czech:

- Thanks the PCOC for their work in the jail diversion co-responder project, which pairs police officers with mental health providers at the earliest possible contact.
- The Commission, Mr. Patrick, and Ms. McConnon have supported a viable cost-effective method of providing a very human answer to the problem.

NEW BUSINESS

Criminal Justice Task Force

City Council Member Cam Gordon addressed the Commission; the following were the main points from his presentation:

- Forming a criminal justice task force, this is currently in its preliminary phase.
- The work grew out of previous work with the Coalition for Critical Change.
- The spitting and lurking changes were part of that initiative, which included looking at stop and frisk interactions and a report from the ACLU involving the treatment of individuals, prosecutions, and arrests, which has collateral consequences with regard to housing, employment, education, and other areas of an individual's life.
- The study indicated that an issue exists within the criminal justice system in Minneapolis.
- Pursuing the City Council resolution to create a task force with the purpose to look at areas of the criminal justice system that Minneapolis has control over and analyze how current practices contribute to disparities.
- This process could include amending city ordinances, reforming practices and policies of the MPD that disproportionately affect people of color, and minimizing collateral consequences for those affected by the criminal justice system.
- Foreseeing this to be a nine-month project; the make-up of the task force would include a combination of individuals from varying departments including the Minneapolis Public Defender's office, community representatives, and staff.
- Would appreciate PCOC input and endorsement.

With the conclusion of the presentation from City Council Member Gordon, the Chair opens the floor for discussion. The following is a list of speakers and a brief abstract of their individual comments:

Brown - Asked if Council Member Gordon could speak more on the city council resolution, if the proposed task force will be a continuation of the work of the National Initiative, and if the work differs from the work of the PCOC or if it mirrors the work.

Singleton - indicated that with the PCOC Investigatory Stop study the group hit a wall when the cases entered into the criminal justice system due issues surrounding court records. Having these partners in the same room would prove beneficial to all involved in looking at issues holistically.

Council Member Gordon - indicated that the work would be very similar to that of the National Initiative, but perhaps a little broader in scope and the task force could follow that pattern. Additionally, providing nine months to, which is more than the working families group, gives the project a real amount of time to conduct its study.

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

Moved to refer this to the Policy and Procedure Committee to take a look a bit further at the proposal and then come back with recommendations to the PCOC at next month's meeting.
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.

Preliminary Body Camera Policy Discussion

Deputy Chief Arradondo addressed the Commission. The following were the main points from his presentation:

- The MPD knew that there would be robust discussions in the community and the PCOC was an instrumental part of that process by holding three community sessions, which were well attended and provided good feedback.
- The next part of the process was getting the cameras and shaping what the policy would look like and the PCOC provided the MPD with a great deal of information and legal findings.

- In developing the draft of the policy, the MPD compromised as best they could in encapsulating the best practices of all the stakeholders involved, and produced the recently released draft.
- The MPD and PCOC recommendations clashed in regard to consent and notification of recording, viewing video prior to writing reports, and the presumption of guilt with regard to officer who fail to follow policy in turning their cameras on and a civilian complaint is made.
- Although there may not be a perfect product, but the policy encompassed accountability and transparency.
- The MPD draft policy includes that the SWAT will be equipped with body cameras, there will be a grace period for deactivation, officers working off-duty will wear cameras, and footage will be kept for a minimum of a year and all others in accordance with criminal and state statutes.
- The policy allows for PCOC auditing at their discretion and policy revisions as needed, but can be more frequent based on PCOC recommendations.
- Roll-out will begin in the First Precinct with the expectation of full implementation before the end of October 2016.
- Each camera costs approximately $400 and the data storage for each officer runs between $80 and $100 per month; the MPD reviewed the best practices for other agencies before producing the draft.

