



2015 Annual Report

Office of Police Conduct Review

January 1, 2015 – December 31, 2015

2015 OPCR Review

The Office of Police Conduct Review (OPCR) promotes adherence to the highest standard of police conduct and fosters mutual respect between the Minneapolis Police Department and the community it serves by fairly, objectively, and neutrally investigating complaints that allege misconduct by Minneapolis police officers. The OPCR is a collaboration between civilians in the Minneapolis Department of Civil Rights and sworn personnel in the Internal Affairs Division and Office of Professional Standards. The OPCR also assists the Police Conduct Review Panel in making recommendations on the merits of misconduct allegations and the Police Conduct Oversight Commission to provide civilian oversight of policy, procedure, and compliance.

In 2015, the OPCR made great strides in case processing. To improve the initial stages of case processing, the Office recruited a full time intake investigator, an attorney and former investigator for the Minneapolis Public School System. This ensures complainants have the opportunity to discuss the complaint process and receive assistance from a non-sworn investigator before they file a complaint. Further, it significantly decreases the initial case processing time while at the same time improving the accuracy of the initial case assessment process.

As the OPCR was created in September of 2012, many procedures needed to be developed in the initial years of its operations. In 2015, many of these procedures solidified, and as such, the OPCR developed a manual outlining its to be finalized in Q1 of 2016. This will provide consistency amongst units and be publically accessible for transparency in office operations.

To improve the Police Conduct Review Panel process, the OPCR overhauled the method in which review panelists are selected, ensuring that no backlog forms during that critical stage. At the end of 2015, the joint supervisors were engaged in further improvements to the way cases are processed after review panel recommendations, decreasing the time to a final disciplinary determination. This led to increases in both discipline and corrective action through the coaching process.

At the same time, the staff from the OPCR analysis team supported the Police Conduct Oversight Commission the development of three major studies: investigative stops, body camera policies, and arrests for “Doesn’t Fit Any Crime.” The investigative stops study determined that a significant number of Terry stops had no documentation of the reason for the stop, the outcome, or demographics of those stopped. It led to recommendations to mandate documentation of these important factors, and the recommendation was supported by the MPD. Changes to the documentations system used in squad cars will ensure this information is captured before an officer can proceed to the next call.

The body camera policy study involved both a review of national best practices in body camera policy and three community listening sessions to receive input from the public as to what they desired from the body camera program. It led to a massive study and proposed changes to the body camera standard operating procedure. This was submitted to the MPD who will return to the PCOC to receive input on the near-final draft of the policy before the cameras are released.

The PCOC requested a study from the OPCR after a presentation by the Minnesota chapter of the ACLU regarding arrests coded “Doesn’t Fit Any Crime.” The study concluded that the

majority of arrests had justifications listed in CAPRS reports, but almost no CAPRS reports contained ethnicity information. Hence, Hispanic and Latino subjects of stops appeared almost non-existent. The PCOC continues to recommend improvements in data collection to accurately assess issues of bias in policing.

While the OPCR undertook improvements to case processing during 2015, the OPCR participated in multiple committees formed after the Office of Justice Programs released its study and recommendations for improvement in the MPD. The OPCR joint supervisors led the Police Conduct Review Committee, the OPCR law enforcement analyst co-chaired the Performance Mentoring Committee while attending meetings of the Early Intervention System Committee, and PCOC commissioners served on the Communications, Community Engagement, and Early Intervention committees. The rewards of the hard work done in these committees will be realized in 2016 when they conclude.

