

OFFICE OF POLICE CONDUCT

July 25, 2012

Proposed
Ordinance
Changes

NEED FOR THE CHANGE

- **Three goals to achieve**
 - **Efficiency**
 - Faster results and outcomes
 - Streamlining the common work of the Department of Civil Rights and the Minneapolis Police Department
 - **Transparency and engagement**
 - Increase the level of transparency and access
 - More meaningful citizen involvement
 - **More effective oversight of the investigative processes**
 - Align the outcomes and results to expectations
 - Increase confidence in the process

THE PROCESS

- These proposed changes are a result of a collaboration between the City Attorney's Office, Civil Rights, and the Minneapolis Police Department.
- A core group from the Civil Rights Department, MPD Internal Affairs, and the City Coordinator's office met continuously from August 2011 until May 2012 to break down the complaint processes within Civil Rights and MPD Internal Affairs and redesign the process to ensure a fair, consistent, balanced, transparent and more timely approach to addressing police conduct complaints.
 - Presented to CRA Board on March 7, 2012; incorporated feedback from presentation
 - Adapted process to incorporate regulation changes in MN Statute § 626.89, subd. 2.
 - Civil Rights, MPD, and City Attorney met with board for a second time on April 4, 2012

THE PROPOSED CHANGES

■ Making a complaint

- Through the **Office of Police Conduct Review** - either the **Civilian Unit (CU; formerly CRA)** or the **Internal Affairs Unit (IAU)**
 - Via phone, email, in person, online
- **All** complaints are jointly triaged and assigned by CU & IAU supervisors
 - Now includes criminal complaints
 - Low level complaints may be referred to voluntary mediation or coaching
 - Assigned to either CU or IAU investigators

■ Advantages of these changes

- Standardized complaint process
- Pooling of limited resources – investigators and support staff
- Better workload balance
- Reduction/elimination of backlog of investigations
- Consistent communication & messaging
- Improved expectations & outcomes
- Consistent handling of complaints
- Immediate attention to low level complaints at precinct level
- Better caseload management

THE PROPOSED CHANGES

■ Conducting an investigation

- Combined investigations utilizing CU and IAU investigators and support staff
- Combined review and sign-off of investigation reports by CU and IAU supervisors
- Utilize existing investigative principles and procedures

■ Investigation report

- Complaint summary
- Case investigation
- Case summary
- Supportive documentation (e.g., video)

■ Advantages of these changes

- Standardized process and reports
- Consistent investigation reports – facts only
- Pooling of limited resources – investigators and support staff
- Pooling of knowledge, experiences and expertise
- Equal access to tools & resources
- Better workload balance
- Reduction/elimination of backlog of investigations
- Consistent communication & messaging
- Improved expectations & outcomes
- Better caseload management

THE PROPOSED CHANGES

■ The Review Panel

- Two civilians (four year terms)
 - Resident, business owner, employee in Minneapolis
 - Appointed by mayor & council
 - Assigned by Civil Rights director or designee
 - Pool of at least seven panelists
 - Analytical background
 - Independent thinker
- Two sworn officers
 - Assigned by Chief of Police or designee
 - Pool of officers consisting of Lieutenant & above rank
- Standardized report to the Chief of Police

■ Advantages of these changes

- Panel reviews complaints coming through IAU (new)
- Balanced perspectives
- Standardized process and review of reports
- Improved consistency and response times
- Reduced potential for conflicts of interest
- Separating the determination functions from the commission allows for a better alignment of skills to function

THE PROPOSED CHANGES

■ The Determination

- Chief of Police
 - Read review panel reports
 - Read the investigation report
 - Make determination of outcome and discipline
 - Return determination finding and supportive materials to Office of Police Conduct Review for final procedural steps
 - Recording
 - Notifying
 - Tracking
 - Measuring
 - Reporting

■ Advantages of these changes

- Responsibility for determinations sits with the Chief of Police
- Fresh review by Chief
- Standardized determination reporting
- More confidence in the outcome of the recommendation

THE PROPOSED CHANGES

■ Police Conduct Oversight Commission – formerly Civilian Review Authority Board

- Seven members
 - Residency requirement
- Appointed by Mayor and City Council
 - Three Mayoral appointments
 - Four City Council appointments
 - Max two; two year terms
- Monthly commission meetings
- City staff updates
 - Investigation results and measures
- Sub-committee activities
 - Outreach & education
 - Policy review
 - Auditing of investigations

■ Advantages of these changes

- Allows commission to focus on advocacy role and outreach, education, and policy activities
- Elimination of potential conflict between advocacy and adjudication activities
- New name of the commission better represents the work of the commission
- Allows greater opportunity for citizen engagement

STRUCTURAL COMPARISON

CRA

- Board (Mayor/City Council)
 - 11 citizens – residency req.
 - 4 year terms
 - 1 Operation
 - hearings and communication
- Hearing (now Reviews)
 - 3 board members
- Staff
 - 2 investigators
- Mediation-Mandatory

OPCR

- Commission (Mayor/City Council)
 - 2 Operations
 - Review
 - 7+members – no residency req.
 - 4 year terms
 - Communication
 - 7 members – residency req.
 - Max 2; 2 year terms
- Review (formerly Hearings)
 - 2 review members/2 MPD
- Staff
 - 9 investigators
- Mediation-Voluntary

PROCESS COMPARISON

CRA

- Intake – external
- Limited manager dismissal
- No MPD supervisor handling of low level complaints
- Independent review of investigations
- Mandatory Mediation
- Sustain/Not Sustain and Finding of Facts

OPCR

- Intake – internal and external
- Broader manager dismissal
- MPD supervisor handling of low level complaints
- Combined (CU/IAU) review of investigations
- Voluntary mediation
- Support/No Support recommendations

PROCESS REVIEW

- **Review, Assess, and Report**
 - Six month review
 - Create set of measures to monitor process; ensure outcomes are being met
 - Set up check-in meetings
 - Monitor process & adjust as needed until measures are being met
 - Communicate to stakeholders
 - Update City Council