



# Q2 2015 Report

Office of Police Conduct Review

April 1, 2015 – June 30, 2015

## Table of Contents

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Complaint Processing	2
Coaching	2
Investigation	4
Police Conduct Review Panel	4
Chief's Actions	4
Police Conduct Oversight Commission	5
<b>Measures</b>	
Complaints Filed	7
OPCR Case Resolution	7
Allegations Filed	8
Complaints/Allegations by Precinct	8
Case Resolution by Allegation	9
Allegations by Precinct	10
OPCR Open Cases	11
Average Age of Outstanding and Completed Coaching Documents in Days	12
Policy Violations and Coaching by Precinct	12
Investigator Preference	13
OPCR Investigator Assignments	13
OPCR Investigative Timelines (Civilian and Sworn Units)	14
Police Conduct Review Panel Recommendations on Allegations	15
Police Conduct Review Panel Recommendations in Detail	15
Current Pending Cases with the Chief	16
Discipline Types Issued by Chief	16
Complainant Demographics	17

## COMPLAINT PROCESSING

The OPCR received 65 complaints between April 1, 2015 and June 30, 2015 containing 69 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.

Between April 1, 2015 and June 30, 2015, the joint supervisors have predominantly utilized coaching, mediation and investigations to resolve complaints, with 51% of all cases receiving either coaching or 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 half of OPCR cases are dismissed after the initial filing. Of those cases that are dismissed, 39% were dismissed for jurisdictional issues (e.g. cannot identify officer, complaint is older than 270 days, does not involve MPD), 22% for failing to state a claim (even if true, the officer's actions do not amount to misconduct), and 33% 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 2015, officers were coached by supervisors in 53% of cases returned to the OPCR during that period. At the end of Q2 2015, the 1st, 3rd, 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; 22 complaints were sent to coaching to resolve in Q2 2015. See the table below and graphs on page 12:

Precinct	Sent	Returned	Pending
1st	1	2	1
2nd	0	2	1
3rd	6	3	5
4th	4	0	6
5th	7	5	2
Other*	4	4	1

*\* 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.

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. 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, the joint supervisors visited the 2nd precinct in May to conduct specific coaching training and will 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 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 2015, 5 of 6 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, all votes have been unanimous.

The Review Panel issued 7 case recommendations during Q2 2015. Two new sworn panelists began work in Q 2015.

## CHIEF'S ACTIONS

The chief issued one written reprimand in Q2 2015 resulting from a sustained B-level violation. The chief also issued a 20 hour suspension and prohibited an officer from specific off-duty work for 90 days as a result of three sustained B-level violations. The chief currently has two OPCR case in her queue. 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 Commission completed work on its [investigative stop research and study project \(PDF\)](#), issuing 5 recommendations to the MPD. The study was [presented to the Minneapolis City Council in May of 2015 \(youtube video\)](#).

The Commission launched an important research and study project after receiving presentations from the Chief and Mayor. The study aims to receive significant public input on the MPD Body Camera Standard Operating Procedure, research best practices on body cameras, and provide a revised policy to the MPD in advance of their deployment of the cameras. The Commission anticipates completion of the project by October of 2015 and signed a memorandum of agreement with the police department regarding input on camera policy.

The Policy and Procedure Committee also met three 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 monitored research and study progress at each meeting, continued work on the cultural awareness training study, and met with Deputy Chief Glampe to begin the incorporation of the study into MPD training.

The Outreach Committee met three times and established listening sessions to discuss the MPD Body Camera Policy. The Commission hosted the first of three meetings on June 27, 2015. The Committee received a presentation from Jim Rhodes regarding effective outreach. To raise awareness of the Commission's activities, commissioners attended community events such as the Cinco de Mayo parade and Pride Festival.

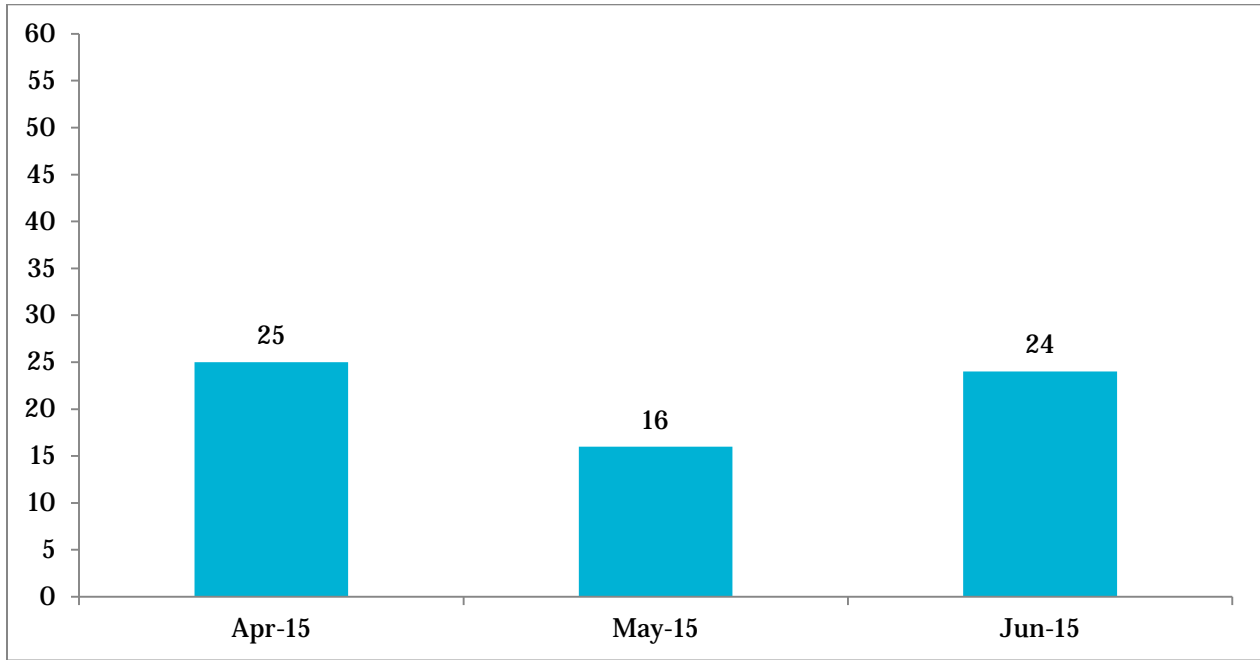
The Commission reviewed thirty case synopses and nine case summaries during Q2 2015 which can be found on the [Commission case data page](#). Regular meetings will continue to occur on the second Tuesday of each month at 6:00 PM. For all Commission data, including case summaries, synopses, agendas, and minutes see the PCOC website:

