



Q2 2016 Report

Office of Police Conduct Review

April 1, 2016 – June 30, 2016

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COMPLAINT PROCESSING

The OPCR received 116 complaints between April 1, 2016 and June 30, 2016 containing 129 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, 26% 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 64% of cases that were dismissed, 59% were dismissed as duplicates or for jurisdictional issues (e.g. cannot identify officer, complaint is older than 270 days, does not involve MPD), 7% for failing to state a claim (even if true, the officer's actions do not amount to misconduct), 3% for failure to cooperate, and 30% 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 Q2 of 2016, officers were coached by supervisors in 75% of cases returned to the OPCR during that period. At the end of Q2 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	3	1	3
2nd	5	0	6
3rd	1	1	1
4th	4	0	7
5th	2	1	2
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.

INVESTIGATION

OPCR supervisors referred approximately 74% 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 Q2 2016, 9 of 10 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 hundreds reviewed has been forwarded to the chief with a split recommendation.

The Review Panel issued 10 case recommendations containing 29 allegations during Q2 2016. Panelists recommended merit on 41% of the allegations in those cases.

CHIEF'S ACTIONS

The Chief issued a 20 hour suspension (approximately \$750 in pay) and additional training as a result of an inappropriate language allegation. One officer received training as a result of a sustained search and seizure violation. One officer was demoted as a result of sustained failure to provide adequate protection allegations.

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 Q2 2016, the PCOC refined and published its study on [mental health and policing \(PDF\)](#). Final recommendations included the creation of a CIT specialist response team, a workgroup to bring community and police together to improve mental health response, and a co-responder pilot program. Commissioners continue to work on the workgroup and pilot program, with more to come in Q3 of 2016.

In April of 2016, the Internal Affairs Division (IAD) began presenting quarterly reports to the PCOC. The IAD updated its quarterly reporting format to match the OPCR, and the PCOC is now receiving a more robust picture of misconduct investigations.

Chief Harteau attended the June PCOC meeting to provide an update on the body camera implementation plan and policy as well as receive feedback from the PCOC on the project. The chief agreed to more meetings with the PCOC and has now established monthly meetings with the Chair and Vice Chair to discuss ongoing projects and concerns.

The Policy and Procedure Committee and the Outreach Committee continued under new leadership during Q2 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. The Policy and Procedure Committee worked on methodologies for a wholesale revision of the MPD Policy and Procedure Manual, improvement of the mental health study, and a potential chief performance review system to be discussed in future meetings. The Outreach Committee organized multiple events to connect with community, with an especially successful turnout at the Cinco de Mayo festivities.

The PCOC Audit Committee began its work in Q2 and has met twice. The Committee is working on an annual audit plan and moved a methodology to the full commission that will explore the complaint filing process. Audit Committee meetings occur the first Tuesday of each month at 6 PM in room 241 of City Hall.

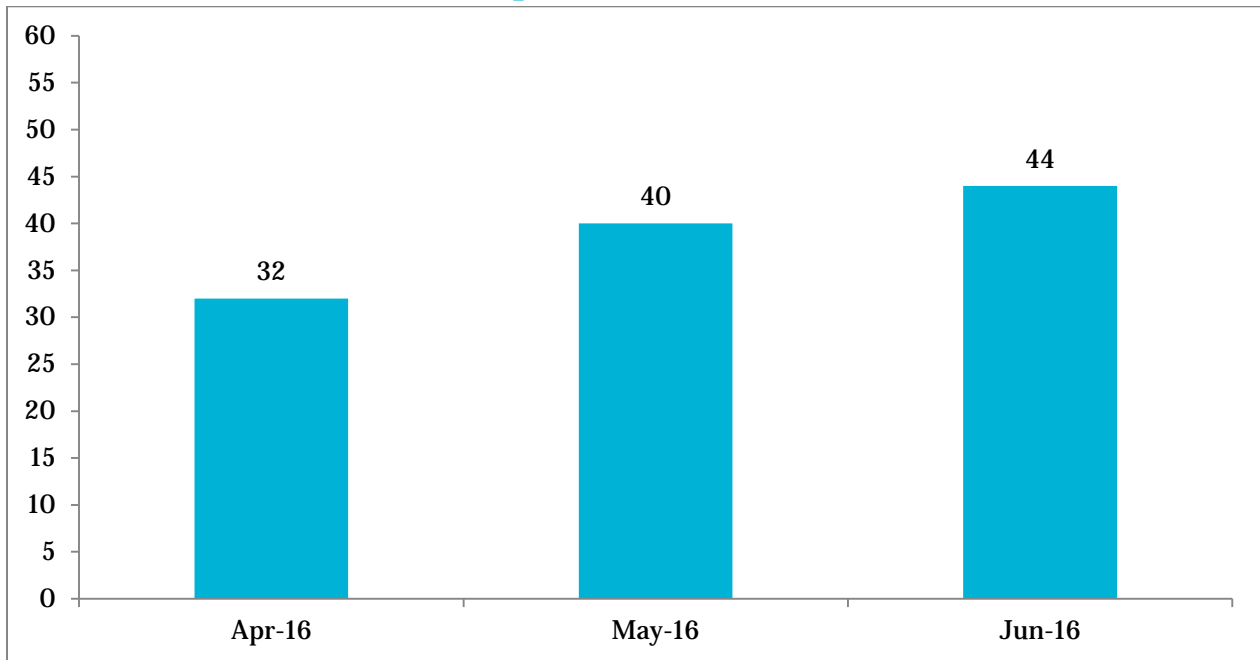
The Commission reviewed thirty case synopses and nine case summaries during Q2 2016 which can be found on the [Commission case data page](#). Regular meetings will continue to occur on the second Tuesday of each month at 6:00 PM. For all Commission data, including case summaries, synopses, agendas, and minutes see the PCOC website:

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

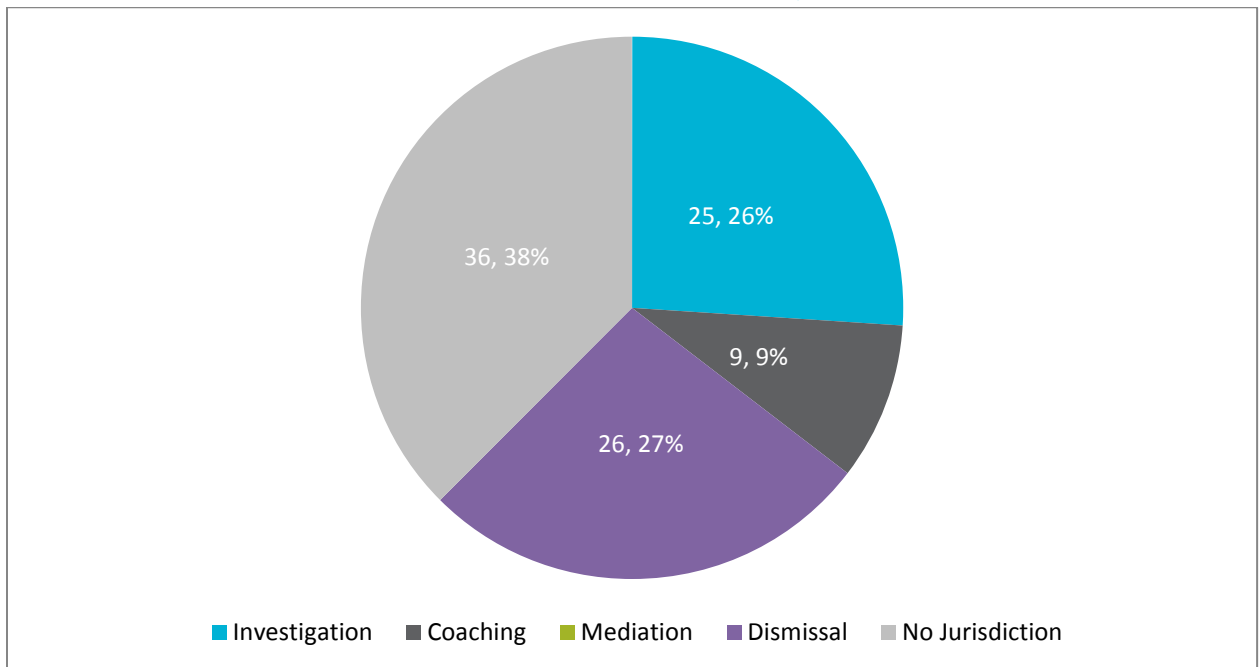
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Complaints Filed (116)

