



Minneapolis
City of Lakes

Annual Report 2014

Office of Police Conduct Review

March 4, 2015

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COMPLAINT PROCESSING

The OPCR received 398 complaints between January 1, 2014 and December 31, 2014 containing 311 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 January 1, 2014 and December 31, 2014, the joint supervisors have predominantly utilized coaching, mediation and investigations to resolve complaints, with 50% of cases receiving either coaching or investigation. The joint supervisors referred 84% of allegations of excessive force 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% for failing to state a claim (even if true, the officer's actions do not amount to misconduct), 15% for failure to cooperate, 3% as duplicate complaints, 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). The recent Office of Justice Programs study recognized the value in improved case resolutions and the work of the OPCR in resolving and deterring cases of police misconduct.

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 resolved.

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. In Q3 2014, MPD implemented a process where shift lieutenants are responsible for quality control measures on all documents completed. After this step, 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, correction, and/or clarification.

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. The data indicates that OPCR involvement in this process has been highly effective. In the past year, 39 of 94 cases returned by the precincts resulted in coaching. Additionally, the coaching process was recognized in the recent Office of Justice Programs study as a critical tool in the prevention and resolution of police misconduct.

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 2014, officers were coached by supervisors in 41% of cases returned to the OPCR. At the end of 2014, only the 1st Precinct was more than 5 days over the 45 day timeline, a striking improvement from the OPCR’s first year report where only Precincts 3 and 5 met the standard.

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	Pending
1st	16	24	2
2nd	10	13	0
3rd	10	15	0
4th	15	18	2
5th	13	16	0
Other*	9	8	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 enhance the current alleged violation to a higher category offense requiring the case to be assigned to investigation.

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. This triggered the implementation of an additional level of MPD quality control before documents are returned to OPCR supervisors. The Police Conduct Oversight Commission, in its review of coaching case studies, also created a program of research and study to analyze 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 50% 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, 82% of complainants received the investigator type of their choice.

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 15 case recommendations during 2014. Two new civilians were appointed to the Review Panel by the mayor and city council with terms beginning in Q1 2015.

CHIEF'S ACTIONS

The chief took disciplinary action on 8 OPCR cases in 2014. Sustained allegations ranged from A to D level, and discipline included 4 suspensions, six training/coachings, and 2 letters of reprimand. Suspensions ranged from 10 hours to 120 hours. The chief currently has one OPCR case in her queue. In one instance in 2014, the Office of the Chief disagreed with the merit recommendation issued by the PCRP, due in part to the timeliness of the completed case file. The officer received no discipline in the case.

While the chief has issued a final determination, 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 Police Conduct Oversight Commission met 12 times in 2014 for meetings. The Commission completed two drafts of research and study reports, the [coaching study \(PDF\)](#) and the [cultural awareness training study \(PDF\)](#).

During 2014, the Commission established and staffed three committees, the Policy and Procedure Committee, the Outreach and Engagement Committee, and the Rules and Governance Committee. The Rules and Governance Committee met twice to review and revise the Commission operational rules. The Policy and Procedure committee met 11 times; the Outreach and Engagement Committee met 8 times. 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 received research and study updates at each meeting. The Committee also received status updates on body camera policy progression and presentations from the MPD Police Academy. The Committee created an online issue tracking system that can be viewed in real-time by the public and developed recommendations for cultural awareness training and a framework for implementation to be presented in 2015.

Members of the Outreach Committee organized two off-site Commission meetings, one a listening session and the other a regular meeting. The Outreach Committee designed and hosted a Continuing Legal Education course about the OPCR and Commission process, and attended forums hosted by members of the Minneapolis City Council, the Department of Homeland Security – Office for Civil Rights and Civil Liberties, and the National Association of Civilian Oversight of Law Enforcement.

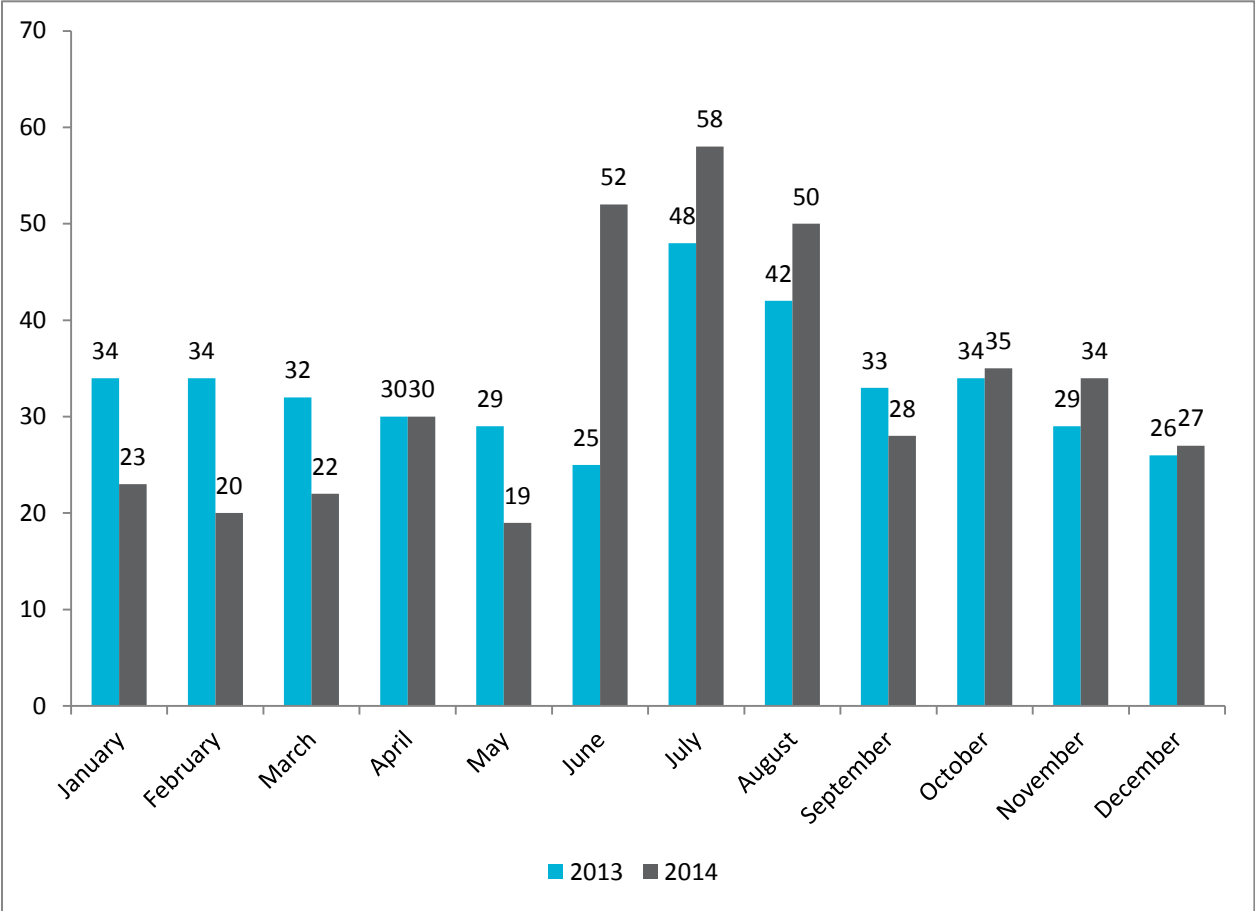
The Commission reviewed 110 case synopses and 33 case summaries during 2014. Programs of research and study, requests for presentations by MPD, and future project ideas stemmed from these case digests. [The complete synopses and summaries can be found here.](#)

Four new members were appointed to the Commission in Q4 2014. 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, research publications, and minutes see the PCOC website: <http://www.ci.minneapolis.mn.us/civilrights/conductcomm/index.htm>. The Commission's first year report [can be found here \(PDF\)](#).

