Minneapolis

City of Lakes

OFFICE OF POLICE CONDUCT REVIEW

Q4 2013 Data Report

October 1, 2012 – December 31, 2013

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COMPLAINT PROCESSING

The OPCR received 87 complaints between October 01, 2013 and December 31, 2013 containing 75 individual allegations. Complaints and allegations decreased significantly in the fourth quarter, but this is common as the seasons change and contact with police decreases.

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, 2013 and December 31, 2013, the joint supervisors have predominantly utilized coaching and investigations to resolve complaints, with 45% of cases receiving either coaching or investigation. There has been increased use of mediation to resolve complaints; approximately 10% of cases received mediation versus 3.8% in the previous quarter. The joint supervisors, as indicated page 12, referred 55% 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. Of those cases that are dismissed, 35% were dismissed for jurisdictional issues (e.g. cannot identify officer, complaint is older than 270 days, does not involve MPD), 15% as duplicates (two complaints filed about the same incident, consolidated into one complaint), 23% for failing to state a claim (even if true, the officer's actions do not amount to misconduct), and the remaining 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 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 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. 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.

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 Q4 of 2013, officers were coached by supervisors in 42% of cases.

Hence, assessing various aspects of the coaching process is critical; approximately half of all complaints not dismissed are sent to coaching. See the table below and graphs on page 13:

Precinct	Sent	Returned	Outstanding
1st	5	4	10
2nd	1	6	5
3rd	5	8	4
4th	1	10	0
5th	7	6	4
Other	3	2	8

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.

At the end of Q4 2013, three precincts are operating within the 45 day coaching standard in the sense that their outstanding coaching documents on average are less than 45 days old. The 4th Precinct has no outstanding coaching documents, and the 3rd and 5th precincts maintain an average open coaching document age below 45 days. The 5th precinct, however, is the only

precinct that completes coaching documents on average within the 45 day performance standard.

To continue to make progress, ongoing communication between OPCR staff and precinct supervisors must occur. The OPCR has received completed coaching documents that are expertly conducted, while other supervisors appear to need additional instruction on the coaching process. 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.

INVESTIGATION

OPCR supervisors referred approximately 41% 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, 47% of complainants requested civilian investigators. Sworn investigators handle the bulk of investigations where the complainant does not express a preference; less complainants specifically request a sworn investigator. As such, all complainants requesting a sworn investigator received one.

THE POLICE CONDUCT REVIEW PANEL

The Police Conduct Review Panel (PCRP) issues recommendations to the Chief of Police on the merits of allegations against Minneapolis Police Officers. Two civilians and two sworn officers at the rank of lieutenant or higher meet to discuss the investigative file. The panel may vote that a preponderance of the evidence supports the allegations (the allegations have merit), that the allegations have no merit, or that the case should be remanded to the Office for further investigation. If a case does not receive a majority vote, the case proceeds to the chief for a final determination without a recommendation. Since the Police Conduct Review Panel began reviewing cases in February of 2013, all votes have been unanimous.

The Review Panel issued 11 recommendations during Q4 2013. While some allegations were found to have merit, the cases were remanded to the OPCR to address additional allegations in the complaint.

Because of MPD staff transitions, some MPD panelists will no longer serve on the PCRP. Replacement MPD panelists will begin reviewing cases in Q1 2014.

CHIEF'S ACTIONS

The chief issued discipline in two cases. In the first case, allegations were sustained against two officers. One officer received a letter of reprimand and training for two sustained B-level violations; the other received coaching for a sustained A-level violation. In the second case, allegations were sustained against two officers. One officer received a 10 hour suspension as a result of two sustained C-level violations and one sustained A-level violation. The other officer received coaching after a sustained A-level violation.

While the chief has issued a final determination, both cases may still be grieved. As such, case information is non-public at this time, and discipline may change in the grievance process.

THE POLICE CONDUCT OVERSIGHT COMMISSION

The Police Conduct Oversight Commission (PCOC) assures that police services are delivered in a lawful and nondiscriminatory manner by shaping police policy, auditing OPCR cases, engaging the community in discussions of police procedure, and facilitating cultural awareness trainings for the Minneapolis Police Department. The seven members appointed to the Police Conduct Oversight Commission had their first regular meeting on October 8, 2013 and met three times in Q4 2013 for meetings. The Police Conduct Oversight Commission also received one training session, covering use of force, the Minnesota Open Meeting Law, the Minnesota Government Data Practices Act, and parliamentary procedure.

Regular meetings will continue to occur on the second Tuesday of each month at 6:00 PM.

