

Minneapolis
City of Lakes

OFFICE OF POLICE CONDUCT REVIEW

First Year Report
October 1, 2012 – July 31, 2013

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INTRODUCTION

The Office of Police Conduct Review (the Office) endeavors to ensure that police services are delivered in a lawful and nondiscriminatory manner while providing public oversight of police interactions with the citizenry by using a variety of methods including investigations, mediations, and coaching sessions. In doing so, the Office works to achieve several city goals, namely “A Safe Place to Call Home” and “Many People, One Minneapolis.” The City of Minneapolis took a major step towards fulfilling these goals in September of 2012 when it created the Office.

The Police Conduct Oversight Ordinance passed on September 21, 2012; it established the Office of Police Conduct Review as collaboration between civilian and sworn personnel with the mission to provide meaningful participation in the oversight of police misconduct in Minneapolis. Since the creation of the Office, both civilian and sworn personnel have taken significant steps to implement the process outlined in the ordinance. Staff has worked in partnership to create the mission and vision that will guide the Office.

Mission

The Office of Police Conduct Review promotes adherence to the highest standard of police conduct and fosters mutual respect between the Minneapolis Police Department and the community it serves by fairly, objectively, and neutrally investigating complaints that allege misconduct by Minneapolis police officers.

Vision

To embed significant positive cultural changes in interactions between police officers and the community that will enhance and retain mutual respect and compassion.

MAKEUP

The OPCR is comprised of civilian personnel from the Minneapolis Civil Rights Department and sworn officers and staff from the Minneapolis Police Department – Internal Affairs Unit. The civilian personnel include the director of the Office of Police Conduct Review, two investigators, a legal analyst, and an operations technician. The sworn component includes the Commander of Internal Affairs, seven investigators, and two support staff. The Director of the Office of Police Conduct Review and the Commander of the Internal Affairs Unit are designated as the joint supervisors of the OPCR who review all complaints and investigations, ensuring that all are handled appropriately. Additionally, the joint supervisors develop all procedures and practices in partnership.

PROCESS IMPLEMENTATION

The Office of Police Conduct Review made steady progress towards full implementation of the Police Conduct Oversight Ordinance in between October of 2012 and July of 2013. First, the process for receiving, assigning, and investigating complaints needed to be developed. The OPCR began receiving complaints on October 1, 2012, and the process was crafted quickly. The joint supervisors established the process using the expanded resources of the OPCR, using a wide range of tools such as coaching, mediation, and investigation to resolve complaints. The OPCR has been able to provide mediation, coaching, or investigation in over 50% of complaints in since it began.

The coaching processes needed to be developed as part of the OPCR process despite the MPD process already in place. The OPCR joint supervisors met with MPD command staff from the each precinct to work on the completion of coaching cases in a timely manner. While initially coaching cases took some time to complete, the joint supervisors established a 45 day timeline for resolution with the support of Chief Harteau. The OPCR will continue to work with supervisors to eliminate any backlog.

The OPCR also began developing the mediation program. To do so, the OPCR partnered with the Conflict Resolution Center (<http://www.crcminnesota.org/>) to conduct mediations. The Conflict Resolution Center will deliver a report that will improve the mediation process at the end of the partnership.

The OPCR fully implemented the Practice Manager system by May of 2013. This tool creates a thorough tracking system for the department, allowing for greater information sharing between the civilian and sworn units. It creates a unified pool of cases for the joint supervisors and staff to review, and case progress is visible to the joint supervisors at any point during the life of the case. Additionally, with the integration of COGNOS software, the OPCR has a greater variety of tools for processing data requests and producing consistent and robust public data regarding OPCR operations.

The civilian unit of the OPCR created new staff positions to more effectively implement the unique mission of the Police Conduct Oversight Ordinance. The OPCR first created the role of legal analyst. The legal analyst, a licensed attorney, assists in intake, reviews and organizes cases for the joint supervisors, prepares and reviews materials issued to the precincts and chief, reviews data requests for legal compliance, and will assist the Police Conduct Oversight Commission in audits and policy recommendations. The OPCR also added an operations technician that coordinates the activities of the office, provides technical assistance, prepares materials on behalf of the department, fulfills data requests, and maintains the department database.

The OPCR established and implemented the Police Conduct Review Panel procedures for reviewing cases and issuing recommendations to the chief by February of 2013. Three civilians were appointed to the panel, and they began issuing recommendations that February. They have issued 17 recommendations on a wide variety of cases. The OPCR intends to have a fully staffed panel of seven panelists by Q4 of 2013.

Additionally, the OPCR is making steady progress towards the creation of the Police Conduct Oversight Commission, interviewing candidates and narrowing the field of possible appointees. Simultaneously, the OPCR is developing practices to assist the Commission in its duties. The Commission will be fully established by Q4 of 2013.

In May of 2013, the Office of Police Conduct Review received a participant from the Urban Scholars program to assist in OPCR duties. The Urban Scholars have conducted research and written several articles for the OPCR and delivered a report regarding OPCR outreach efforts with minority youth. The report will be instrumental in improving the OPCR outreach efforts. To bolster outreach, the OPCR continues to contribute many articles to the MDCR blog, it published an article in the NACOLE national newsletter, and staff have conducted informational presentations to diverse groups of civilians.

The Office of Police Conduct Review has taken great strides to implement the Police Conduct Oversight Ordinance in its first year of operation while still providing the public with a meaningful outlet for filing police misconduct complaints. In doing so, both sworn and civilian staff have worked together to promote excellence in the Minneapolis Police Department, provide meaningful public oversight of police interaction with citizenry, and foster respect between the police and community they serve.

COMPLAINT PROCESSING

The OPCR received 344 complaints between September 29, 2012 and July 31, 2013 containing 405 individual allegations. 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.

Between October 1, 2012 and July 31, 2013, the joint supervisors have predominantly utilized coaching, dismissals, and investigations to resolve complaints in a consistent fashion (see page 10). The joint supervisors, as indicated page 12, referred 77% of excessive force allegations to 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.

The data also shows that less than half of OPCR cases are dismissed after the initial filing. Those not dismissed receive attention through coaching, mediation, or investigation. Of those cases that were dismissed, on average 27% were dismissed for jurisdictional issues (e.g. complaint is older than 270 days, does not involve MPD), 9% as duplicates (two complaints filed about the same incident, consolidated into one complaint), 9% for failing to state a claim (even if true, the officer's actions do not amount to misconduct), and 6% for complainants who fail cooperate. The remaining complaints were dismissed for having no basis to proceed, 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 true 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 investigated.

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. This was communicated to MPD command staff in February of 2013. All coaching documents are signed by the precinct inspector or commander and returned to the joint supervisors for review. If the joint supervisors find the coaching documents are incomplete, they are returned to the precinct inspector or commander for completion.

Moreover, 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.

Hence, assessing various aspects of the coaching process is critical; approximately half of all complaints not dismissed are sent to coaching. Between Q4 2012 and Q2 2013 the 1st Precinct received 19 coaching documents, the 2nd 7, the 3rd 12, the 4th 17, and the 5th 15. Because the coaching process is an important tool both for the OPCR, and MPD as a whole, 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 insight that supervisors may need additional instruction on the coaching process. Hence, it is an objective of the OPCR to influence the culture of accountability and service to the community promoted in MPD 2.0.

In February of 2013, OPCR joint supervisors addressed MPD command staff to explain the expectations for coaching sessions. In June of 2013, the OPCR joint supervisors began precinct visits to meet with Inspectors and detail the coaching process. As a result of these meetings, the amount of time to complete coaching sessions has significantly decreased. Two precincts now have established monthly check-ins with the OPCR Legal Analyst to determine which complaints need to be addressed, and OPCR staff is working with other precincts to improve performance. To continue to make progress, the precinct visits must be completed and ongoing communication between OPCR staff and precinct supervisors must occur. From precinct visits, the Inspectors stated that some of the older outstanding cases were delayed during precinct leadership transitions which added to the “average” age of coaching cases.

The OPCR has received completed coaching documents that are expertly conducted, while other supervisors appear to need additional instruction on the coaching process. 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, it will be necessary to conduct additional training sessions with non-command staff supervisors to ensure that all coaching documents meet the OPCR and MPD 2.0 standards.

