

Minneapolis
City of Lakes

OFFICE OF POLICE CONDUCT REVIEW

Q3 2013 Data Report
July 1, 2013 – September 30, 2013

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COMPLAINT PROCESSING

The OPCR received 121 complaints between July 01, 2013 and September 30, 2013 containing 119 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 July 1, 2013 and September 30, 2013, the joint supervisors have predominantly utilized coaching and investigations to resolve complaints in a consistent fashion, with 54% of cases receiving either coaching or investigation. The joint supervisors, as indicated page 12, referred 83% 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, 58% were dismissed for jurisdictional issues (e.g. cannot identify officer, complaint is older than 270 days, does not involve MPD), 7% 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 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.

Hence, assessing various aspects of the coaching process is critical; approximately half of all complaints not dismissed are sent to coaching. During Q3 2013 the 1st Precinct received 13 coaching documents, the 2nd 9, the 3rd 16, the 4th 8, and the 5th 8. 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.

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. Joint supervisors visited five precincts during Q3 2013. As a result of these meetings, the amount of time to complete coaching sessions has significantly decreased in two precincts, and the rest continue to make progress. They 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, 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 36% 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.

Completion of outstanding cases originating with the former Civilian Police Review Authority will significantly reduce the backlog of investigations, and currently only 10 CRA cases remain in investigation. 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, 27% of complainants requested civilian investigators. Due to a leave of absence for one civilian investigator, more cases have been directed to sworn 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 4 recommendations during Q3 2013, finding merit on 45% of allegations. The cases with merit are still pending with the chief as is one additional case that was submitted to the Chief in Q2, 2013. The pending cases with the chief have not expired due to the reckoning period.

The pool of civilian panelists expanded during Q3 of 2013. Originally containing three civilians, the City Council appointed four additional civilian panelists. Joining the Police Conduct Review Panel are Angela Kiese, Dr. Troy Gonzales, Sarah McCann, and Dennis Wagner.

CHIEF'S ACTIONS

Action by the chief on allegations with merit is pending.

THE POLICE CONDUCT OVERSIGHT COMMISSION

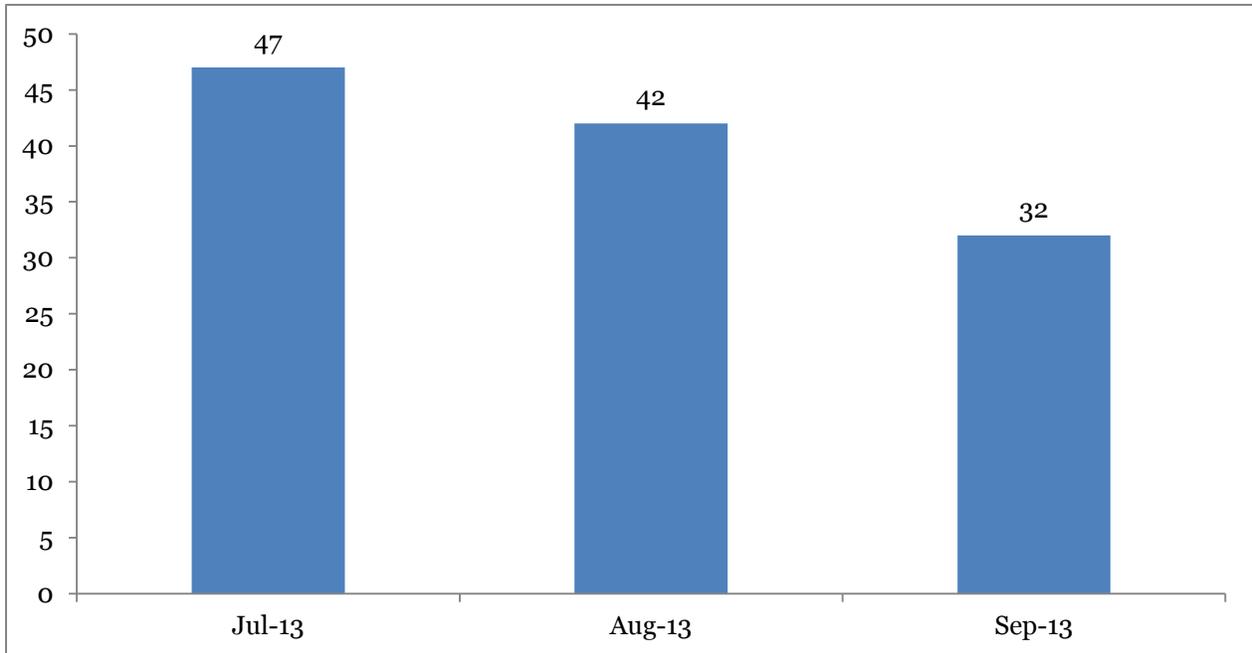
The Police Conduct Oversight Commission (PCOC) assures that police services are delivered in a lawful and nondiscriminatory manner by shaping police policy, auditing OPCR cases, engaging the community in discussions of police procedure, and facilitating cultural awareness trainings for the Minneapolis Police Department.

After a rigorous screening process, seven members have been appointed to the Police Conduct Oversight Commission. Andrea Brown will chair the Commission, with Andre Dukes as vice chair. Andrew Buss, Jennifer Singleton, Sarah Rude, Al Giraud-Isaacson, and Michael Weinbeck were appointed as commissioners. The Police Conduct Oversight Commission will have its first regular meeting on October 8, 2013. At the meeting, the city clerk will swear in the attendees, and they will begin to fulfill the duties outlined in the Ordinance.

