Minneapolis Police Department
Office of Professional Standards

Internal Affairs
2005
Annual Report

Lt. Michael Davis · Commander

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··A NOTE FROM THE CHIEF··

The past two years have yielded tremendous change throughout the Minneapolis Police Department and within the Internal Affairs Unit. Two events contributed greatly to these changes, the first of which was the department's involvement in the Federal Mediation Process in 2003. Members of the MPD spent several months in the mediation process with various members of the community. The result of this effort was an agreement that has helped bring a mutual understanding between the police and the various communities that we serve.

During this process, members of the Internal Affairs Unit and the community formed a sub-committee with one mission: to reform the civilian complaint process. The hard work of this committee created a new complaint process that is more easily accessed and understood and is one that stresses accountability at every step.

The second major event prompting change within the department was the 2004 establishment of the Office of Professional Standards. The creation of Professional Standards was the result of months of in-depth research into the best practices of professional accountability in police departments across the country. The Office of Professional Standards (or OPS) contains several functions: Internal Affairs (IAU), Mediation Compliance, Backgrounds, Training, Recruitment, and Quality Assurance. The overarching goal of all of these units is to collaborate with one another and the entire department to ensure employee professionalism and accountability on a proactive and continual basis.

In the last two years Professional Standards has also implemented mandated supervisory response and reporting of police uses of force[1] and a "Use of Force Review Process" to evaluate significant events involving MPD officers using force. Since the inception of the process in March 2005, the data collected has brought about significant training and policy changes. This effort and others like it are designed to ensure that MPD procedures, policies, and training are in line with the practices of the best and most progressive law enforcement agencies across the country.

Since February 2004, the staff in IAU has increased from three investigators and one support staff member to eight investigators and two support staff members. The formation of the OPS bureau, the implementation of measures such as the Use of Force Review Process, and the new civilian complaint process all show the firm dedication of the MPD to employee accountability by providing the best possible police service to all who work, live, worship, and play in the City of Minneapolis.

I want to thank Deputy Chief Harris, Lt. Mike Davis and their staff for dedication to police professionalism, their hard work, and the production of this quality report.

Sincerely,

Timothy Dolan
Chief of Police,
Minneapolis Police Department

[1] Supervisors must respond to the scene of any use of force above the "hard empty hand" or any incident in which injury is alleged or observed. They must do an on-scene review and forward that review to IAU.

SECTION 1: INTRODUCTION

INTERNAL AFFAIRS
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··FOREWORD··

Few professions in public service demand more trust from the communities they serve than law enforcement. Therefore, law enforcement agencies across the United States must continually work on maintaining and building this trust. To help accomplish this goal, it is the role of the Internal Affairs Unit (IAU) to ensure that all employees of the Minneapolis Police Department comply with policy in the daily execution of their duties.

··PURPOSE OF INTERNAL AFFAIRS··

The Minneapolis Police Department (MPD) is committed to a fair and consistent discipline process. The department seeks to encourage and reinforce positive behavior by identifying any performance issues and correcting employees through counseling, training, and/or discipline. Therefore, the MPD has created a system that addresses civilian and internal concerns regarding alleged misconduct, and this system is set up with an appropriate response for each stage of the complaint process.

The purpose of the IAU is to establish a mechanism to receive, investigate and resolve complaints of employee misconduct. The goal of the IAU is to ensure that this mechanism is a system of internal accountability that maintains the integrity of the department using due process, fairness, and justice as the guiding principles.

An Internal Affairs investigation is defined as an administrative investigation into any event or series of events where there is a question as to whether any MPD employee was acting outside MPD policy and procedure. (See Appendix A: Investigation Process.)

The IAU accepts and investigates all complaints of misconduct. Cases investigated by the IAU may take the form of complaints filed by civilians or employees against any department employee, or they may take the form of a review of certain types of incidents as required by department policy.

It is the responsibility of the IAU to conduct thorough, impartial, timely investigations into allegations of misconduct and/or violations of the MPD Policy and Procedure Manual, City of Minneapolis Respect in the Workplace Policy, Civil Service rules, and/or any reported criminal conduct committed by a member of the department.

The IAU is obligated to investigate any allegation of employee misconduct, including acts that may have occurred on or off duty or outside the employing agency's jurisdiction. The MPD strives to maintain a balance between the powers of the police to provide effective law enforcement and the rights of civilians to be protected against abuse of police powers.