For additional statistics on coaching, see page 15.

INVESTIGATION

OPCR supervisors referred approximately 35% 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 OPCR incorporated the case management system “Practice Manager” between Q4 2012- and Q2 2013, with full implementation occurring in April of 2013. Practice Manager homogenized the civilian and sworn units’ investigation and complaint information, allowing for a single pool of data shared by both OPCR units. Hence, uniform tracking of both civilian and sworn cases began in April of 2013. Practice Manager also allowed for faster information sharing between units, increasing the speed in which complaints can be resolved. This is evident in the data as complaints over the 120-day performance standard began declining in April and continue to do so.

Completion of outstanding cases originating with the former Civilian Police Review Authority will significantly reduce the backlog of investigations. All pending “CRA” cases were investigated

by civilian investigators. The Office undertook great effort to prepare cases that originated with the CRA for the Panel to review. Because the format and process of investigator recommendations changed after the adoption of the Police Conduct Oversight Ordinance, all former CRA cases required additional screening and redirection.

Completion of CRA cases will allow the OPCR to accommodate the expressed preferences of complainants. 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, 56% of complainants requested civilian investigators. While there are two civilian investigators and seven sworn investigators, the OPCR was able to meet complainant preferences in 80% of investigations with each unit receiving approximately half of cases for investigation. Sworn investigators handle the bulk of investigations where the complainant does not express a preference; fewer complainants specifically request a sworn investigator (see page 16). As such, all complainants requesting a sworn investigator received one. Managing the distribution of cases between civilian and sworn investigators will prevent civilian investigators from becoming overburdened and complaints entering the backlog.

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 has issued 17 recommendations since it began operation, finding merit on approximately 16% of allegations. While the chief did not disagree with the merit recommendations issued by the Review Panel, all merit recommendations were on allegations where the reckoning period expired, except those contained in the pending cases. Hence, the chief was unable to issue discipline on the allegations.

The pending cases with the chief have not expired due to the reckoning period. Due to the novelty of the new process, it has taken some effort to determine the final procedures for a merit case. Future merit cases will follow the precedence these cases establish.

CHIEF'S ACTIONS

The OPCR Review Panel submitted 17 recommendations to the chief. Of those with merit, two remain pending. The rest of the merit decisions were on allegations in which the reckoning period had expired, and the chief was unable to take action. The OPCR will conduct training sessions with the chief to ensure a complete understanding of the OPCR process and expectations.

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 Police Conduct Oversight Commission is currently under development with the expectation that it will be in operation by Q4 of 2013.

URBAN SCHOLARS

The Urban Scholar assigned specifically to the Office of Police Conduct Review established a plan to provide youth, especially African American males, tips on how to have positive interactions with law enforcement, to educate them on their rights, and to discuss ways in which they can file a complaint if they felt mistreated by law enforcement. She developed partnerships with traditionally black fraternities to assist in handing out informational material and reach a wider audience. She was effective in this effort and promoted 210 conversations with the target community members about the subject. She issued a report at the end of her internship with recommendations for the development of a sustainable outreach program and messaging for the Office.

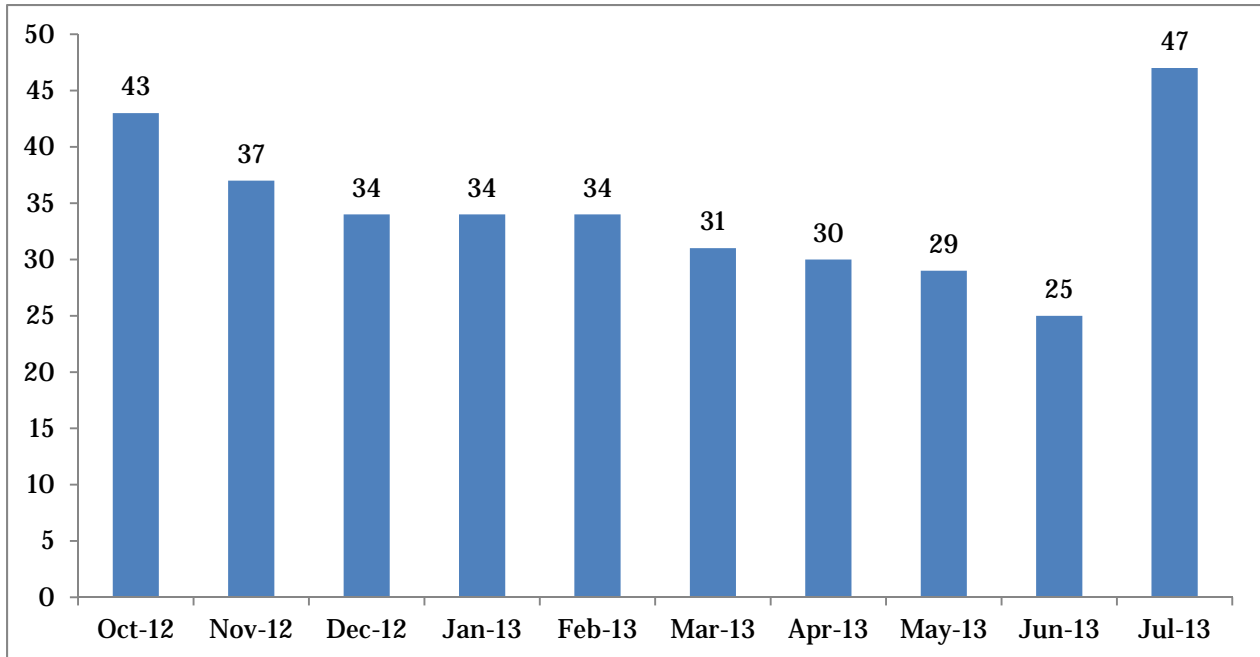
ACCOMPLISHMENTS

- Case processing of OPCR complaints began October 1, 2012
- The OPCR is utilizing all resources available to increase the speed in which complaints are resolved, including coaching, mediation, investigation, and supervisor dismissals
- Provided mediation, coaching, or investigation in over 50% of complaints
- Welcomed new Urban Scholars to the department to assist in outreach activities
- Established mediation partnership with the Conflict Resolution Center and expanded the available mediator pool to approximately 35 members
- Civilian investigators continue to process former CRA cases. The cases are being handled utilizing the OPCR process, but the investigators remain the same.
- Reduced the number of cases in the backlog by approximately 56% by July 31, 2013 from the high
- Complainants are receiving the investigator of their choice (civilian/sworn). Approximately eight out of ten complainants receive the type of investigator they request when the case proceeds to a formal investigation.
- OPCR Review Panels, comprised of two civilian appointees and two MPD appointees, now meet on a regular basis and have issued recommendations in 17 cases. The Panel has not moved forward to the chief any split decisions.
- Developed, tested, and implemented Practice Manager software, a comprehensive database system that will allow improved information sharing. Both the sworn and civilian units now have a single pool of cases from which to draw.
- Broadened the scope of incidents under civilian review, including cases that were previously handled only by the Internal Affairs Unit.
- Gathered comprehensive data, including that previously retained only by the Internal Affairs Unit, for analysis by the office, Commission, and public. Reports cataloging the first year of operation will begin in August.
- Conducted presentations for a number of audiences including MPD command staff, developed outreach materials for the public and attended outreach events in the community.
- Sought and received numerous applications for the Police Conduct Oversight Commission which will begin operation in 2013.