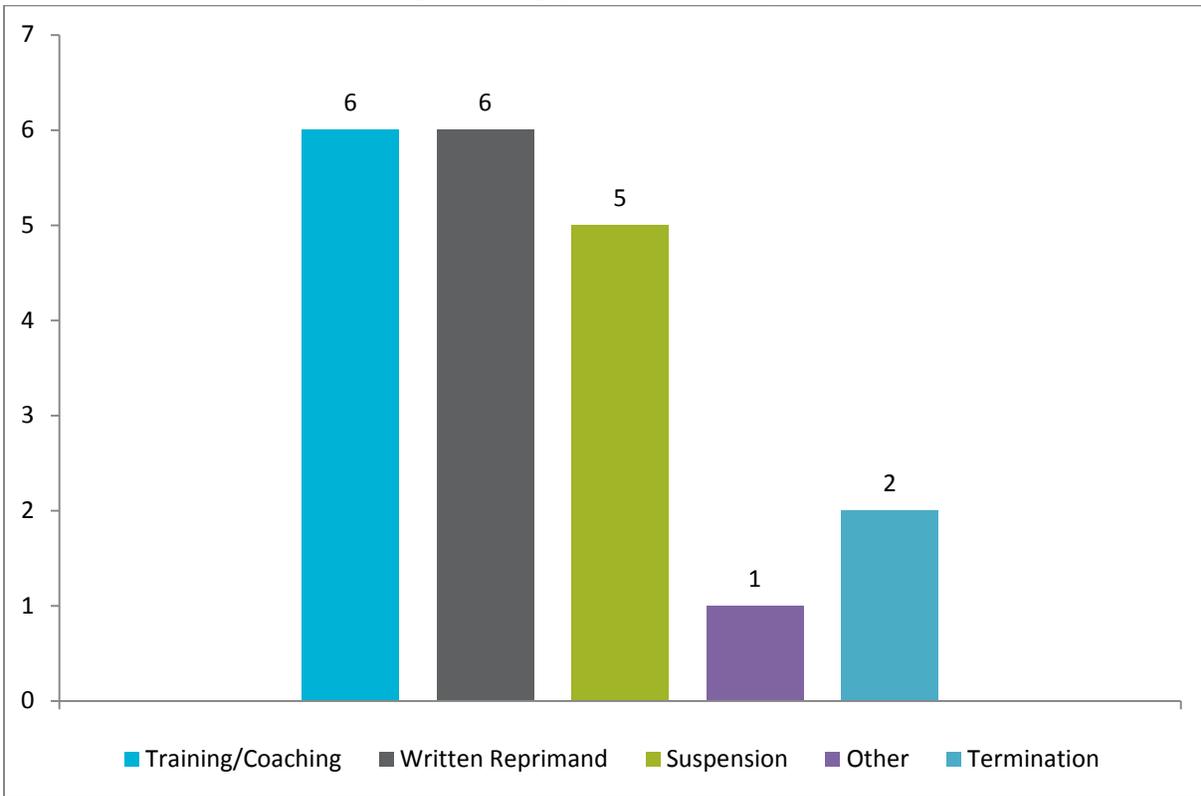
Finally, the year brought many changes to OPCR staff; in Q1 2015 the OPCR welcomed a new civilian investigator with 25 years of experience as a special agent with the FBI. The former OPCR director was appointed to the Hennepin County District Court in Q3 2015, and In Q4, Director Imani Jaafar assumed the role after her lengthy legal career involving solo practitioner work, criminal defense as a public defender, investigations with the Lawyer’s Board of Ethics, and as a professor of law. Also in Q4 2015, the OPCR gained a new sworn joint supervisor, Commander Jason Case, recently the Commander of Training and Development as well as a former Internal Affairs investigator.

In the following pages you will find key performance measures used to document the work of the OPCR. Further information can be found in quarterly reports found [here](#).