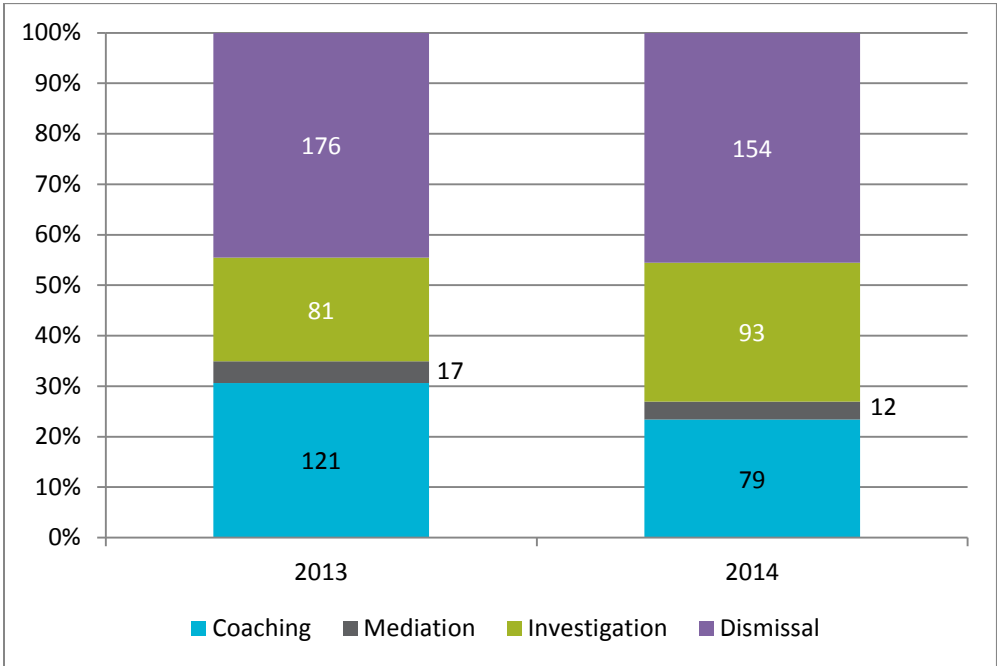
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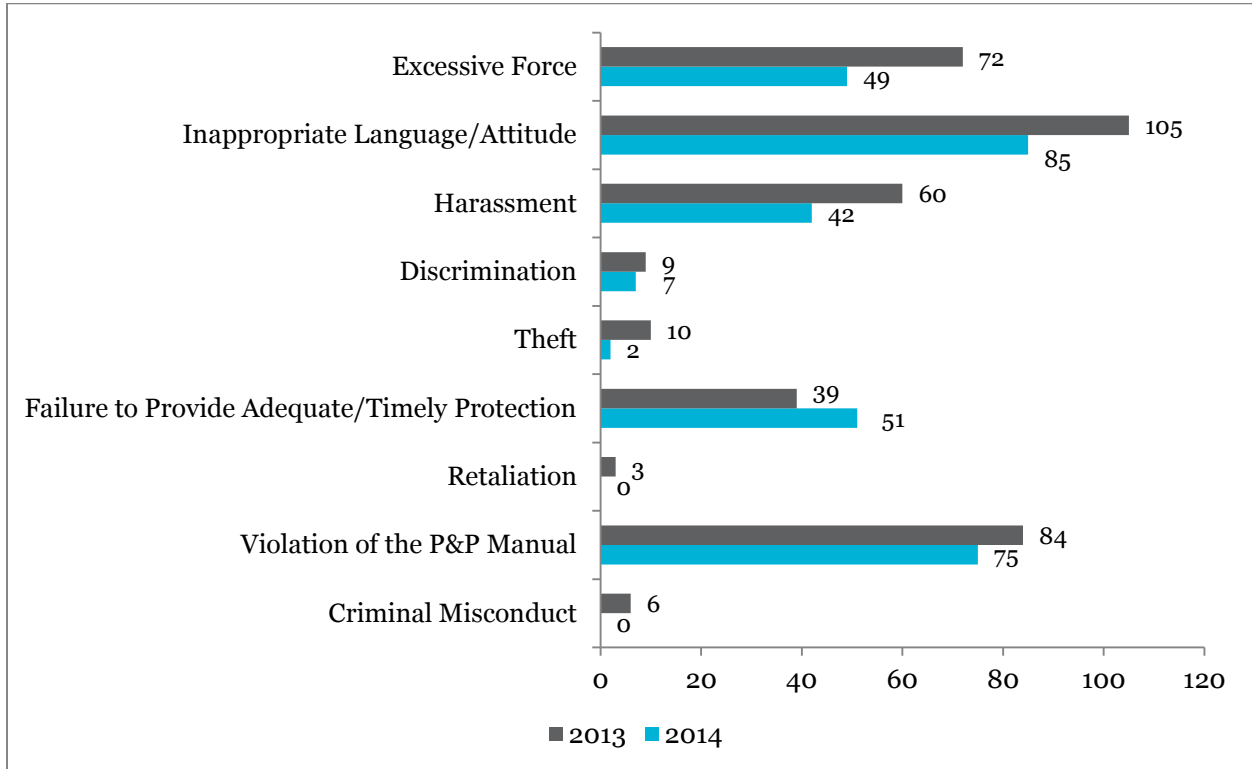
Complaints Filed (398)