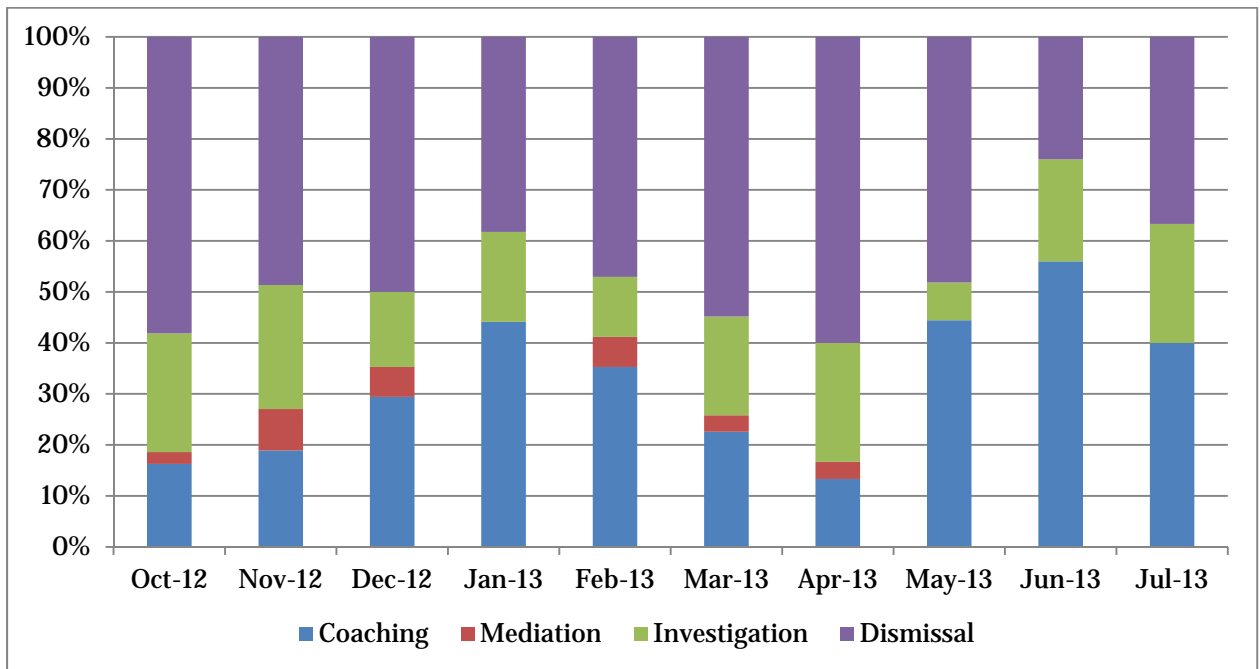
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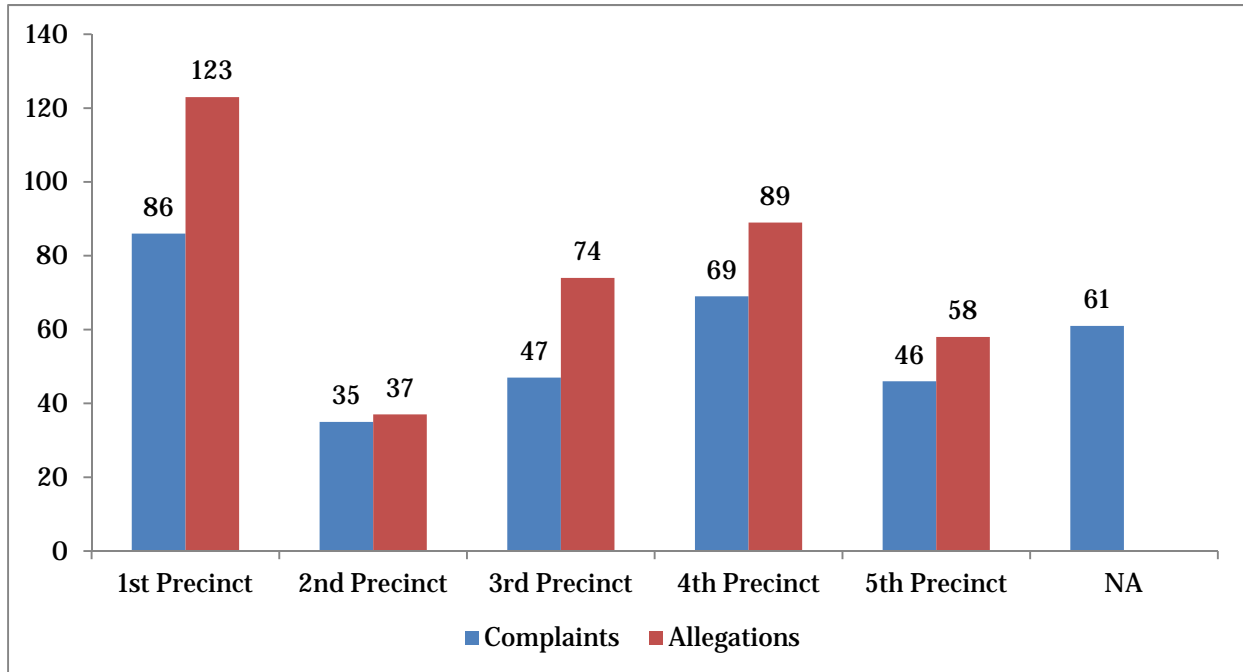
Complaints Filed