With the conclusion of the presentation of Deputy Chief Arradondo, the Chair opened the floor for discussion. The following is a list of speakers and a brief abstract of their individual comments:

Brown - Asked for clarification of the abbreviation BTU listed on pages seven and eight of the policy. The Chair also expressed strong reactions to the absence of the City Attorney at The PCOC meeting, who could offer clarification on the MPD policy, and the MPD's failure to include the civilians ability to provide consent to video recording, which involves the potential for violation of the individual's Fifth Amendment Constitutional right and their right to privacy. The Chair encouraged a press release to notify citizens that they will be recorded without consent and if they ask for it to be turned off the camera won't be. The Chair went on to state that the cameras are employed as an enhancement tool to increase public trust and accountability, not take away from it.

Foroozan - Asked if common practice would be to allow a witness, who could potentially be a suspect in the case, review evidence. The Commissioner also asked what the purpose behind allowing an officer to review footage before making their report, instead of requiring them to establish their written account before reviewing footage and questioned why this was not included as a provision in the draft. The Commissioner expressed concern involving the potential for tailoring reports, which creates issues in that the officer's impressions and can be viewed as tarnished and brining into question issues involving transparency.

Farah - Asked if the MPD planned on taking recommendations from the public and if the PCOC had time to supplement their recommendations and if the MPD would be open to more listening sessions based on the draft. She also expressed agreement with Commissioner Singleton's comments regarding viewing video and discretion for deactivation.

Buss - Indicated that he was not opposed to officers reviewing footage prior to report writing and indicated that this was consistent with DOJ recommendations. However, the Commissioner expressed issues with obtaining consent of civilians.

Westphal - Expressed disagreement with most of the policy. The Commissioner indicated that this was an opportunity for the MPD to work with the community and to show compassion and respect to the community it serves and protects, also expressing issues with the provision in the policy that the MPD can change policy whenever it wants without recommendation or advice of the PCOC and ignoring the extensive research and substantive recommendations the Commission made.

Singleton - Expressed agreement with Commissioner Westphal and indicated that the PCOC presented an opportunity to view footage and supplement reports after initial reports were written, which is contrary to the best practices literature. The Commissioner also indicated that this was an opportunity to become a leader and increase transparency. In addition, the Commissioner indicated strong reactions to the lack of consequences for an officer failing to activate camera equipment and the lack of random and supervisory reviews of body camera footage indicating that it would be useful to have more specific statements on how policies will be played out moving forward.

Deputy Chief Arradondo - Indicated that the abbreviation BTU refers to the Business of Technology Unit. Additionally, he indicated that this is an evolving policy and that the community expressed concerns with regard to engagements being captured accurately. The MPD felt similarly, which is why they feel that reviewing footage is instrumental, and embarked on looking at best practices to accurately document encounters. The MPD looked at 18 different agencies and reviewing footage is what they believed is the best practices today and allows the department to appropriately utilize the technology. The Deputy Chief also stated that he does not expect the policy to remain the same five years from the present time, indicating that the language about body camera policy change will be amended to include and be subject PCOC input and review, in addition to expressing interest in continuing to work with the PCOC and gaining more public input.

With the conclusion of the discussion, the Commissioners addressed issues with sound technology and MVR usage in conjunction with body cameras. To address these questions, the Chair recognized Lieutenant Reinhardt of the Business of Technology Unit. The following were the main points from his presentation:

- Currently there two sources of audio recording; a clip-on microphone that accompanies the MVR and also audio capabilities with the body cameras.
- When an officer encountered an individual outside of the squad car, they would clip-on the microphone and approach the individual.
- With the body camera capabilities, the MVR's will continue video recording, but the clip-on microphone will no longer be necessary due to the body camera systems.
- This will provide a static view and provide a view of the exchange of the individuals involved preventing duplication.
- The body cameras are also a more substantial unit than the clip-on microphones; they use magnets to attach to the uniform instead of a clip mechanism.
- The body camera systems will also have less background noise due to the positioning and aim of the microphone unit on the devices.

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

Farah - Reiterated strong reactions to an officer using their discretion to deactivate a recording devise indicating that this creates suspicion and lacks transparency.

Brown - Asked what the next steps in the policy process involves with regard to PCOC comments indicating discomfort for a program to move forward without PCOC backing.