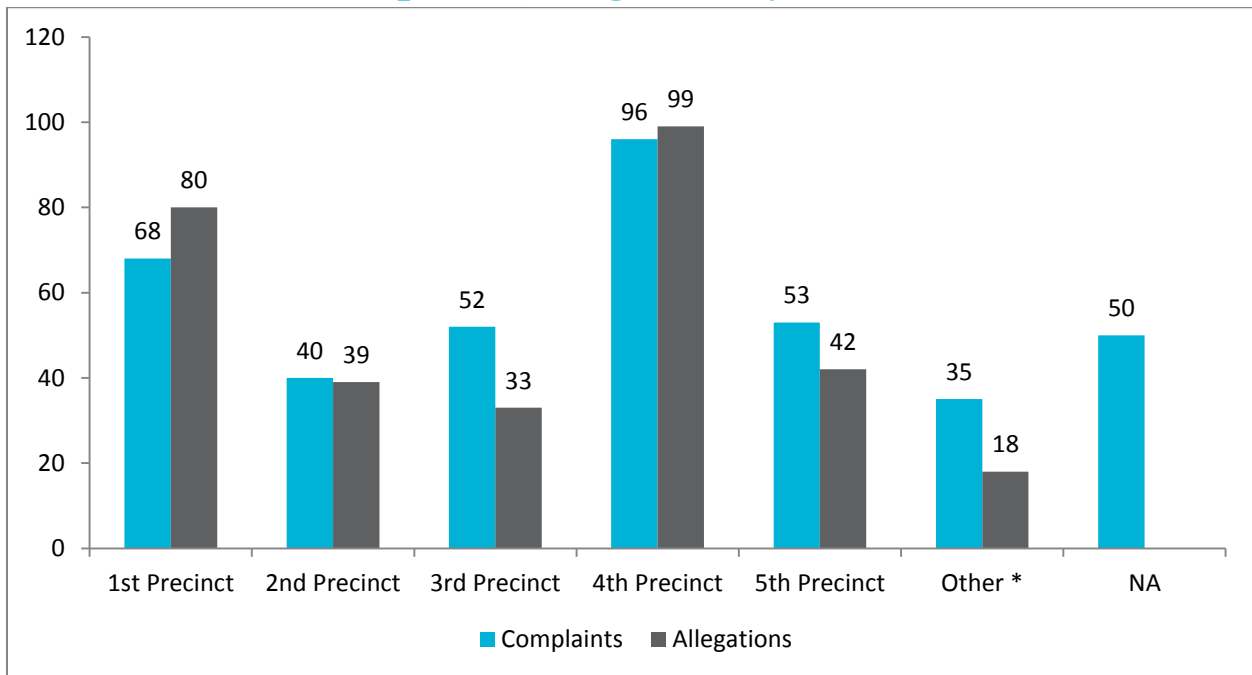
OPCR Case Resolution



Allegations Filed (311)

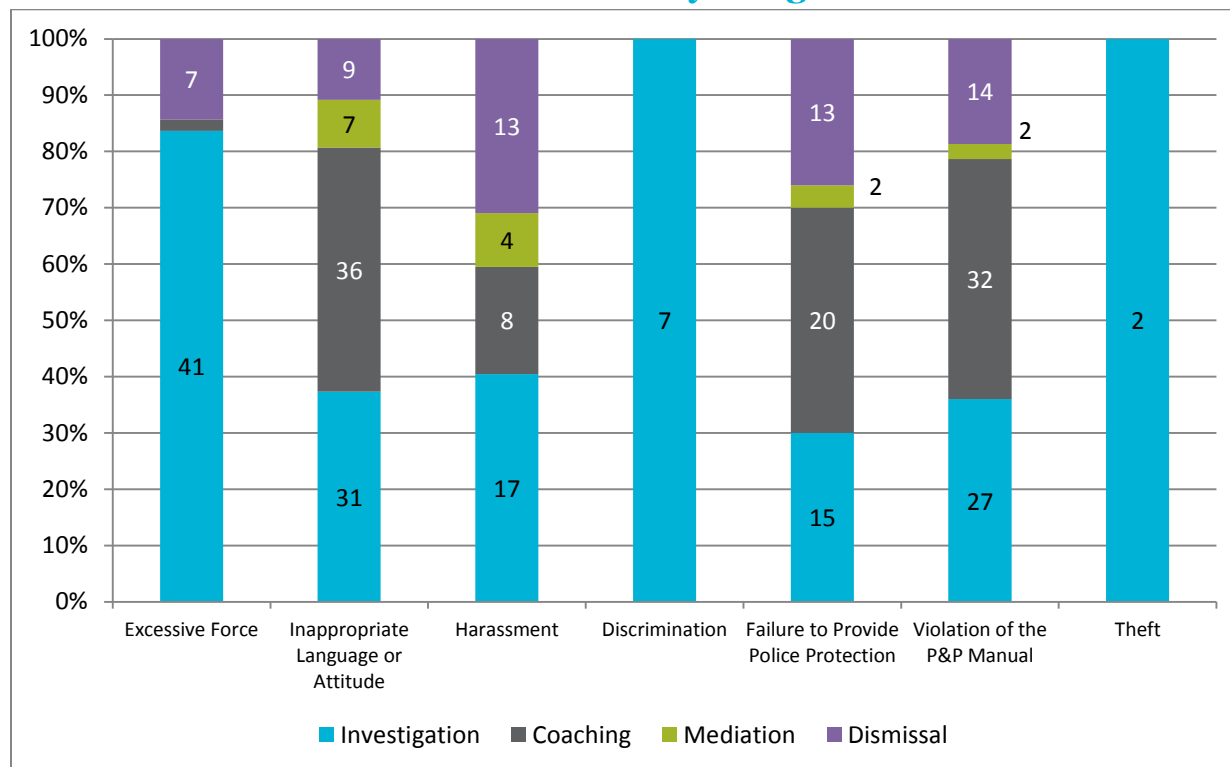


Complaints/Allegations by Precinct



* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division. It also includes complaints where the focus officer has not yet been identified.

