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, Adriana Cerrillo, Amran Farah, Afsheen Foroozan, Jennifer Singleton (Vice Chair), and Laura Westphal.

Commission Members Absent: None

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

Chair Brown called the meeting to order at 6:00 p.m.
A quorum of the Commission was present.

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

Westphal moved to adopt the meeting minutes from March 8, 2016 with the following addition: add Commissioner Buss' name to the list of commission members present.
Seconded.
No discussion. All-in-favor. None opposed.
The motion carried.

PUBLIC COMMENT:

Kathy Czech:

- Expressed concerns about using and developing a CIT program without a co-responder model; other cities such as Portland and Missoula, have had poor results lacking in supervision and training with a CIT stand-alone program.
- The DOJ in Portland indicated that a person's mental state must be taken into account and their ability to understand commands and the consequences of their actions.
- Other jurisdictions, such as Los Angeles and New Mexico, have stated that CIT is not the answer and de-escalation tactics and multi-layered approaches to interactions with the mentally ill community must be utilized and must include follow-up.
- If co-responder is introduced in the very beginning the results are more favorable.

William Czech:

- Expressed surprise in the quick turnaround of the policy on policing the mentally ill community.
- Indicated that by training all officers in CIT it dilutes the experience; training can be good but it is important that there are specialized teams.
- CIT and a drop-off center can be part of a solution, but if implemented incorrectly can create issues.
- What we have in the report going forward is a drop-off center and everyone gets CIT, which will provide ease of staffing and reduce call time in addition to reducing accountability.
- Suggested drafting a report that looks into underlying issues.

Chuck Turchick:

- Disappointed that the agenda did not include discussion on the Jamar Clark matter; the County Attorney has declined to charge the officers involved in the incident, but there are issues involved that the PCOC should look into.
- Introduced questions the PCOC should consider and address:
    - How much distrust of the police is there in Minneapolis?
    - If there is widespread distrust, in particular in certain demographic groups, what if anything can or should the PCOC do to address it?
    - Is it time to maybe include a police force where officers are not armed with guns?
- Having DOJ involvement might help and there is no better body set up to facilitate discussions with them than the PCOC.

Foroozan - asked for examples of jurisdictions where officers are not armed in the United States.

Turchick - indicated that he does not know of any but the United Kingdom has a largely unarmed police force and feels that the PCOC is the body that should study the issue.

Cerrillo - stated that there should also be a conversation about smart guns.

Michelle Gross:

- Indicated that the MPD mostly admitted that they never looked at the PCOC recommendations regarding body camera policy, instead adapted their dash camera policy and incorporated some policy material from Duluth and a couple of other jurisdictions.
- Expressed concern that the PCOC has rejected overseeing the OPCR indicating that last year not a single complaint was sustained in discipline through the OPCR.

- Chicago's police oversight body has a 3% sustained rate, Minneapolis has 0%.
- Urged the PCOC to be proactive with regard to the Chief's performance review instead of waiting until the last minute to submit recommendations.
- Indicated disagreement with Mr. Turchick' s comments with regard to the Jamar Clark and Terrance Franklin incidents, stating that it is the day-to-day incidents that lead to these kinds of situations.

Dave Bicking:

- Expressed appreciation that some of the Commissioners were able to attend the MPD community listening sessions and the public safety hearing regarding body camera policy.
- The citizens preferred what the PCOC recommended as opposed to the MPD policy indicating that the MPD stated in their meeting that the draft came from Duluth and Burnsville, only considering police sources.
- In the fourth quarter there were five cases with the OPCR that have been closed with discipline indicating that civilian process and input was overruled by internal affairs.
- Indicated that the PCOC served as a civilian cover for a process entirely driven by the MPD and the grant process.

NEW BUSINESS

Mental Health and Policing - Preliminary Report

Kaela McConnon, MJF Law Clerk, addressed the Commission. The following were the main points from her presentation:

- The revisions included a more detailed section on the co-responder model and programs.
- The second main revision regarding specialist CIT officers, which MPD is in the process of training all officers, there is included a specific emphasis on these types of officers.
- More detail was added to the working group section, which would involve the Commission and other leaders throughout the city.
- The additional details are more specific on who should be invited to the group and provides more of a timeline and framework, commencing within one year.

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:

Brown - asked if there is any discussion within the report on costs, suggesting that it would be beneficial to have a cost estimate.