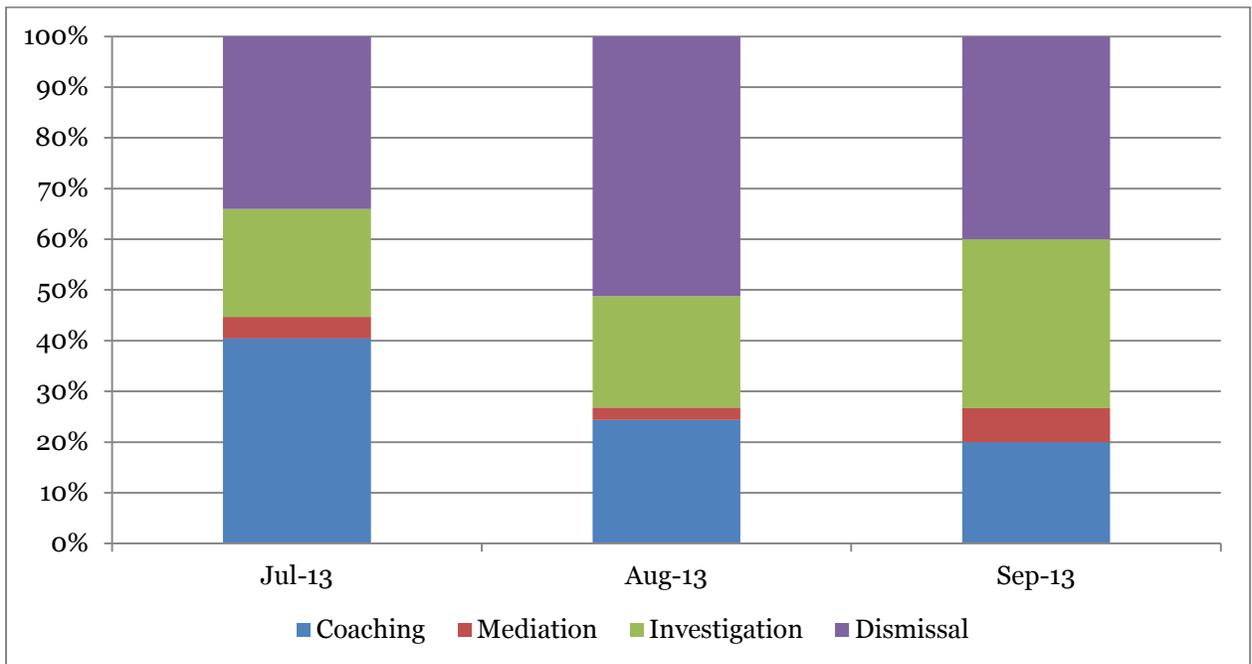
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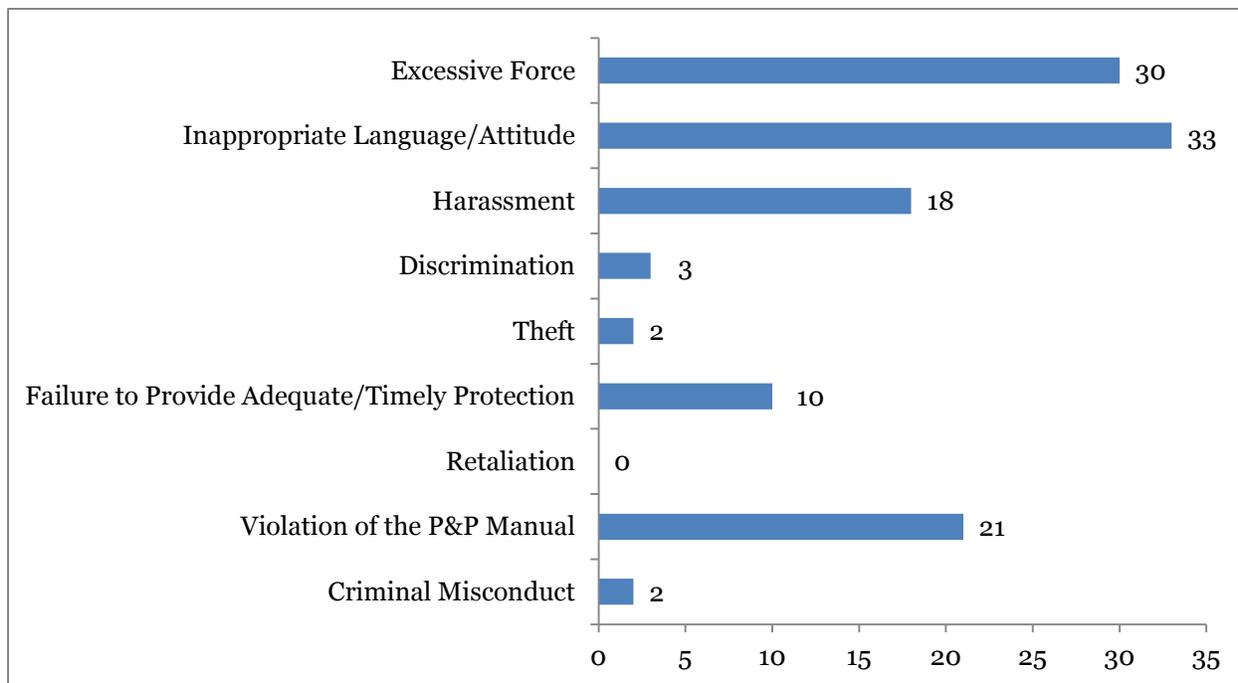
Complaints Filed (121)