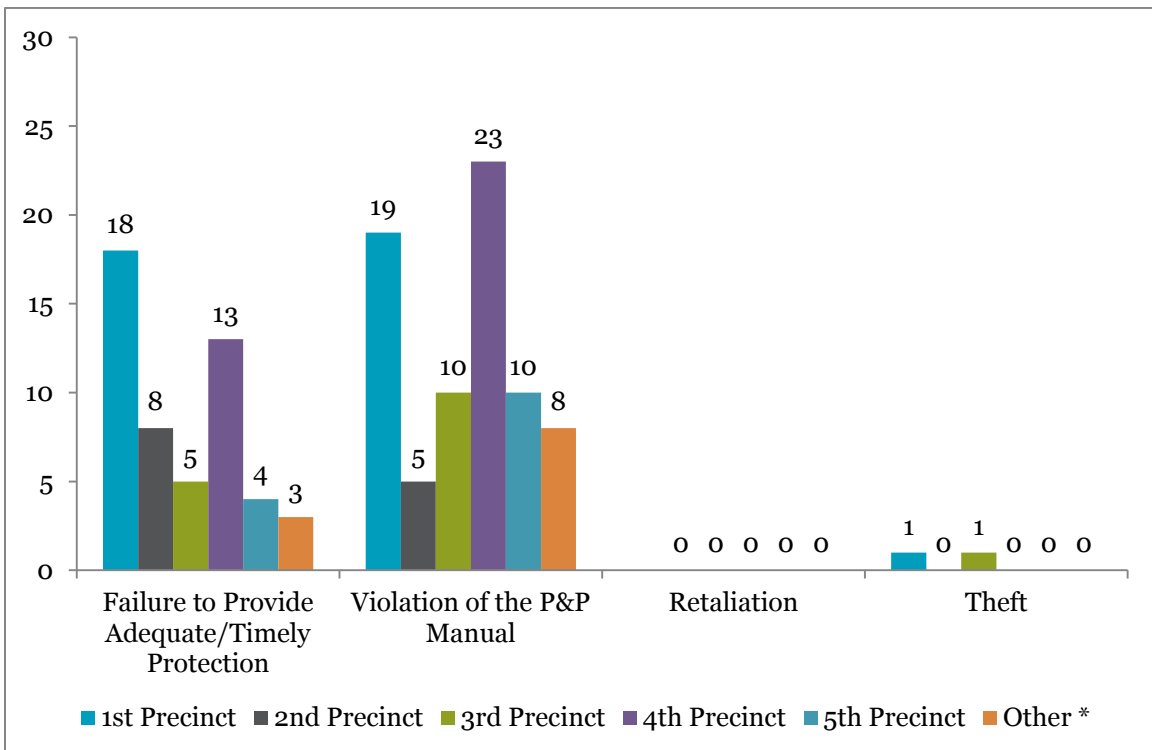
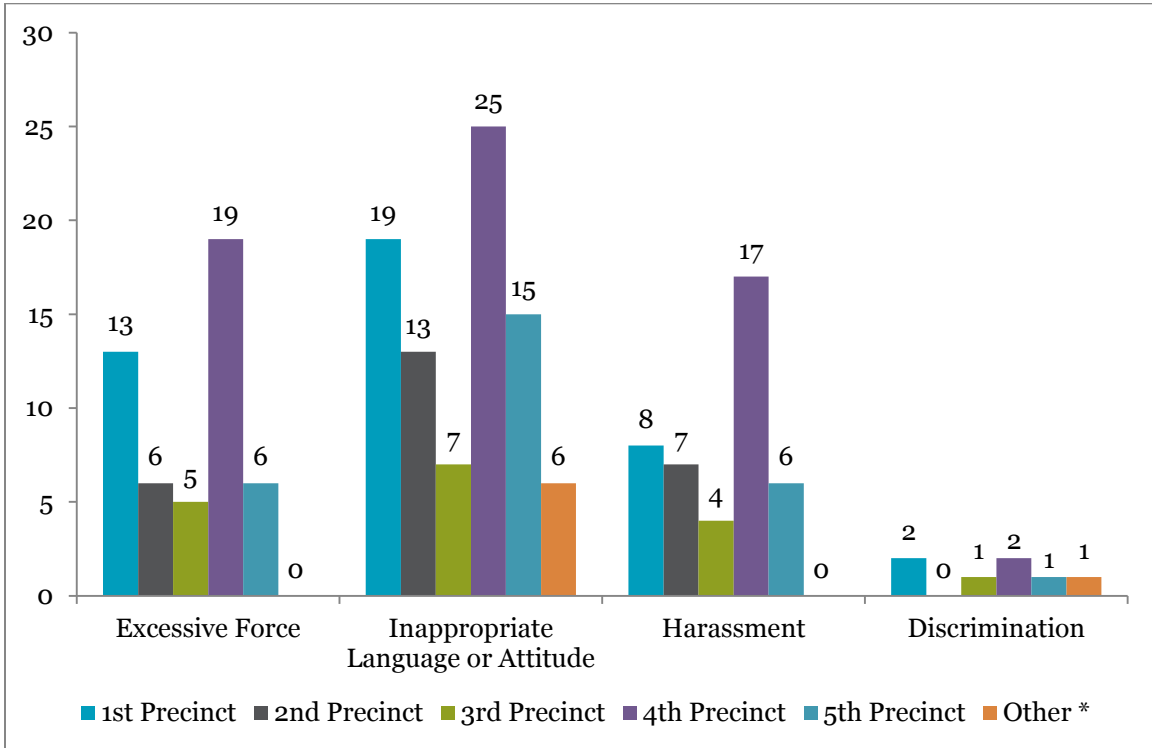
Case Resolution by Allegation



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

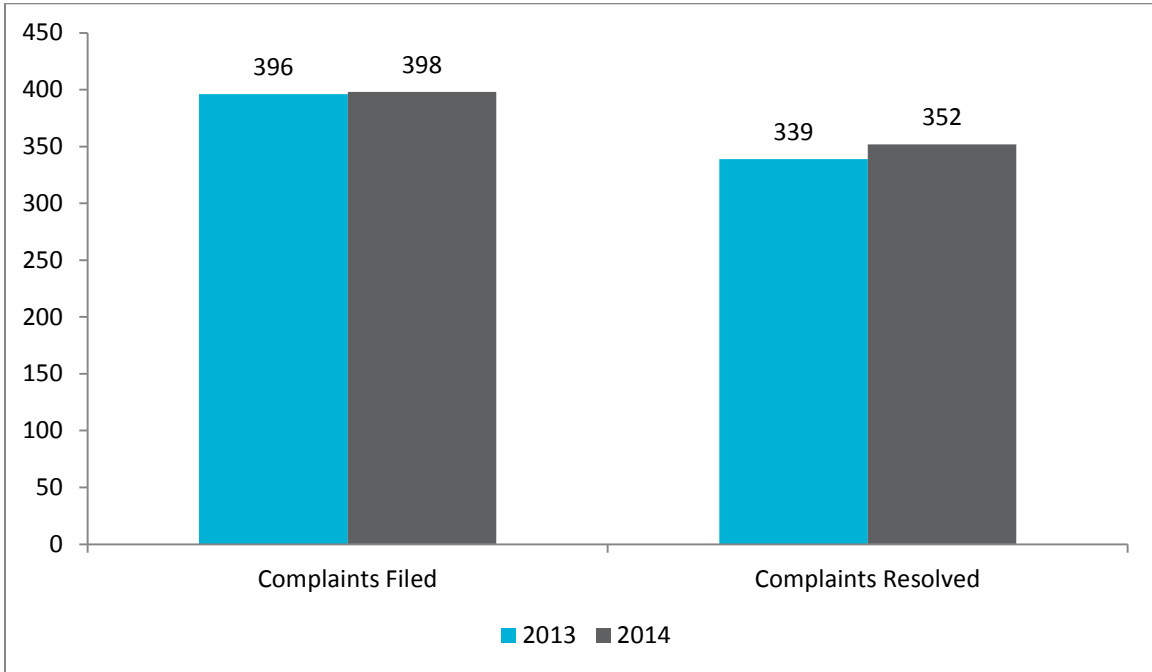
- 4-218(IV)(4) Mobile and Video Recording (MVR) Policy
- 5-306 Use of Force - Reporting and Post Incident Requirements
- 2-103 Complaints – External Reporting
- 5-105(9) Professional Code of Conduct
- 7-501 Traffic Accident investigation Procedures
- 7-314 Domestic Abuse
- 7-1001.02 Spoken Language Interpreter Services
- 5-105(2) Professional Code of Conduct
- 5-104.01 Professional Policing
- 5-105(17) Professional Code of Conduct
- 2-103 Complaints – External Reporting
- 5-101.01 Truthfulness
- 9-301 Search/Arrest Warrant Requirements
- 9-200(III)(C)(2) Searching Dwellings and Buildings – Documentation
- 5-104.01 Professional Policing