Westphal - indicated that some of those numbers are being looked into but at this point there is no estimated cost savings. The Commissioner also stated that she has been attending CIT training and the officers don't seem very engaged in the process and there has not been discussion on team building. She doesn't feel that CIT training will be the solution, but the study is more comprehensive and in learning from the body camera policy, this study has to be well written and tight.

Singleton - stated that the PCOC has authority over police procedures and truly effective policy has to include leaders in the community, including the Hennepin County, this is an edited draft that incorporates what came out of the PCOC's Policy and Procedure meeting and explores the co-responder model more in depth with an added recommendation that a specialized team is included, in addition to added discussion on the drawbacks to the drop-off center.

Brown - stated that the study should stay within the Policy and Procedure Committee to make sure there is work involving the generation of a finalized list.

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

Moved to have the Mental Health Study return to the Policy and Procedure Committee to further define the work review.

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.

Community Outreach - Cinco de Mayo

Gabino Montoya, President, Director and Editor of La Expresión de Minnesota, addressed the Commission. The following were the main points from his presentation:

- Main organizer of the Cinco de Mayo celebration on Lake Street for 19 years and has a partnership with Sabre Properties.
- Is appreciative of the partnership that is developing with the PCOC and is looking forward to developing better relationships within the Latino community and the MPD.
- This year the goal is to also develop a relationship with Commissioner(s) Westphal and Cerrillo.

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

Cerrillo - personally thanked Mr. Montoya's for the booth space at the Cinco de Mayo celebration and for his leadership within the community.

Brown - asked if there is a possibility to contribute to the newspaper to allow for better communication between the PCOC and the Hispanic community.

Montoya - indicated that the goal is to have PCOC participation in La Expresión de Minnesota, which distributes to the Latino community.

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

Moved to have the PCOC present at the Cinco de Mayo celebration on May 8, 2016.

Seconded.

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

Brown - asked if there is a time.

Westphal - indicated that the event is held between 11:00 a.m. and 7:00 p.m.

Cerrillo - stated that the doors open at 8:00 a.m. and usually starts by 11:00 a.m.; there is a parade at 12:00 p.m. and the event ends at 7:00 p.m.

Moved to amend the motion to be present at the Cinco de Mayo celebration on May 8, 2016 from 10:00 a.m. to 7:00 p.m.

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 Appointments

Chair Brown addressed the Commission; she indicated that the Audit Committee will consist of Commissioner(s) Buss, Singleton, and Chair Brown. Commissioner Buss will be the Chair the Audit Committee.

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

2016 Quarter 1 Reports for the OPCR and IAD

Imani Jaafar, the Director of the Office of Police Conduct Review, addressed the Commission. The following were the main points from her presentation:

- In the allegations filed category second ranked allegation was excessive force; this formerly was not in the second space.
- With regard to case resolutions, more cases were assigned for investigation and coaching this quarter.
- We started reporting on no jurisdiction cases although the joint supervisors do look at the reports.
- We do refer no jurisdiction cases to the appropriate agency when we can.
- In the coaching timeline, the blue indicates outstanding cases and the grey are to be completed.
- During the coaching process those documents come back to the joint supervisors with the goal of improving policing moving forward.
- There were three suspensions, three written reprimands, and one termination, which includes one 40-hour suspension, which constitutes to approximately $1,450.00 in pay.
- Of the complainants, 65% of them were men, racial make-up was almost exclusively black and white and equally split between them; we will start using mapping technology to identify specific communities.

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

Brown - asked what the dates of the quarter were and if intake resolutions include the University of Minnesota and Metro Transit police.

Jaafar - indicated that from the public perspective it can become confusing what type of officer they may be confronted with, which causes the no jurisdiction cases.

Brown - asked if this is something that can be included in the case synopsis or something that can be learned from the quarterly report; indicated that it would be beneficial for the Commission to help with the narrative.

Foroozan - asked if the no-jurisdiction cases include active duty officers when the alleged misconduct occurred and retire and about mapping the cases and if the data can be overlaid with officer civilian interactions.

Jaafar - indicated that this is a dismissal issue.

Patrick - stated that there is a lot of data around where the complainant lives and the office receives large pockets and complaints from certain communities; the office has met with the folks that generate the mapping statistics and there are a variety of ways to include the data.