Deputy Chief Arradondo – Indicated that the MPD was hoping to leverage the resources of the NCR and PCOC with a community engagement rollout seeking feedback from communities. In addition the department anticipates working on the SOP during the pilot process and hopes to have an evolving policy, however there are no conversations indicating that the policy will be brought back to the City Attorney for review.

With the conclusion of the discussion, the Chair recognized Cristina Kendrick of the Neighborhood Community Relations department. The following were the main points from her presentation.

- The MPD and the Mayor's office wanted to instill more community engagement, as the policy was being shaped and developed.
- The NCR was a part of the presentation to the Public Safety Council where one of their staff directives included a quick turn around with regard to policy.
- There are three community engagements for cultural perspectives scheduled, in addition to a running engagement model.
- The department was hoping to have a partnership with the PCOC and is interested in setting up meeting times with the Commission.

- In addition to the cultural specific strategies, the department is interested in more public sessions. The three particular areas of interest are north, south, and possibly northeast Minneapolis and the African American community session will be held at the Urban League.

With the conclusion of the Ms. Kendrick's presentation, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Brown – Indicated that if there were PCOC involvement, it would have to be conducted through the Outreach Committee.

Kendrick – Indicated that it is the understanding that there should be continuous engagement with the community and that the community be well informed.

Deputy Chief Arradondo – Stated that the department needs to hear the tough conversation and feedback; the department wants to move the City forward and stressed that the policy is not by any means final.

With the conclusion of the discussion, the Chair moved to the next item on the agenda.

Mental Health and Policing – Preliminary Study Results

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

- The goals in the study were to survey the current national best practices, researching, and documenting protocol using best practice research.
- The preliminary report is in draft for the Commissioners to review and refer back to the Policy and Procedure Committee.
- The community was eager to participate and provided quite a bit of valuable information.
- There were 1,077 crisis intervention reports and less force was used in instances where CIT trained officers were the primary responders.
- EDP reports are spread across Minneapolis, with the exception of the Second Precinct and calls are consistent for most of the day with a slight drop from approximately 3:00 to 7:00 a.m.
- Close to 70% are being taken to treatment or to a care facility; only hitting about 43% and there is a correlation with CIT arriving and the level of force used in the calls.

With the conclusion of Mr. Patrick's introduction, the Chair recognized Kaela McConnon, Law Clerk, to address the Commission. The following were the main points from her presentation:

- Potentially recommending support of CIT training continuing.
- PCOC support of more CIT training for officers in conjunction with the creation of a voluntary CIT team to form a specialized response team.
- The specialized team would volunteer to respond to these types of calls.
- There is not currently a policy that addressed refresher CIT training; in contrast Houston does the training every year with every officer. They have 8 hours of training and it must consist of new material.
- Recommended support of the 24-hour drop-in site.
- Implementation of a mental health response policy that highlights policy detail that would require officer response; currently the MPD has some policies in place, but this provides a great deal more.
- In conjunction with the mental health response policy, implement a requirement that the department returns to filling out the CIT forms that are not currently in use.
- Recommend CIT training to dispatchers; Houston model requires 24 hours of training on mental health issues with officers.
- Implement a working group to explore additional programs, such as the co-responder model; the group could include City and County leaders, members of the MPD, mental health advocates, and community advocates.
- Lead, invite and coordinate with other diversionary groups
- Create partnerships with various agencies that work within the community.

With the conclusion of Ms. McConnon's presentation, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Westphal – Indicated that the CIT training is 40 hours and is starting a new session in one week; the Commissioner was invited to attend.

Brown – Thanked the staff, community partners, and Commissioners involved for all their input and efforts on the project.

Buss – Expressed appreciation for the amount of work involved in the project indicating that this is a huge starting point that benefits right up front and further down the road.

Foroozan – Asked when officers respond to crisis calls if they use less force when they have CIT training and if it involved actual instances or degree of force used.