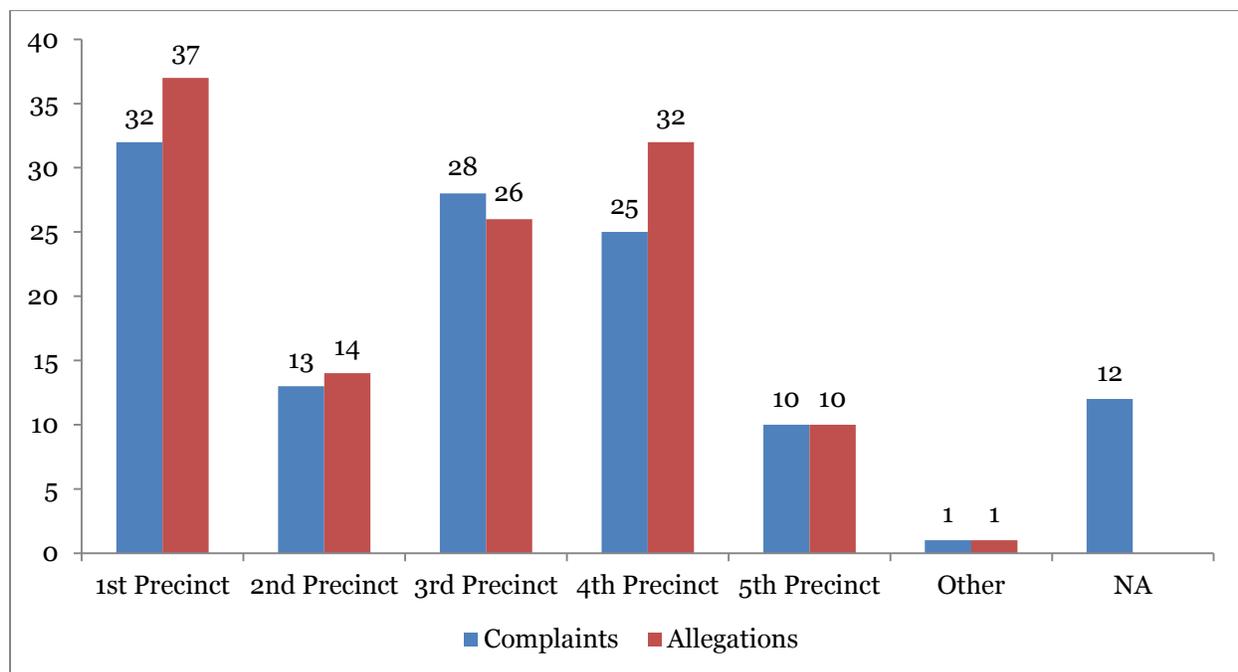
OPCR Case Resolution



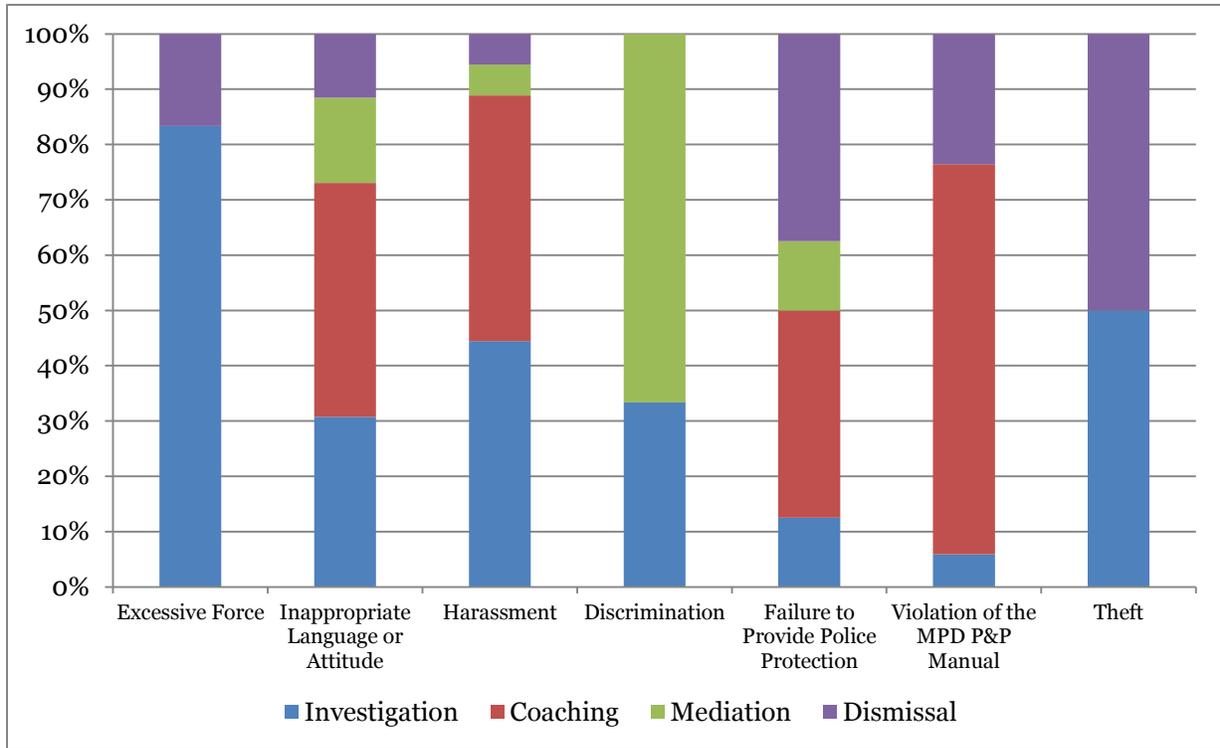
Allegations Filed (119)