Allegations by Precinct



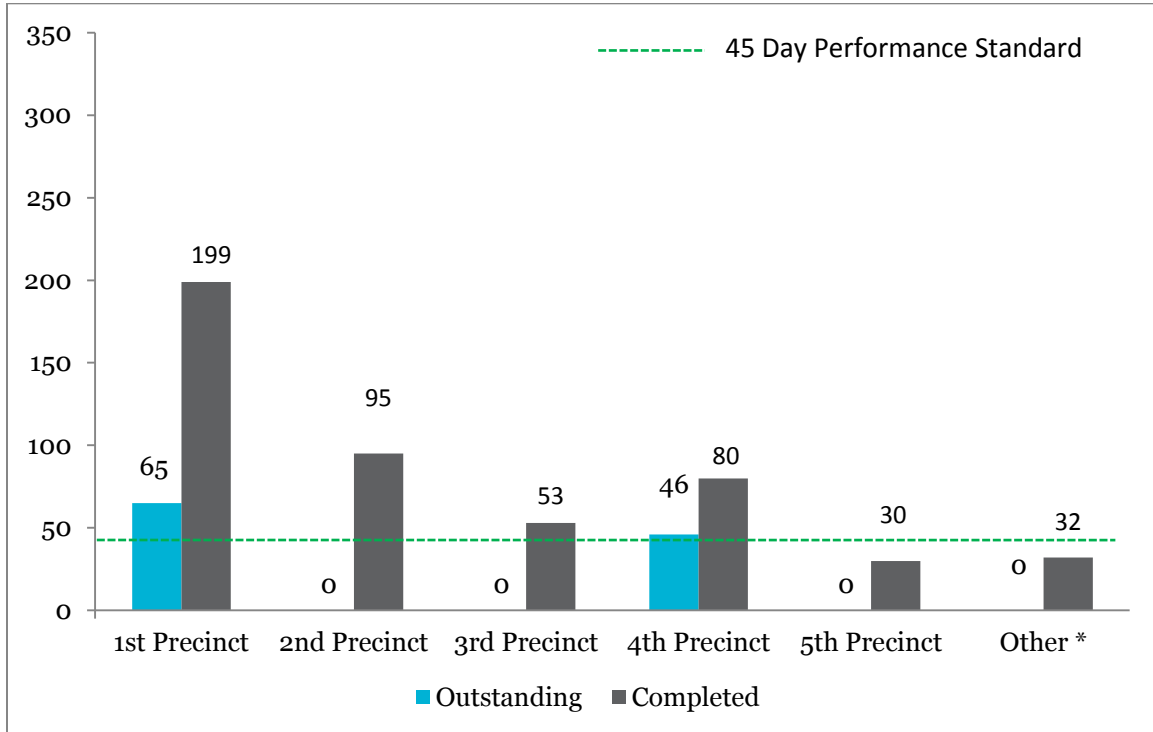
* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.

Complaints Filed/Resolved¹

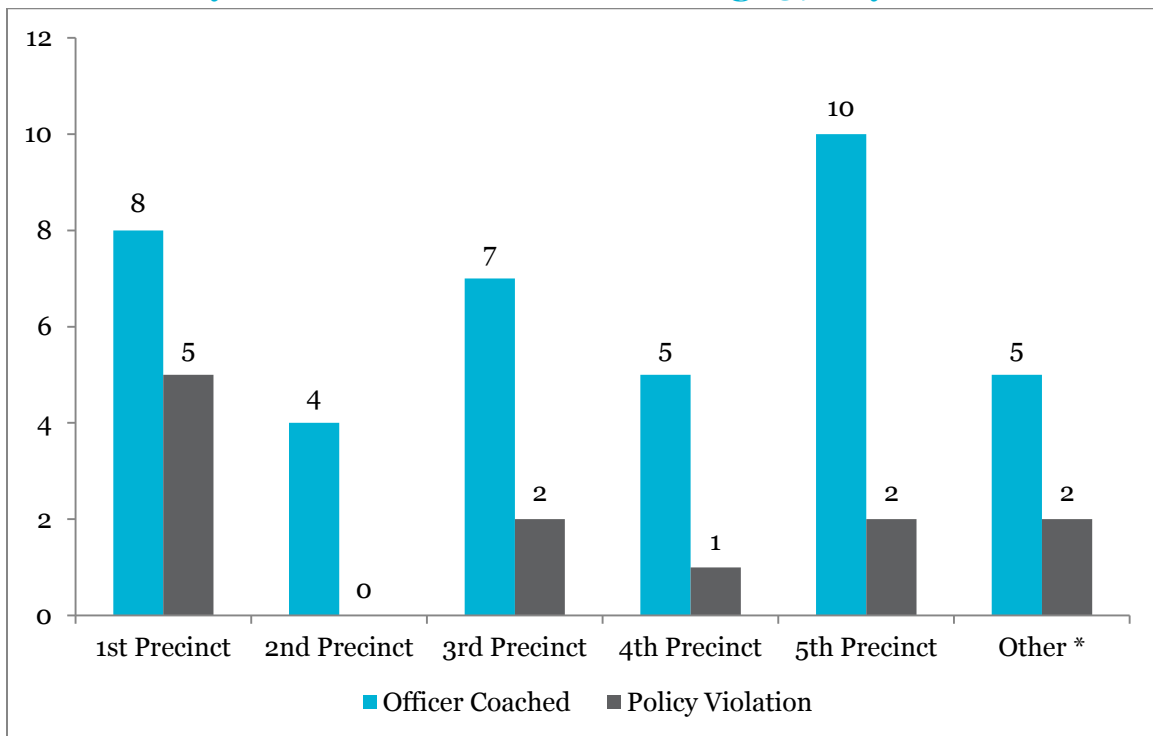


¹ To increase complaints resolved and ensure the timeliness of investigations, the civilian unit intends to request in the 2015 budget cycle two FTE investigators for the civilian unit. The civilian unit is exploring options to isolate the work of the intake investigator from other staff.