MEASURES

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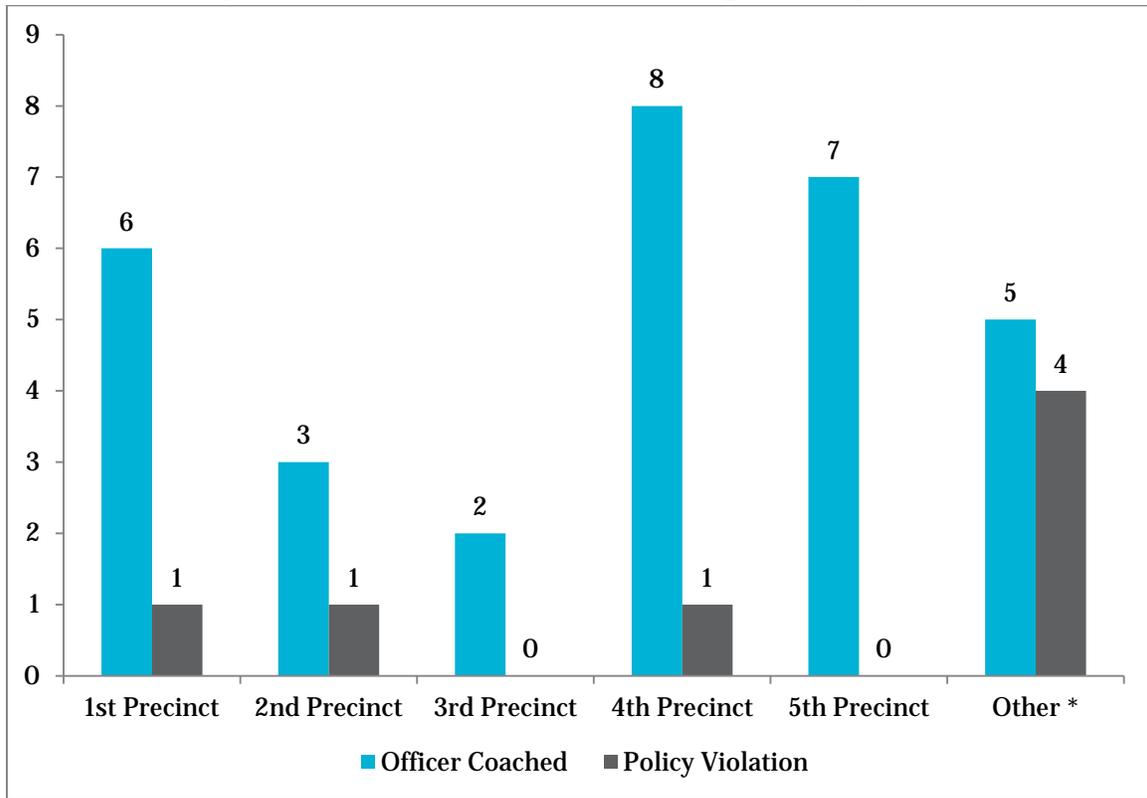
Discipline Types Issued by Chief



Six officers were provided additional training as a result of sustained A-level violations. Suspensions ranged from 10 to 40 hours for violations of the use of force policy, failing to enforce an order for protection, and noncompliance with force reporting standards. The chief issued letters of reprimand for violations of the language policy, property inventory requirements, and improper use of discretion. The “other” discipline imposed consisted of a three month restriction on off-duty employment. Two officers were discharged as a result of sustained D-level violations, one resulting from inappropriate language based on a protected class and the other for an enhanced violation of use of force policy and requirements for reporting use of force.

The majority of cases resulting in discipline began with complaints filed by community members. However, several resulted from internal complaints initiated by the joint supervisors.