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

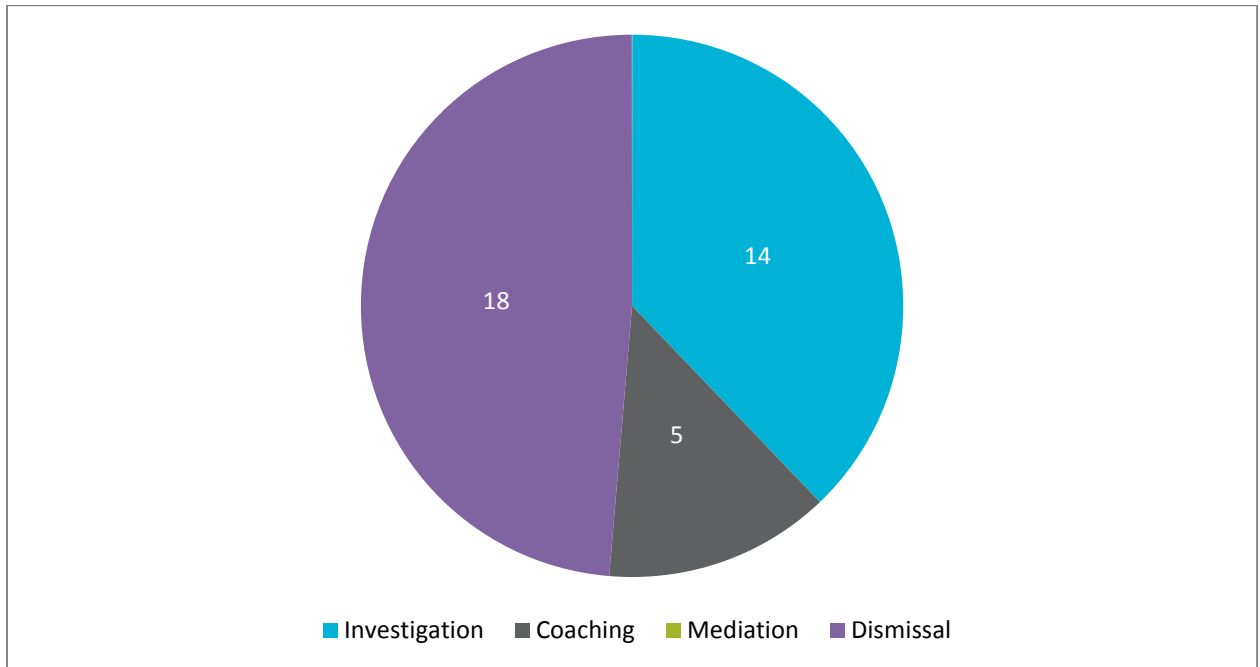
## MEASURES

Complaints and Case Assignments	7
Allegations in Detail and Complaints and Allegations by Precinct	8
Case Resolutions by Allegation	9
Allegations by Precinct	10
Open Case Inventory	11
Coaching Statistics	12
Investigator Preference and Assignment	13
Investigation Timelines	14
Review Panel Recommendations	15
Chief Activity	16
Complainant Demographics	17

### Complaints Filed (65)



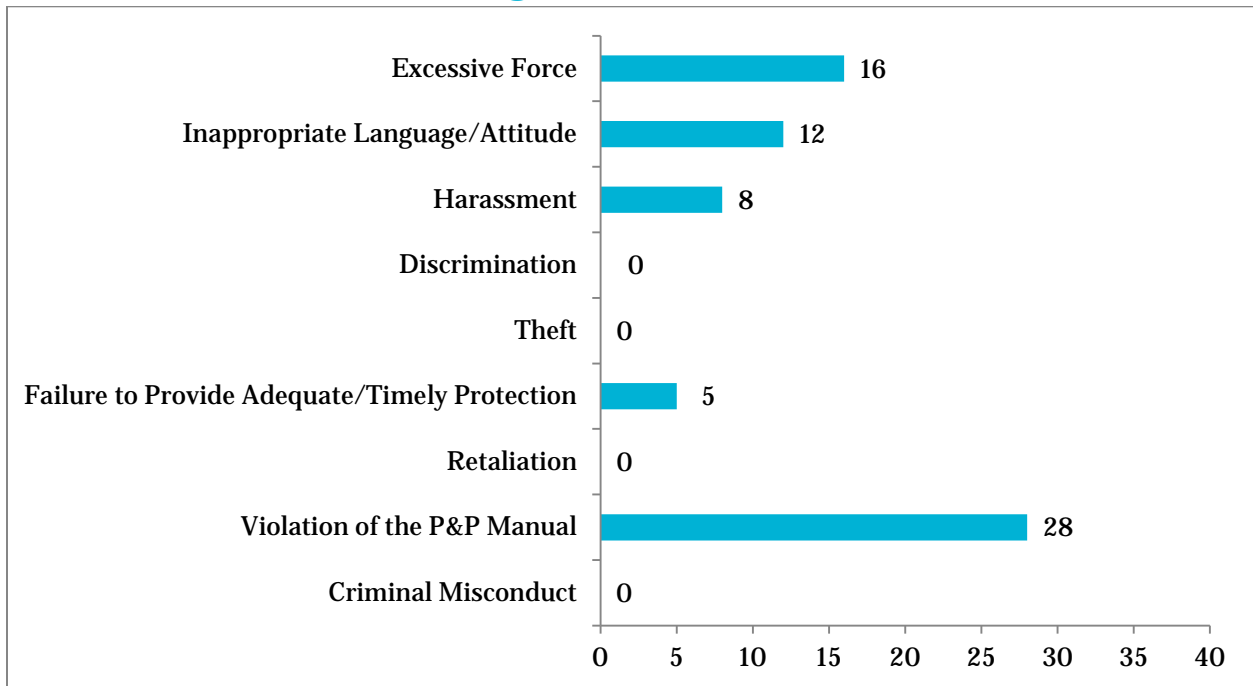
### OPCR Case Resolution in Q2 2015<sup>1</sup>



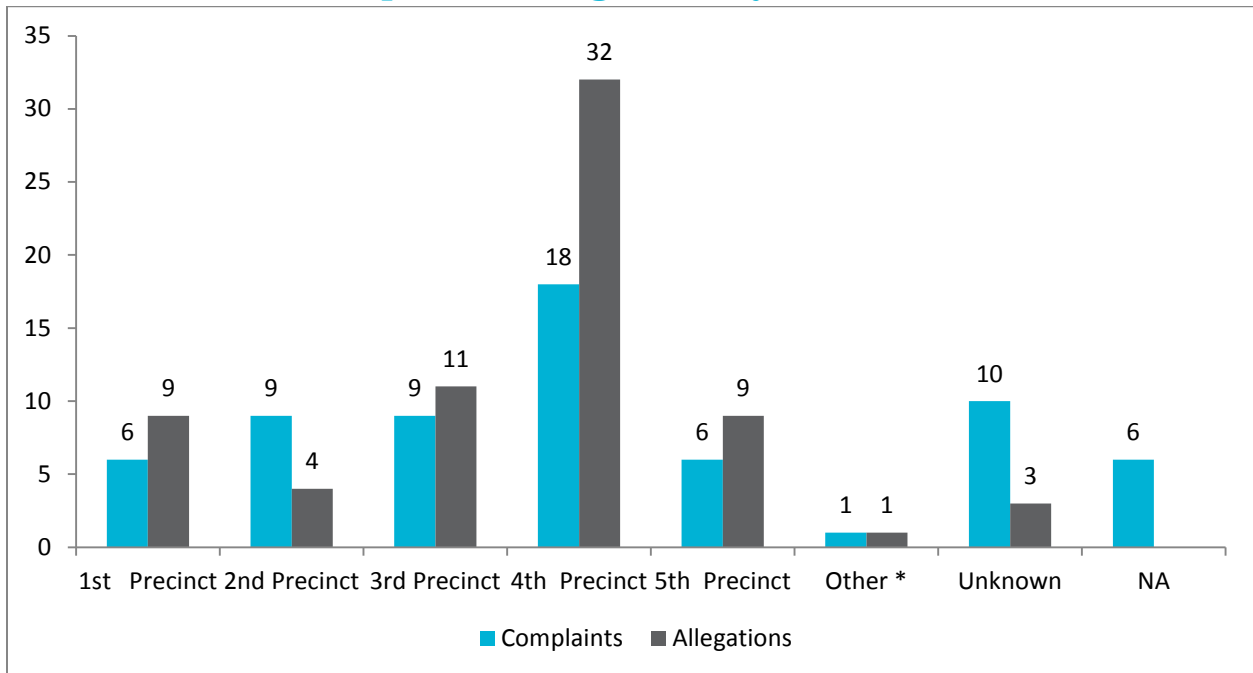
<sup>1</sup> It should be noted that at the end of Q2 2015, 28 complaints filed during the quarter were pending assignment or undergoing intake investigation.