Average Age of Outstanding and Completed Coaching Case in Days

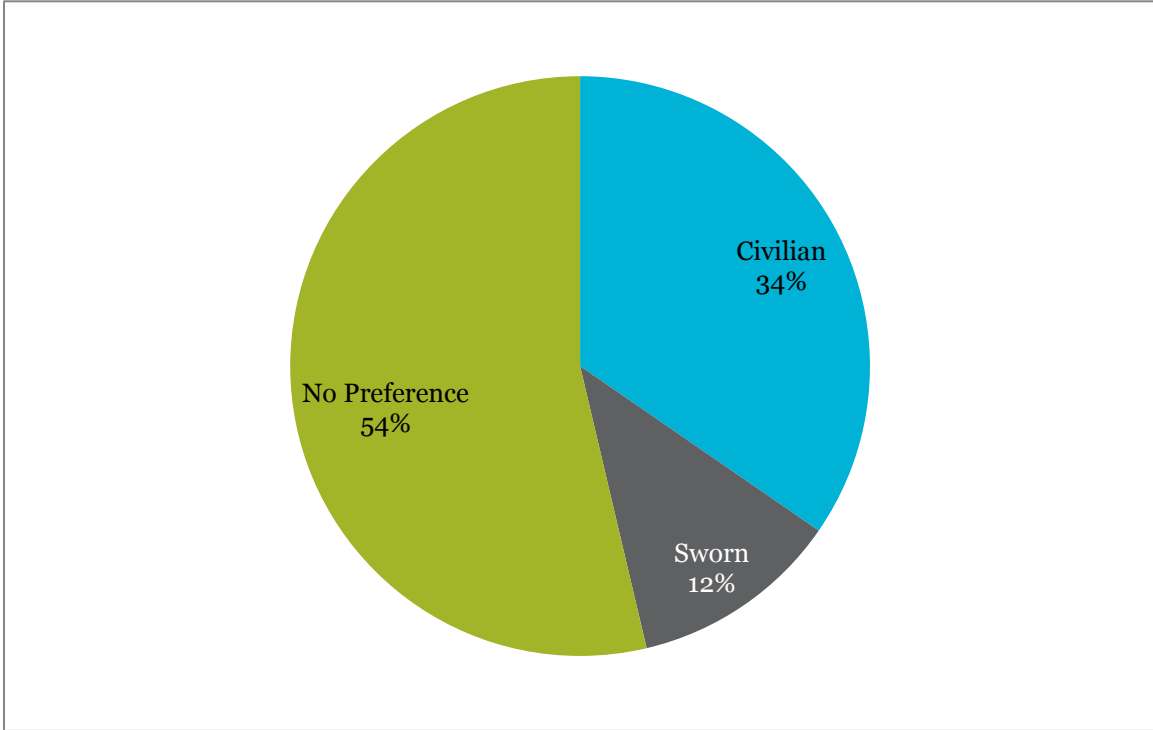


Policy Violations (12) and Coaching (39) By Precinct

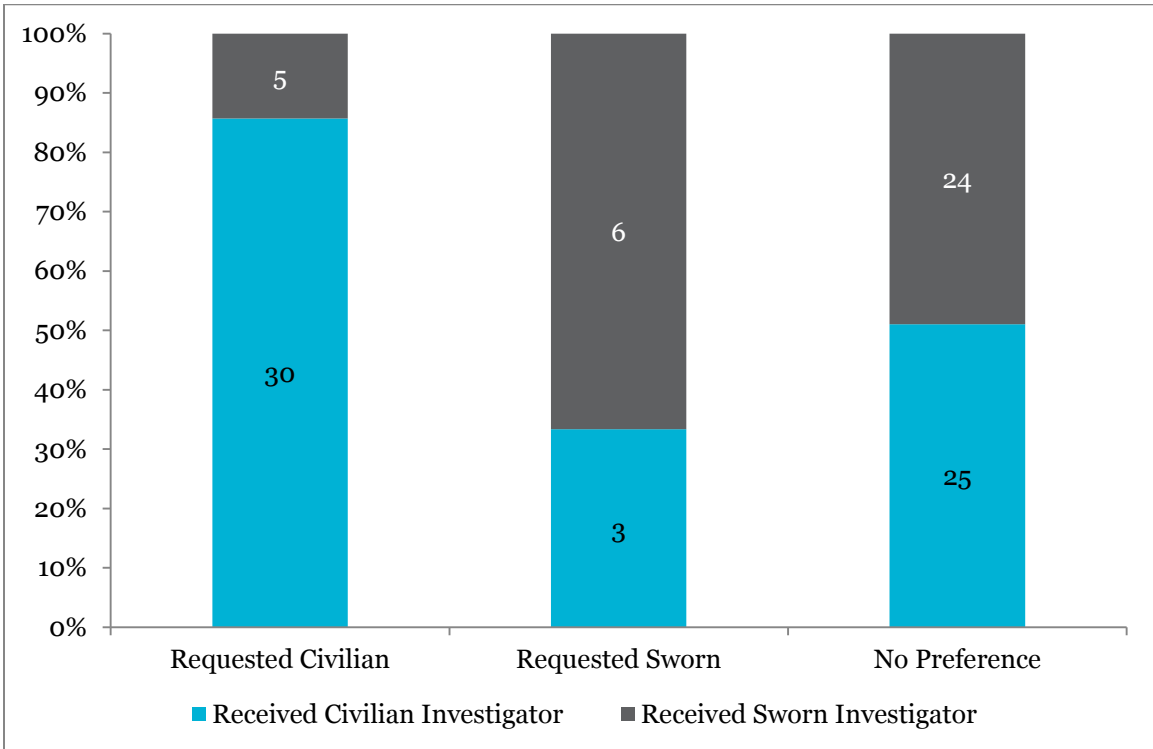


* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.