Policy Violations (7) and Coaching (31) By Precinct



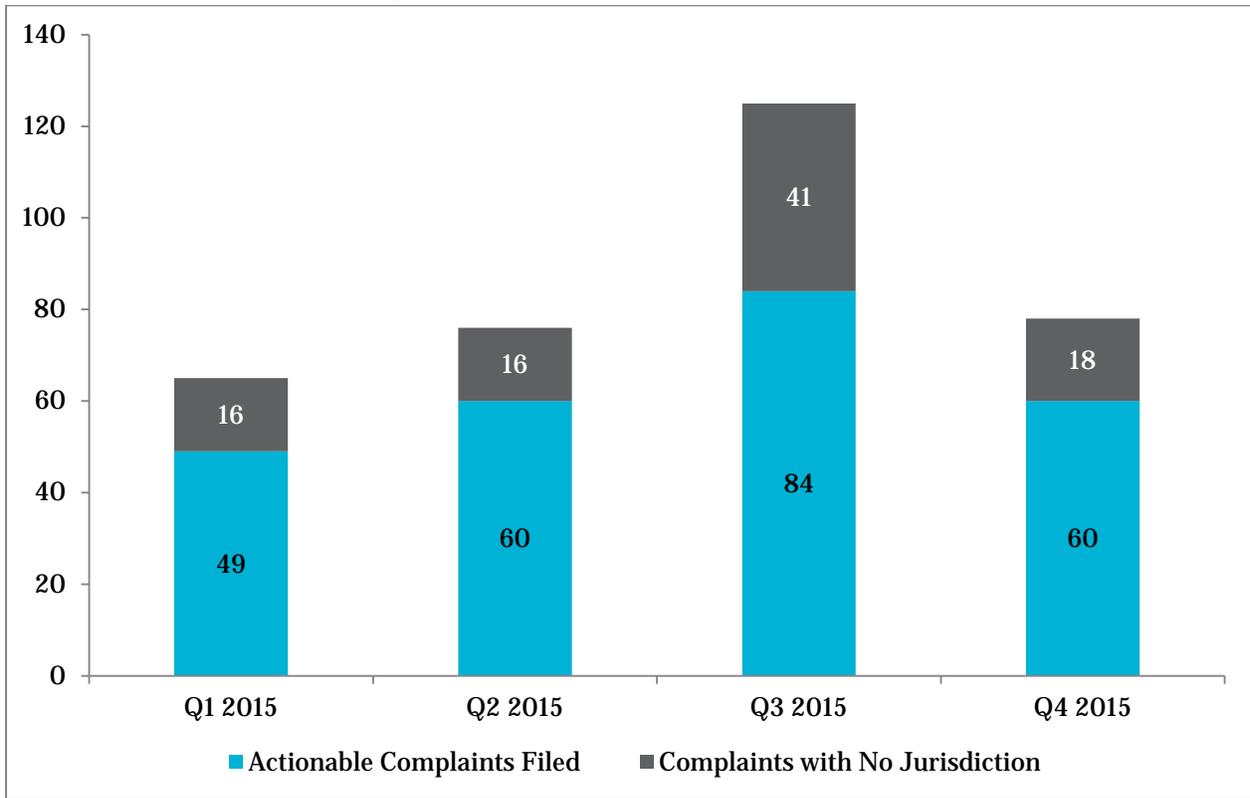
** Other includes the Special Operations Division, Violent Crimes Investigation Division, and the Special Crimes Investigation Division.*

Many complaints submitted to the OPCR, regardless of their merits, cannot result in discipline due to the nature of the allegations. They can, however, result in corrective action through the coaching process. Coaching consists of sending a complaint and supporting evidence to the focus officer's supervisor 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. Supervisors will determine whether a policy violation has occurred based upon conversations with the Complainant and a review of supporting evidence.

Supervisors may also take corrective action to train the officer on how to improve performance and customer service regardless of whether a policy violation occurred. This may involve coaching, counseling, training, or other corrective actions. Throughout, supervisors document their actions, and multiple instances of same or similar policy violations can result in enhanced discipline.

During 2015, 31 cases resulted in corrective action, well over half the cases that were sent to supervisors to review. This indicates a willingness on behalf of supervisors to provide performance mentoring to their subordinates and buy-in to the OPCR coaching system.