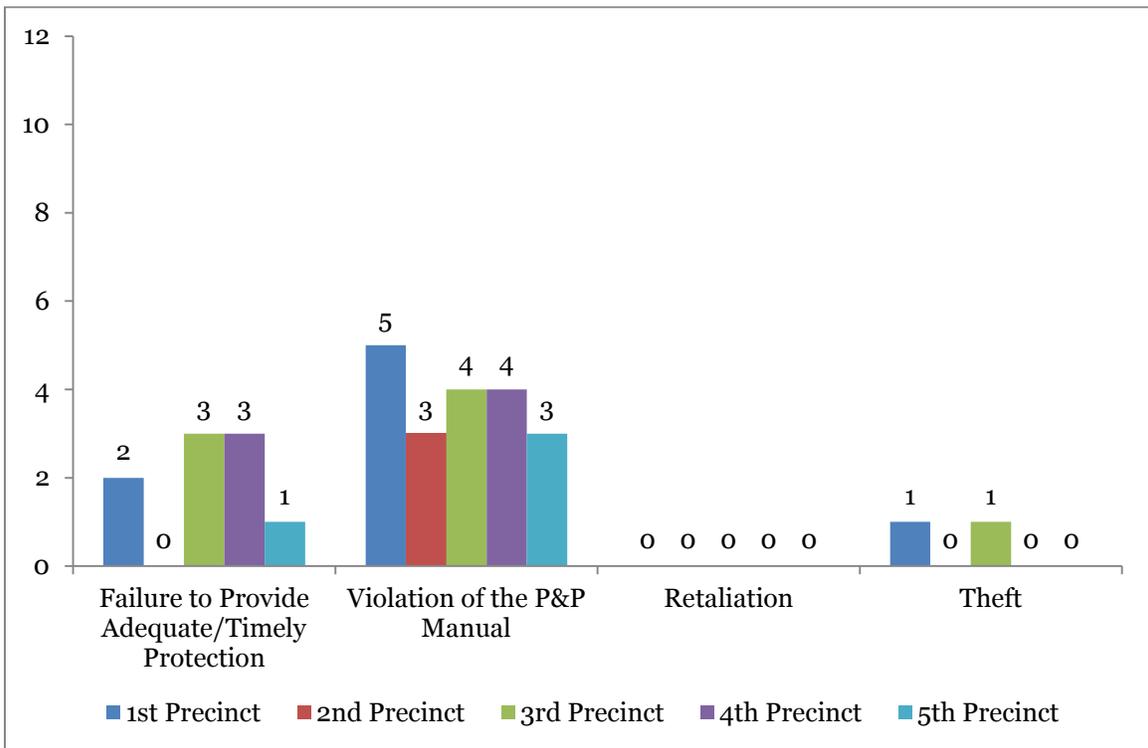
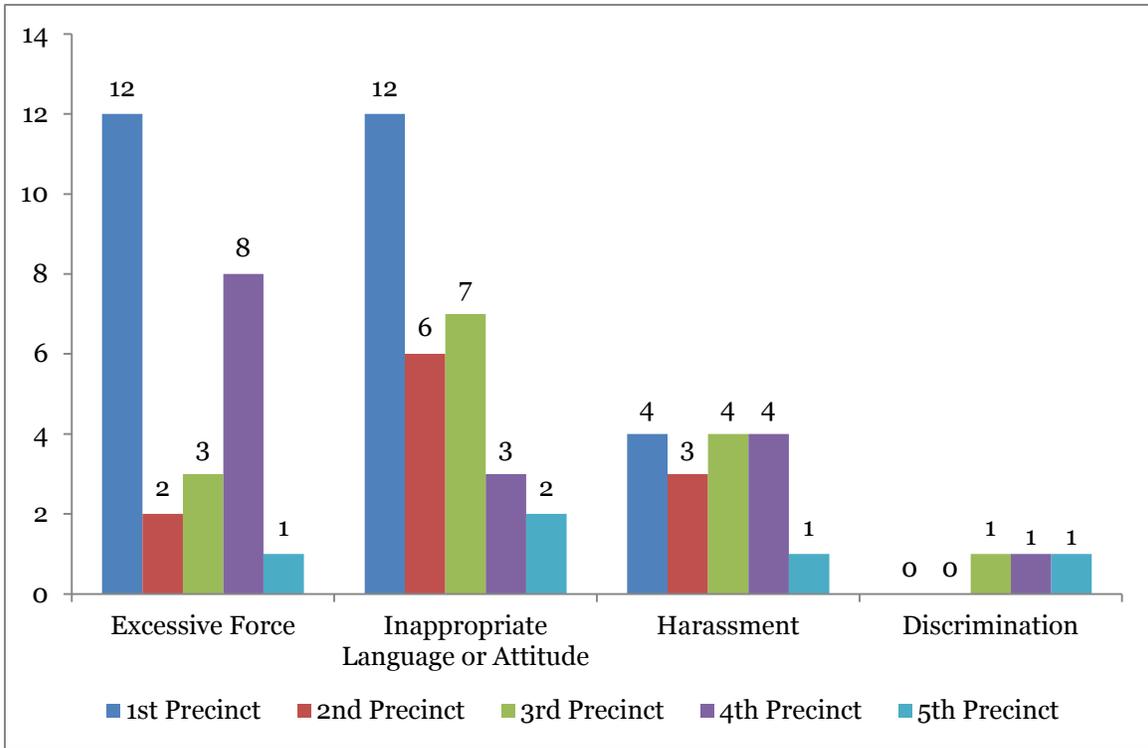
Complaints/Allegations by Precinct