Investigator Preference

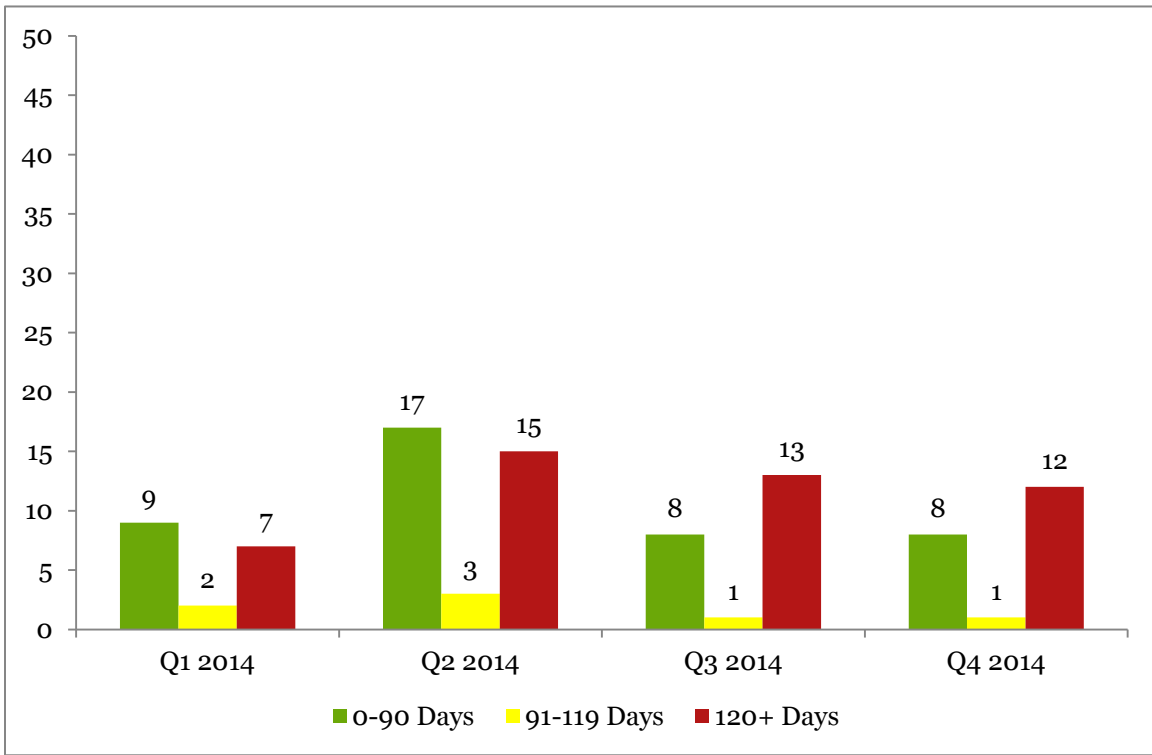


OPCR Investigator Assignments

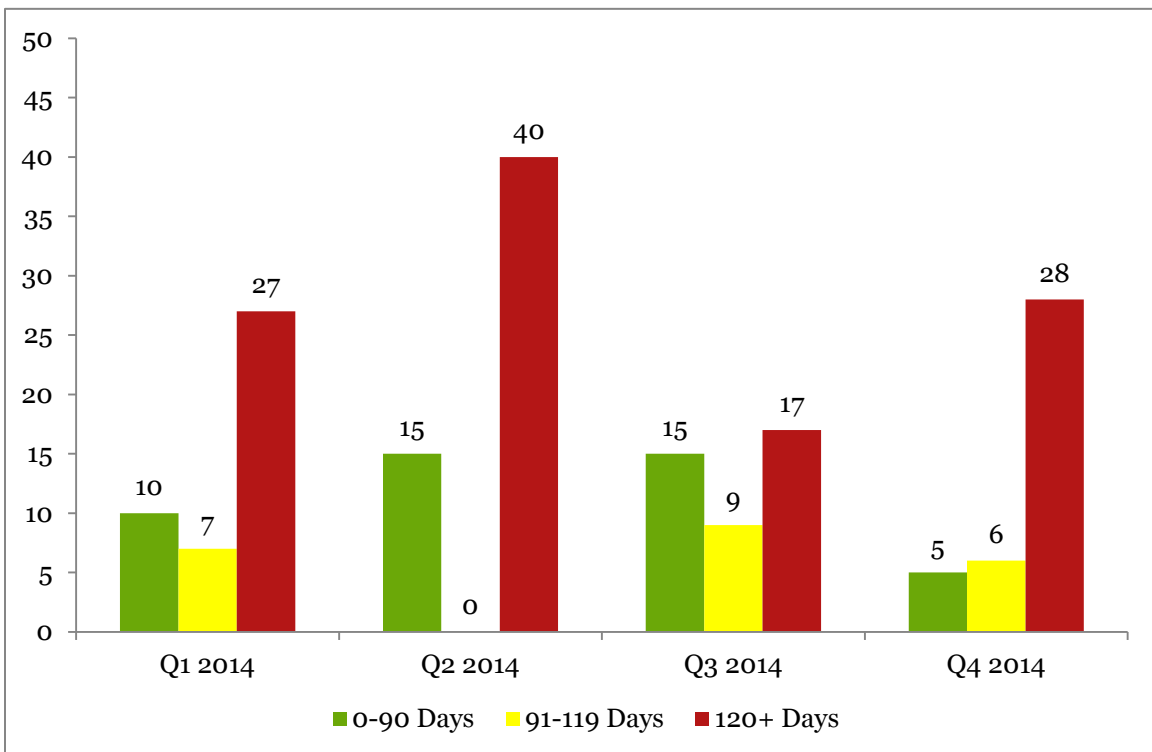


OPCR Investigation Timeline

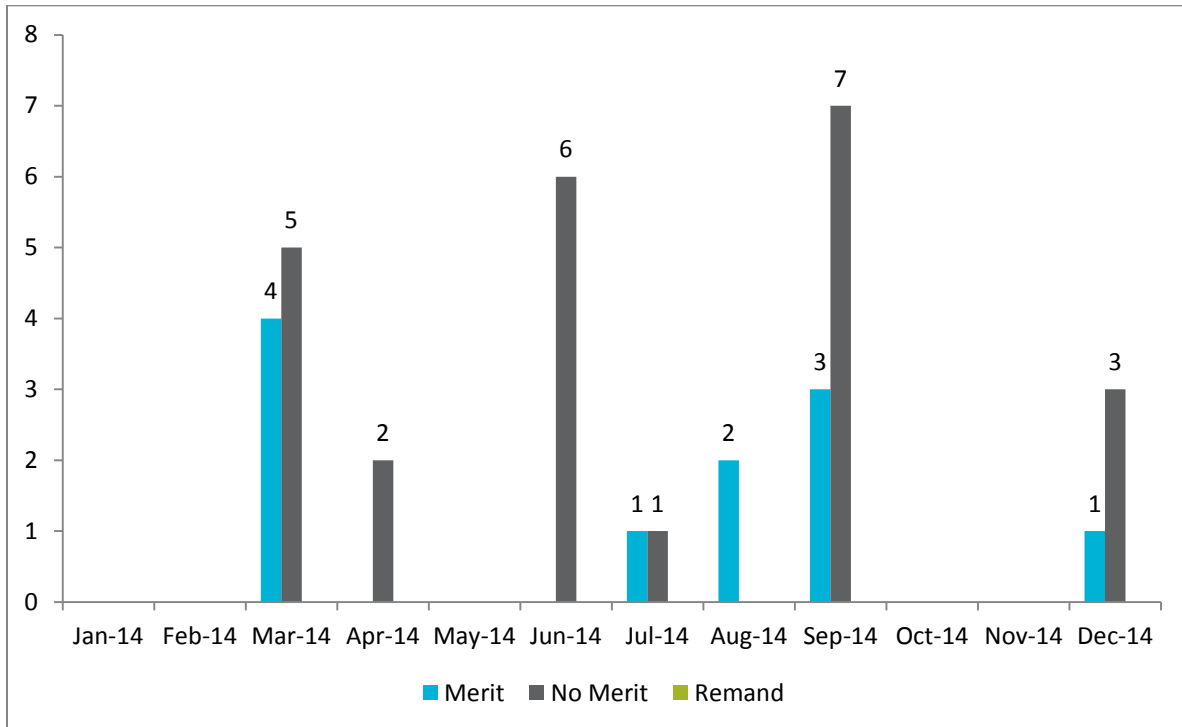
Civilian Unit



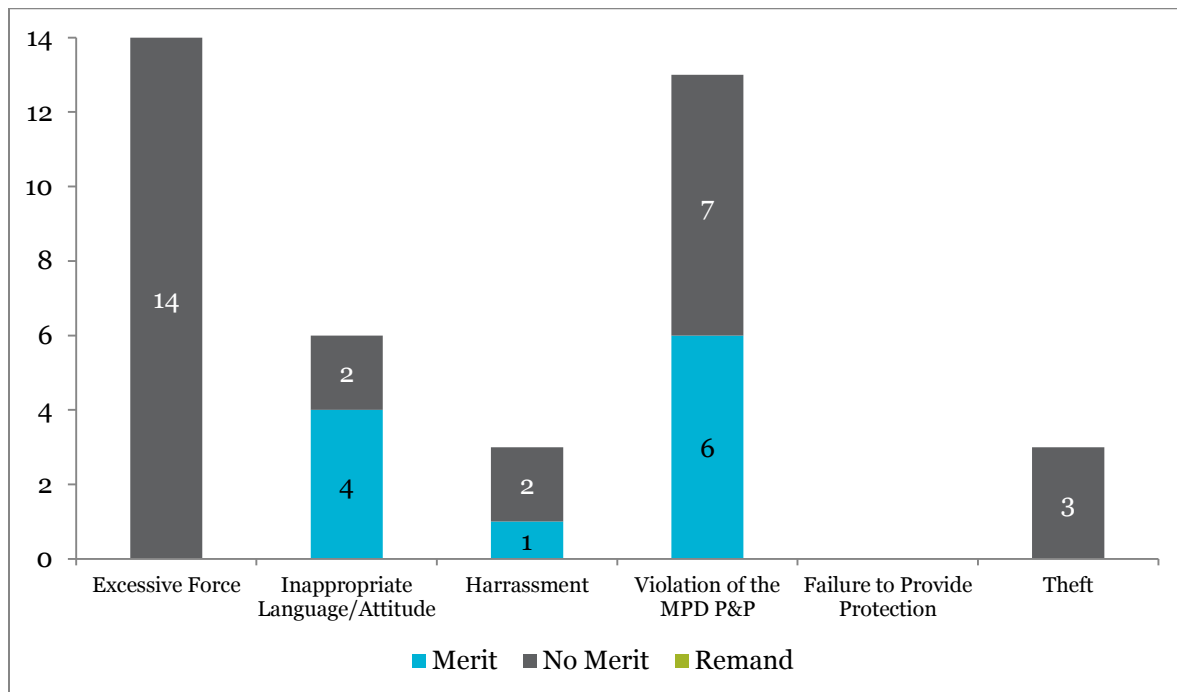
Sworn Unit



Review Panel Recommendations on Allegations (15 Cases Reviewed)