## Allegations Filed (69)



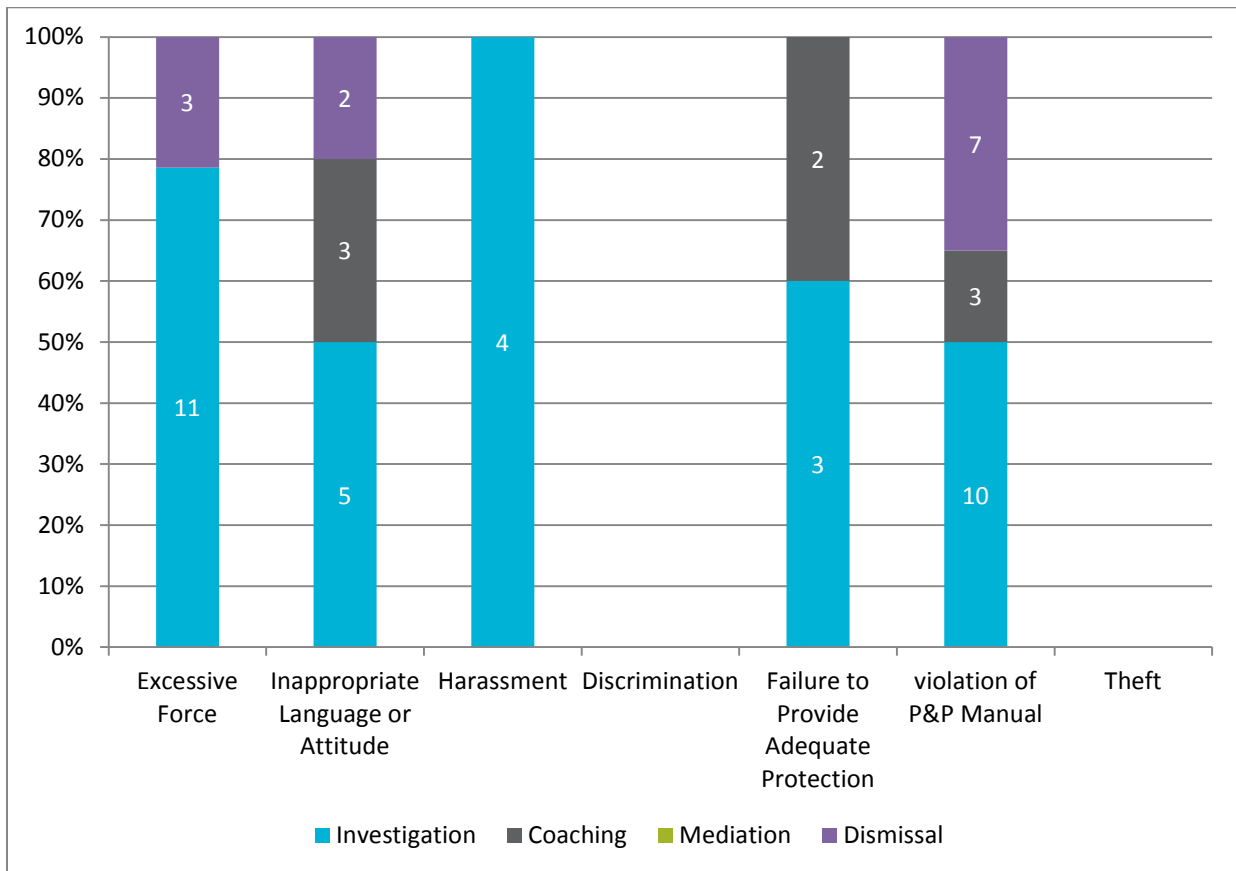
## Complaints/Allegations by Precinct\*\*



\* 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.