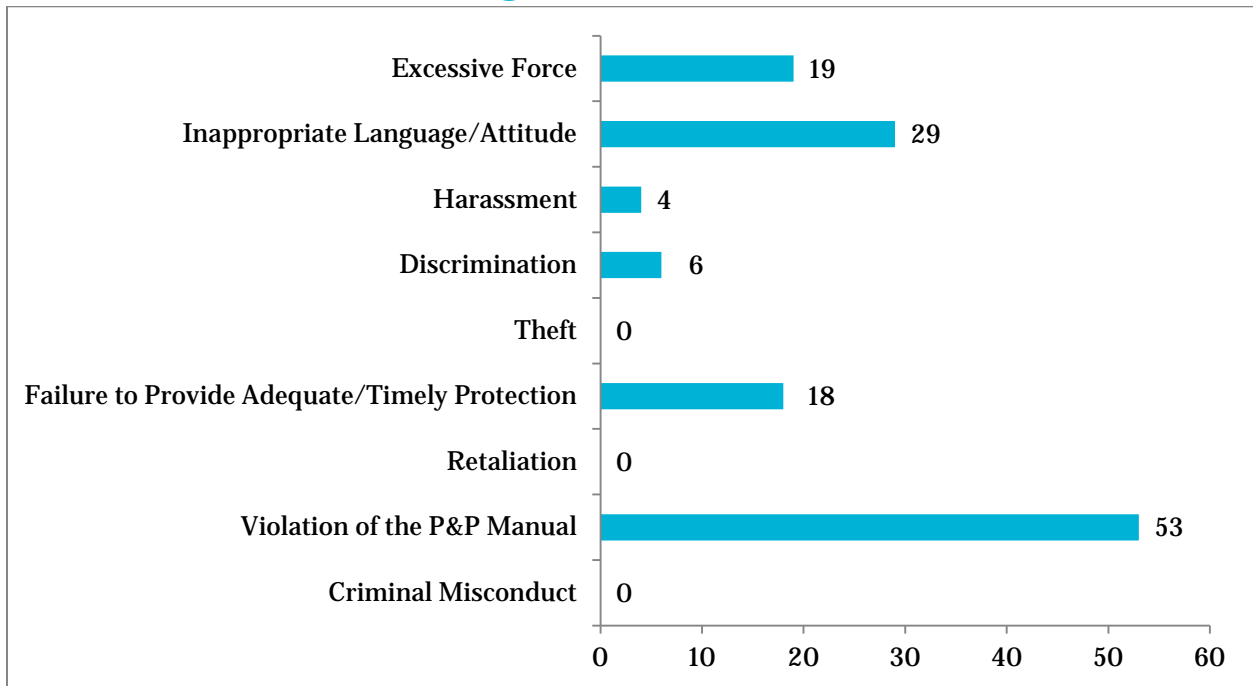


OPCR Case Resolution in Q2 2016¹

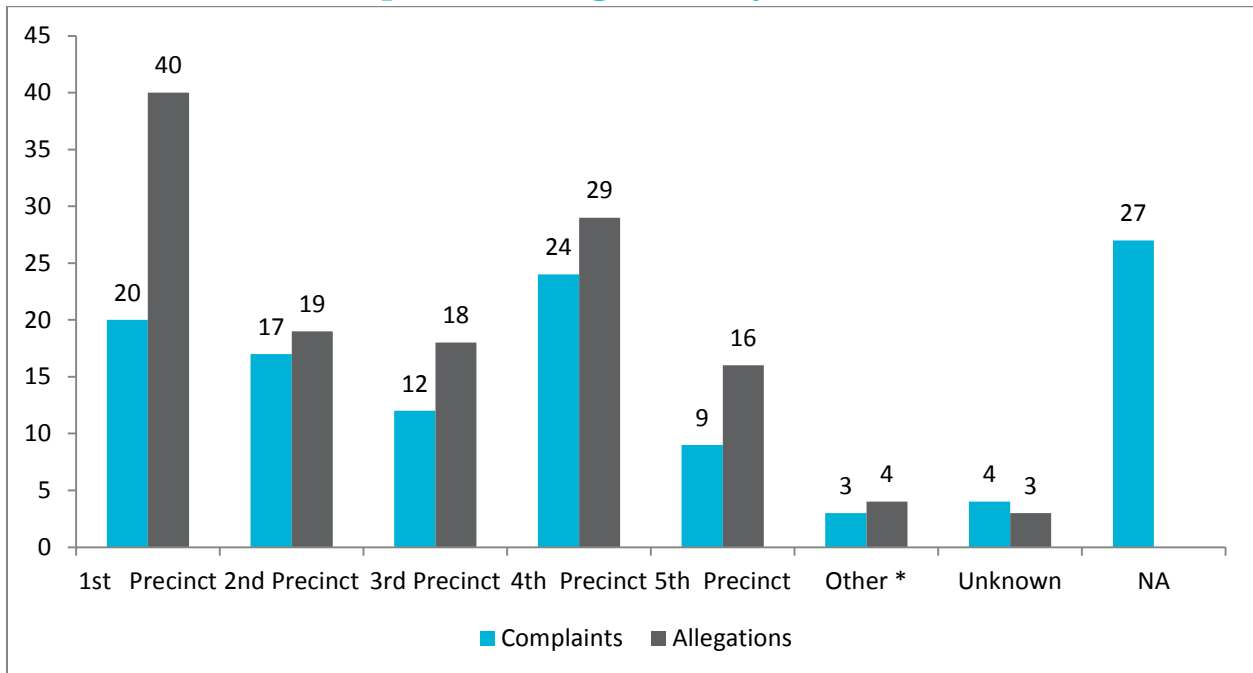


¹ It should be noted that at the end of Q2 2016, 20 complaints filed during the quarter were pending assignment or undergoing intake investigation.