Patrick - Indicated that the groundwork has been made to solidify relationships with community partners moving forward. With regard to force, it becomes hard to measure the degree of force but it is possible to look at the types of force used, such as taser, which is one of the training tools as part of the safety program.

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

Move to adopt this as a final study with the recommendations.
Seconded.

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

Westphal - Indicated that they have not been able to finish reading the report and is not ready to vote on it.

The Chair recognized Commissioner Singleton and the following amended motion was made:

Move to amend the motion to refer back to the Policy and Procedure Committee for further consideration and bring the report back to the next meeting and talk about any changes recommended.
Seconded.

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

All in favor. None opposed.
The motion carried.

Audit Committee Design

Commissioner Singleton addressed the Commission. The following is a list of the main points of her presentation:

- The Audit Committee was discussed at the last meeting with the instruction to flesh out and clarify what role the committee would play in comparison with the Policy and Procedure Committee.
- The Audit Committee could look at methodology and risk assessments for ongoing projects where the Policy and Procedure Committee could focus more on policy, or design, and then refer work on fleshing out recommendations.

- Two reasons for developing, first audits can be officially certified and second the committee can do initial work and refer back to the Policy and Procedure Committee.
- When identifying issues within the MPD, the Audit Committee can assist with clarification.

With the conclusion of the presentation, Commissioner Singleton made the following motion:

Move to establish an Audit Committee.
Seconded.

The Chair opens the floor for discussion. With no discussion on the matter, the Chair called for a voice vote.

All-in-favor. None opposed.
The motion carried.

Policy and Procedure Committee Update

Commissioner Singleton addressed the Commission. The following are the main points of her update:

- The Committee discussed the mental health study.
- The MPD has presented a project to overhaul the policy and procedure manual and update the discipline matrix.
- The Committee agreed to recommend that the PCOC develop policy to revamp the manuals.
- The Committee also discussed the Chief's performance review process and developing framework; would like to develop an information request asking the mayor what the timeline would be or if a rubric or form exists for the development of a framework to provide input in a timely manner.

With the conclusion of the update from Commissioner Singleton, the following motion was made:

Directing the Policy and Procedure Committee to make recommendations concerning the methodology and procedure for conducting a thorough review of the Minneapolis Police Department Policy and Procedure Manual and accompanying Discipline Matrix, resulting in recommendations for changes to both the Manual and Discipline Matrix.
Seconded.

The Chair opened the floor for discussion. With no discussion on the matter, the Chair called for a voice.

All-in-favor. None opposed.
The motion carried.

Outreach Committee Chair Report

Commissioner Westphal addressed the Commission. The following are the main points of her update:

- The Committee is in need of a couple of people for the Community Connections Conference reminding the Commissioners of the requirement to commit to outreach events.
- Cinco de Mayo event is coming up so Committee will start planning it.
- Indicated that the Chair report is available online.

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

Brown - Reminded the Commissioners that there is a requirement to participate in both the Policy and Procedure and Outreach work of the Commission.

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

UNFINISHED BUSINESS

Discussion of March 2016 Selected Case Summary Data Cases 1, 8, and 9

The Chair opened the floor for discussion on case summary data 9. The following is a list of speakers and a brief abstract of their individual comments:

Brown – indicated that there is currently a case in the Court of Appeals involving the horn statute 169.68 stating that it appears as though there was misconduct. The complainant was standing still at a green light; when there is a violation a horn honk is acceptable and nothing is as ineffective as someone apologizing through a third party.

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

Audit Summary and New Case Selection

Buss:	3, 5, 6	Singleton:	3, 5, 6
Cerillo:	Absent	Westphal:	3, 5, 6
Farah:	Absent	Brown:	3, 5, 6
Foroozan:	3, 5, 6		

Chair Brown indicated the new case selections for discussion at the April 2016 meeting are **case numbers 3, 5, and 6** 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:

Singleton moved to adjourn.
Seconded.
All-in-favor. None opposed.
The motion carried.

Chair Brown adjourned the meeting at 8:13 p.m.