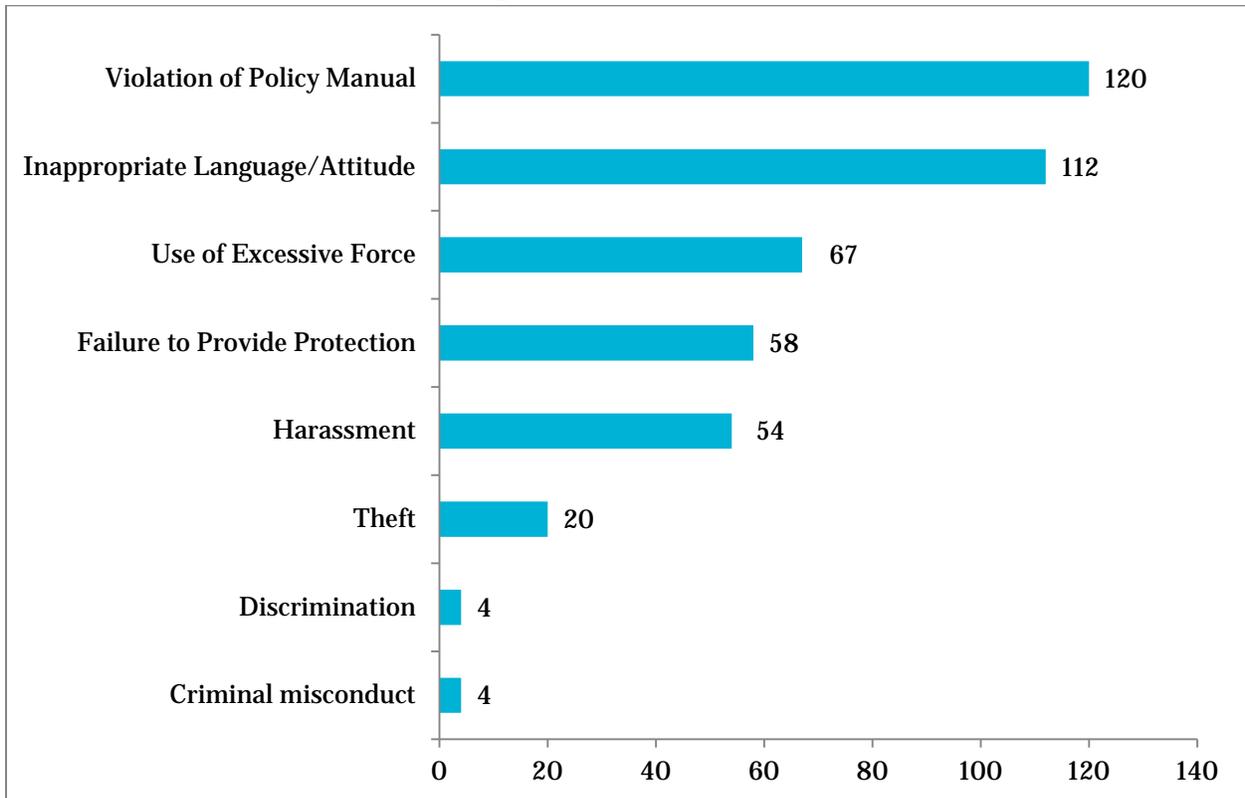
Complaints Filed (344)/Closed (311)



To ensure all instances of misconduct are addressed, the OPCR adopts a broad definition of a complaint. The OPCR defines a complaint as a signed police conduct incident report form (PCIR), an online complaint filed through the City of Minneapolis website, or an email received from a complainant's personal email address. The OPCR also accepts anonymous complaints that provide sufficient information to proceed without the complainant's participation, and the joint supervisors may initiate a complaint when necessary.

As such, some complaints received by the office do not allege misconduct by a Minneapolis police officer (e.g. misconduct by a Metro Transit officer), and some do not allege violations of the Minneapolis Police Department's Policy and Procedure Manual. The OPCR can take no action to investigate these complaints but does refer them to appropriate agencies when necessary. Unlike prior years, these are represented by the grey portion of the bar. They represent nearly 30% of complaints filed. Hence, 253 alleged instances of misconduct by officers of the Minneapolis Police Department more accurately defines the scope of the OPCR's work.