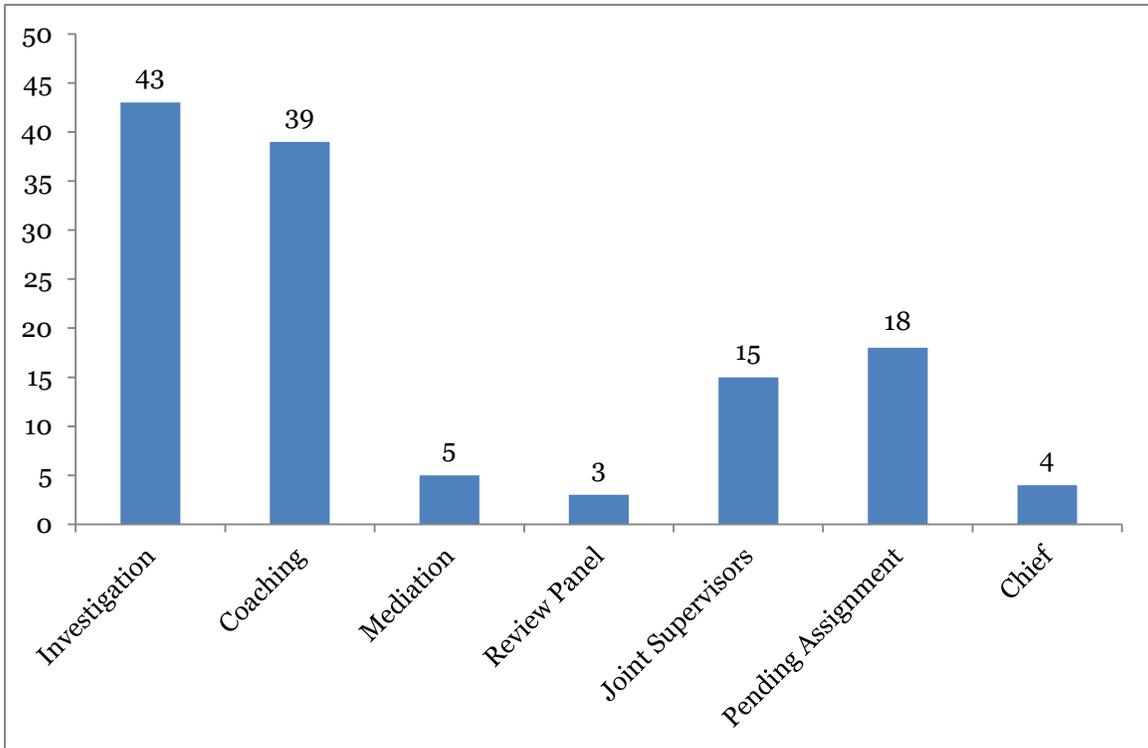
Case Resolution by Allegation



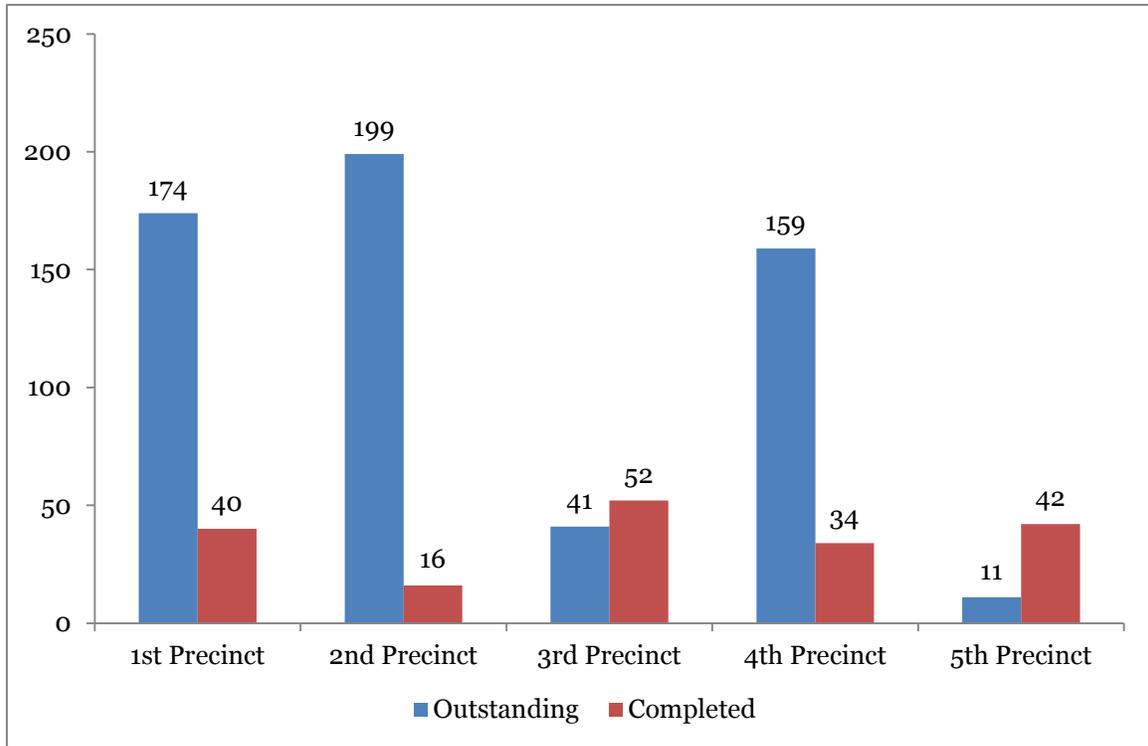
Allegations by Precinct



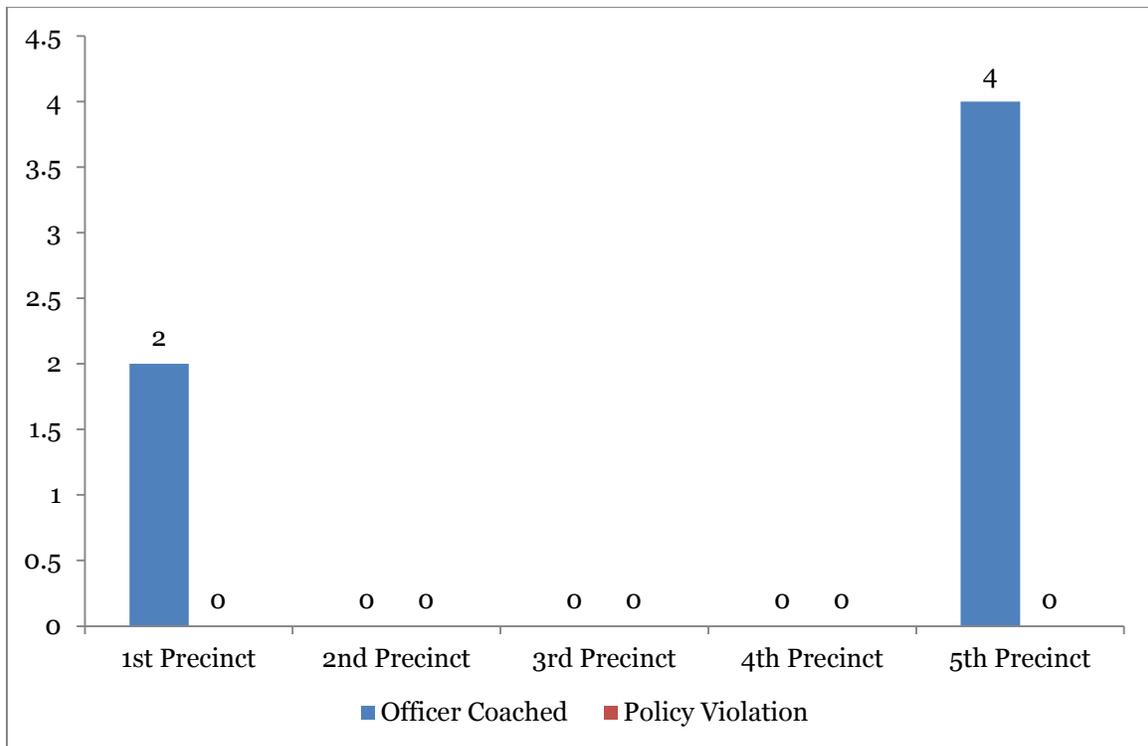
OPCR Open Cases (84 Closed)