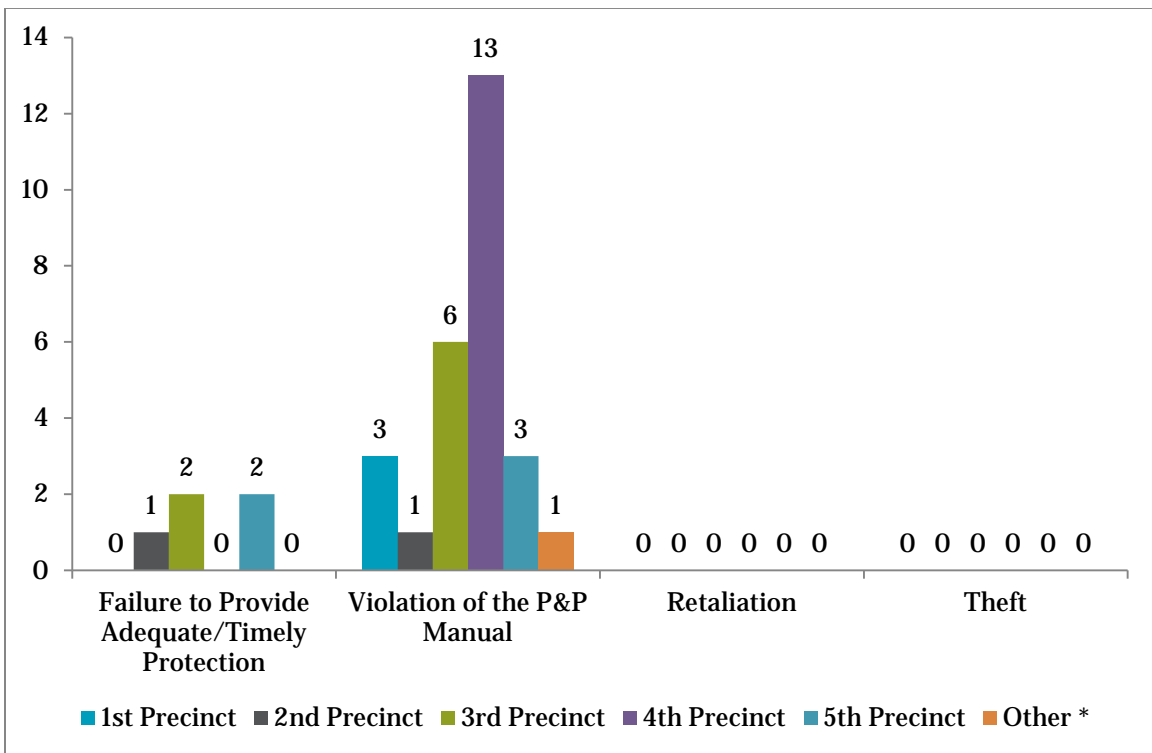
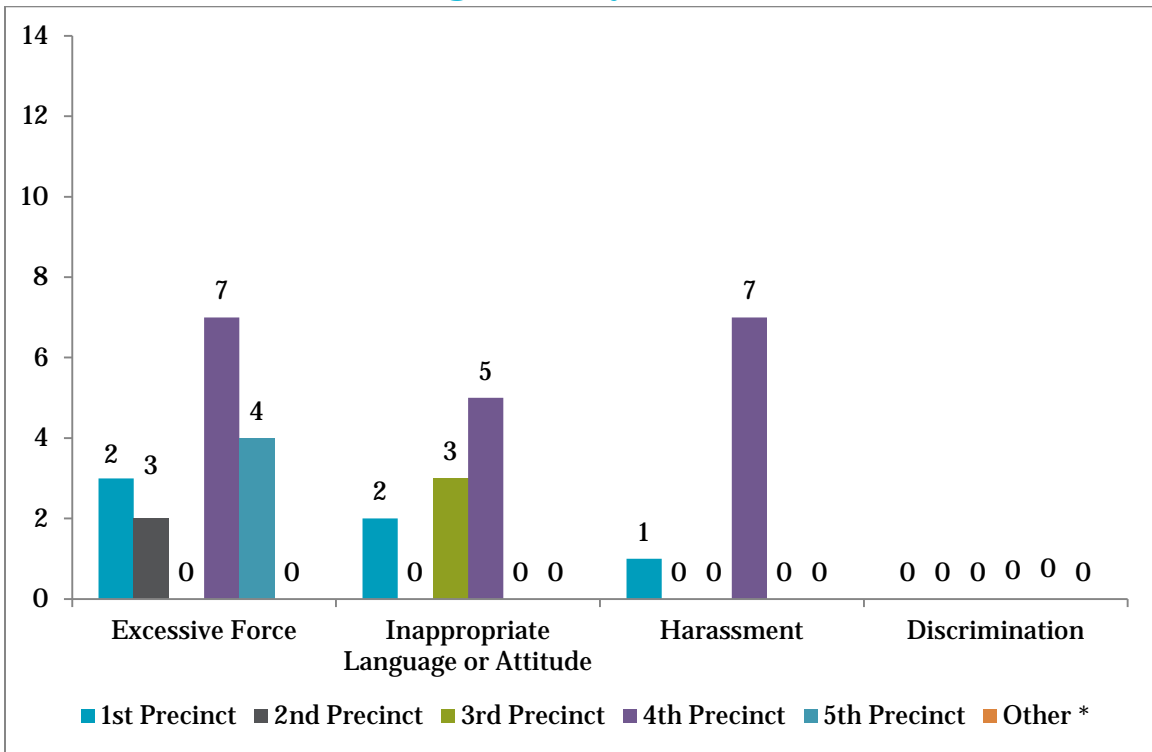
## Case Resolution by Allegation



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

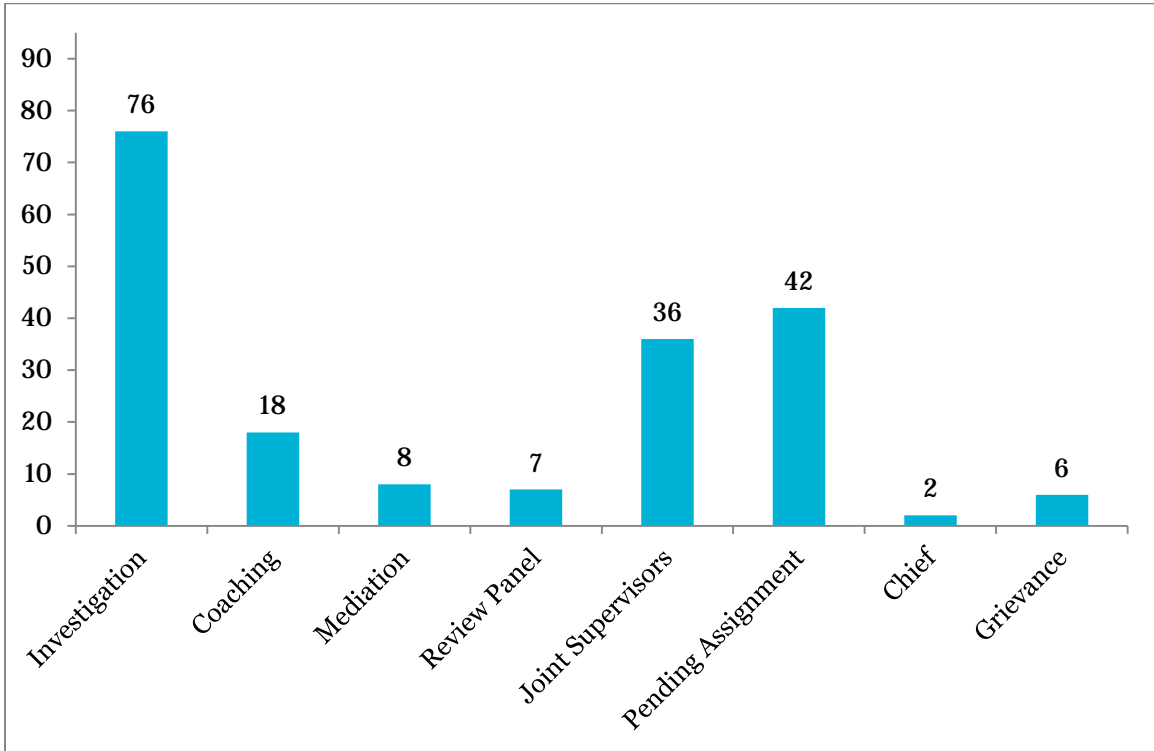
- 10-401 Responsibility For Inventory Of Property And Evidence
- 5-306 Use Of Force – Reporting And Post Incident Requirements
- 5-105(2) Professional Code Of Conduct
- 7-401 Normal Vehicle Operation
- 5-105(3) Professional Code of Conduct