Farah - stated that the monetary loss from suspensions was an interesting addition.

Singleton - asked in terms of timeline for coaching documents, the fourth district was above the timelines and if this was an increase.

Brown - asked if there is a difference between the OPCR numbers and community group numbers indicating that it is her assumption that the numbers are different because of the public grievance process and timelines associated with that process.

Patrick - stated that there is a timeframe to file a grievance and there are different timelines to respond based on statutes.

Cerrillo - asked if the PCOC can request a copy of the grievance once the case is over.

Jaafar - indicated that they may file a data practices request to obtain the desired information.

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

MPD Internal Affairs Unit Quarterly Report 2016

Commander Jason Case of the MPD Internal Affairs Unit addressed the Commission. The following were the main points from his presentation.

- OJP to be more in concert with the OPCR.
- The cases that were opened in the 1st quarter include discretion, ethics, search and seizure.
- Of the complaints that were opened, six of them included administration investigation, one preliminary investigation, and one coaching.
- Not all units are included in the report, such as the patrol division.
- Discipline issued by the Chief in the 1st quarter included 12 reprimands and six suspensions of various lengths, the total dollar amount for all of the suspensions was $7,903.
- The goal of the department is have a more collaborative relationship with the OPCR and display the numbers in a similar fashion.

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

Westphal - asked if the Commander could explain what happens when there is a written reprimand or suspension in an officer's file.

Case - stated that the reprimand or suspension will remain in the officer's file, there is a reckoning period, and can be taken into consideration if there is an upcoming opportunity for advancement.

Farah - asked why there was a discrepancy between the numbers between discipline issues.

Case - indicated that one set of numbers included cases determined by the Chief during the quarter and the other indicated the number of cases opened.

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

NCR/MPD Body Camera Listening Sessions

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

Brown - indicated that some of the Commissioners were unable to attend some of the listening sessions and it was her belief that it was the MPD's understanding that the PCOC wasn't going to be part of the listening sessions. She also stated that Commissioner Westphal was able to attend most of the sessions and that she felt that the PCOC put together a great policy and it was nice to hear that the community agreed with it.

Westphal - stated that she was able to attend four of the six meetings and appreciated all those in attendance and the support received from the community and the Civil Rights Commission. She indicated that she felt that the MPD listening sessions followed a terribly aggressive schedule and, in some cases, did not provide adequate space for the attendees. She also stated that NCR took quite a bit of time out of the sessions to acquaint themselves with the community and at one meeting the Commissioner was introduced as part of the session, which she declined. She went on to state that she was disappointed with the policy that the MPD presented saying that nothing the PCOC asked was impossible or unreachable and felt the Commission was used as civilian cover and hopes the Chief does the honorable thing and pays attention to the community's sentiments.

Foroozan - indicated that he was able to attend two meetings stating that there was a feeling from the community of distrust toward the MPD; disappointment with the policy and disillusionment with the process was expressed. The community felt that the policy was being pushed upon them and wanted to know why the PCOC policy recommendations were ignored. At one meeting DC Arradondo didn't show up until the meeting was over and the concerns expressed were the same ones addressed in the PCOC draft policy; the community was loud and expressive with the lack of transparency and felt this was another form of getting evidence rather than serving the people.

Brown - indicated that she has had numerous meetings on the PCOC policy, explaining the policy to community group leaders, and created a package for them. She believes educating the community about policies is a critical component for the PCOC. She also mentioned that the facts that are put out to the public must be accurate.

Singleton - stated that a lot of community members wished they had seen our policy printed out and could see hosting a forum explaining the differences and contrasting that with the draft MPD policy to ensure that we are working with the community too. The forum would be different than a listening session in that it would be more informational in format.

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

Moved to have a body camera forum to explain the differences between the PCOC policy recommendations and the actual draft policy.

Seconded.

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

Foroozan - asked if the Commission should set a timeline.

Brown - stated that a forum would be beneficial and suggested that the PCOC partner with other groups, such as the NAACP, Black Lives Matter, and NOC. She also indicated that three documents should be available for the community at the forum, the PCOC body camera recommendations, the MPD policy, and their analysis for the reasons why. Also laying out a timeline and taking time putting the event together and having the backing of other organizations, which will provide a louder voice. With regard to the Minneapolis City Council, all but one backed the PCOC but in the end it boils down to Chief Harteau.