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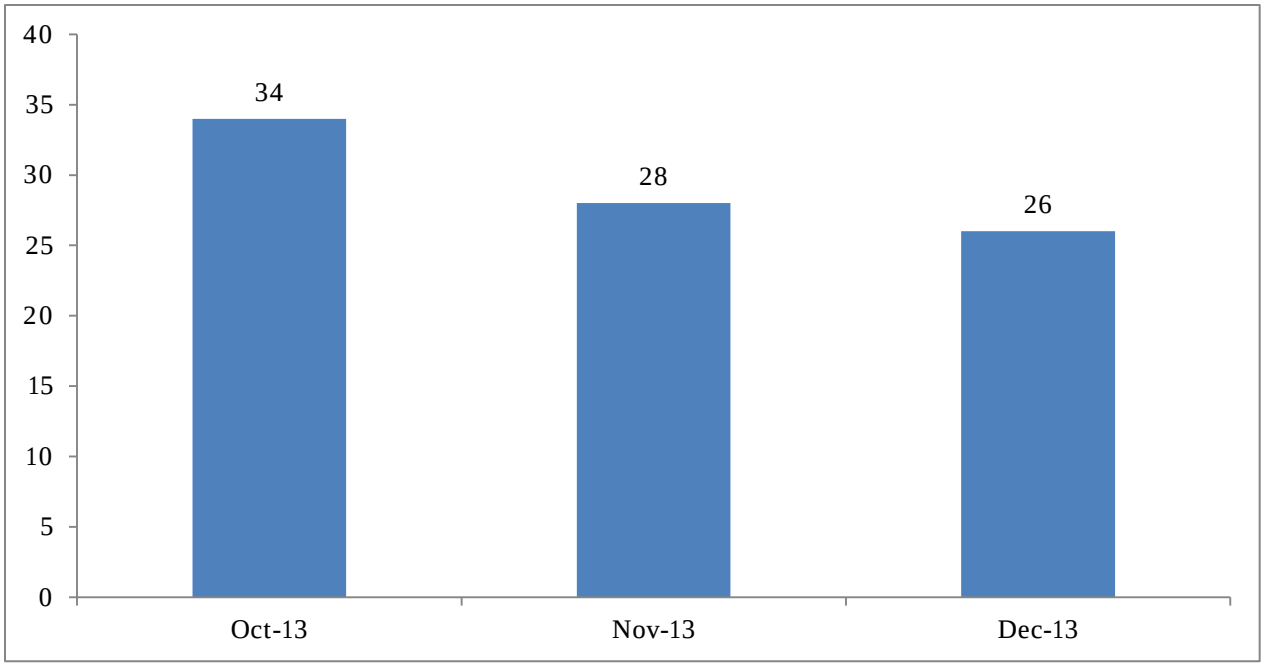
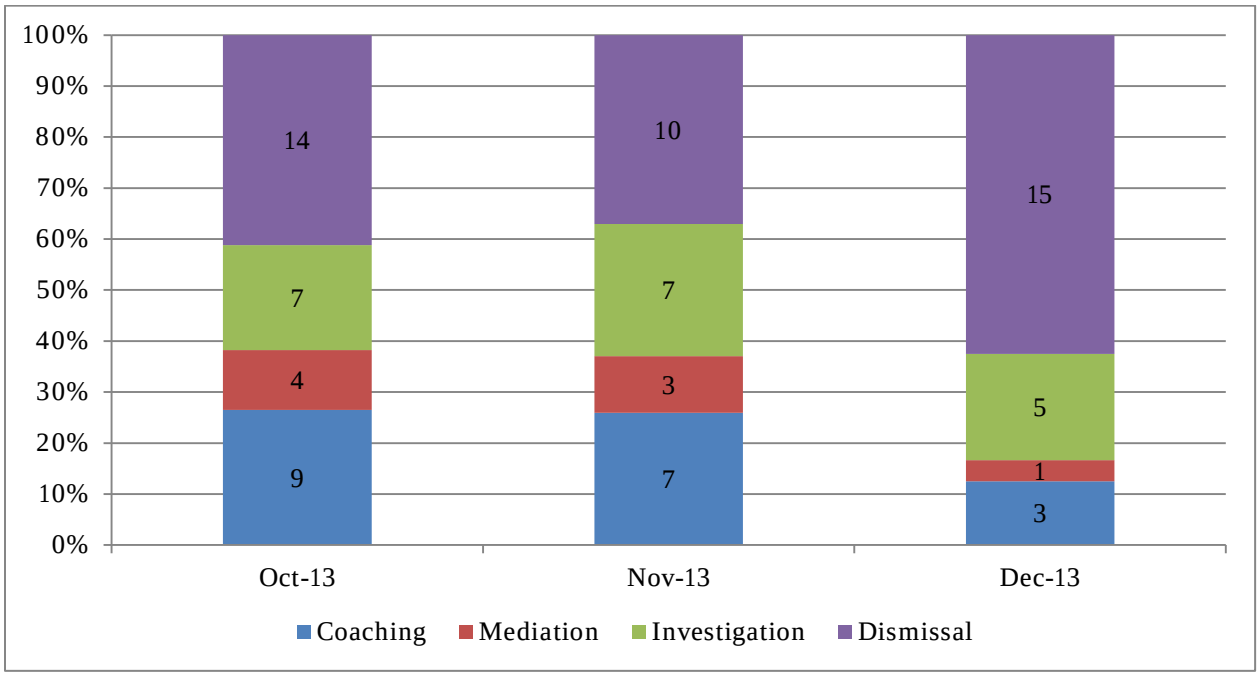
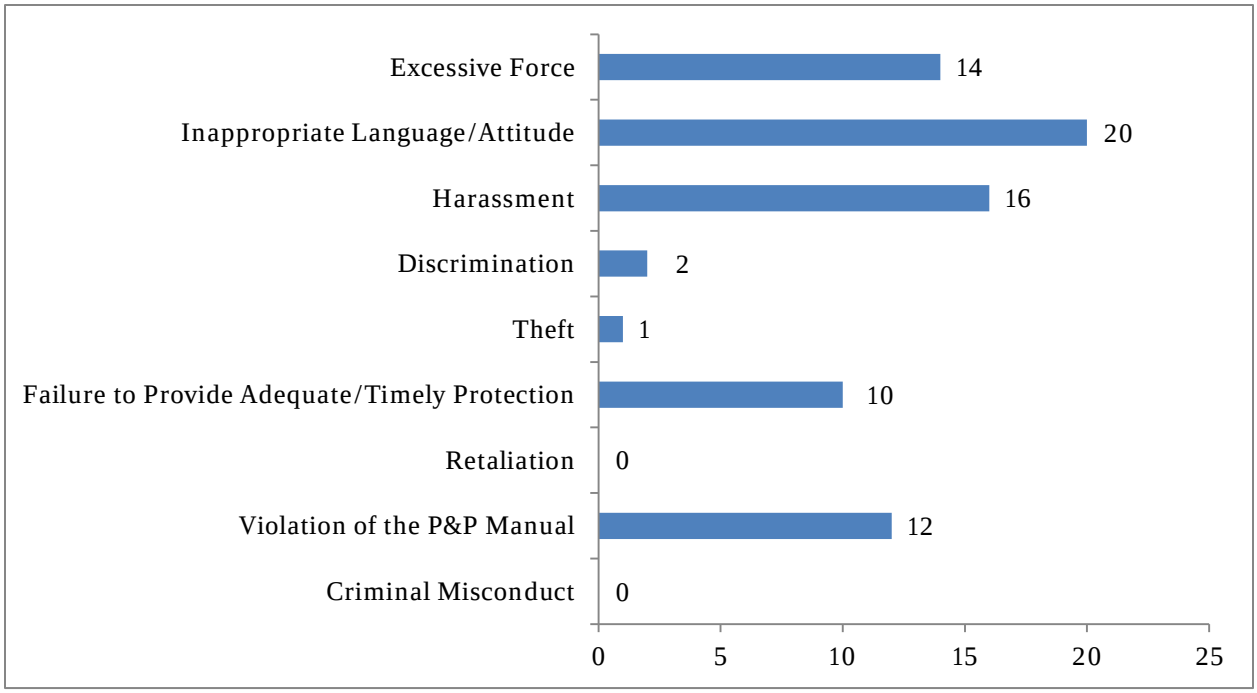
Complaints Filed (87)