## Allegations by Precinct

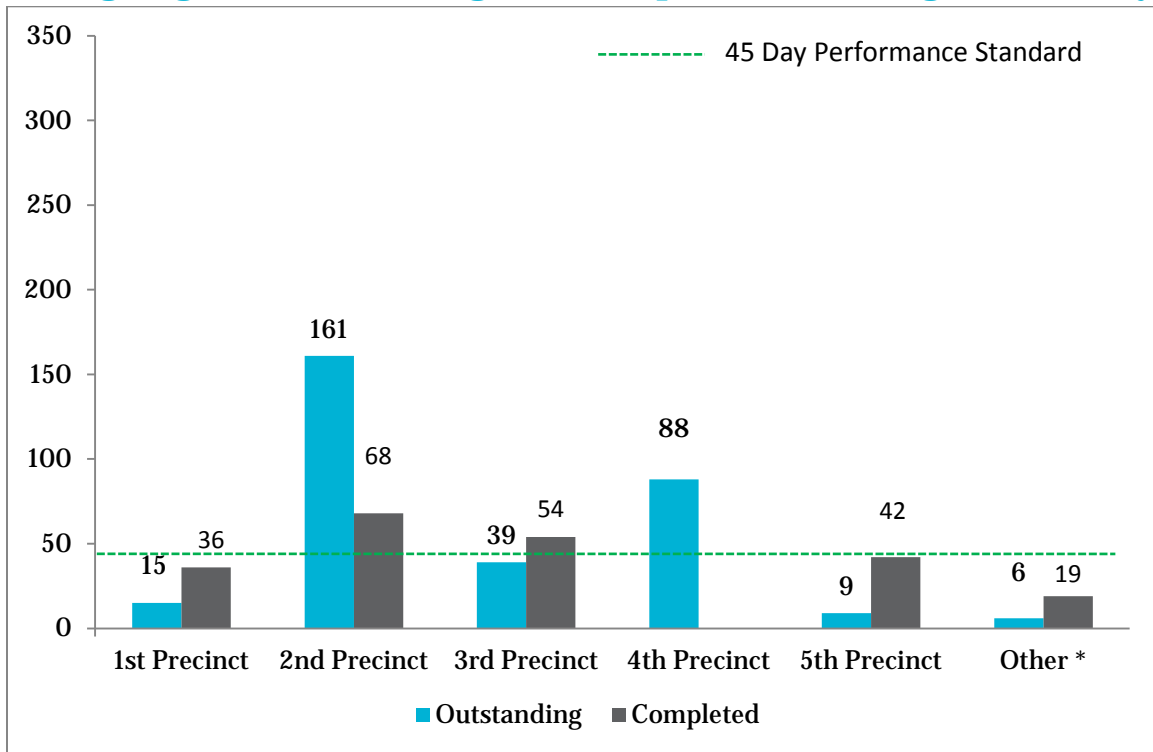


*\* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division. Additional allegations were filed against officers whose identities were not known at the time of this report. Hence, those allegations are not listed against a specific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

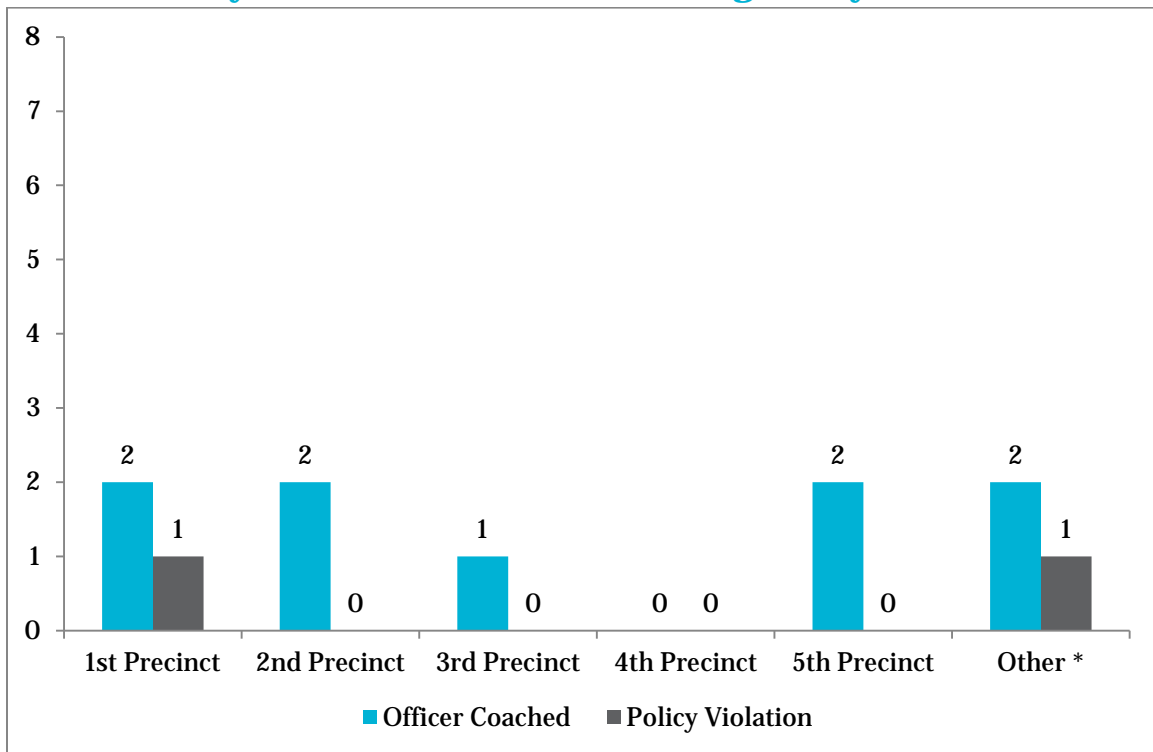
### OPCR Open Cases (193 Open/55 Closed)