The Chair then recognized Commissioner Cerrillo and the following amendment to the motion was made:

Moved to amend the motion to delegate the organization of the body camera forum to the Outreach Committee which will be in charge of defining timeline and partners.

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

Farah – indicated that she felt it helpful to inform the MPD and provide them the option to rebut or take a role in the process; at the very least keep them in the loop.

Brown – expressed agreement but concerned that the MPD could affect the forum.

Foroozan – stated that the community has been clear with regard to what they want and does not think this will change anything with regard to the MPD timeline and they are lobbying the state to make some of the proposals from the PCOC illegal by law. One item of concern included viewing recordings prior to making reports, stating that he does not think more

community discussion is needed and the MPD is digging in their heels despite community sentiment.

Brown – indicated that she felt that this is needed and not a duplication of previous body camera listening sessions and she finds it concerning that the potential exists that they MPD will roll out the program whether or not there is a policy in place indicating that partnering with other community organizations will reach more people and garner more community participation by providing a louder voice.

Singleton – stated that this will not be as much as a listening session as a method to educate the public on the status of the policy and the differences between MPD's policy and the PCOC's recommended policy.

Buss – expressed agreement with Commissioner Singleton in that the public needs to know that they have been heard.

Farah – indicated that she understood Commissioners Foroozan and Westphal, the MPD has received the PCOC recommendations and don't plan on doing anything more with it; the PCOC generated a policy that the community actually wants and the community needs to be educated on what that actually is.

Cerrillo – stated that the PCOC must continue building credibility in the community by educating and showing the public, the Chief, and the Mayor who the PCOC is and building better relationships.

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

Mostly all-in-favor. Westphal opposes.
Motion carried.

Commissioner Check-In With the Chair

Chair Brown addressed the Commission and indicates that each Commissioner will have an opportunity to briefly review their individual activities within the community and opened the floor for discussion. The following is a list of speakers and a brief abstract of their individual comments.

Singleton – stated that she has had a busy calendar and was only able to attend one body camera session. Additionally, she has been talking with the Minneapolis Bicycle Coalition and doing some mapping where citations are occurring and how bicyclists are being policed. They are willing to come in and when their report is complete.

Westphal – had attended several body camera meetings and has been meeting all the MPD inspectors in each precinct. She indicated that they are all open and listen to ideas of those

within their precincts, which is something to encourage and would like to have them all in to talk or have training sessions; they do not engage much with one another from one precinct to the next.

Cerrillo – had several meetings with Sacred Heart Church to reach out to the Latino community and talking about positions and open access to the Catholic Churches in the Community; will be meeting with them in two weeks. She also indicated that she has been working with Cinco de Mayo activities and has been working with Mr. Montoya to have a real process with the MPD and have the PCOC be the vehicle of communication. Will have an officer and a car and Officer Escobar will also be in attendance and will take a survey to assess the needs of the Latino community in outreach efforts to increase effectiveness this year.

Buss – indicated that he has been combining some of the activities of his day job with PCOC activities and looking at possible training with police interaction and child protection and child removal activities. He also indicated that the National Indian Child Welfare Association had a conference in St. Paul and there are a lot of child protection issues within the community; looking at how law enforcement is involved in those situations and how training is provided. Was also accepted into the FBI citizens academy, which is a six-series session involving what they do in their divisions and their community outreach efforts, which will allow for insight into what the FBI is doing in the area.

Farah –stated that she is looking at ways to integrate into MPD work with the islamophobia initiatives she is currently working on with.

Foroozan – indicated that he has been working with the police chief review and at the last Policy and Procedure Committee asked the community to come in and provide input on the process. The review is not annual, but is looking at ways to create a snapshot annually with what the PCOC has done and accomplishments, however, that does not necessarily translate to change within the community. He is also looking at a quarterly section on what the PCOC has done and how the police department has worked with the PCOC in actually incorporating recommendations.

Brown – mentioned that at the last tactical training with Officer Williams, it was mentioned that there is not actual hands on training with people in wheelchairs or people with physical disabilities; will be providing him case information involving an individual with a disability in Minneapolis to him to be implemented in the training.