Allegations Filed (129)



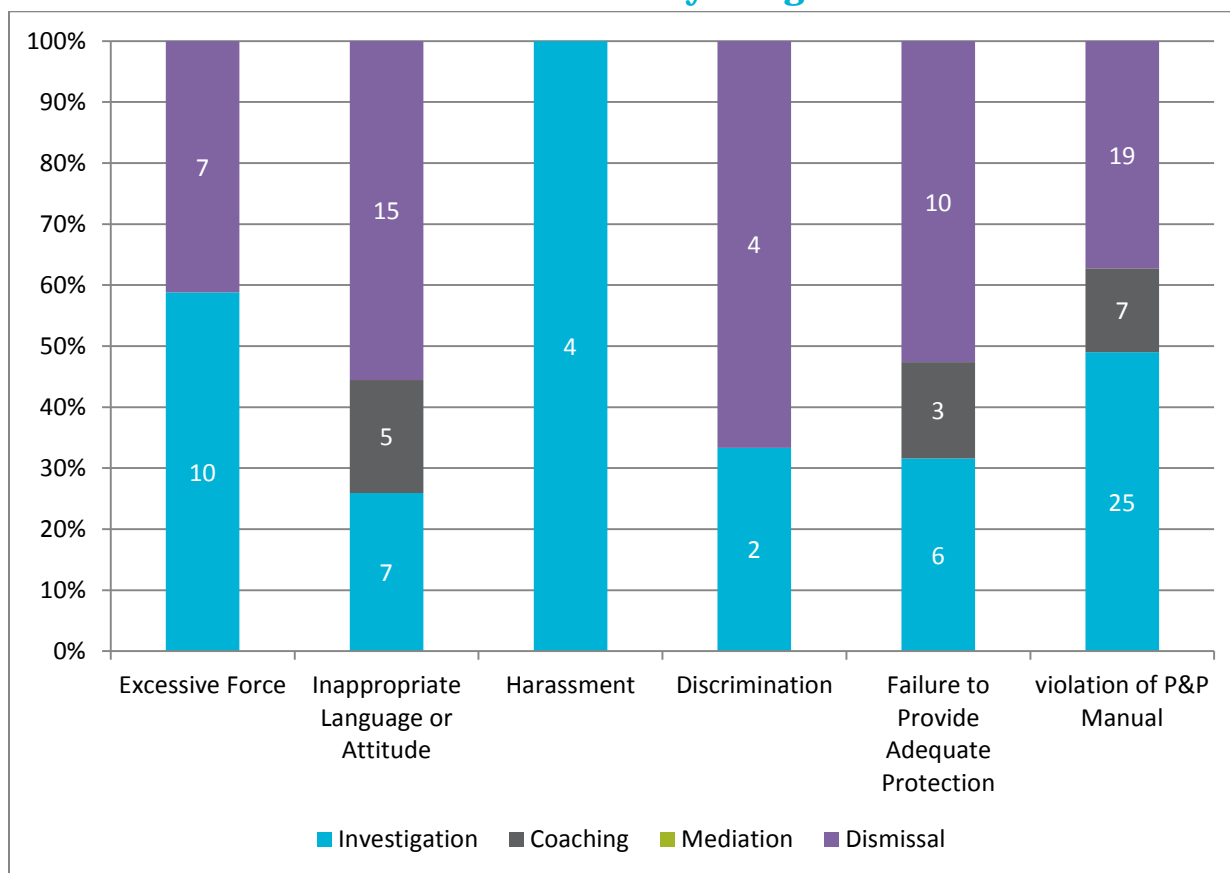
Complaints/Allegations by Precinct**



* 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.

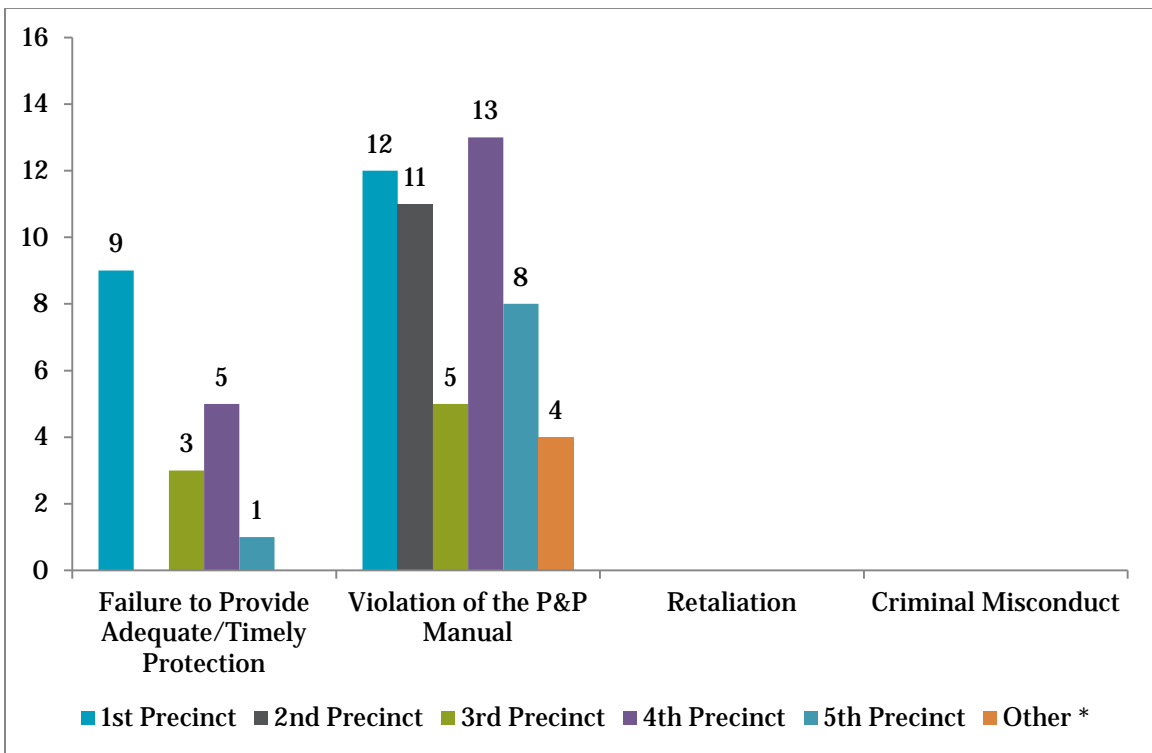
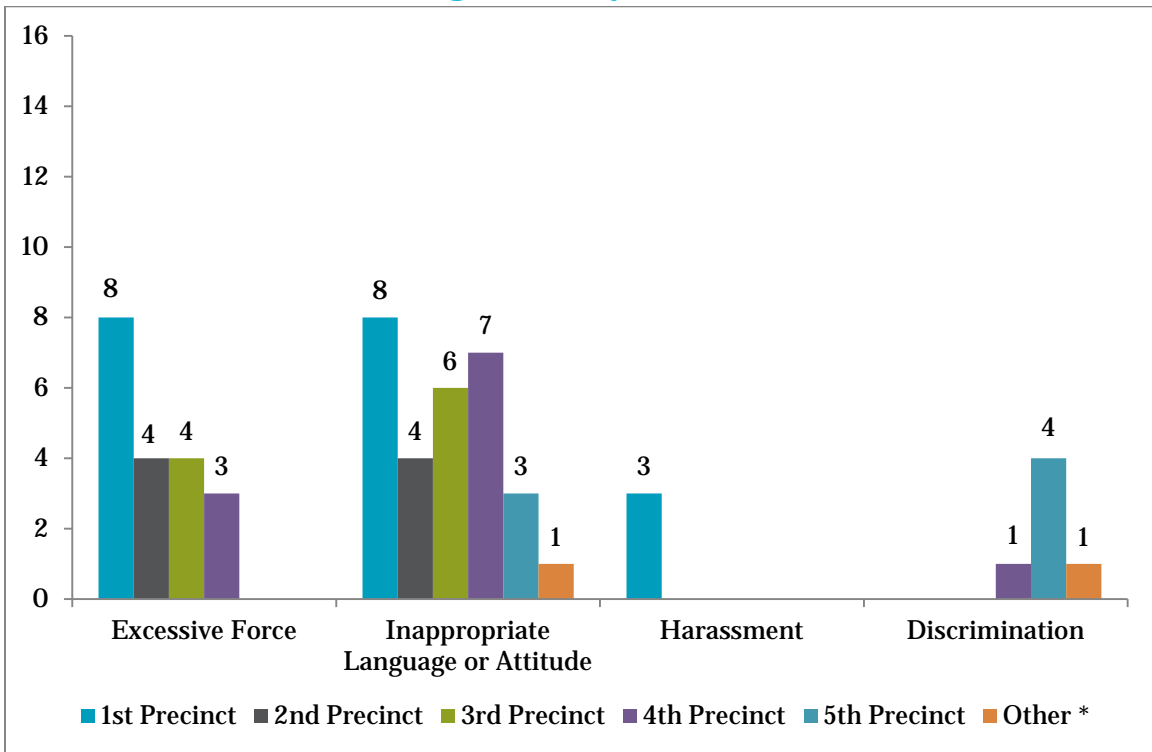
Case Resolution by Allegation