## Average Age of Outstanding and Completed Coaching Case in Days

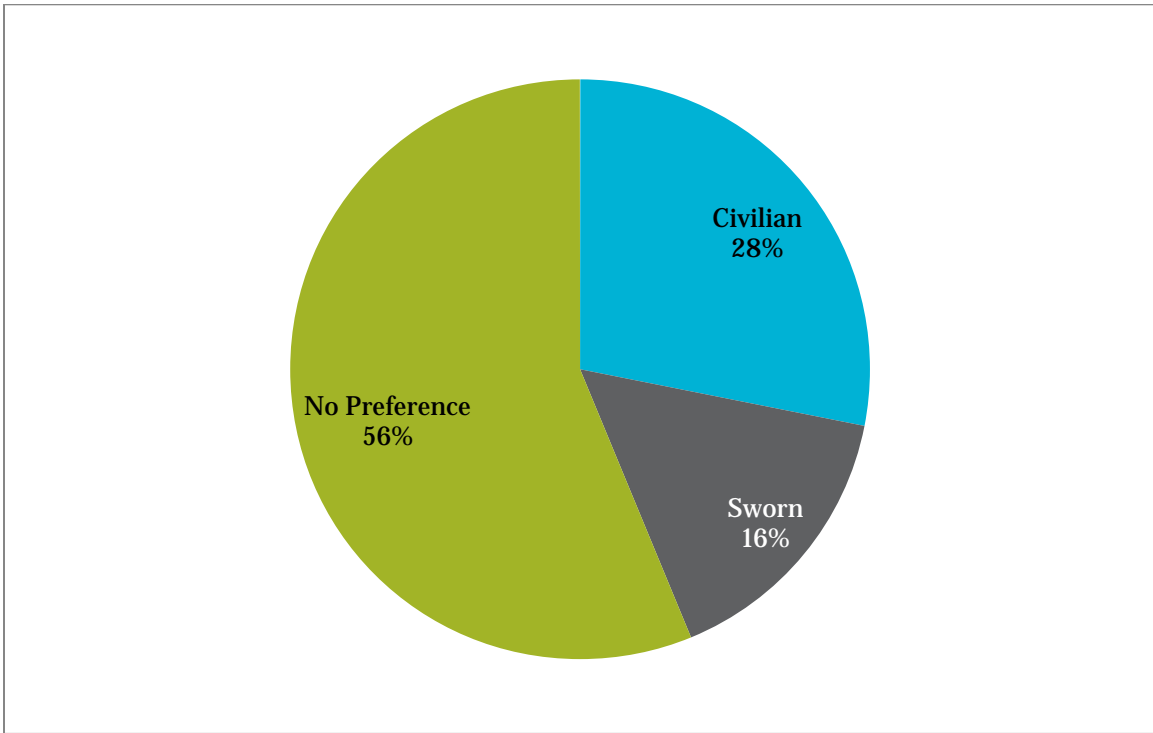


## Policy Violations (2) and Coaching (9) By Precinct

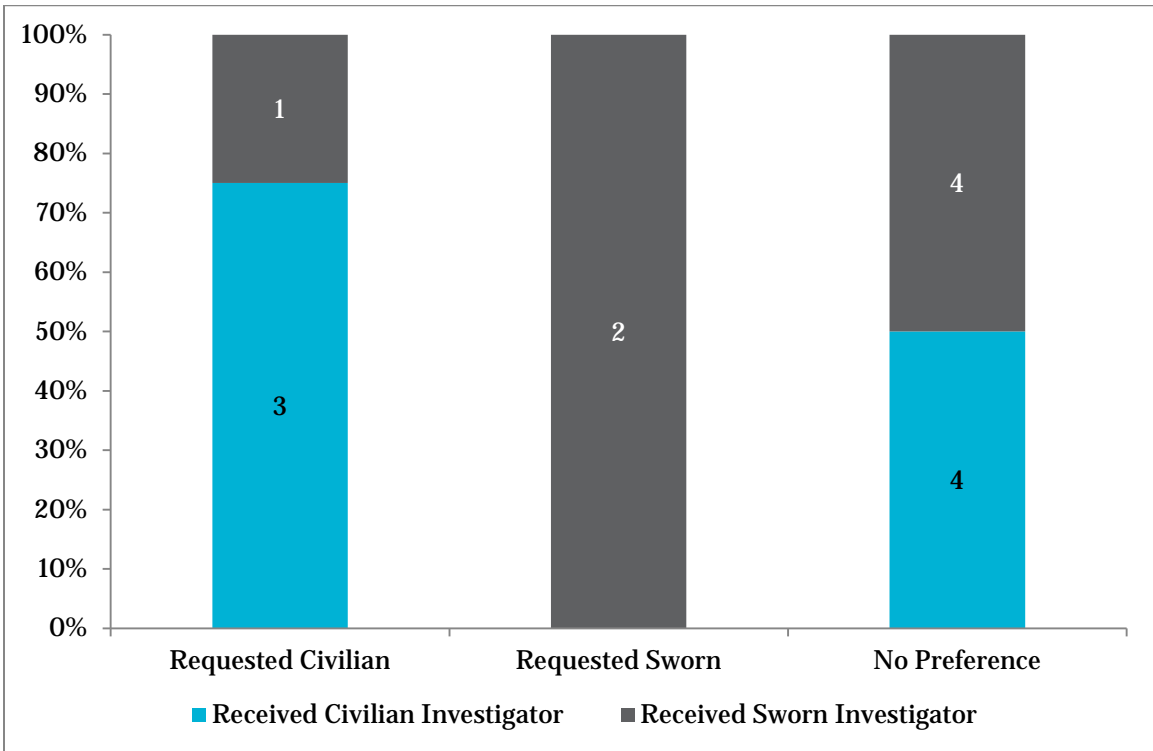


\* Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.