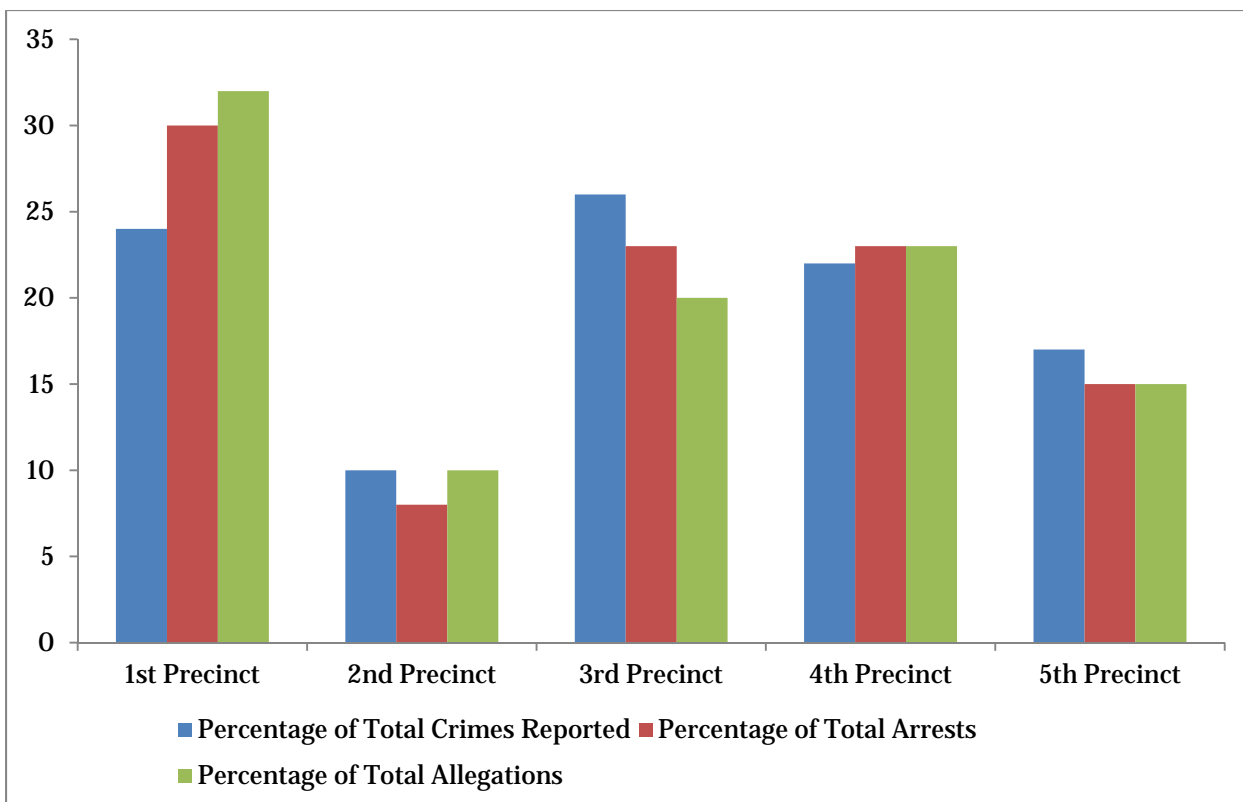
OPCR Case Resolution



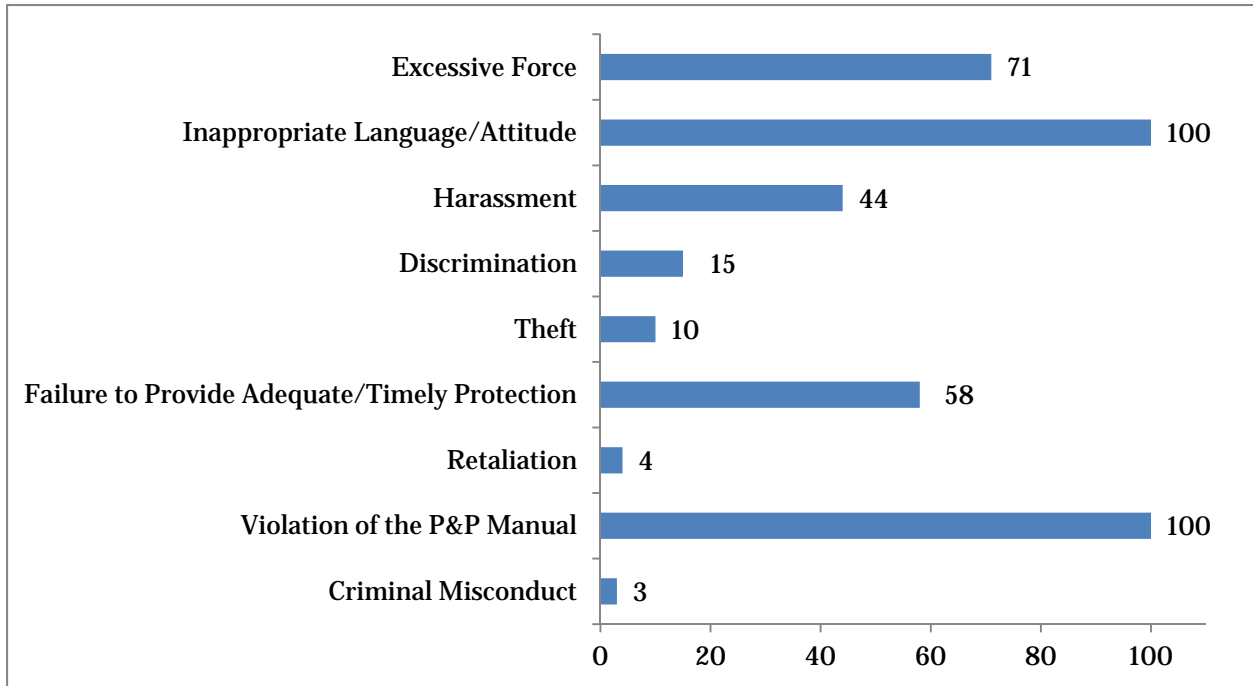
Complaints/Allegations by Precinct



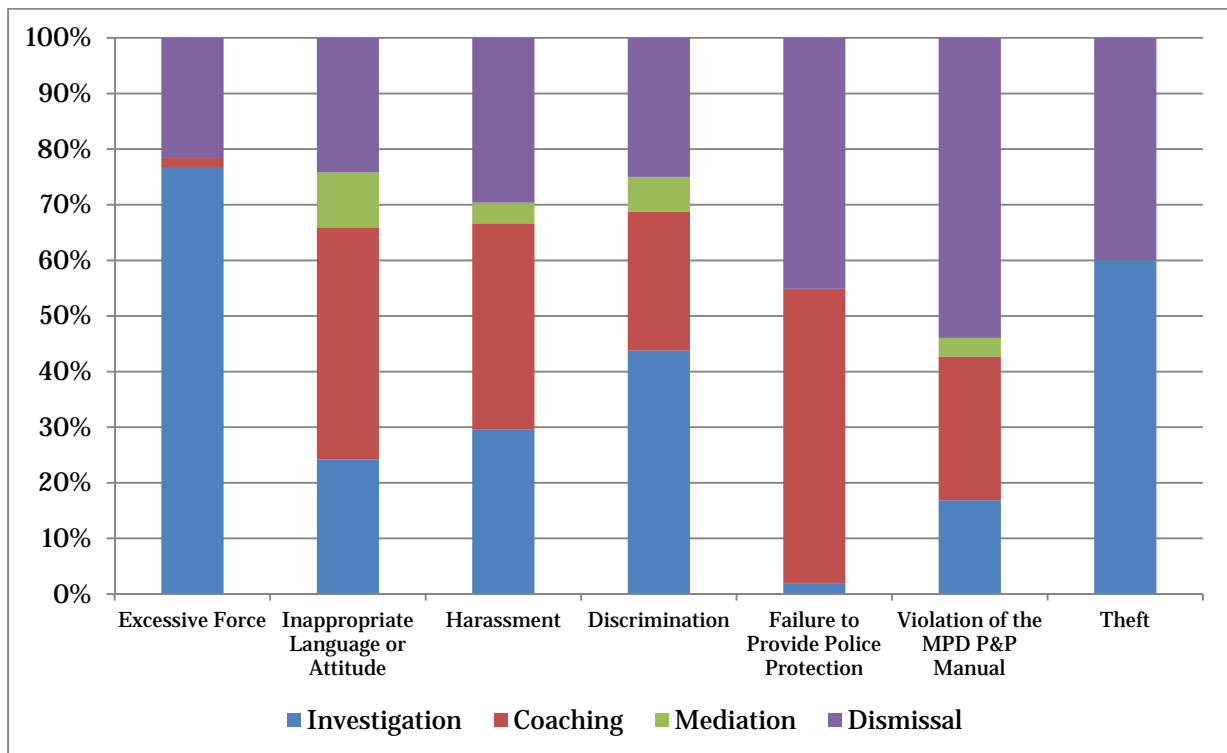
Crimes/Arrests Reported for Q1-Q2 and Allegations by Precinct (July crime and arrest data not yet reported as of 7/31/2013)