··MISSION STATEMENT··

The City of Minneapolis is the safest place to live, work, and visit. It is our mission to implement effective crime-prevention strategies and reduce crime by collaborating with the community and our criminal justice partners. We value:

- Employees as our greatest asset
- A workforce that reflects our community
- Protection of human rights
- Excellence in serving the public
- Honesty and integrity
- Community and community participation

To fulfill this mission, the Internal Affairs Unit has pledged:

- To encourage active participation by all parties in the complaint process
- To carefully examine each investigative file to ensure that all efforts have been made to resolve the complaint
- To review all complaints with complete objectivity and impartiality
- To engage in community outreach throughout Minneapolis
- To educate the general public concerning the IAU's purpose
- To report to the Office of the Chief of Police any patterns of misconduct that are uncovered as a result of investigation and complaint review
- To report to the Deputy Chief of Professional Standards any and all relevant issues and policy matters that may arise
- To proactively identify trends that may need to be addressed by the Training and/or Quality Assurance Units

Section 2: Investigating IAU Cases

INTERNAL AFFAIRS
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··ABOUT THE INTERNAL AFFAIRS UNIT··

EXPERIENCE AND TRAINING

In 2005, the Internal Affairs Unit had a complement of eight full-time sergeant investigators. These sergeants are all skilled investigators with a combined total of 45 years of investigative experience among them. This experience consists of work in the homicide, sex crimes, property crimes, forgery/fraud, child abuse, and domestic assault units. In addition, three of these investigators are current use-of-force instructors with more than 15 years of training experience each.

Because conducting quality investigations takes a considerable amount of specialized training, all internal affairs investigators have been trained in:

- Internal affairs investigations
- Homicide investigations
- Shooting reconstruction
- Officer-involved shooting investigations
- Ethics
- Use-of-force investigations

··THE COMPLAINT PROCESS··

The Internal Affairs Unit receives civilian complaints from a variety of sources including civil lawsuits and the Minneapolis Department of Civil Rights. In 2004, the complaint process was overhauled to provide individuals with a clear, concise way to file complaints of police malfeasance.

Having a responsive, efficient, and easy-to-understand complaint process is essential to establishing and maintaining trust with the various communities that the MPD serves. We believe the current civilian complaint process goes a long way toward accomplishing this objective.

An individual who wishes to file a complaint has several options. The complainant may call or stop into the Internal Affairs office and speak directly with an investigator. That investigator will listen to the complaint and then give the complainant a Police Conduct Incident Report Form (PCIR) and an informational pamphlet about the process, with a postage-paid envelope. Once the completed form is received back in Internal Affairs, an investigator is assigned to the complaint and contacts the complainant within five business days.

It is the policy of the Internal Affairs Unit to accept complaints about police department employees no matter how the complaints come in. Besides contacting the IAU directly, individuals can also file complaints with any supervisor in the police department. All police department employees are required to direct individuals with complaints to the IAU and/or the appropriate supervisor.

··POLICE CONDUCT INCIDENT REPORT··

The Police Conduct Incident Report Form (PCIR) was created as a direct result of the federal mediation process. A sub-committee within the federal mediation process created this form as a means for anyone to file a complaint. The form is currently published in four languages: English, Somali, Spanish, and Hmong. The form is also available in alternative formats and lists a TTY number for people who communicate more easily using this service.

The forms are printed in triplicate with reference numbers. These measures were taken as a means of tracking for every complaint that is received. Complainants keep one of the copies of the completed form and use the reference number when inquiring about their complaint.

These forms were first printed and sent into circulation in June 2004. As a part of the rollout, a public training was held with more than 13 different community organizations. The purpose of this training was two-fold: first, it was an opportunity to publicly spread the word about the new civilian complaint process; second, it was also an opportunity to get forms into the hands of as many community organizations as possible. Other training sessions have since been held in various forums to get the word out in any way we can that the complaint process has changed for the better.

The PCIR forms are available at MPD police precinct stations, the Franklin Safety Center, the Barbara Schneider Foundation, African American Men and Women in Need, and Federal Mediation Now. The form is also available on the Minneapolis Police Department's website:

http://www.ci.minneapolis.mn.us/police/about/internal-affairs.asp.