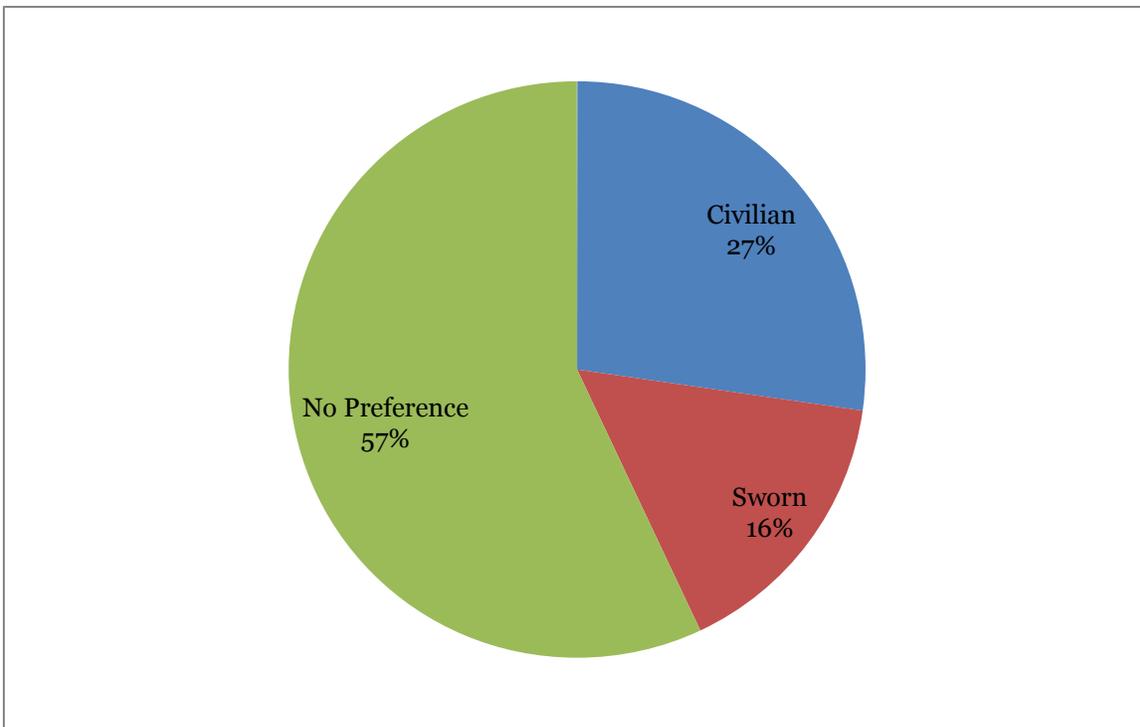
Average Age of Outstanding and Completed Coaching Case in Days



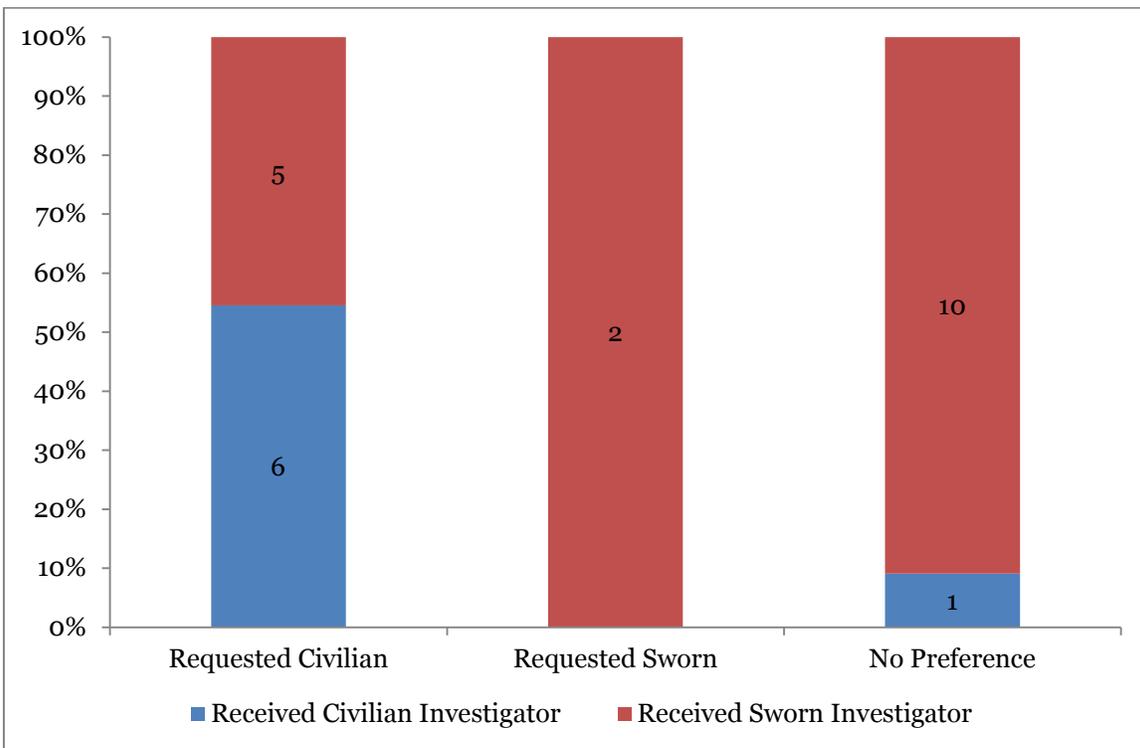
Policy Violations and Coaching By Precinct