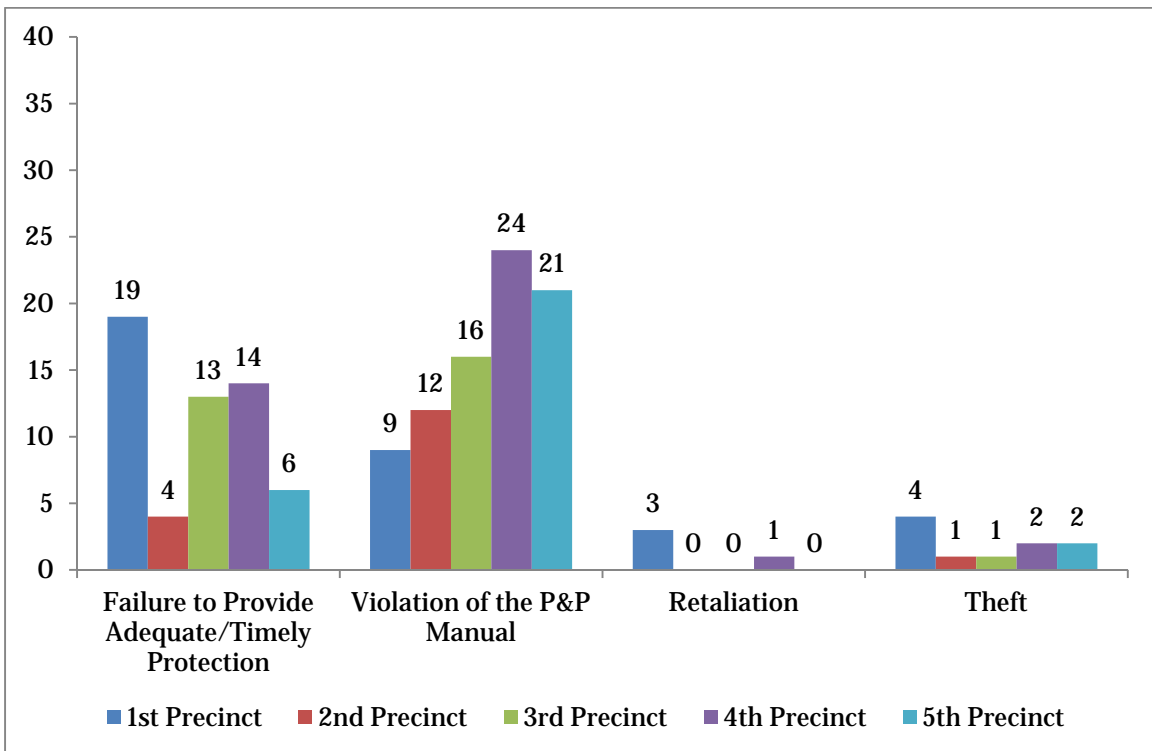
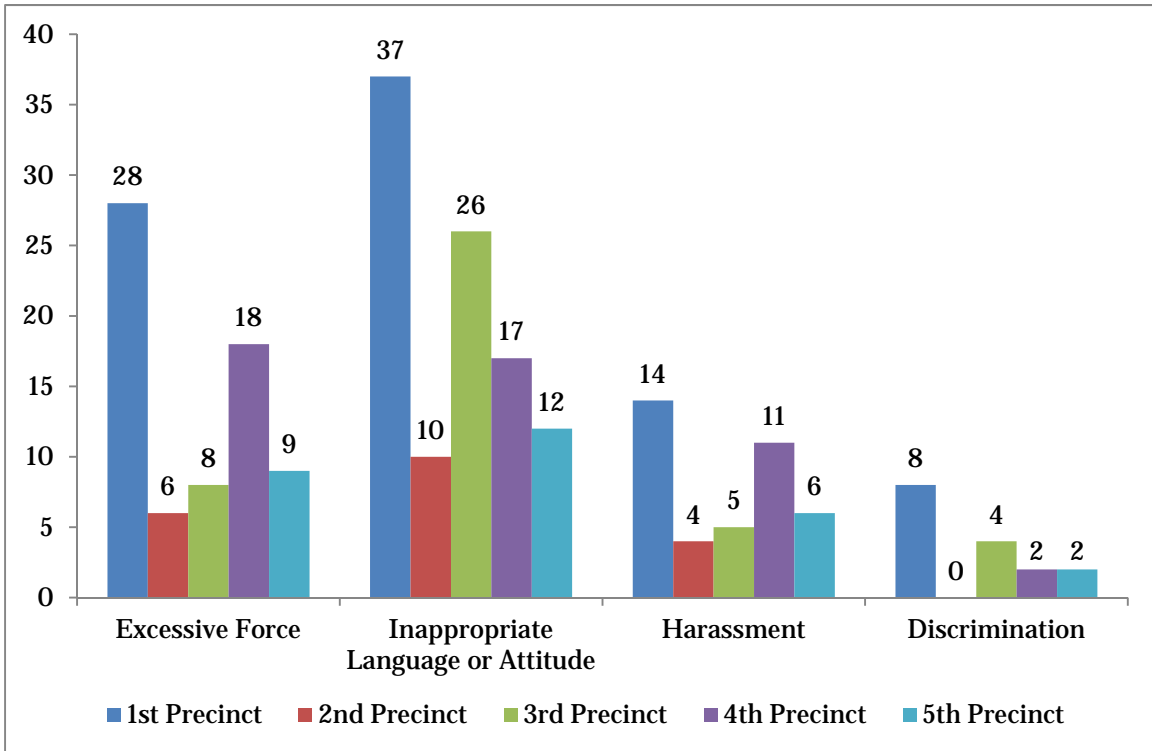
Allegations Filed