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

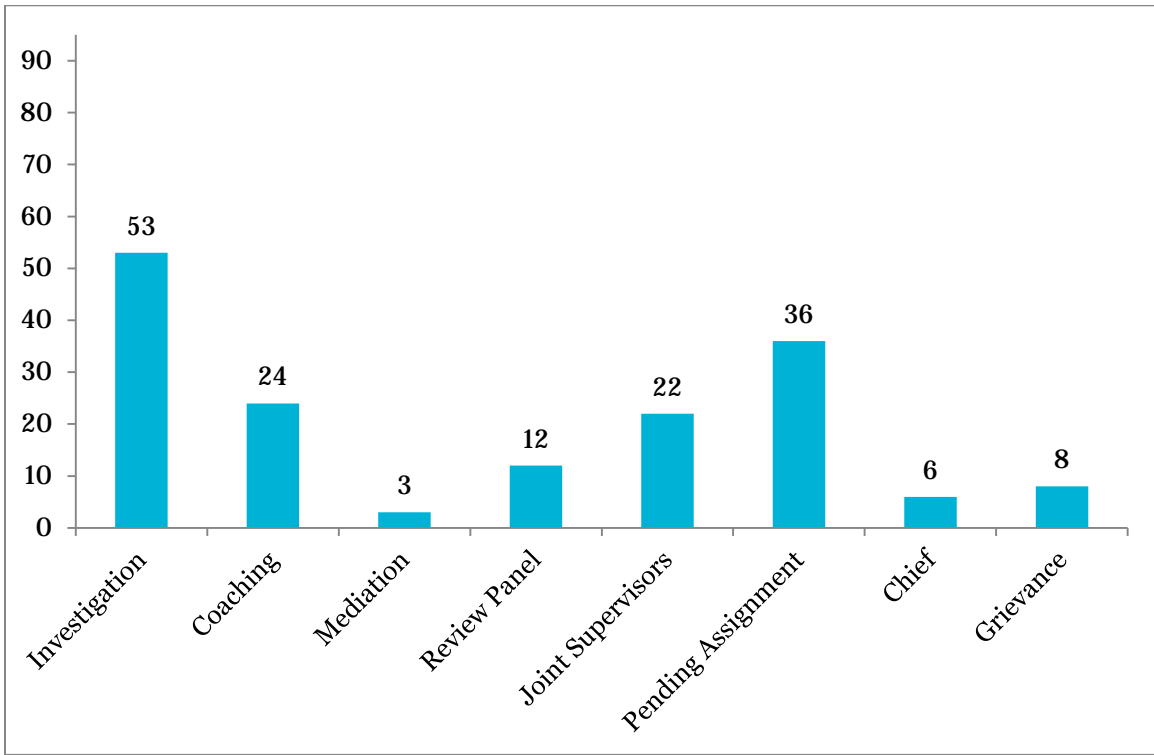
- 5-103 Use of Discretion
- 5-105(2) Professional Code Of Conduct
- 7-401 Normal Vehicle Operation
- 5-105(3) Professional Code of Conduct
- 7-701 Impounding Vehicles
- 10-407 Inventory of Coin and Currency
- 9-200(III)(C) Search and Seizure

Allegations by Precinct

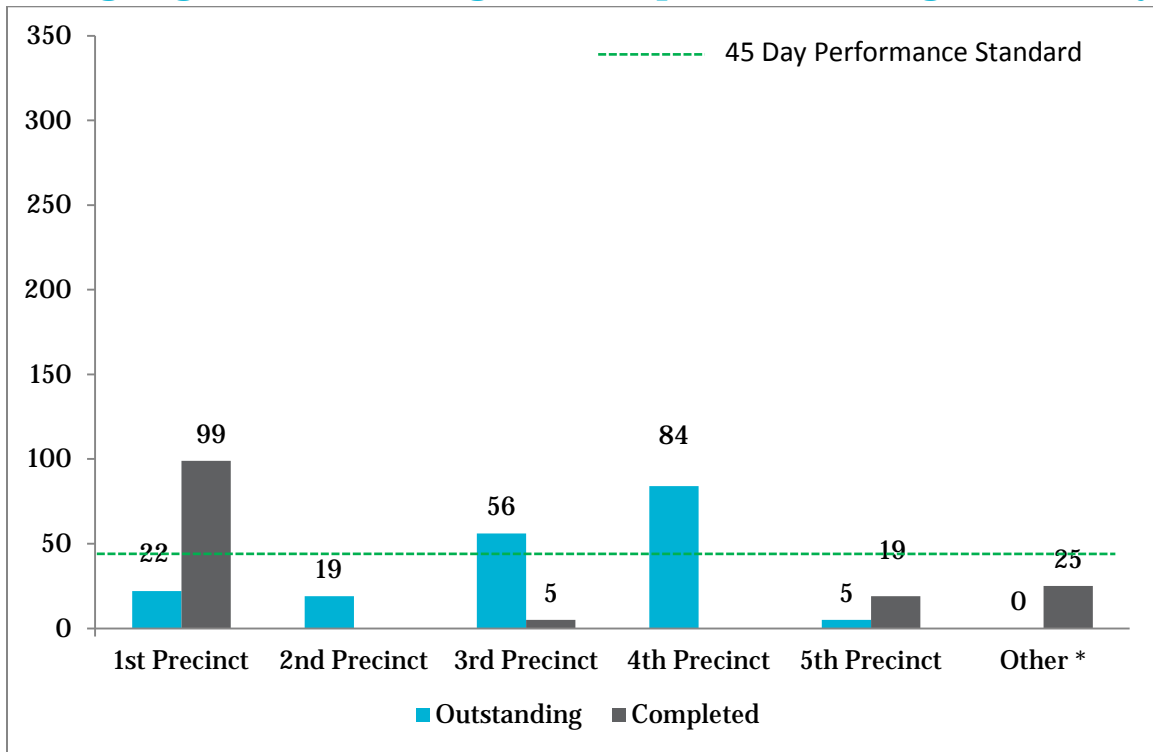


** Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division. Additional allegations were filed against officers whose identities were not known at the time of this report. Hence, those allegations are not listed against a specific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