Allegations Filed (439)

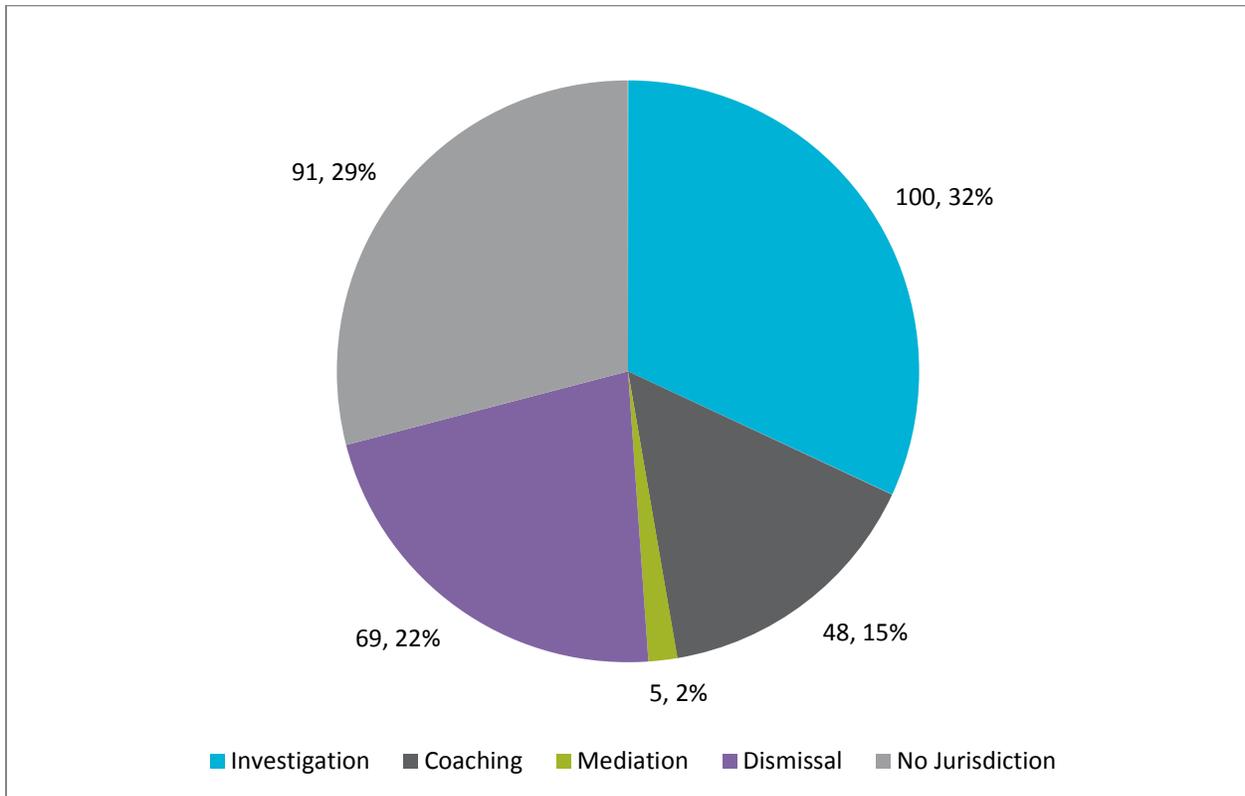


Similar to prior years, the general catch-all category “Violation of the Policy and Procedure Manual” and allegations of inappropriate language or attitude were by far the most frequent. Both can range from A-D level violations. Some of the alleged violations P&P Manual included:

- 5-103 Use of Discretion
- 5-105(2) Professional Code Of Conduct
- 7-401 Normal Vehicle Operation
- 5-105(3) Professional Code of Conduct
- 7-701 Impounding Vehicles
- 10-407 Inventory of Coin and Currency
- 9-200(III)(C) Search and Seizure
- 2-106 Complaint Investigations – Garrity Decision

It should be noted that the MPD finalized significant changes to § 5-105 Professional Code of Conduct on January 5, 2016. Subsection C, now titled “Language”, condensed the three overlapping language policies into two discrete policies.