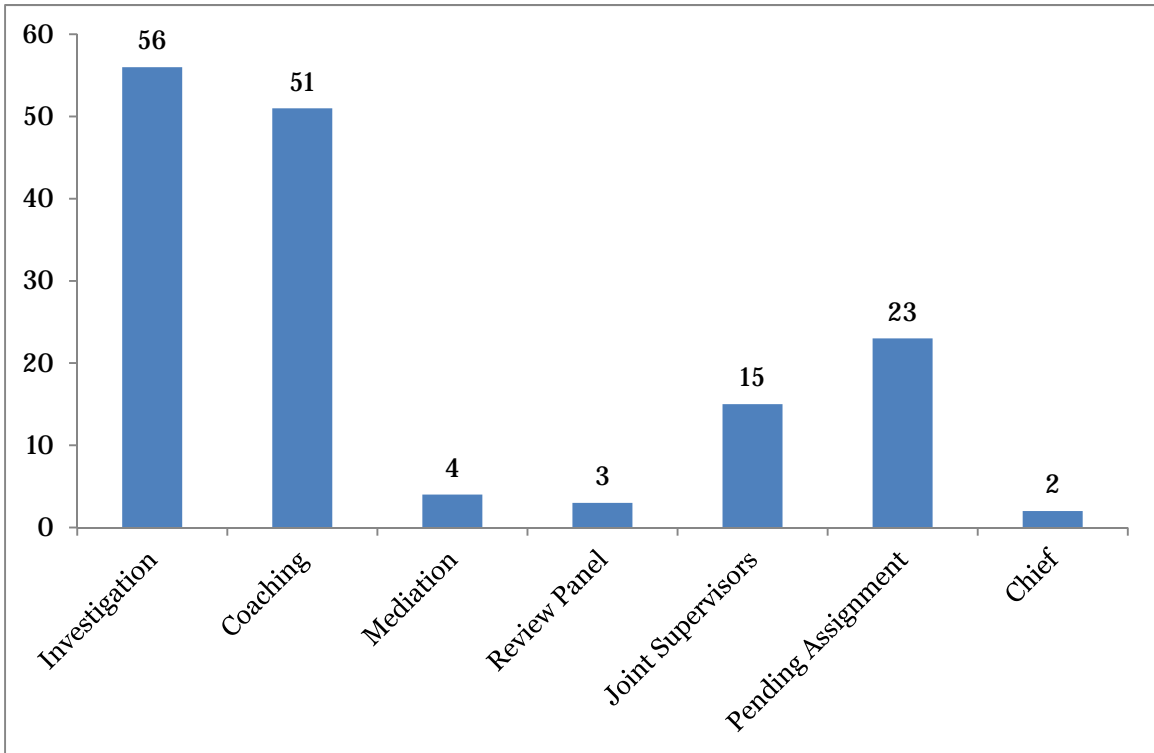
Case Resolution by Allegation



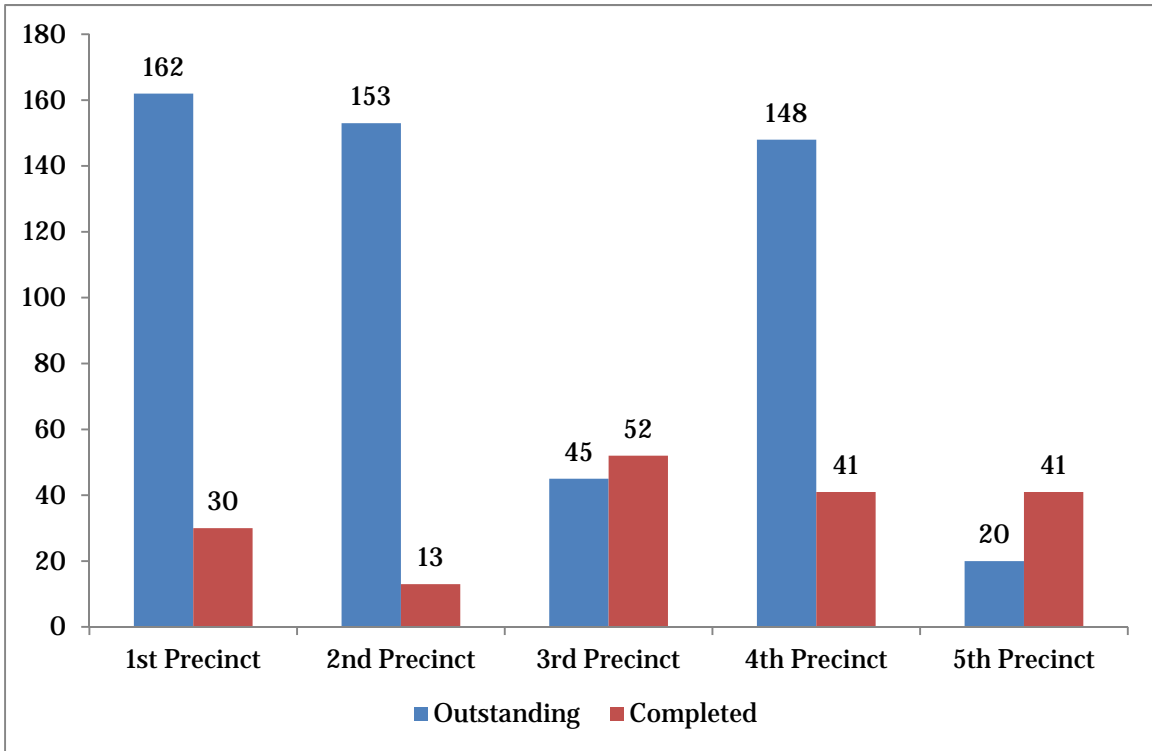
Allegations by Precinct



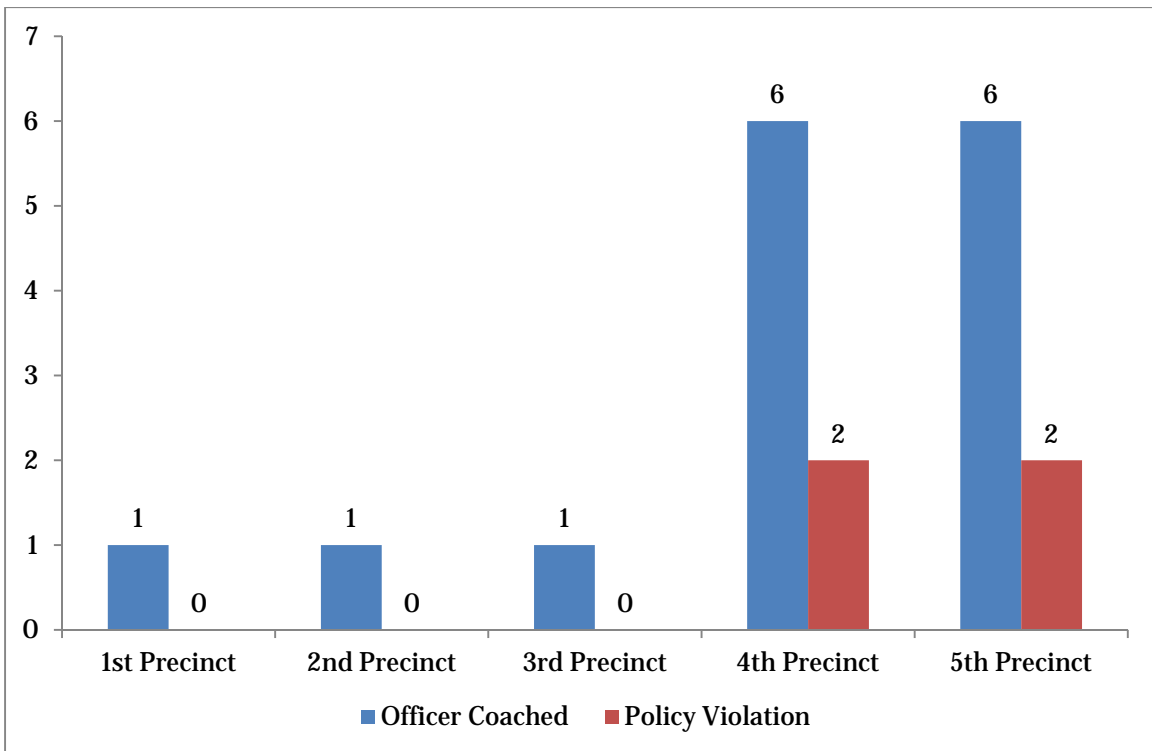
OPCR Open Cases (263 Closed)



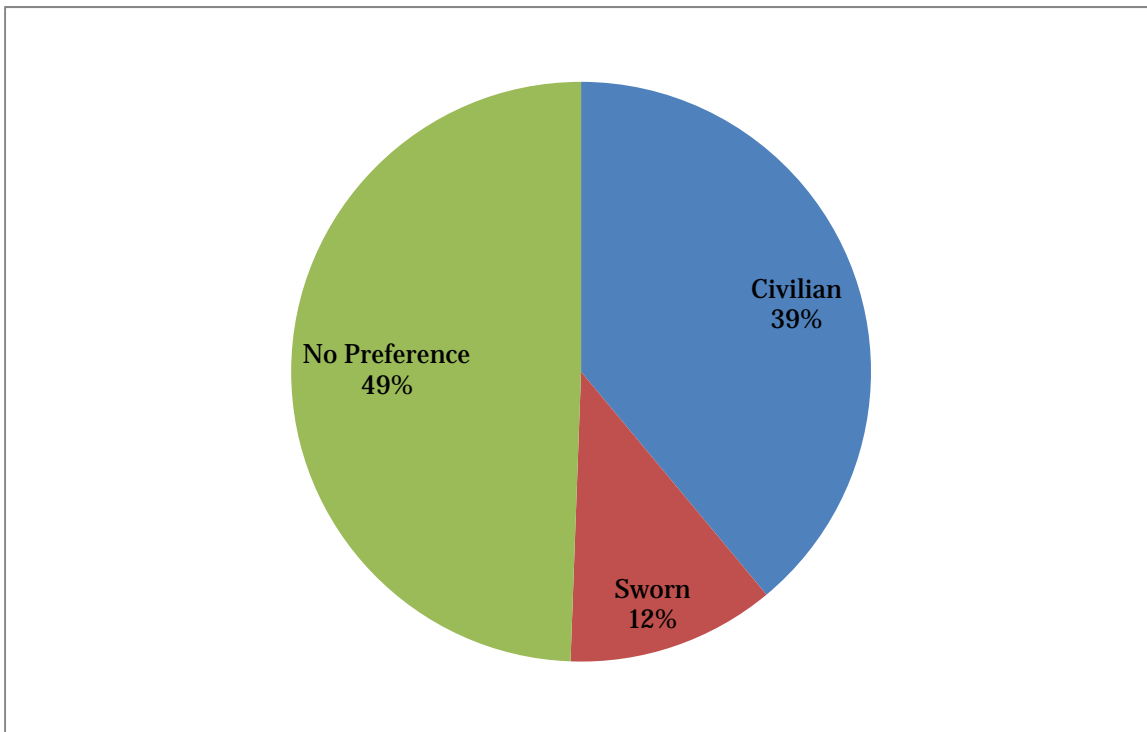
Average Age of Outstanding and Completed Coaching Case in Days



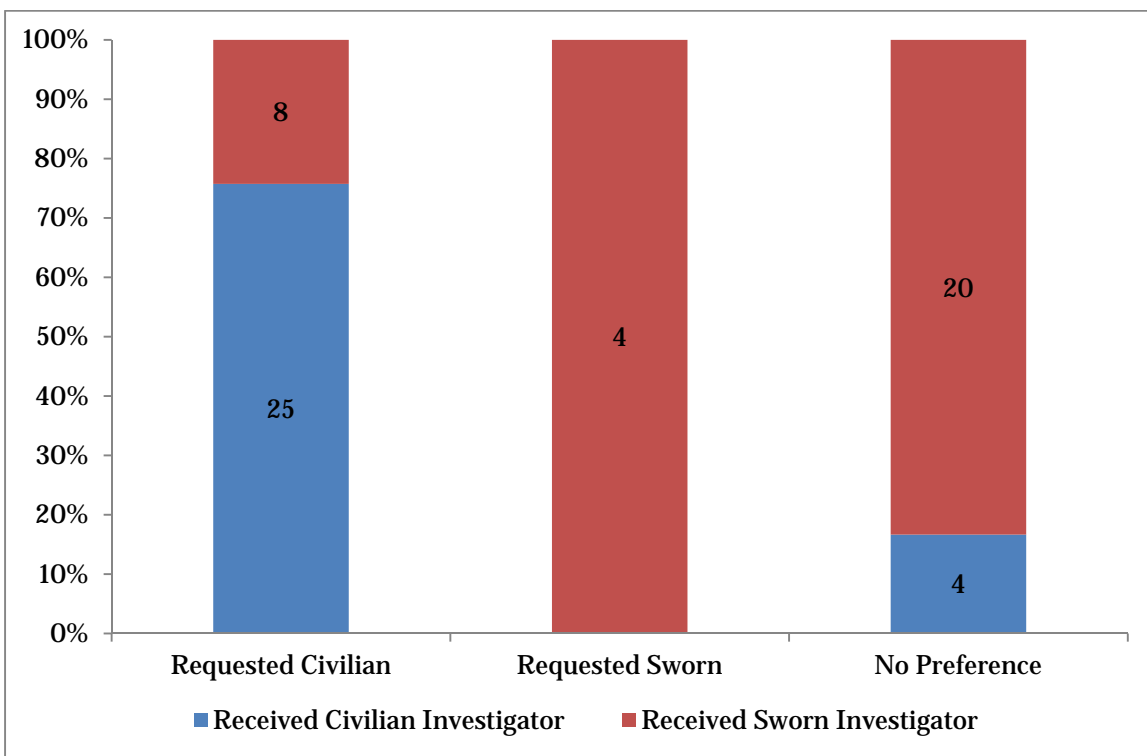
Policy Violations and Coaching By Precinct