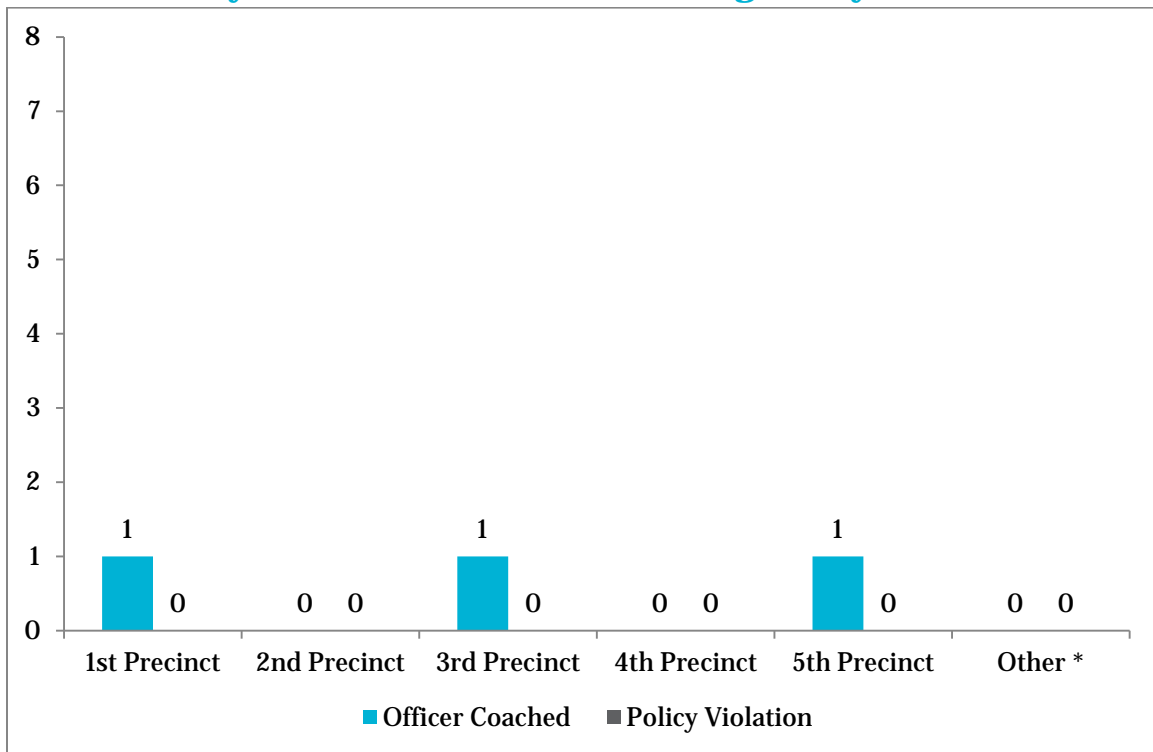
OPCR Open Cases (164 Open/129 Closed)