OPCR Intake Resolution in 2015¹

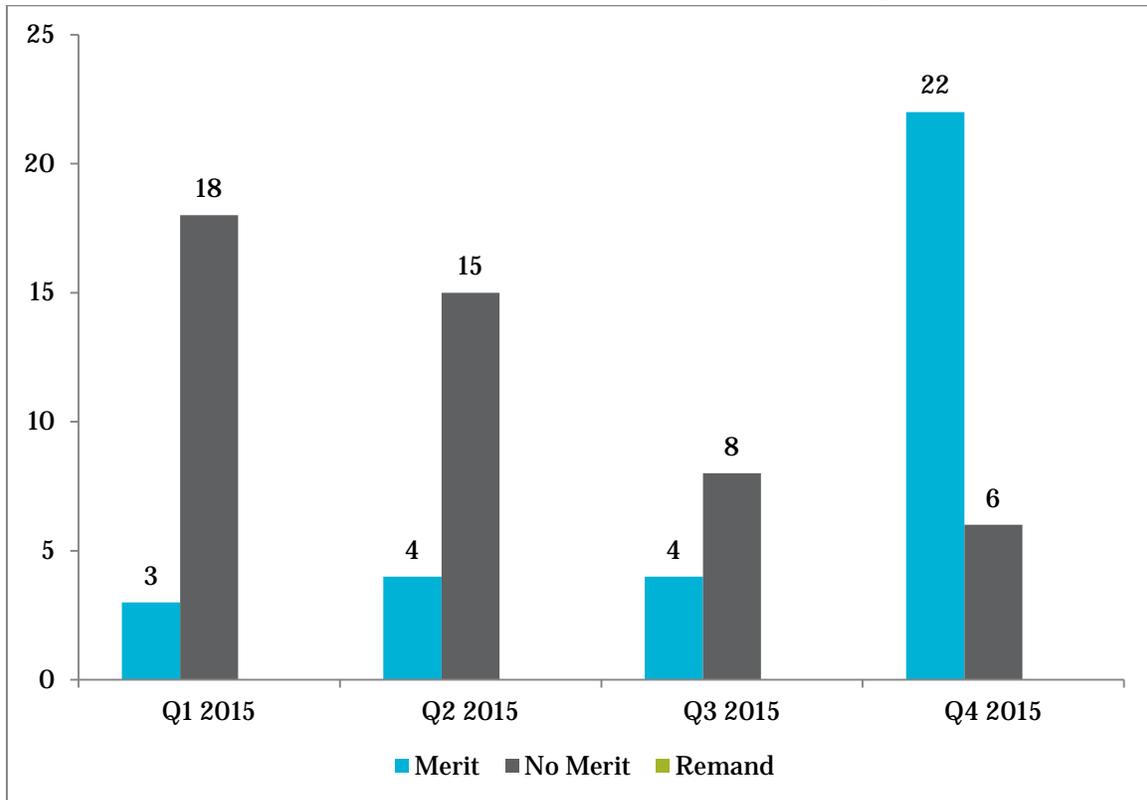


Upon receiving a complaint and the completion of the initial investigation, the OPCR joint supervisors have four options: (1) dismiss it, (2) send it through the coaching process, (3) mandate mediation between the officer and complainant, or (4) send the complaint to an investigation involving a civilian 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.

As discussed in the “Complaints Filed” section on page 6, the OPCR could take no action except referral to an outside agency on 29% of complaints filed. In cases where the OPCR had jurisdiction, 70% were sent to investigation, mediation, or coaching, a strong indication that the office is actively addressing all allegations of misconduct reported that are supported by some evidence. Those dismissed lacked any basis to proceed, were duplicate complaints of those already filed, or were withdrawn.

¹ It should be noted that at the end of 2015, 31 complaints filed were pending assignment or undergoing intake investigation.