Investigator Preference

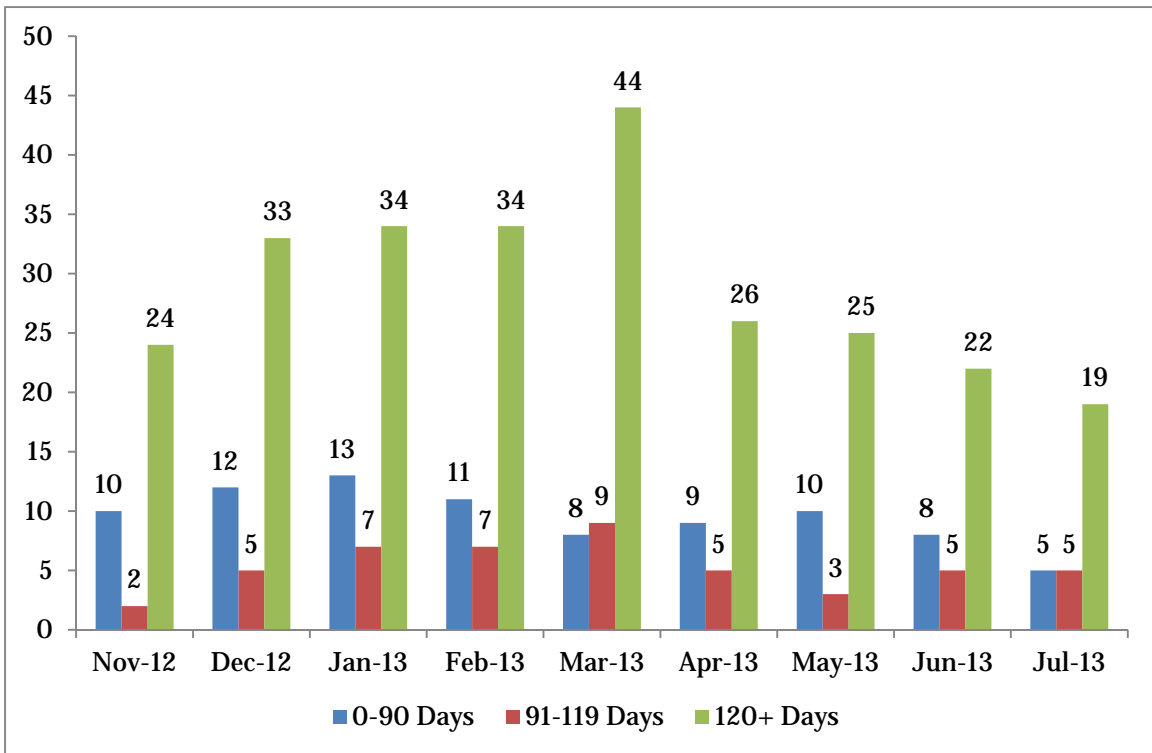


OPCR Investigator Assignments

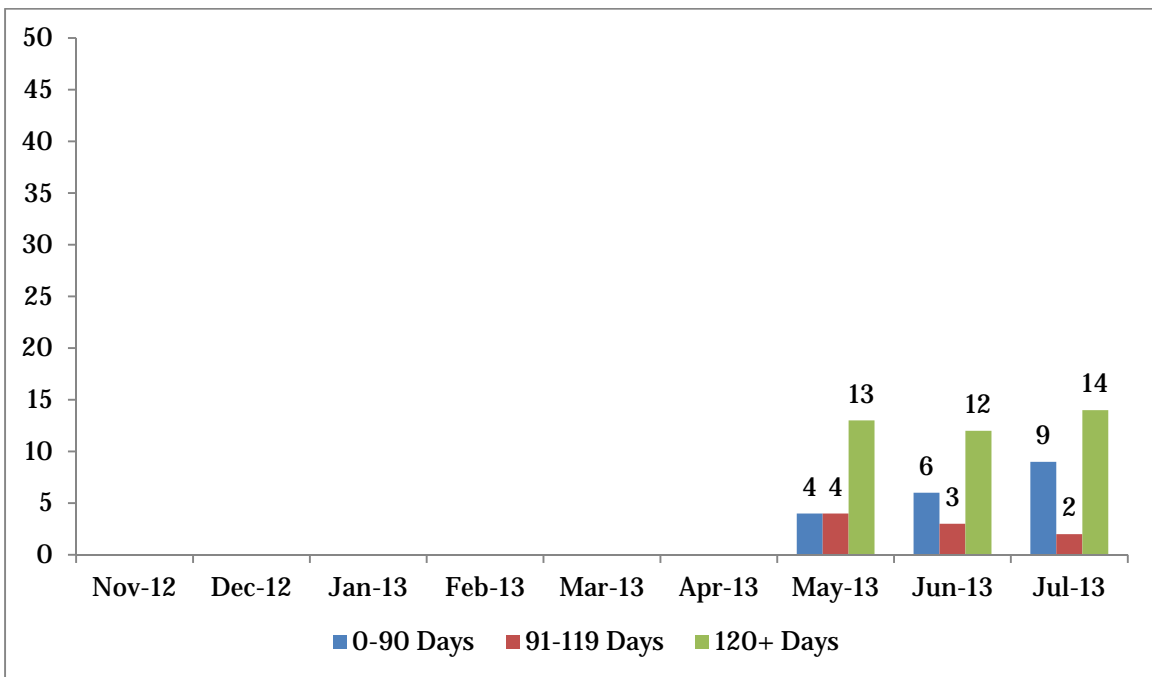


OPCR Investigation Timeline

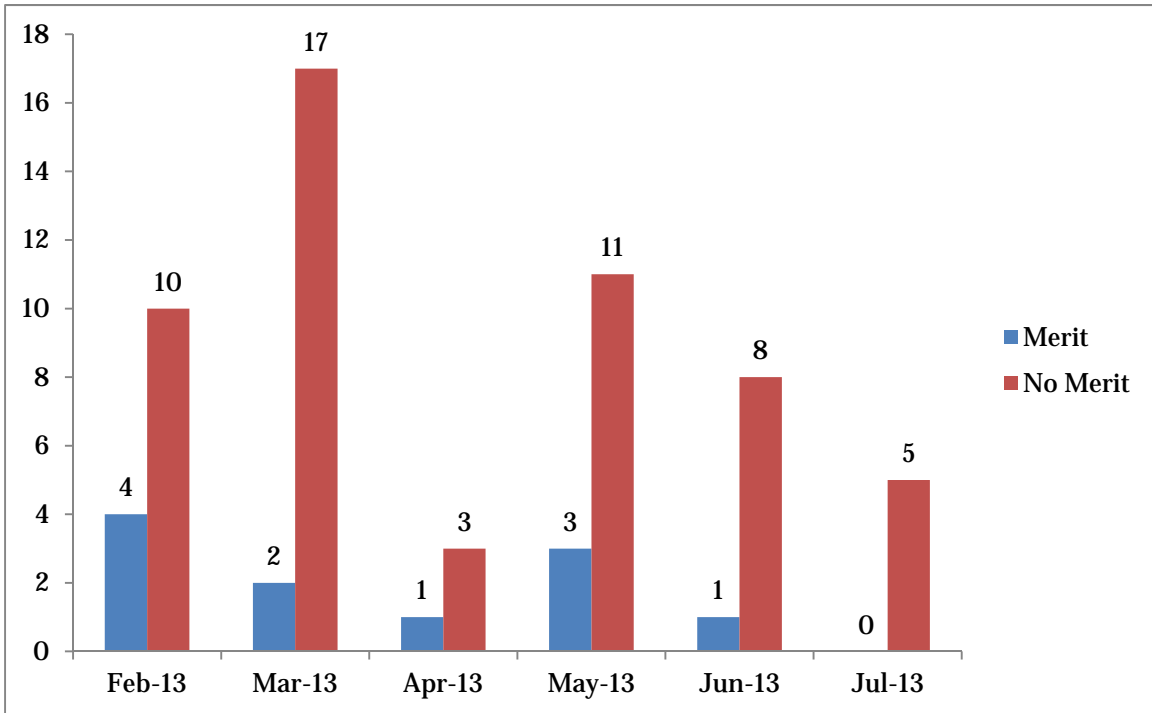
Civilian Unit



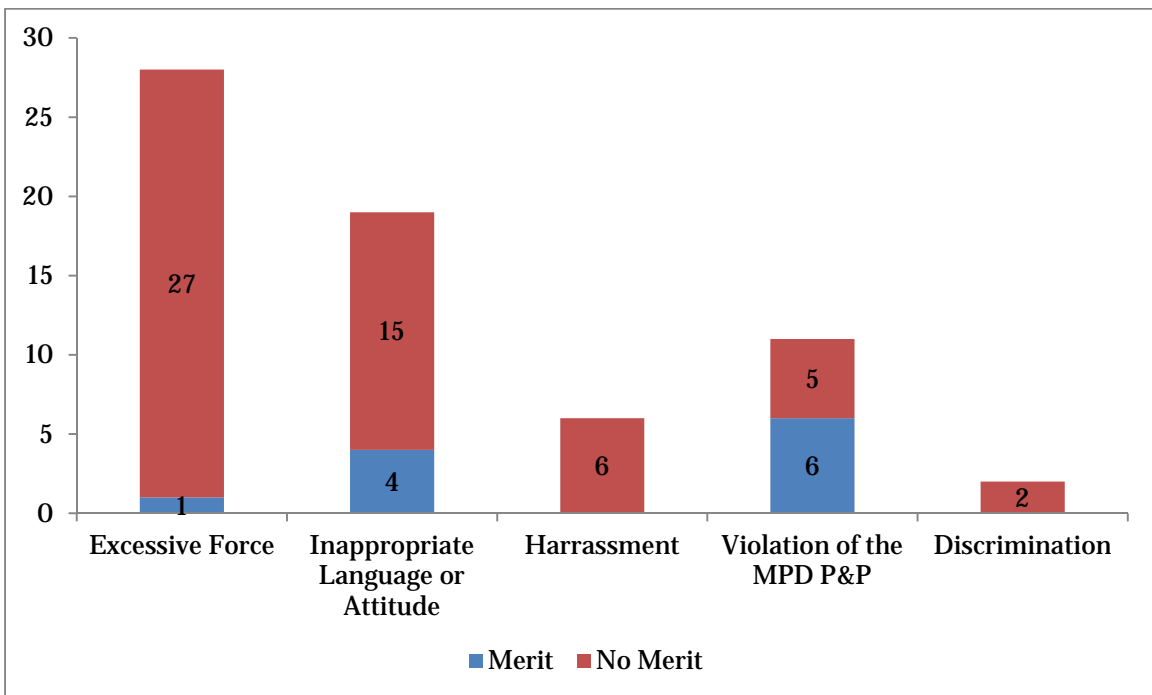
Sworn Unit



OPCR Review Panel Recommendations



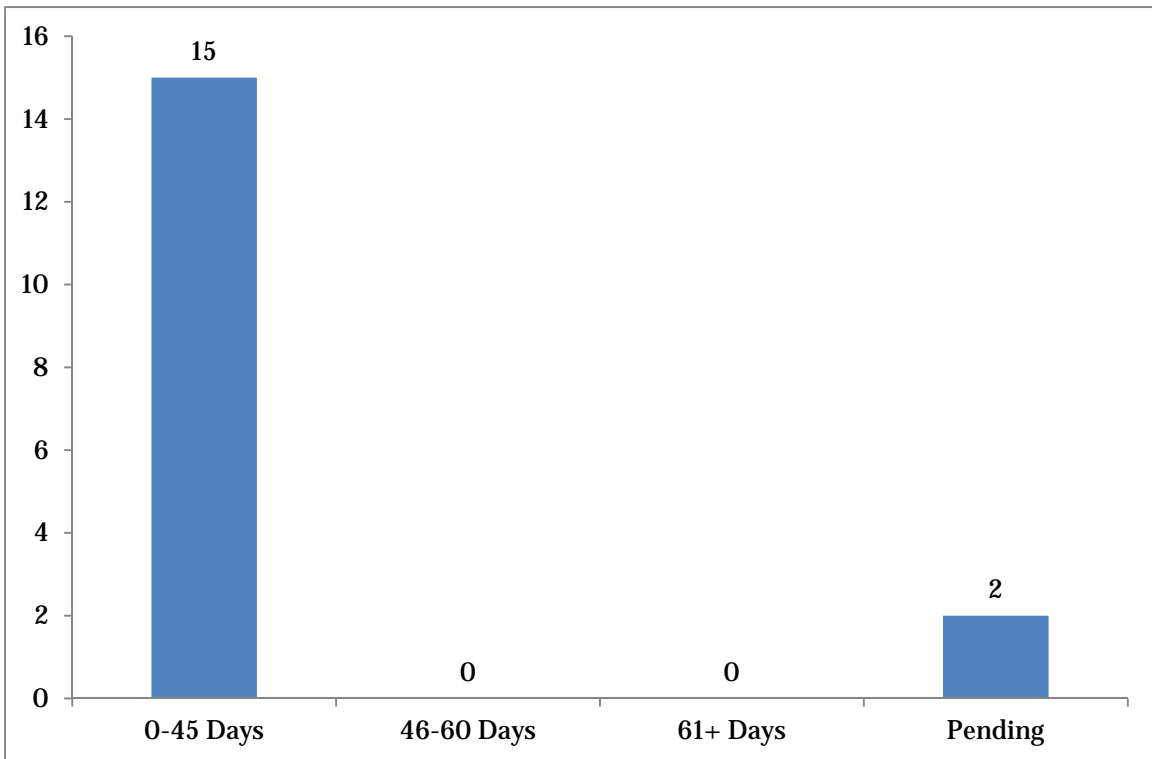
OPCR Review Panel Recommendations in Detail



One allegation of failure to provide adequate protection received a no merit recommendation and three allegations had pending recommendations as of July 31st, 2013.

OPCR Chief Actions

Number of Days to Issue a Final Determination



Annual Data to Date (Q4 2012-Q1 2013)

Complaints Filed	344
Complaints Closed	263
Median Age of Open OPCR Cases	147 days
Median Time to Resolve Complaint	27 Days
Median Age of Open OPCR Cases (without CRA Cases)	99 Days
Median Time to Resolve Complaints (Without CRA Cases)	12 Days
Assigned to:	
Coaching	99
Mediation	10
Investigation	61
Dismissed	154
Incident By Precinct:	
1st	86
2nd	35
3rd	47
4th	69
5th	46
Not Applicable	61
Allegations:	
Excessive Force	71
Inappropriate Language or attitude	100
Harassment	44
Discrimination	15
Theft	10
Failure to Provide Adequate and Timely Police Protection	58
Retaliation	4
Violation of the MPD Policy and Procedure Manual	100
Criminal Misconduct	3
Average Age of Outstanding Coaching Cases (in days):	
1st Precinct	162
2nd Precinct	153
3rd Precinct	45
4th Precinct	148
5th Precinct	20