Average Age of Outstanding and Completed Coaching Case in Days

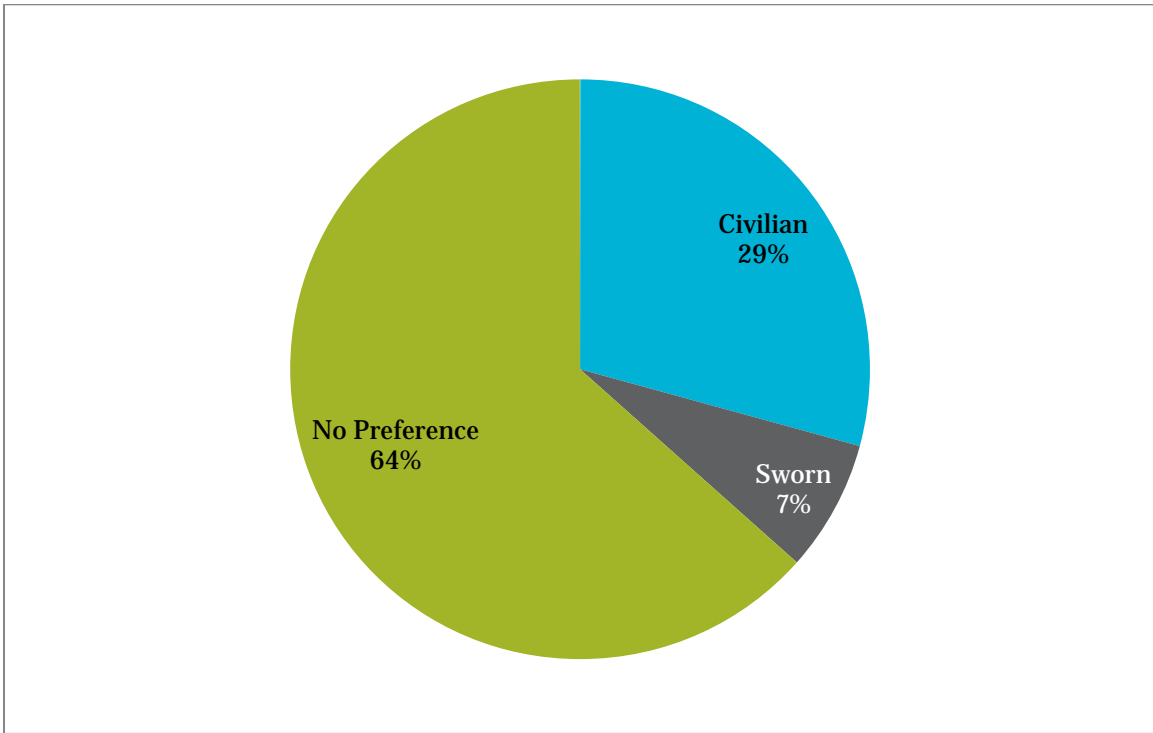


Policy Violations (0) and Coaching (3) By Precinct

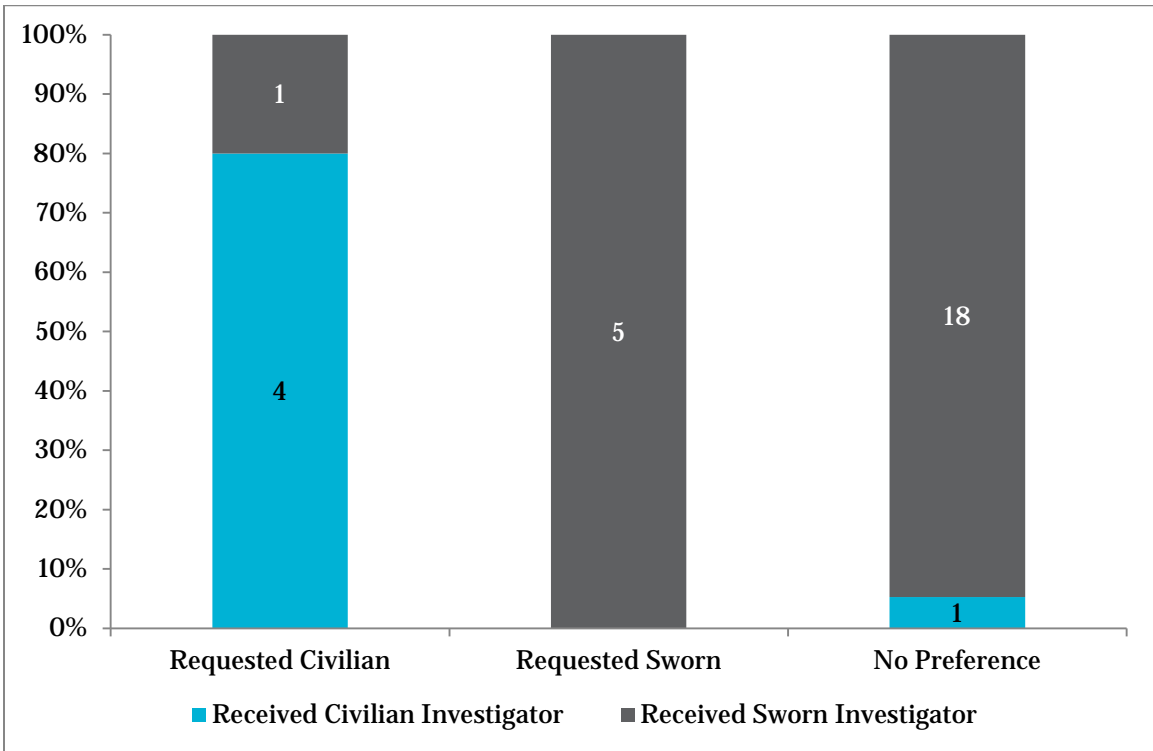


* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.