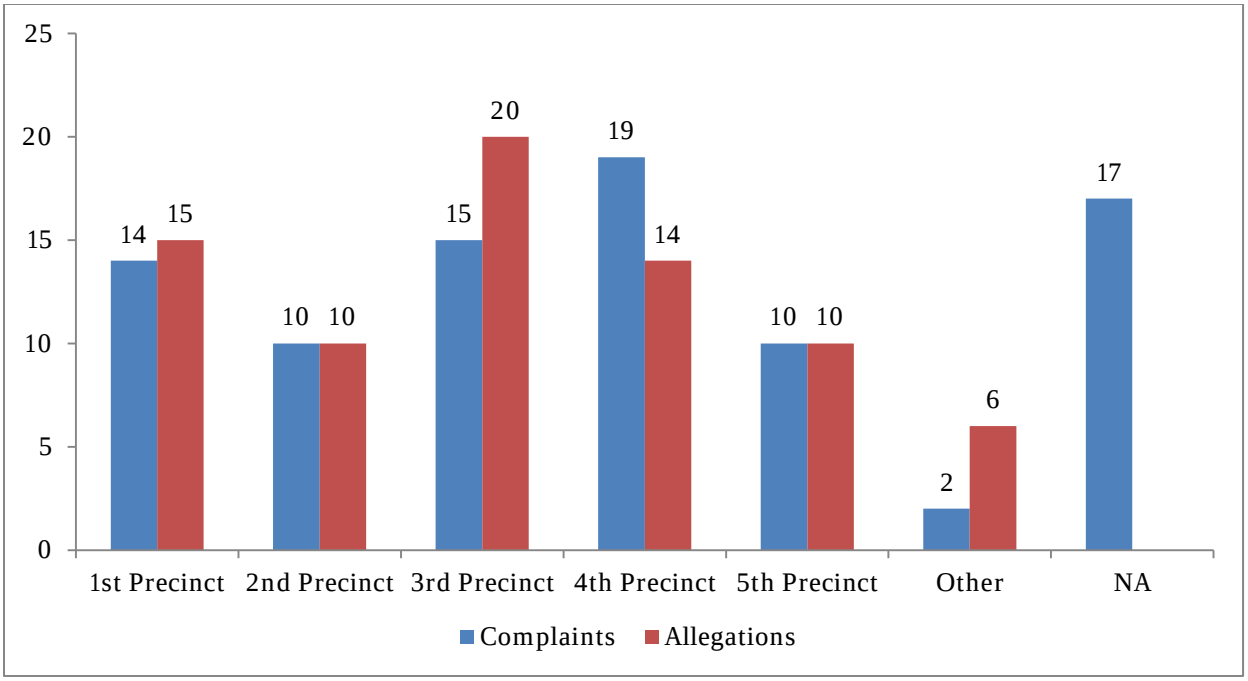
OPCR Case Resolution



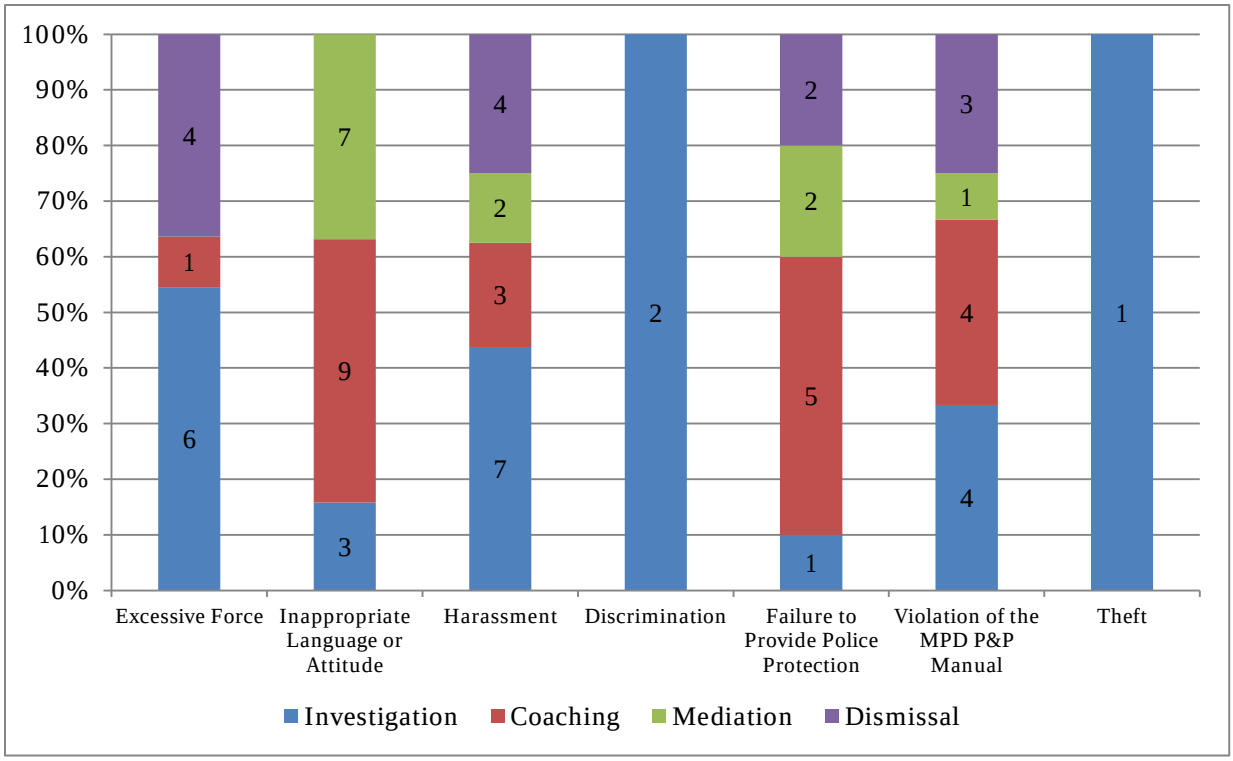
Allegations Filed (75)