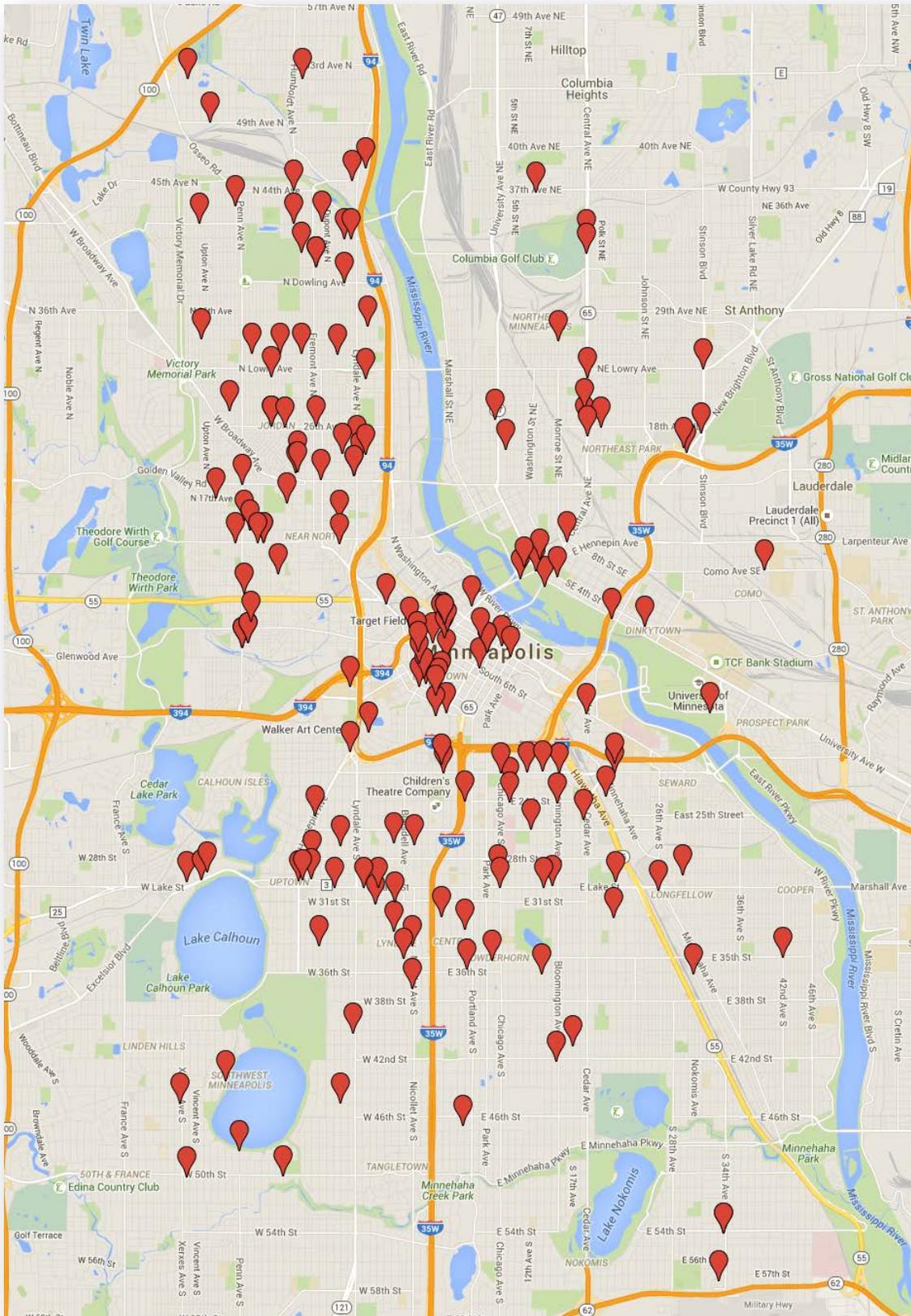
Review Panel Recommendations on Allegations



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 OPCR 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, only one allegation out of 222 reviewed has been forwarded to the chief with a split recommendation.

The PCRP issued recommendations on 80 allegations in 2015, 41% of which were merit. The members of the PCRP are often called on to review challenging cases, and in 2015, they issued merit recommended on significant allegations including unauthorized use of force, truthfulness, discrimination based on a protected class, and failure to notify IAD/OPCR of misconduct. To date, the Office of the Chief has not contested a merit recommendation.

OPCR Complaint Locations



[Find the interactive map here.](#)