The materials given to complainants include information on the Police Civilian Review Authority (CRA) and the Minneapolis Department of Civil Rights. The complainant can choose to have his or her complaint investigated by the Police Civilian Review Authority (CRA) instead of the IAU. On the bottom of the form are check boxes to choose. If the complainant selects the CRA to investigate his or her complaint, the IAU will notify him or her when the complaint form is received and has been forwarded to the CRA.

··INVESTIGATIVE PROCESS··

All complaints begin with a review called a preliminary investigation. Depending on what is found in this initial stage of the inquiry, the investigation is either continued as an IAU case, referred to the precinct or unit commander to investigate, discontinued based on a lack of facts to indicating a policy violation, or the investigation is suspended pending further information.

An IAU investigation begins with the gathering of all available data pertaining to the allegation. This includes, but is not limited to, all police reports, complainant/witness statements, patrol logs, a scene canvass/search, video camera recordings, and medical records. The IAU will work with forensic pathologists, computer/media experts (to enhance video), shooting reconstruction experts, and any other experts needed to help clarify and interpret data.

The investigator concludes his/her case and forwards it to a three-person disciplinary panel that typically consists of deputy chiefs and precinct commanders. The disciplinary panel will make its recommendation to the Chief or his designee, who has the final say on the outcome of the case and any disciplinary action. After the Chief (or his designee) has made the final determination, the complainant is notified of the outcome.

(This information appears in more detail in Appendix A: Investigation Process.)

If the allegation is found to be of a criminal nature, IAU will conduct the criminal investigation and, upon completion, will submit the case file to the appropriate prosecutor's office for consideration of charges.

··DEFINITIONS··

Preliminary Case: The initial investigation into the complaint

IAU Case: The second stage of inquiry into the complaint

At Panel: This means the case is in the hands of the disciplinary panel

Dispositions:

- SUSTAINED: Evidence shows that the complaint is true
- NOT SUSTAINED: There is insufficient evidence to either prove or disprove the complaint
- EXCEPTIONALLY CLEAR: A finding cannot be determined due to an exceptional circumstance such as employee resignation, etc.
- EXONERATED: The incident did occur, but it was lawful and proper
- POLICY FAILURE: The complaint is true, but the employee's actions were not inconsistent with MPD policy
- UNFOUNDED: Evidence shows that the complaint is false
- NO BASIS FOR COMPLAINT[2]: There is no articulated policy violation within the facts presented
- CASE CONTINUED PENDING FURTHER INVESTIGATION[3]: The investigation is suspended at this time until further information can be obtained

[2] It should be noted that this disposition is used only for preliminary cases
[3] It should be noted that this disposition is also used only for preliminary cases

Section 2.1: IAU Case Data

INTERNAL AFFAIRS
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TOTAL POLICE SERVICE CALLS, INCIDENTS USING FORCE & IAU CASES

	CALLS FOR POLICE SERVICE[4]	ARRESTS	FORCE INCIDENTS	IAU CASES
2002	375,728	47,543	631	38
2003	343,367	44,060	598	36
2004	341,376	48,622	936	80
2005	362,379	45,747	723[5]	79
AVERAGE	330,437.5	46,493	722	58.25

This table shows a 1.25-percent decline in IAU cases from 2004 to 2005. The dramatic increase in cases after 2003 is due to changes in IAU processes, a direct result of the federal mediation process.

2005: ALLEGATION TYPE AND INCIDENT LOCATION

More than one type of allegation may be made within one IAU case, so the number of allegations and the number of IAU cases will differ significantly. Similarly, more than one officer may be named within one IAU case.

	PCT 1	PCT 2	PCT 3	PCT 4	PCT 5	OUTSIDE MINNEAPOLIS
Force	9	1	14	11	12	1
Training		1				
Discretion	2	2	3	3		2
Procedure	4	3	6	2		1
Searches		2	3	1	1	
Off-Duty & Special Duty		2	2			
Ethics	7	3	4		2	9
Conduct	10	3	6	6	4	12
Language	1	2				1
Pursuits/Accidents				3		

DISCIPLINE IMPOSED[6]

	2004	2005
Termination[7]	6	1
Demotion	1	0
Suspension	18	4
Letter of Reprimand	9	10
Oral Reprimand	0	0
Coaching	4	5

In 2004, there were 39 events where at least one allegation was sustained. In 2005, there were 20 events where at least one allegation was sustained. It should be noted that there are still cases outstanding from 2005 (either under investigation or pending discipline).