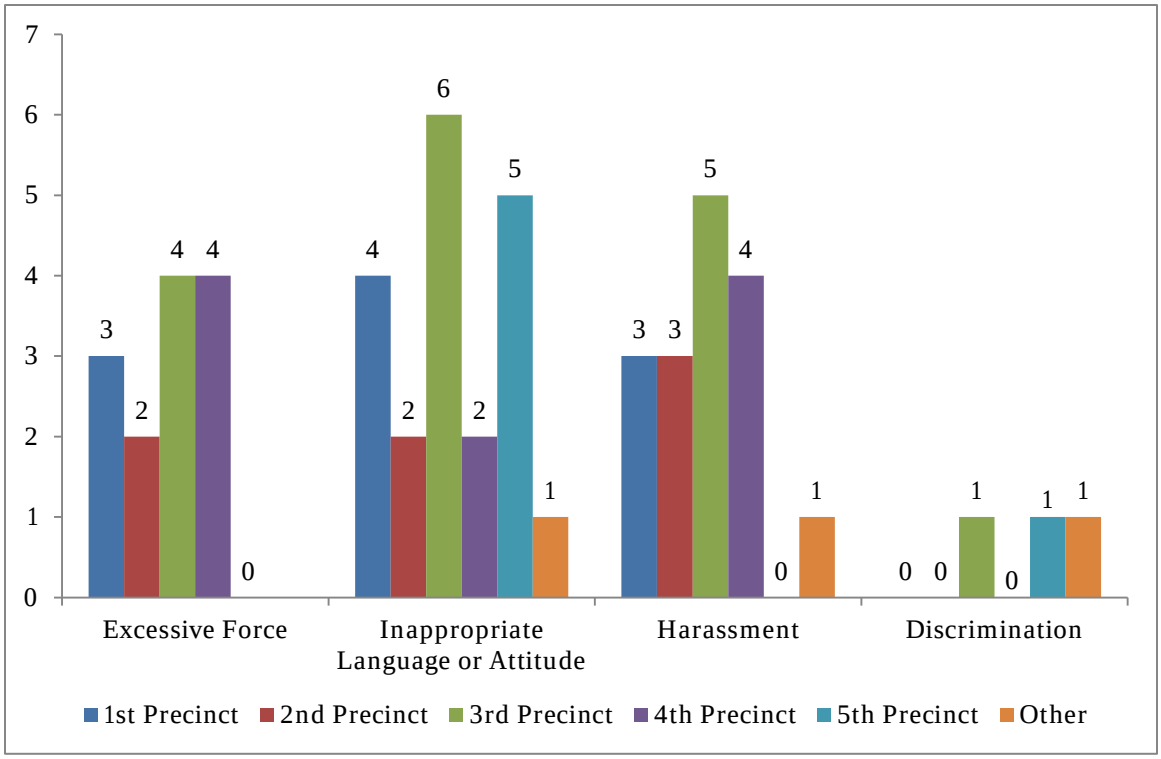
Complaints/Allegations by Precinct

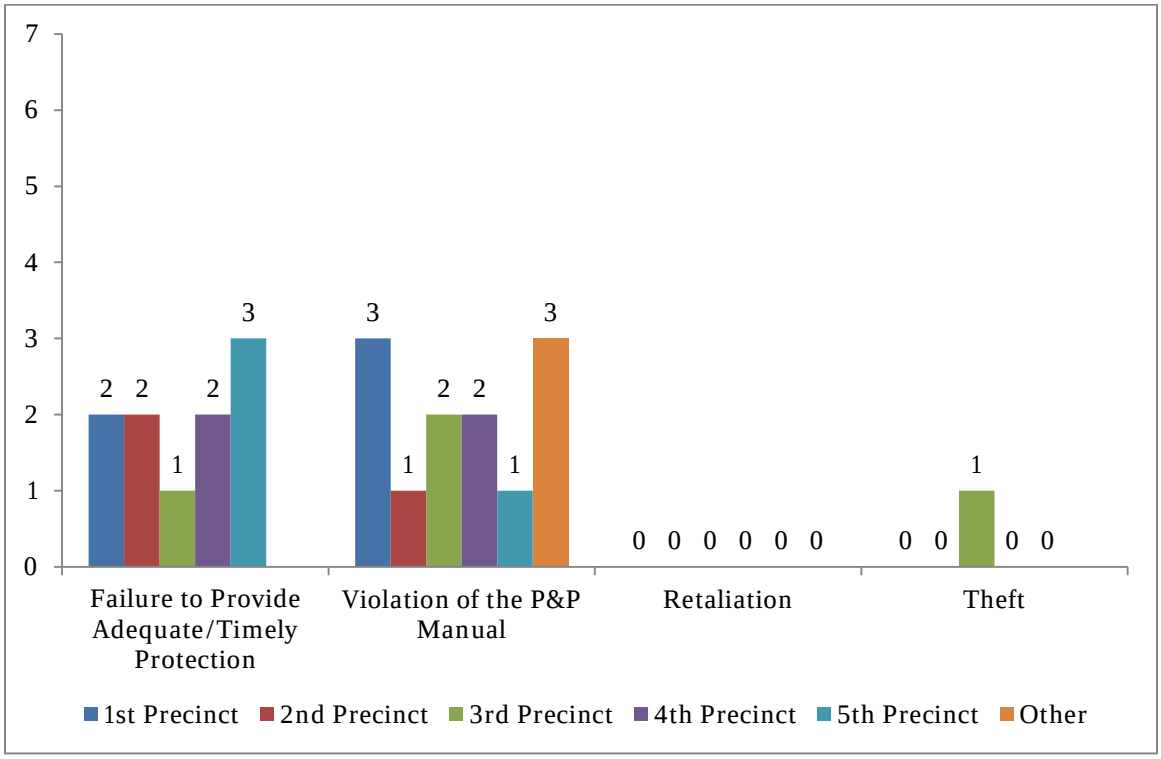


Case Resolution by Allegation



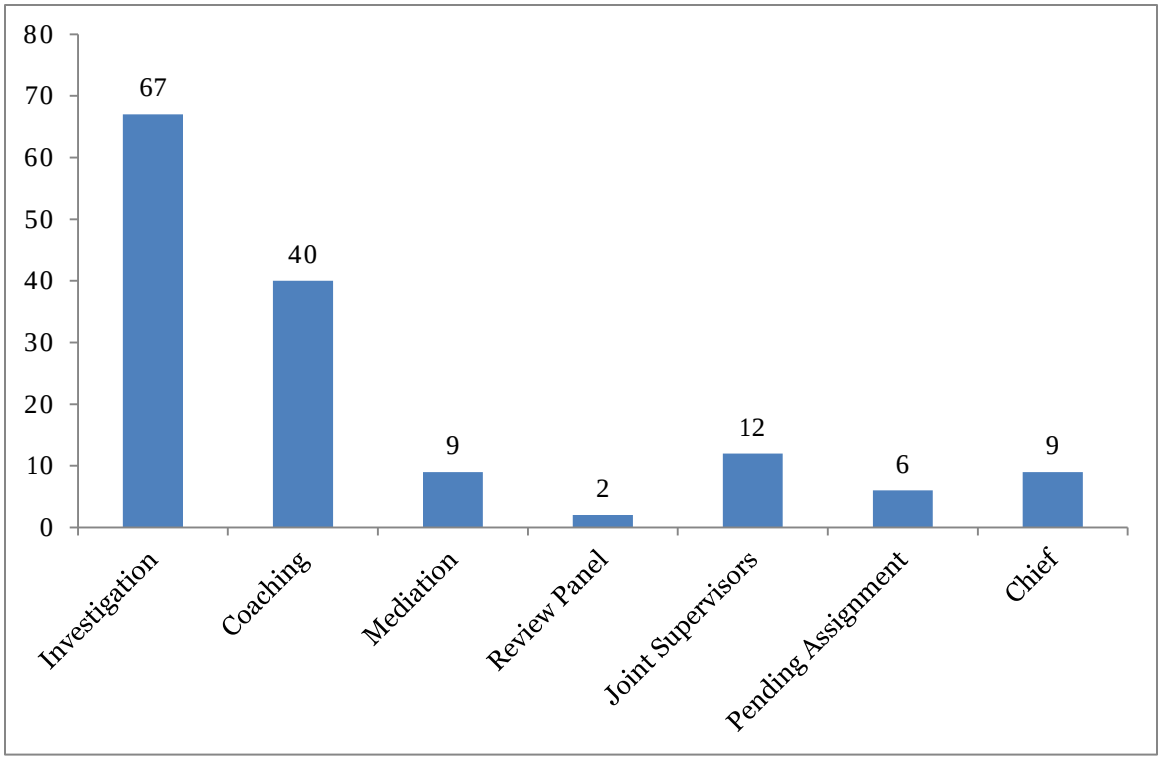