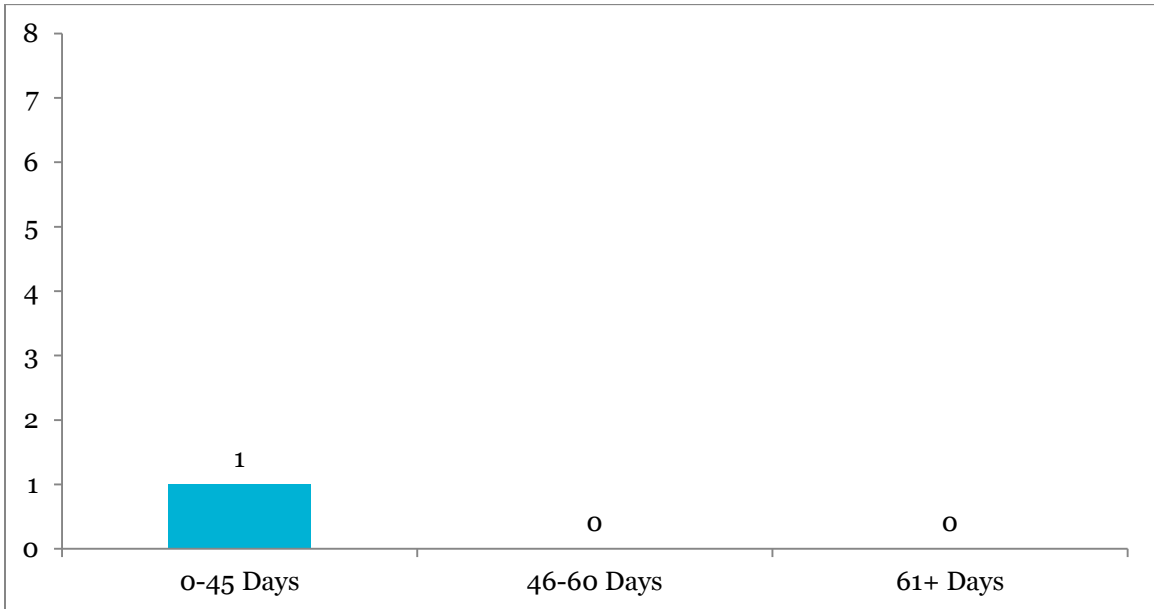


OPCR Review Panel Recommendations in Detail

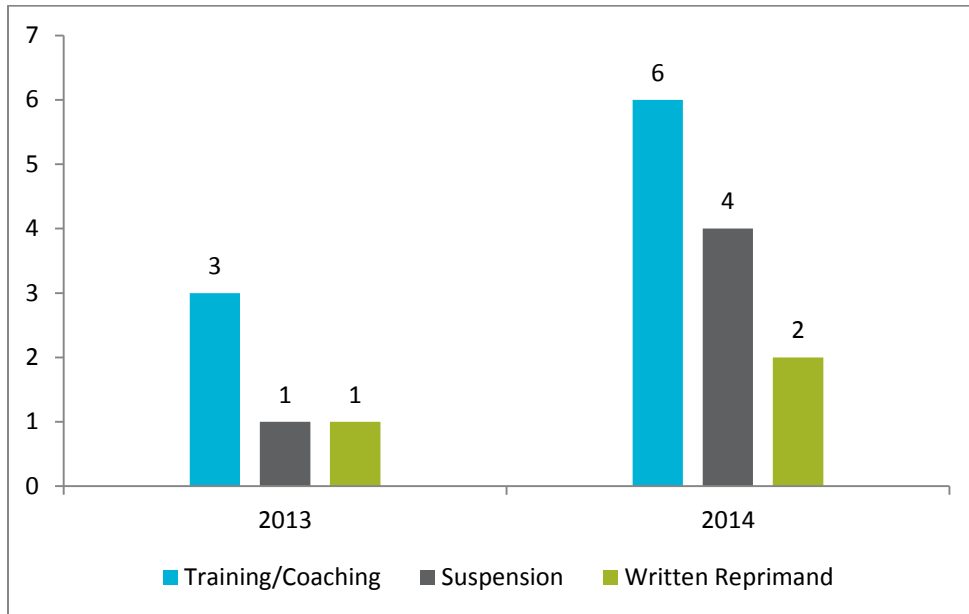


Chief Actions

Amount of Time Current Pending Cases are with the Chief

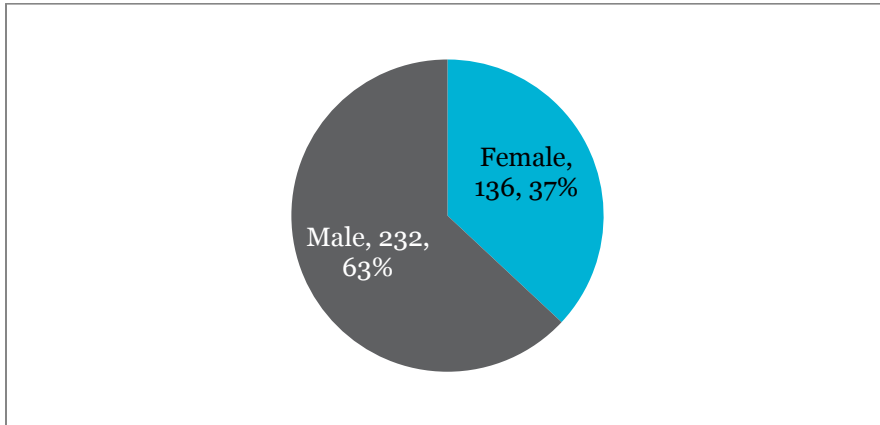


Discipline Types Issued by Chief

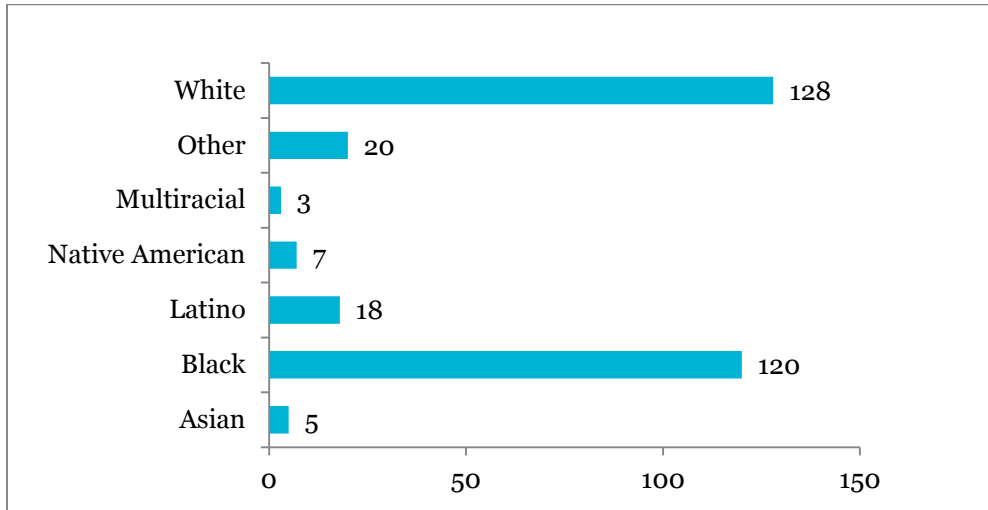


Complainant Demographics

Gender



Race



Age