[4] This term indicates that there was some form of police contact that generated a case number from Dispatch.
[5] 543 of the 722 incidents reported were based on the Supervisor's Force Review Report
[6] Data is current as of 9/28/06
[7] 2 of the employees in this category resigned in lieu of termination

It should be noted that an individual may be the subject of one or more investigations, thereby causing the person to be counted twice here.

SUBJECTS OF IA CASES

	Captain	Lieutenant	Sergeant	Officer	Civilian	Unknown	Total
2004	1	5	12	68	6	3	95
2005	2	1	20	67	2	3	94

SOURCE OF COMPLAINTS

	Internal	External
2004	50	30
2005	36	40

"External" refers to complaints received from either the public or other law enforcement agencies.

	Sustained	Not Sustained	Unfounded	Exonerated	Exceptionally Clear	Policy Failure	Pending	Total
Force	1	24	2	3				30
Training								0
Discretion	3	4						7
Procedure	16	13	1	3	3	2	4	42
Searches	1	5						6
Off-Duty & Special Duty	1	1			1			3
Ethics	19	7	6	1	4	1	1	39
Conduct	15	7	3	1			6	32
Language	7	3						10
Pursuits/Accidents							2	2
Total	63	64	12	8	8	3	13	171

2005: BREAKDOWN OF ALLEGATIONS AND FINDINGS

	Sustained	Not Sustained	Unfounded	Exonerated	Exceptionally Clear	Policy Failure	Pending	Total
Force	4	15	2	6		3	19	49
Training	1							1
Discretion	1			2	1	1	3	8
Procedure	1	4		1			8	14
Searches	1	1					5	7
Off-Duty & Special Duty	2	1						3
Ethics	8	8	2		1		7	26
Conduct	13	10	2	4	3		12	44
Language	2	1					2	5
Pursuits/Accidents							4	4
Total	33	40	6	13	5	4	60	161

Data in these two tables shows a 5.8-percent decrease in the number of allegations made in 2005 from 2004. In 2005, 20.4 percent of the allegations were sustained -- down from 36.8 percent in 2004. It is important to notice that 60 allegations (37 percent) are still pending (either at panel or still under investigation) from 2005.

Note: All data contained here is current as of 9/28/06. Cases returned from the disciplinary panel after that date are still listed as pending for the purposes of this report.

Section 3: Investigating Force

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··FORCE INVESTIGATION TEAM··

An independent team to investigate force used by the police was formed within the Internal Affairs Unit in March 2005. The Force Investigation Team (FIT) spent the first three months researching best practices and legal issues in the area of police use-of-force. FIT investigators visited the Washington, D.C. and Los Angeles police departments where they met with these departments' force investigation teams. Based on this information, the Force Investigation Team established an updated investigative protocol that ensures high quality, comprehensive, and professional investigations of force.

The Force Investigation Team reviews the following:

- All uses of force by MPD officers above the level of hard empty hand on the current force continuum are reviewed. This is defined as: hand-knee-foot strikes, use of impact weapons to strike, TASER use, less-lethal weapon use, chemical spray, handguns, shotguns, patrol rifles, and the squad car used a force instrument.
- All officer-involved shootings
- All incidents that result in injury to an offender
- Any hospitalization of officers or offenders that result from a use of force

The Force Investigation Team identifies trends of use of force within the MPD that may not be consistent with current policy, training, and best practices. When any such trends are identified, they are made known to the MPD training unit and the MPD administration.

··SUPERVISORS FORCE REVIEWS··

The MPD began the process in which police supervisors are required to conduct on-scene, preliminary investigations in all incidents where a significant amount of force is used. The following criteria mandate a supervisor's preliminary investigation:

- All strikes
- Use of all impact weapons
- Use of any stunning techniques
- Use of the lateral vascular neck restraint (LVNR)
- Any TASER use
- Any use of less-lethal weapons (bean-bag rounds, 40 MM sponge rounds)
- Use of chemical spray
- K9 (police dog) bite
- Squad car/vehicle used as a weapon

- All firearms discharges
- Use of any improvised weapons
- All cases where force is used and there is an injury or an alleged injury

The supervisor on duty is required to complete a Supervisors Force Review Report (SFRR) and forward that report to the IAU before the end of the shift in which the force occurred. Once the SFRR is received in IAU, an investigator reviews the entire event the next business day.