Allegations by Precinct



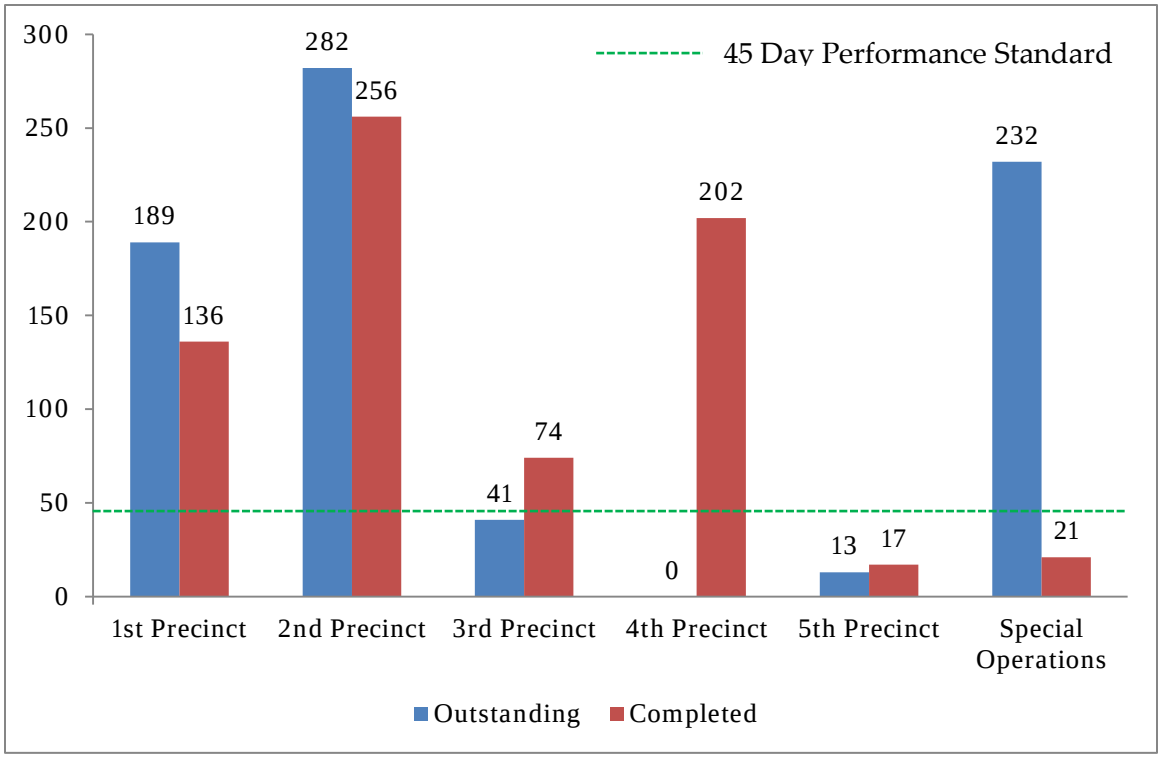


The category "other" may refer to Special Operations Division or another agency not specifically linked to a precinct.