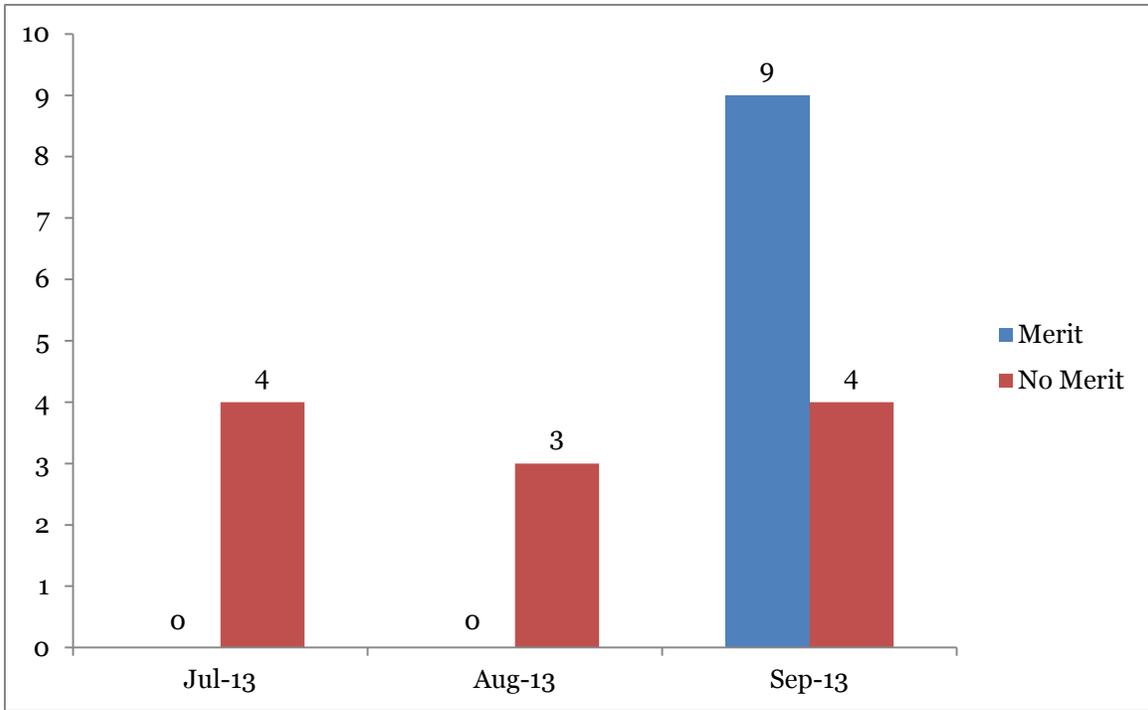
Investigator Preference



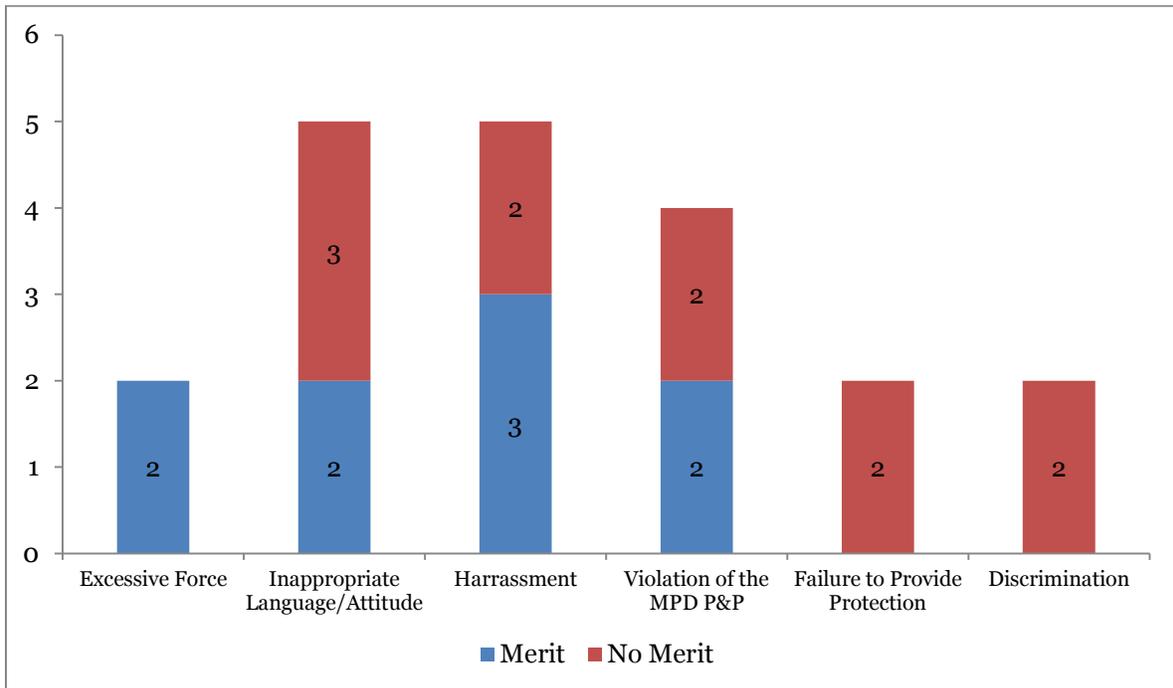
OPCR Investigator Assignments



OPCR Review Panel Recommendations on Allegations (4 Cases Reviewed)