··USE OF FORCE WORK GROUP··

A work group was formed in March 2005 with members from the Internal Affairs Unit, the Training Unit, and Quality Assurance. The purpose of this group is to continually assess the force used by officers of the MPD. This work group researches the best practices regarding all aspects of the use of force.

Section 3.1: Force Review Data

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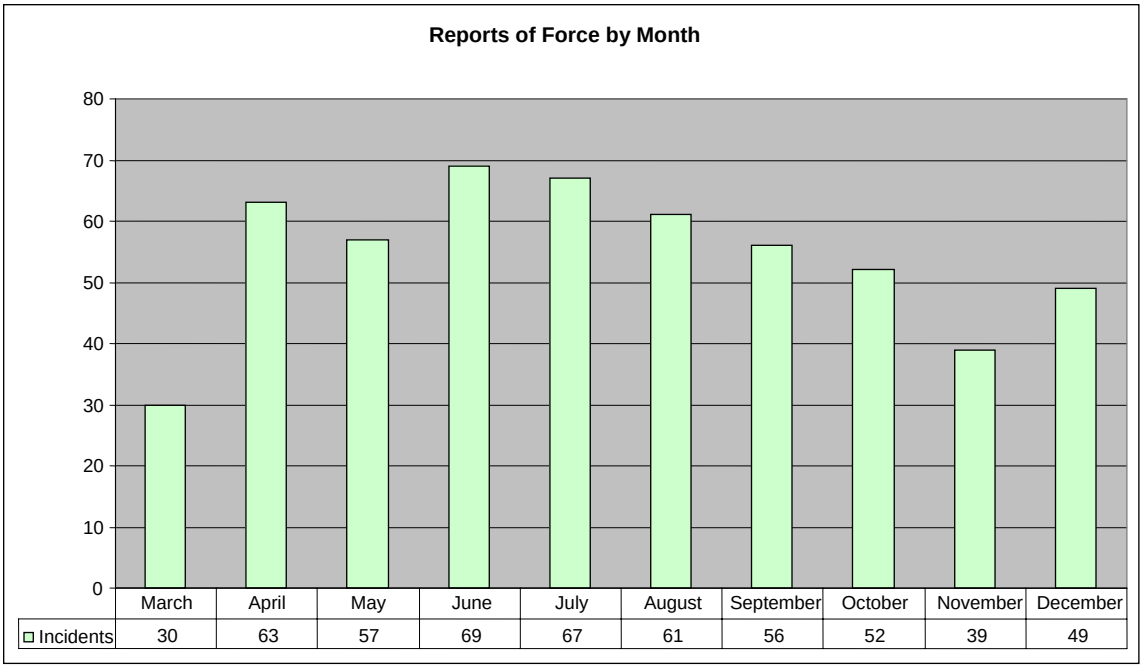
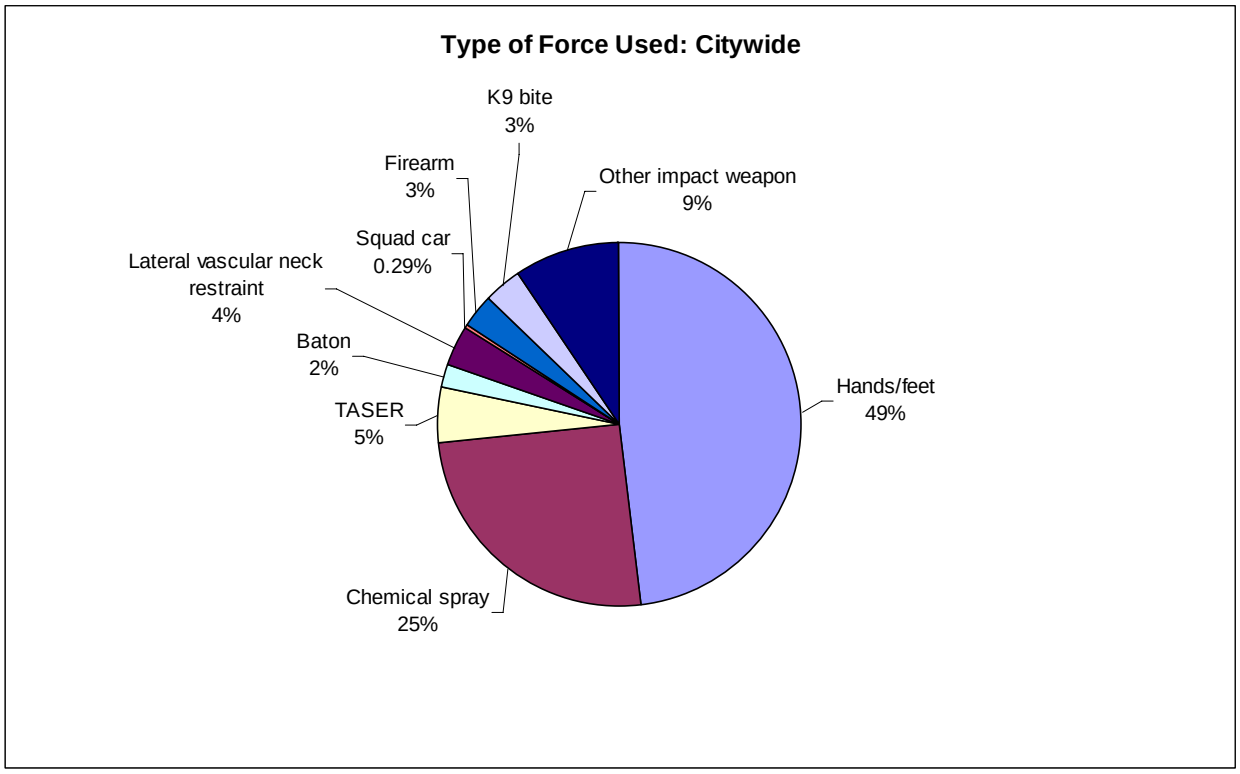
All the data in this section is a direct result of the Supervisor Use of Force Reporting process that was implemented in March 2005.