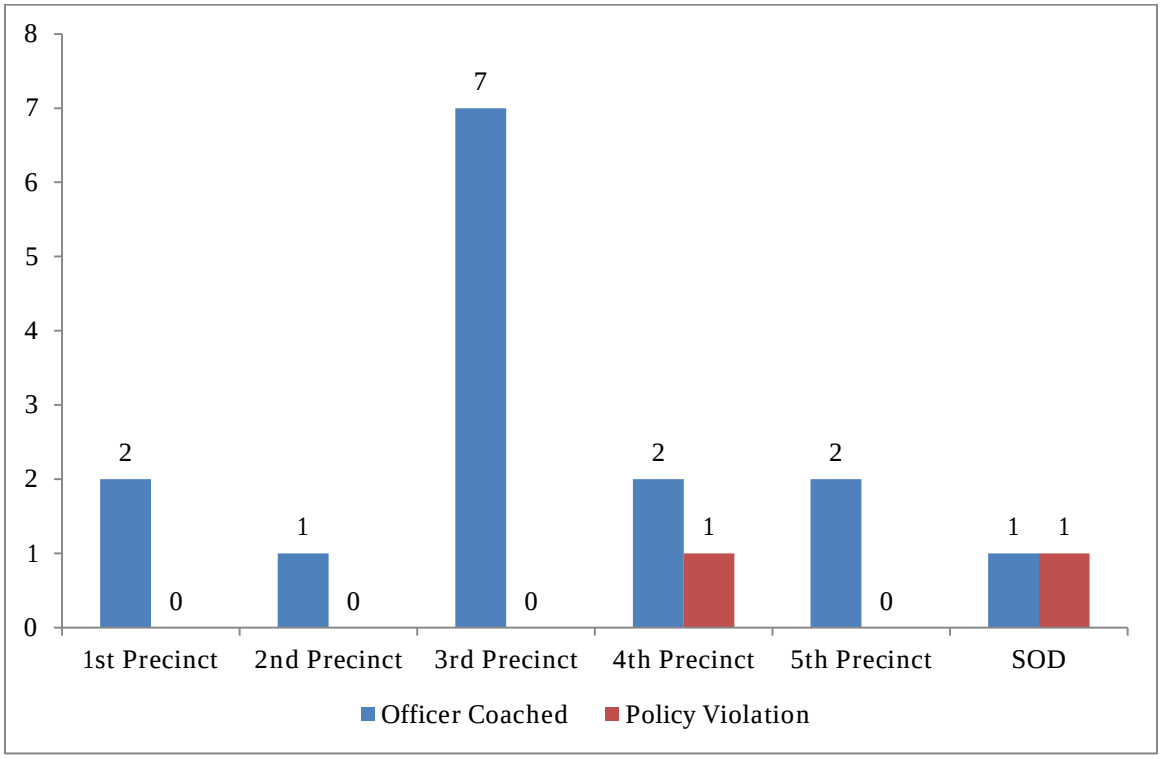
OPCR Open Cases (91 Closed)



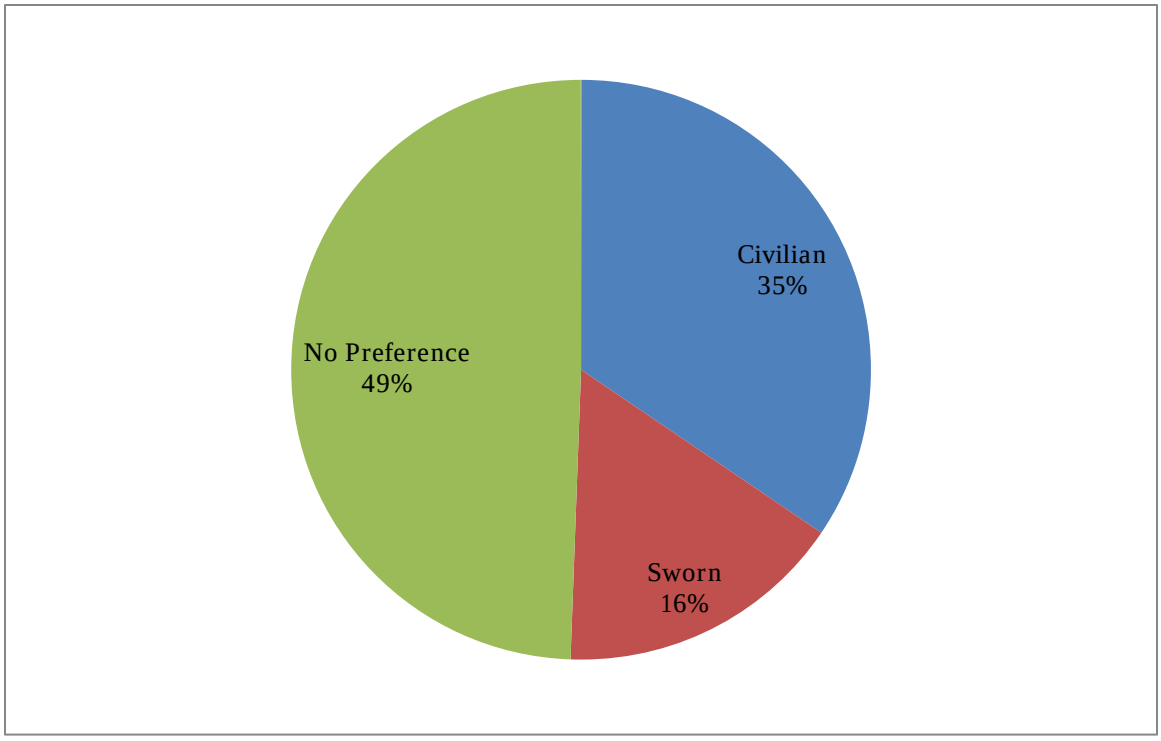
Average Age of Outstanding and Completed Coaching Case in Days



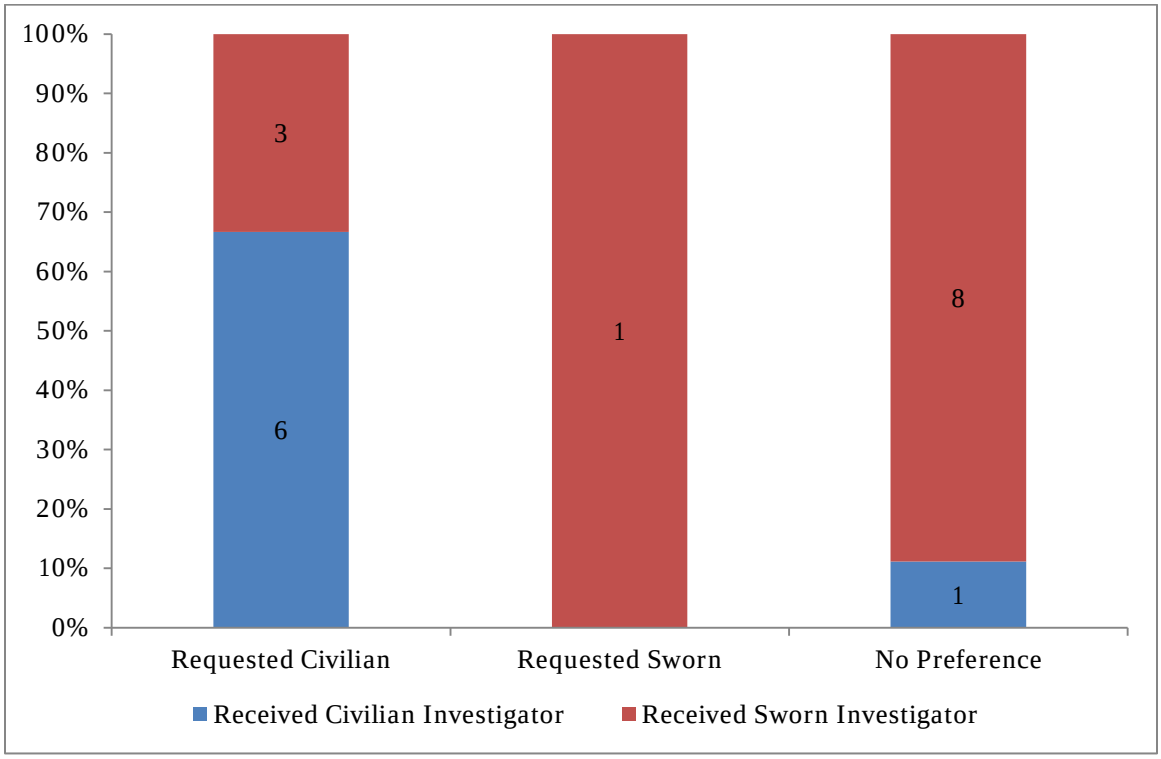
Policy Violations and Coaching By Precinct