Investigator Preference

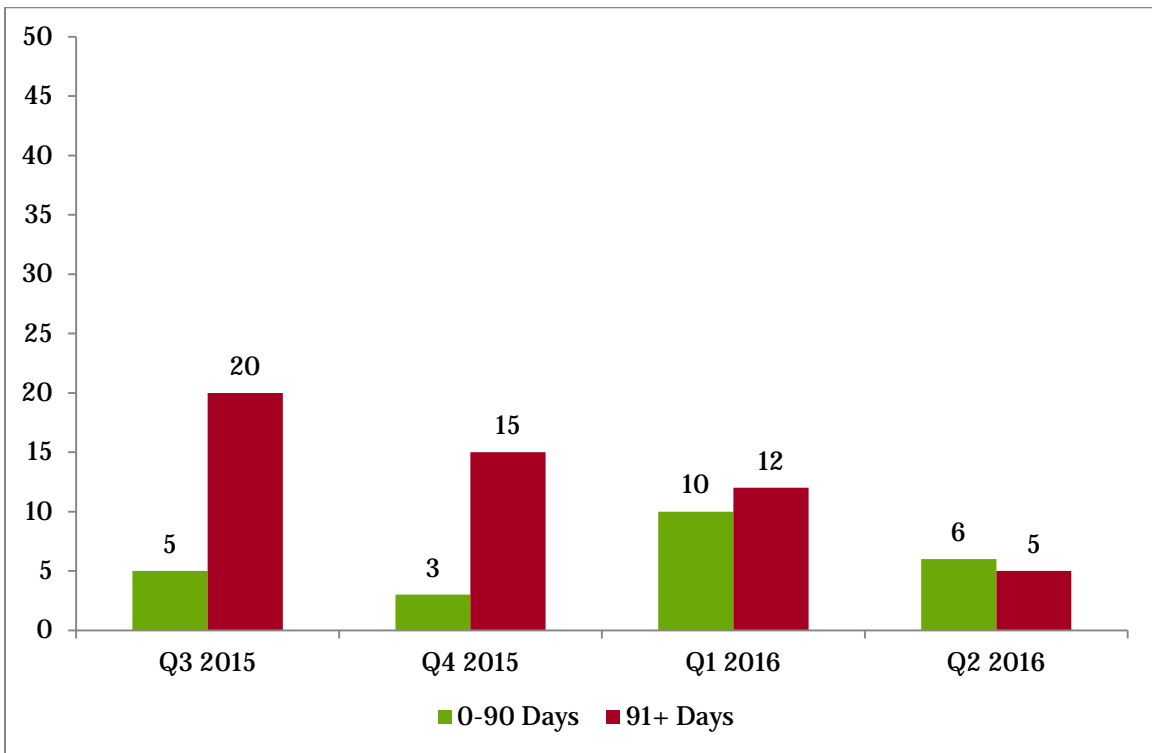


OPCR Investigator Assignments

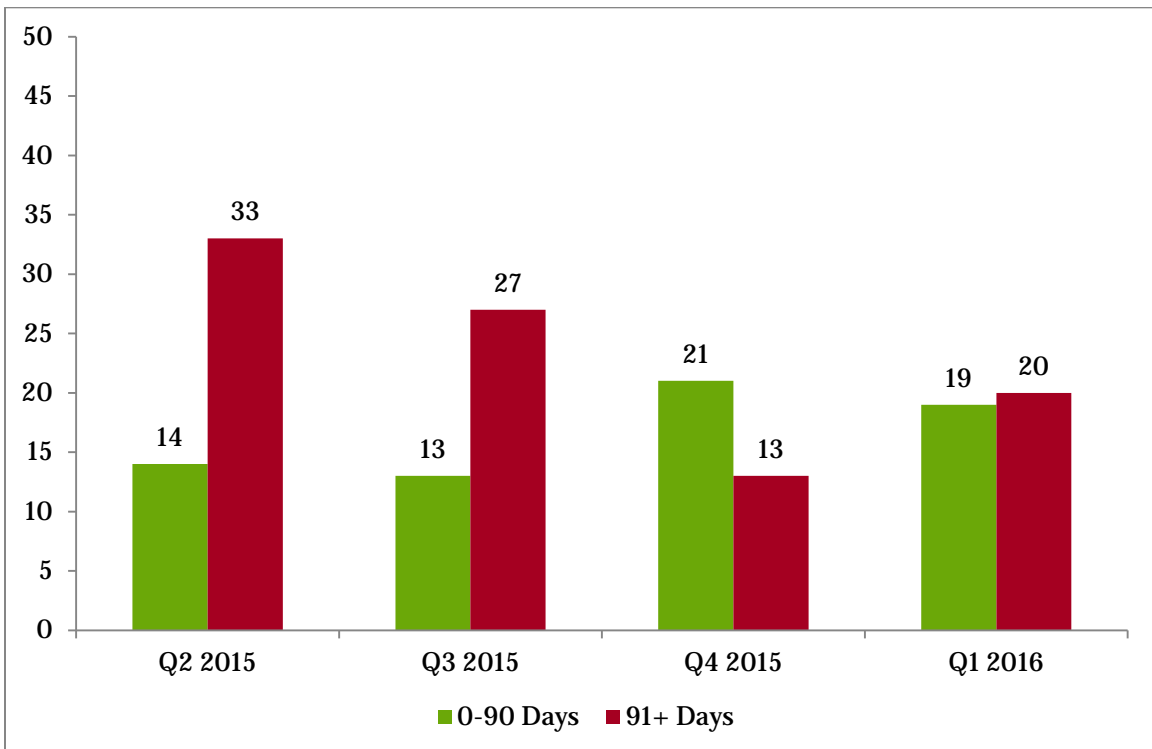


OPCR Investigation Timeline

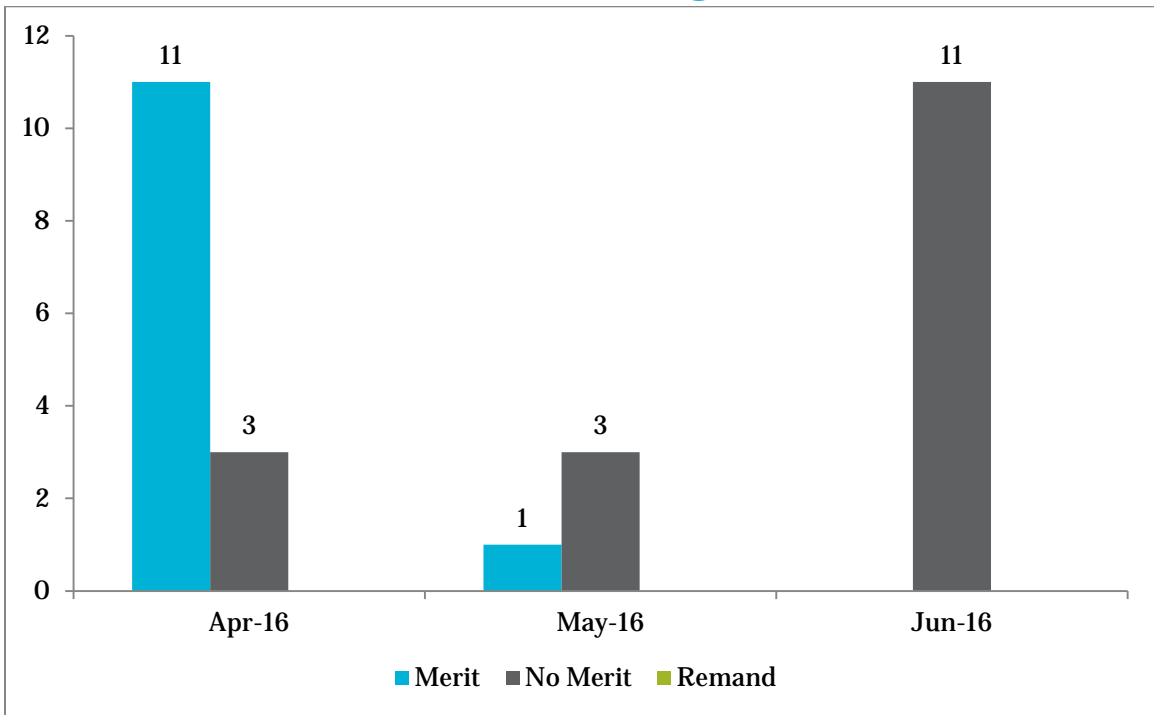
Civilian Unit



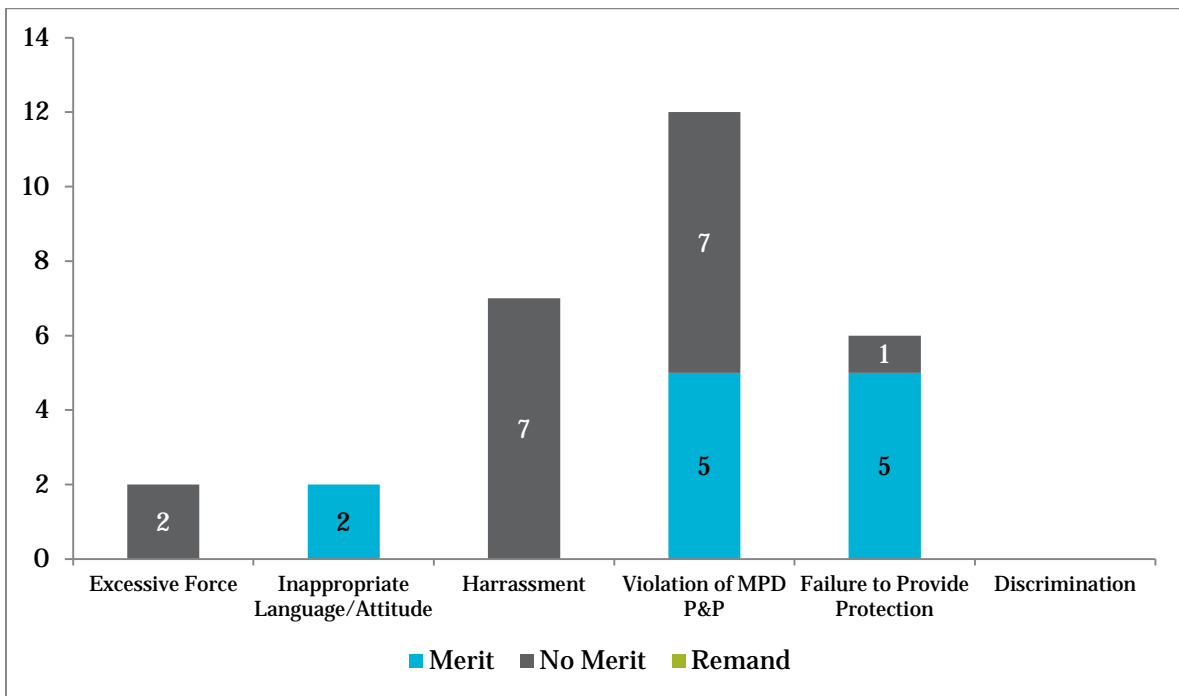
Sworn Unit



Review Panel Recommendations on Allegations (10 Cases Reviewed)