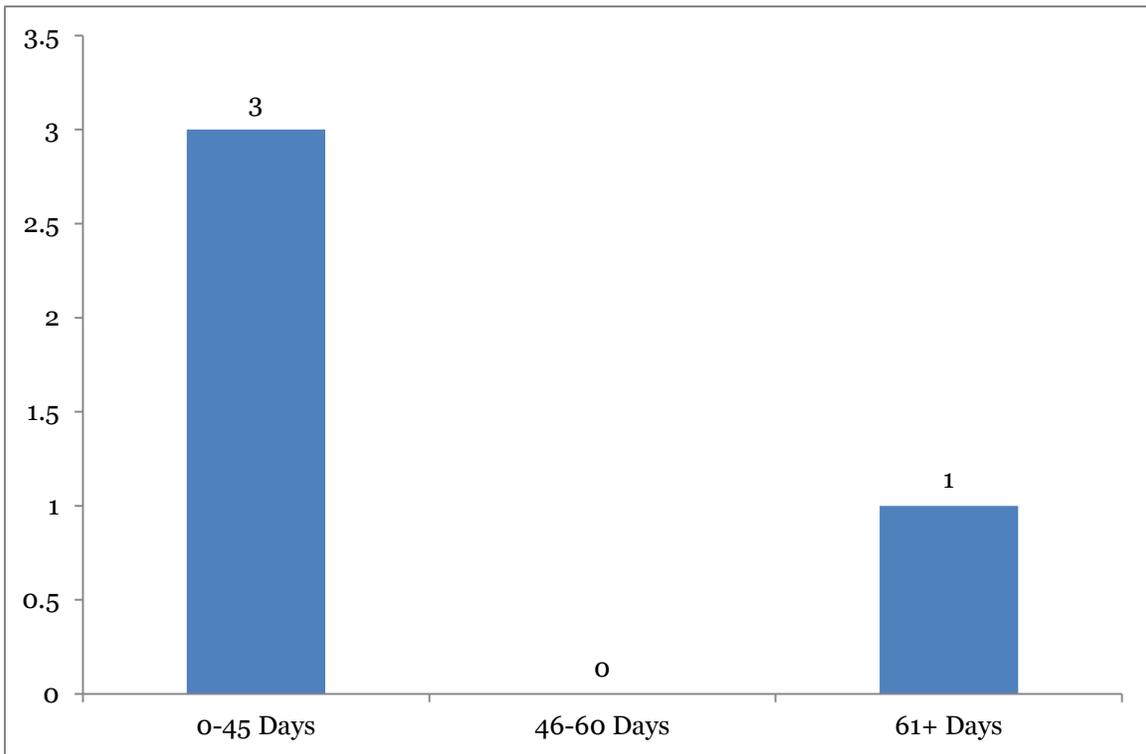
OPCR Review Panel Recommendations in Detail



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

Chief Actions

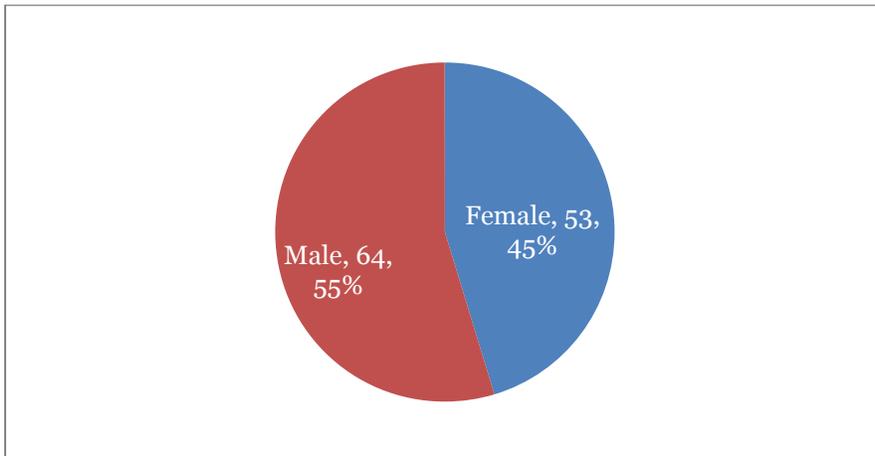
Amount of Time Current Pending Cases are with the Chief



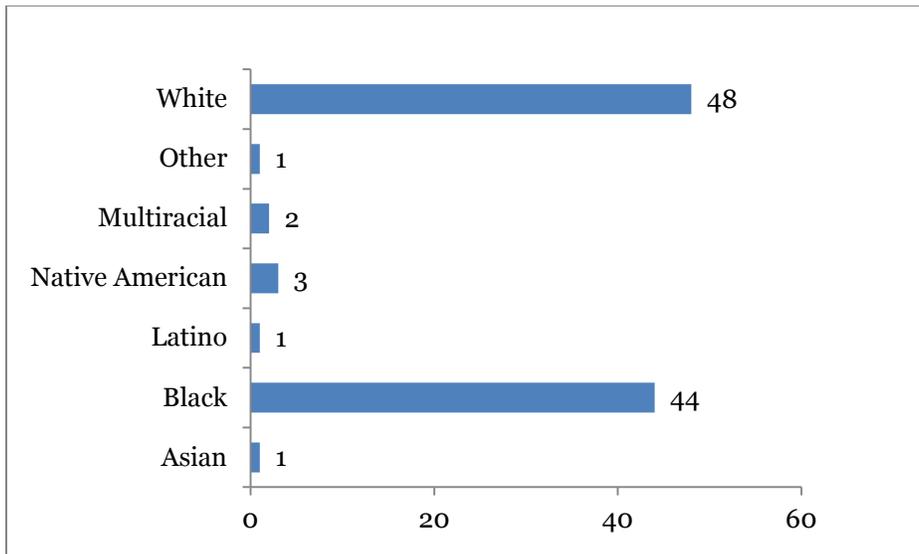
Discipline Section Pending

Complainant Demographics

Gender



Race



Age