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

Outreach Committee Chair Report

Commissioner Westphal addressed the Commission. The following are the main points from her presentation:

- The report is available online.
- At the end of the week there will be a meeting with Commander Schoenberger, who runs the police academy, and is currently in meetings in New York City with other heads of big city police departments working on de-escalation training.
- There are also other seminars available to Commander Schoenberger and will be participating in other training and learning opportunities.

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

Cerrillo – thanked Ryan Patrick for all of the assistance he provides and his support.

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

Policy and Procedure Committee Chair Report

Commissioner Singleton addressed the Commission. The following are the main points from her presentation:

- The Committee is currently working on the Mental Health Study and will continue discussions.
- Commissioner Singleton, Ryan Patrick, and Commander Case will meet on Monday to work on a plan to begin working on the policy and procedure manuals.
- Commissioner Foroozan is working on the Chief's performance review; are in possession of information from the Mayor's office, she begins the process six months prior to the review using a 360 degree approach and is on a three year cycle; the Committee is working on an annual snapshot.
- Legal Analyst Patrick is working on overhauling the tracking queue.
- Council Member Gordon was at the meeting and discussed the criminal justice task force and the Committee moved to support the recommended task force as described at the March PCOC meeting.
- Legal analyst Patrick will get more information on the tactical manuals and figure out what is public and what is not.

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

Moved that the PCOC support the formation of a criminal justice task force.

Seconded.

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

Brown – indicated that she had a discussion with the City Attorney and stated that a special task force does not have to be created that is already within the limits of what the PCOC does.

With no further discussion on the matter, the Chair called for a voice vote.

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

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

Westphal – recommended that the PCOC explore what the policy and procedure states on violations and also look into how officers respond; also take a look at what the written policy is on civilians filming officers, which would include definition on what obstruction is described as. She also recommended that the PCOC look into how to measure the trust level between the community and the police department.

Brown – responded that she believed that this is part of the National Initiative.

Foroozan – recommended drafting a resolution condemning the implementation of the camera program prior to the creation of a policy.

The Chair the recognized Commissioner Foroozan and the following motion was made:

Moved for the Policy and Procedure Committee draft a proposed resolution of the Commission condemning the implementation of body worn cameras by the MPD until the standard operating procedures are approved by this Commission so the public has a forum and then we'll have something for the next meeting.

Seconded.

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

Buss – asked if the Commission has to call it a resolution and questions what ability the Commission has to make demands.

Foroozan – stated that as a Commission they could form a resolution and can certainly condone or condemn indicating that there is some basis and responsibility as Commissioners to provide a formal resolution on the PCOC and the community's feelings on any action the MPD may take.

Brown – stated that the PCOC doesn't do resolutions but can issue a statement.

Westphal – expressed agreement with Foroozan and asked what the next steps are and what happens if the PCOC condemns it and the Chief implements it.

Farah – questioned what would be gained by condemning the policy stating that it would make a difference to make it clear that the MPD created a policy that the PCOC was against and could at least force the MPD to acknowledge the Commission.

Buss – indicated that he does not have a problem with the Policy and Procedure issuing some sort of statement but indicated that he is against making ultimatums and expressed discomfort with the wording used up to this point.

Foroozan – expressed agreement about the wording.

Singleton – stated that it makes sense to issue an official unified statement but it is important to not burn any bridges with the MPD.

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

Move to amend the motion to have different wording to just have the Policy and Procedure Committee draft a statement that all Commissioners are comfortable with and in agreement with, which will carry more weight and at the Policy meeting determine strategy.

Seconded.

With no further discussion on the matter, the Chair called for a voice vote.

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

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

The Chair recognized Commissioner Westphal and the following motion was made:

Move to table the unfinished business for the next PCOC meeting and move towards adjournment.

Seconded.

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

Buss – stated that the Commissioners could put off discussion but thought they should select cases for discussion next month.

Move to amend the motion to table unfinished business then to continue with agenda as planned.

Seconded.

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

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

New Case Selection

Buss:	5, 7, 10	Singleton:	5, 7, 10
Cerrillo:	3, 5, 7	Westphal:	5, 7, 10
Farah:	3, 8, 10	Brown:	3, 4, 7
Foroozan:	5, 8, 10		

Chair Brown indicated that the new case selections for discussion at the May 2016 meeting are **case numbers 5, 7, and 10** 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 Commissioner's business concluded, the Chair entertained a motion:

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

Chair Brown adjourned the meeting at 8:30 p.m.