Investigator Preference

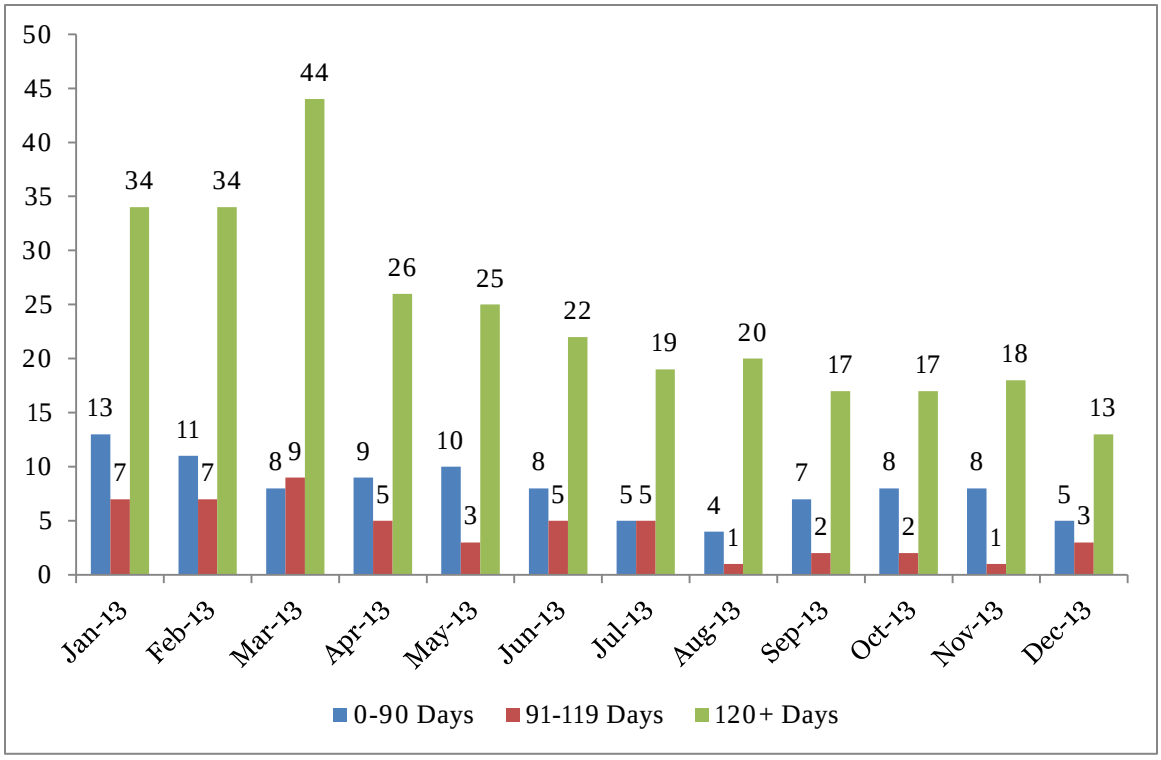


OPCR Investigator Assignments

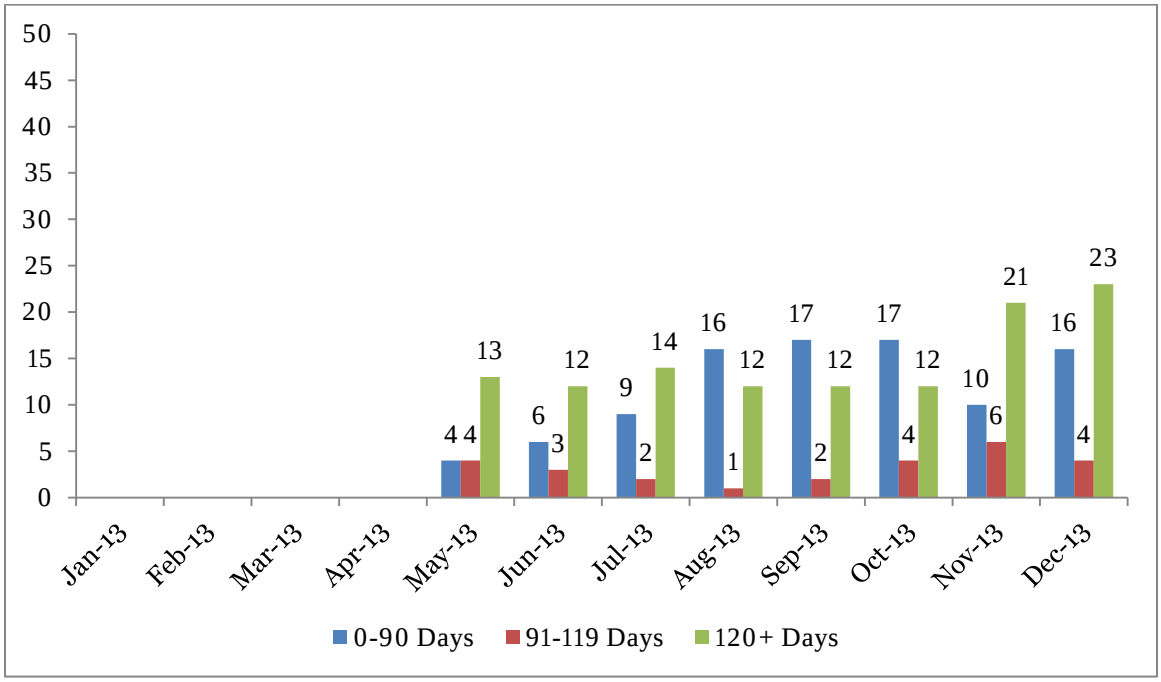


OPCR Investigation Timeline

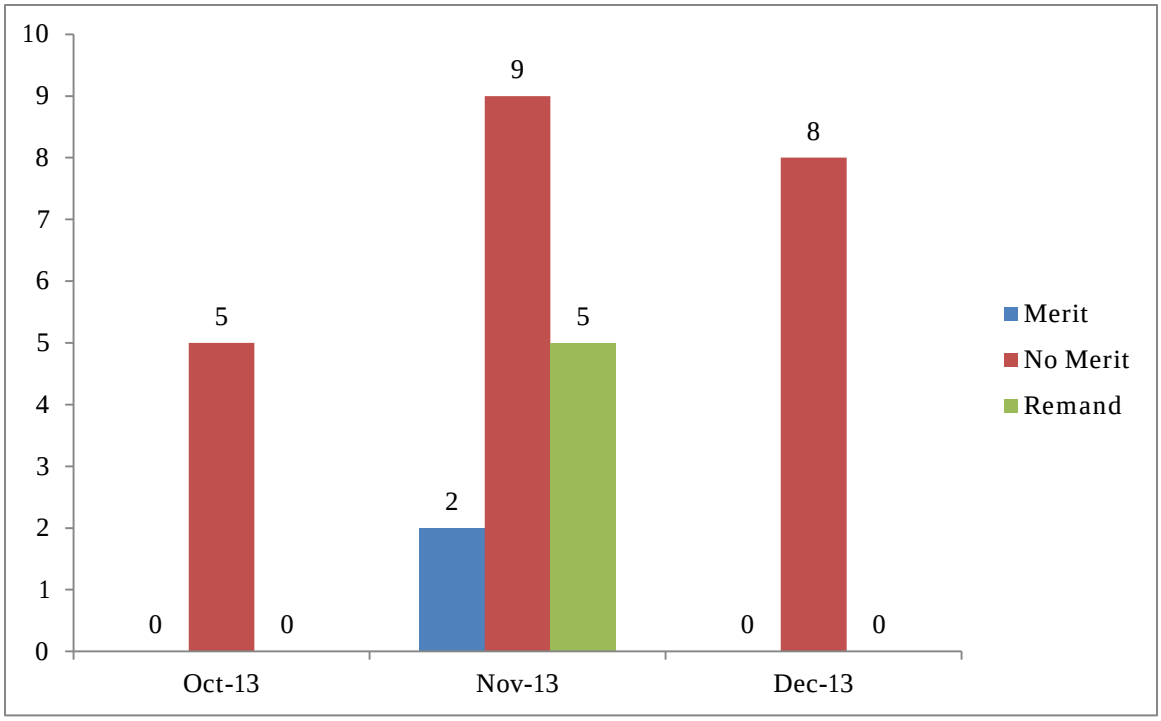
Civilian Unit



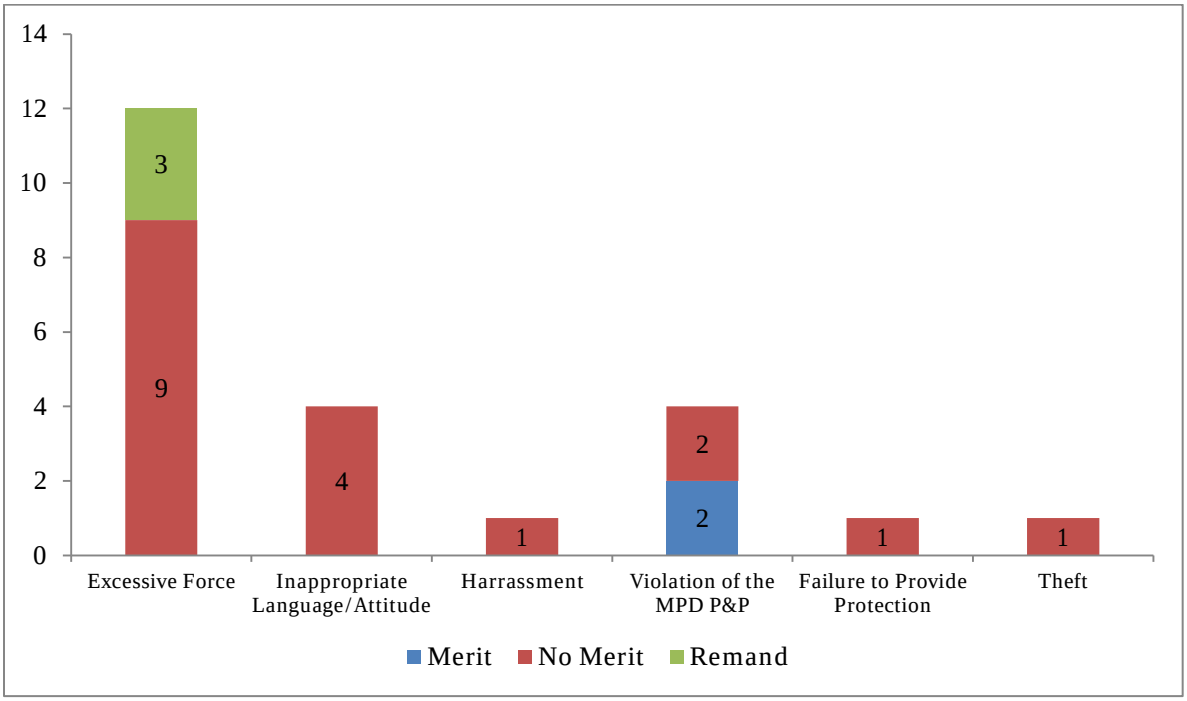
Sworn Unit



OPCR Review Panel Recommendations on Allegations (11 Cases Reviewed)