## Investigator Preference

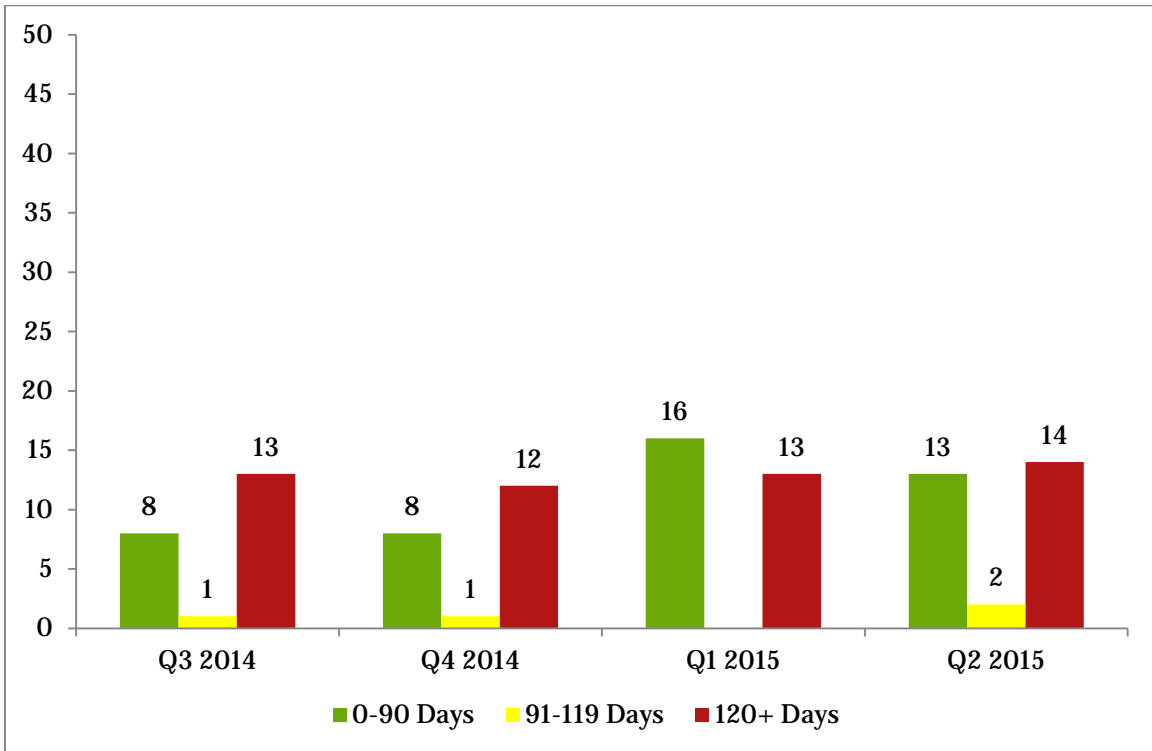


## OPCR Investigator Assignments

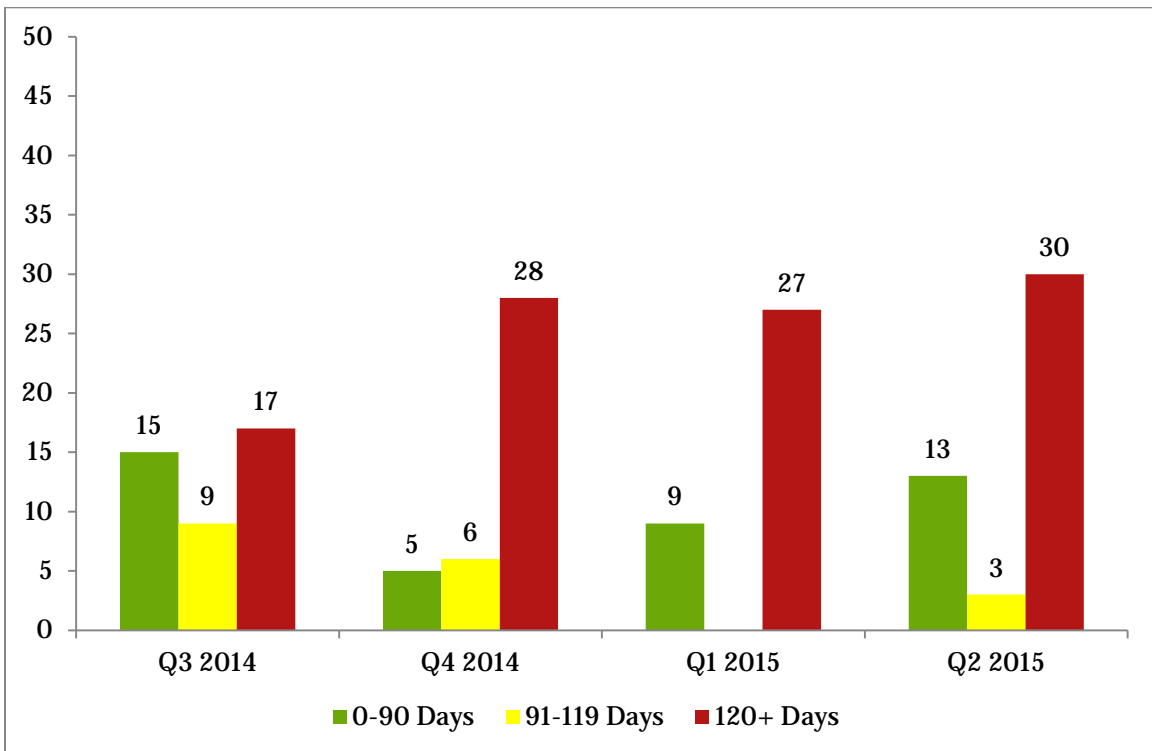


## OPCR Investigation Timeline

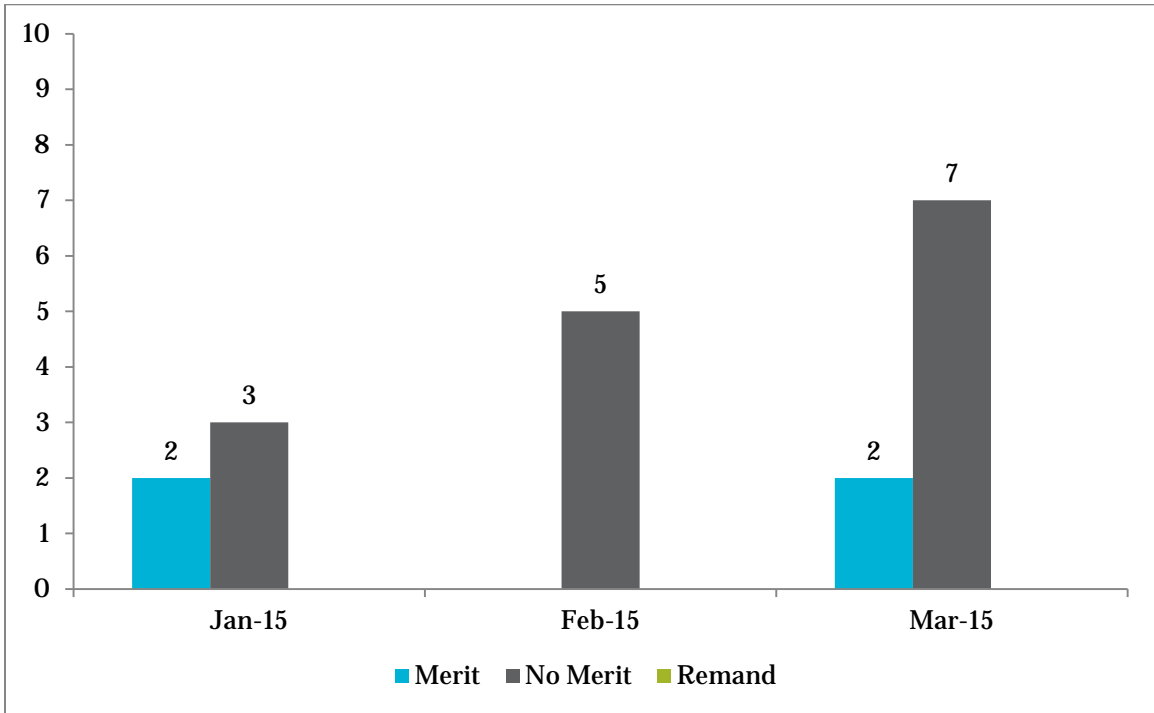
### Civilian Unit



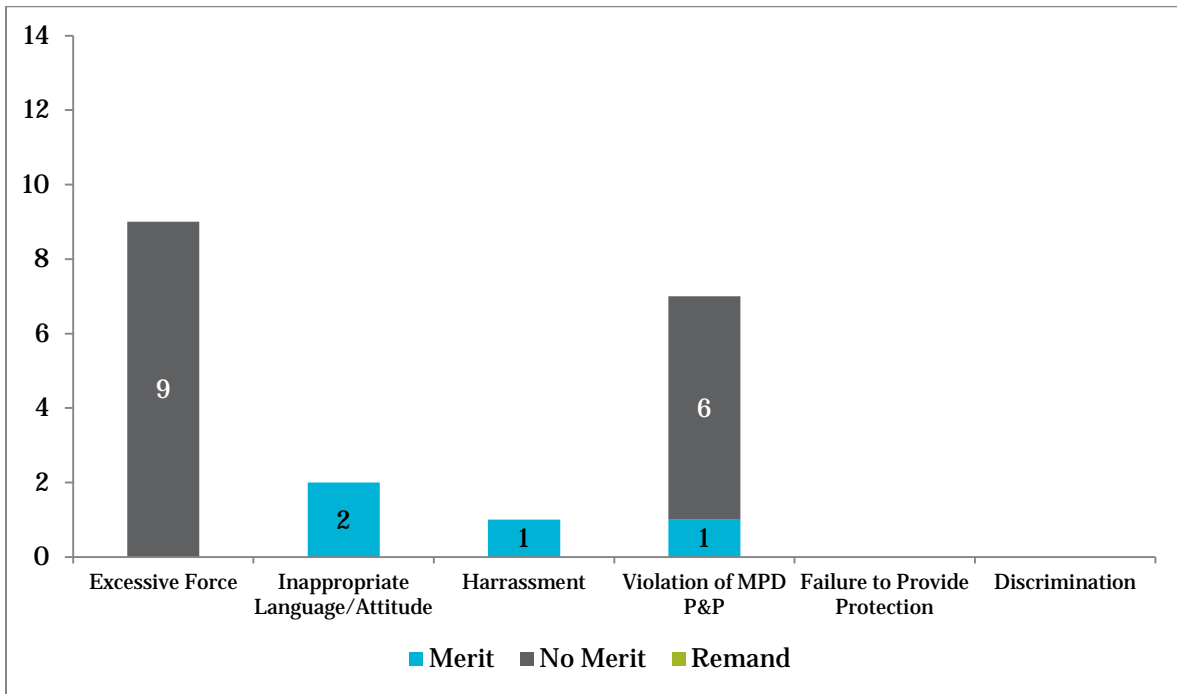
### Sworn Unit



## Review Panel Recommendations on Allegations (7 Cases Reviewed)



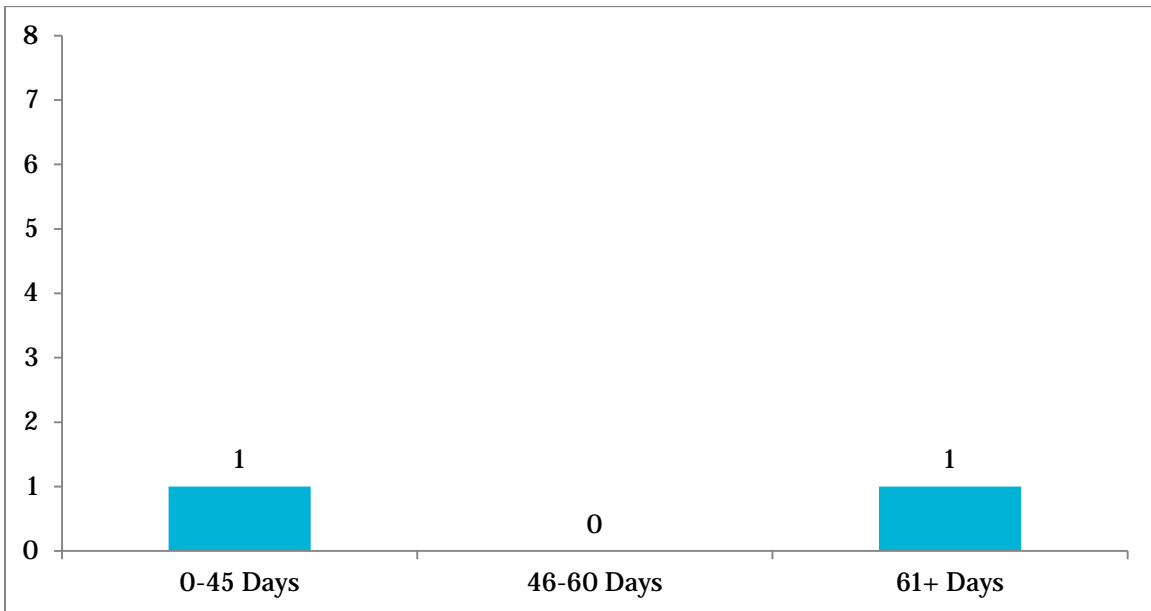
## Review Panel Recommendations in Detail



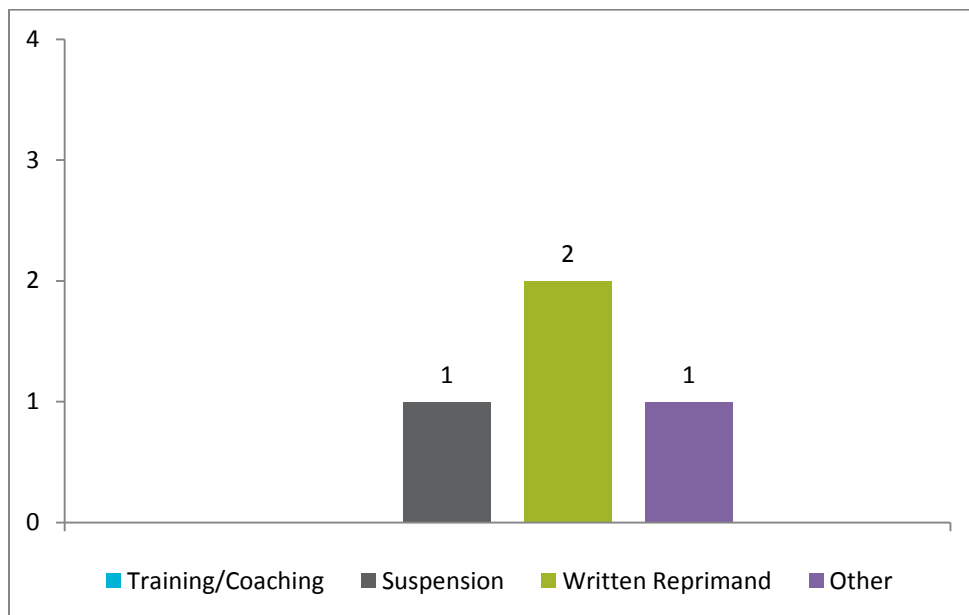


## Chief Actions

Amount of Time Current Pending Cases are with the Chief



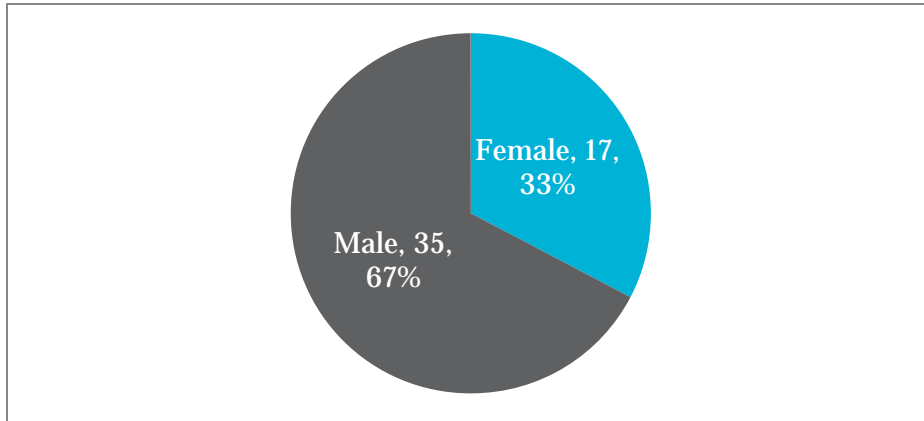