··2005 CITYWIDE FORCE STATISTICS··



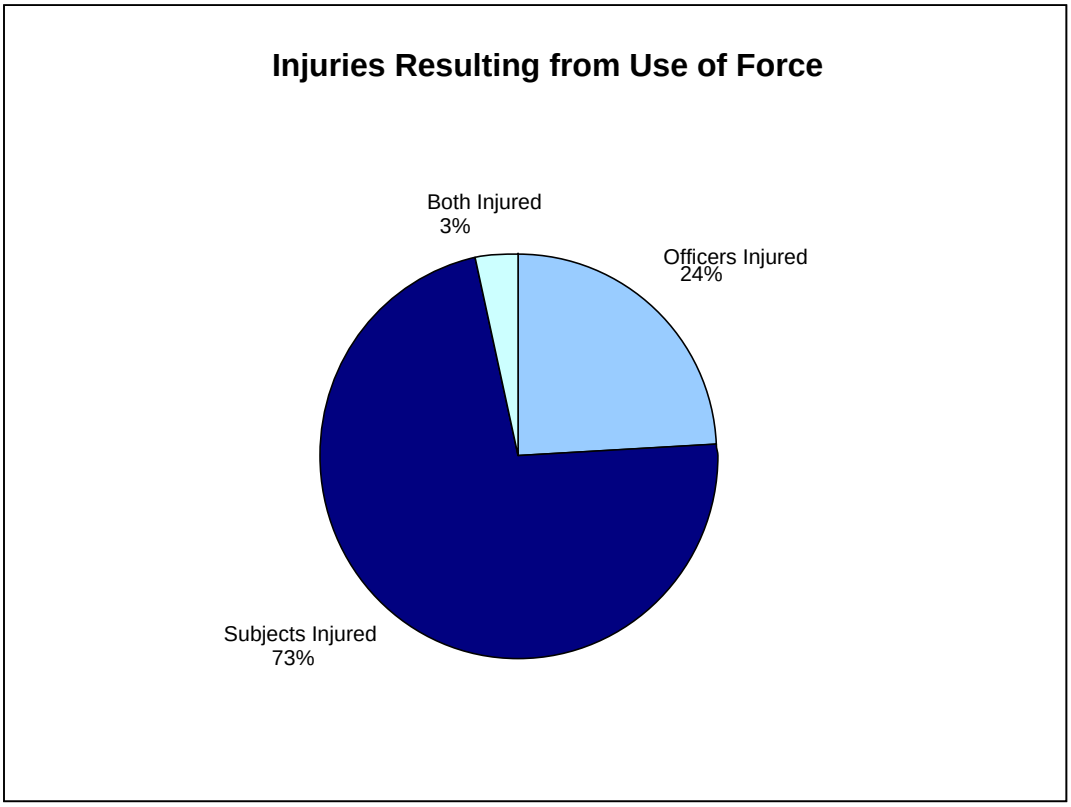
	March	April	May	June	July	August	September	October	November	December
Incidents	30	63	57	69	67	61	56	52	39	49