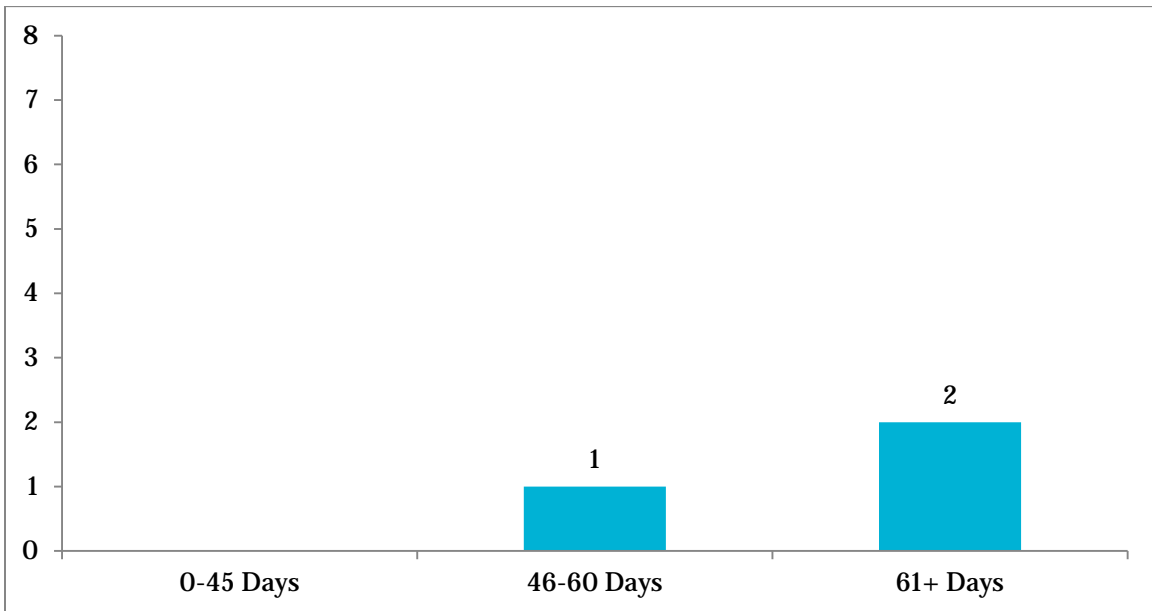


Review Panel Recommendations in Detail

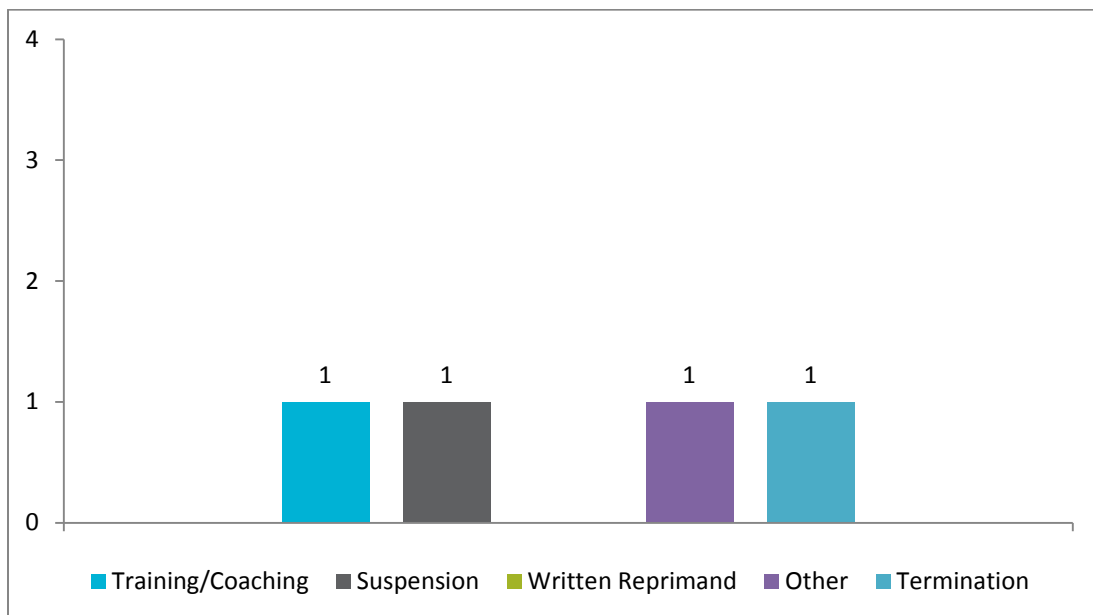


Chief Actions

Amount of Time Current Pending Cases are with the Chief



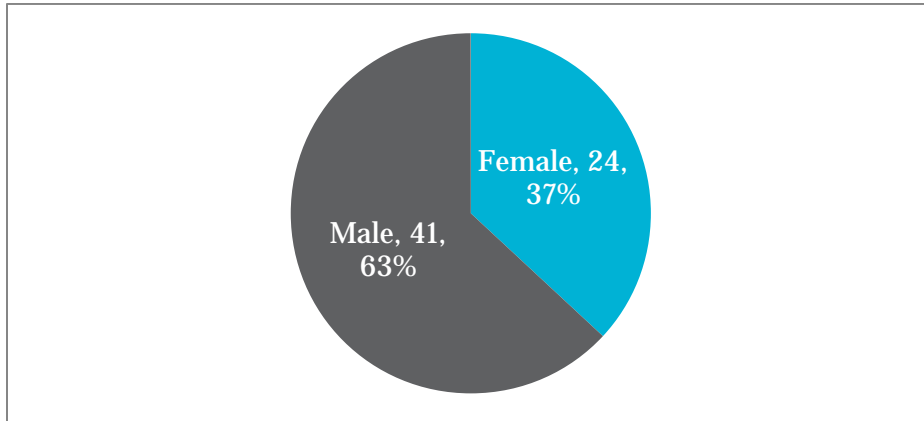
Discipline Types Issued by Chief



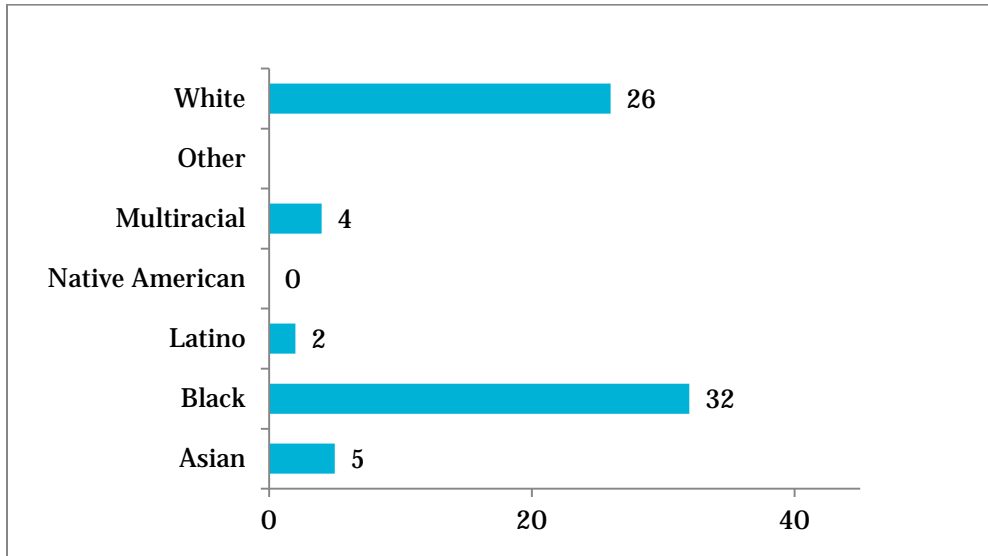
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Complainant Demographics

Gender



Race



Age