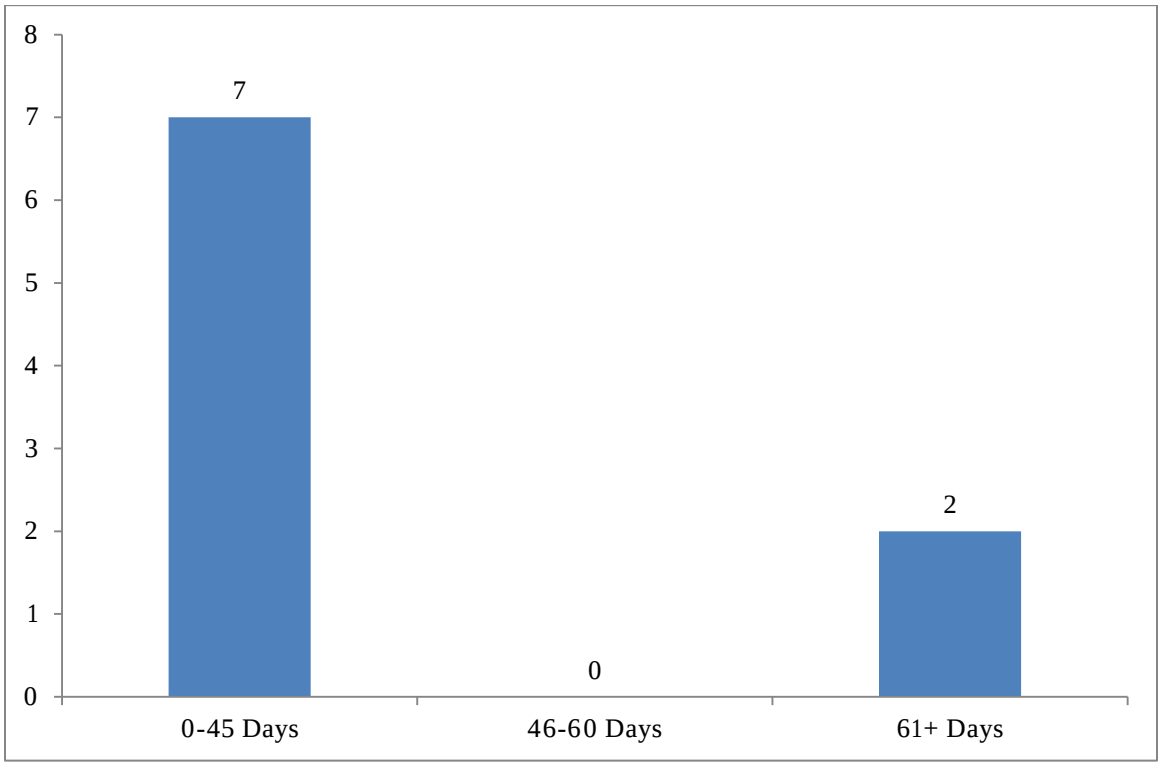


OPCR Review Panel Recommendations in Detail

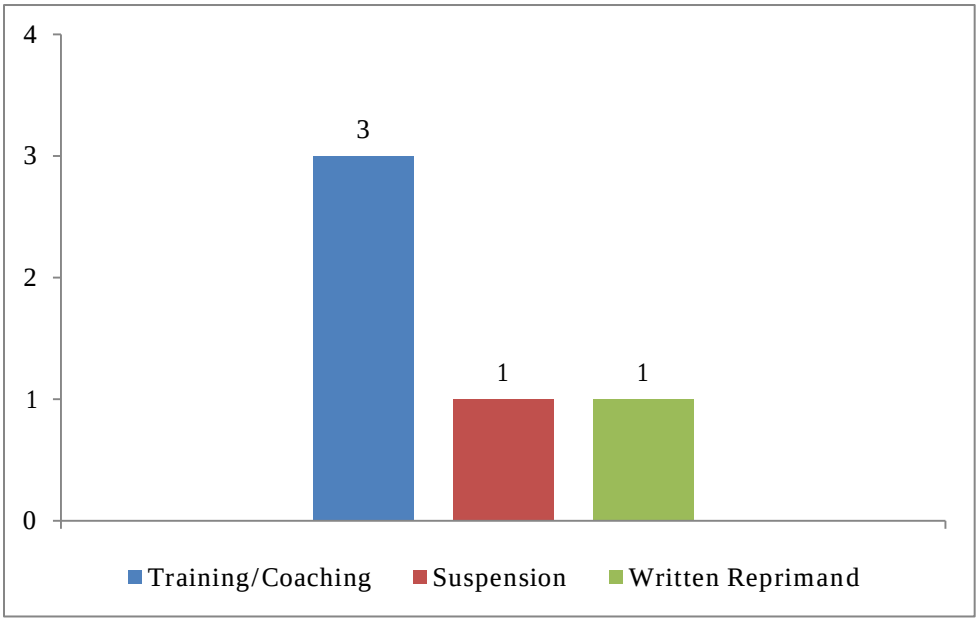


Chief Actions

Amount of Time Current Pending Cases are with the Chief



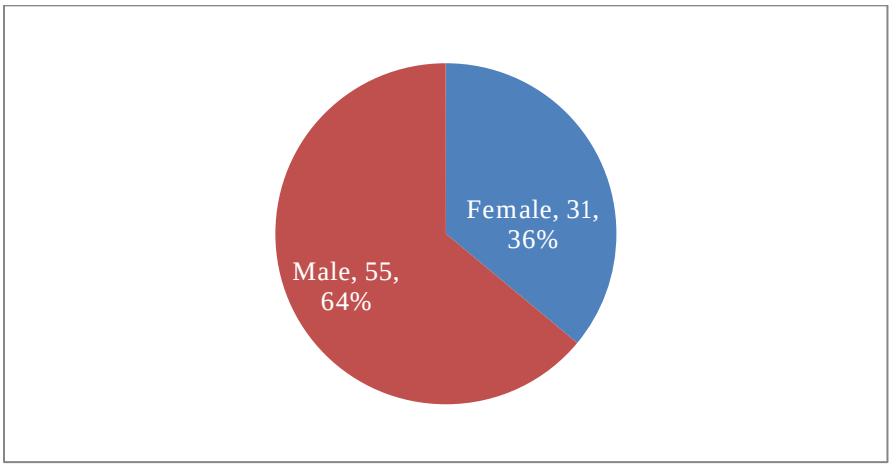
Discipline Types Issued by Chief



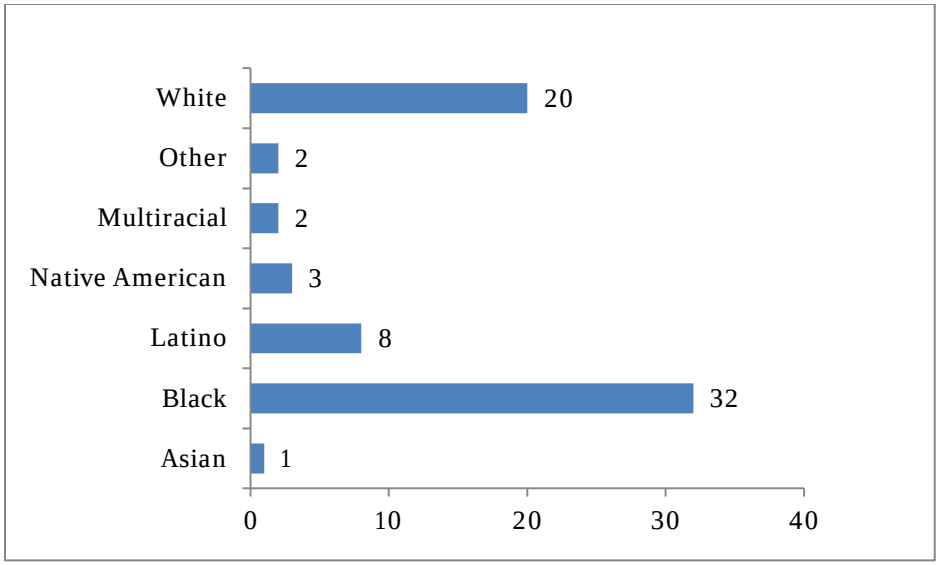
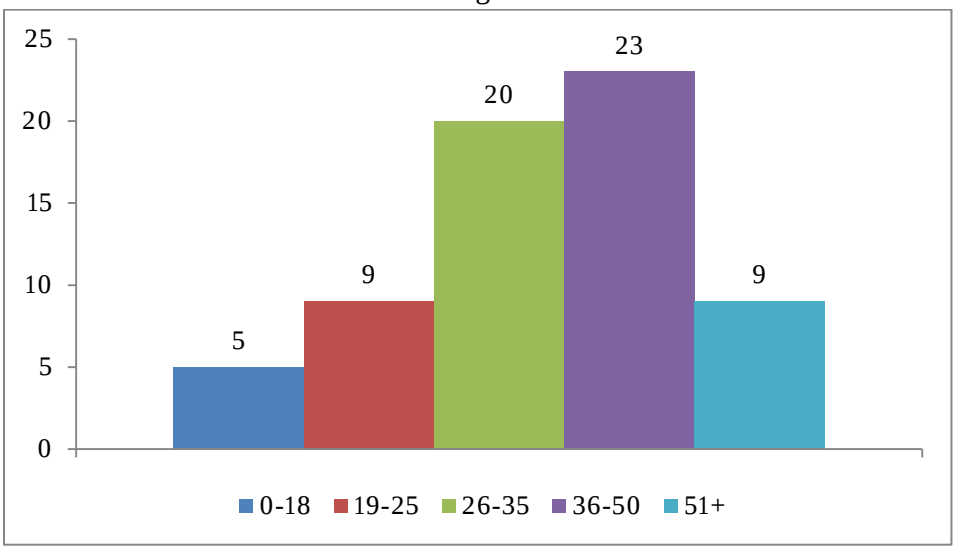
The chief issued a ten hour suspension on a case with a recommendation of merit from the Review Panel and as a result of sustained finding of misconduct. Cases in which discipline has been issued do not become public until the expiration of the grievance period.

Complainant Demographics

Gender



Race



Age