Discipline Types Issued by Chief



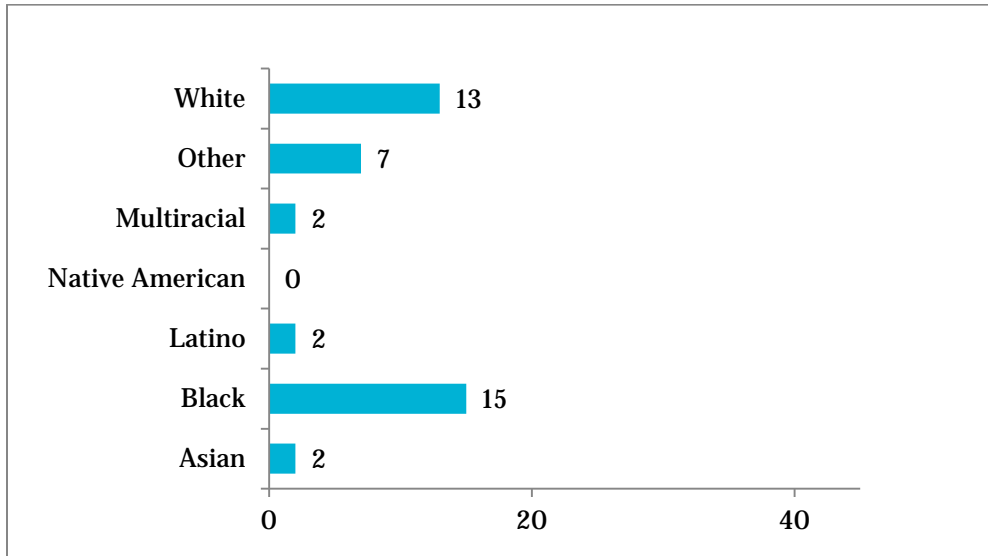
The Chief issued one written reprimand as a result of a sustained B-level violation for harassment. The Chief issued a 20 hour suspension and prohibited specific off-duty work for 90 days to an officer for a sustained B-level excessive force allegation, a sustained B-level language violation, and a sustained violation of the policy and procedure manual (Use of Chemical Agents). The Chief issued letters of reprimand to an officer for sustained allegations of inappropriate language and use of force reporting.

# Complainant Demographics

## Gender



## Race



## Age