··CITYWIDE FORCE STATISTICS (CONTINUED)··

	# of force incidents	# of injuries	Rate of injury per 10 force incidents
Citywide	543	213	3.9

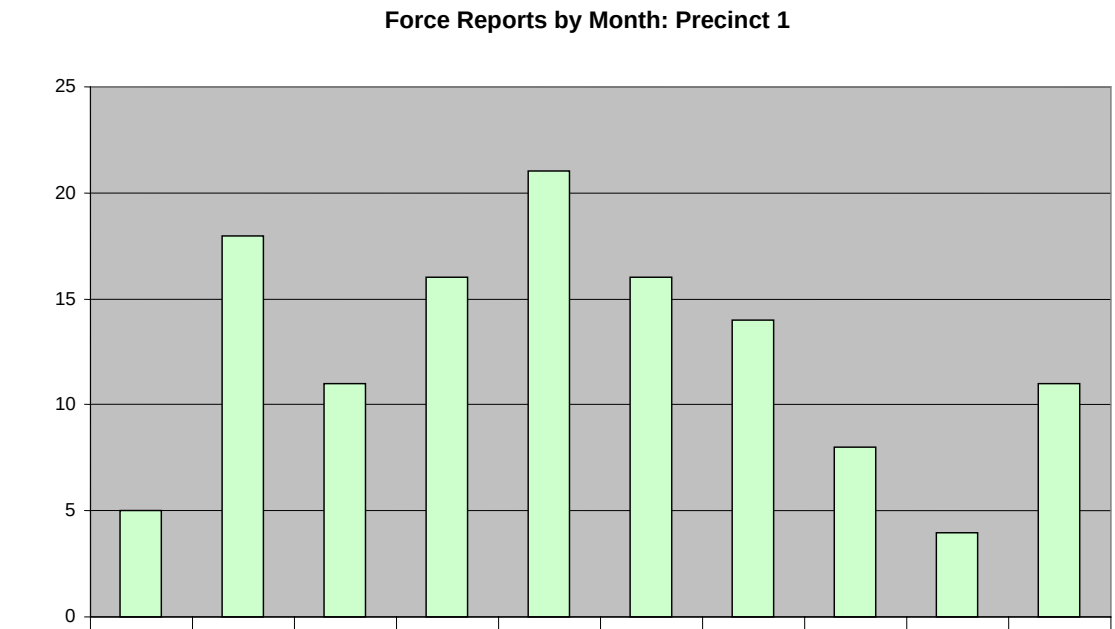
Here, the term "injury" refers to injury to officer, subject, or both.



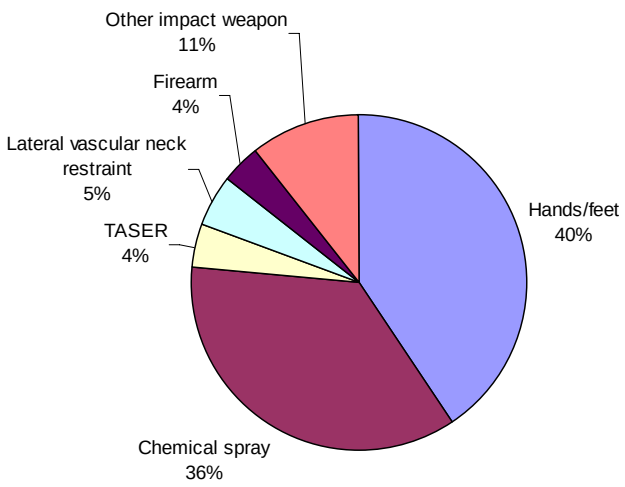
CITYWIDE POLICE FIREARM USE

	Person – fatal	Person – non-fatal	Shot(s) fired – no injury	Firearms as impact weapons	Aggressive dog	TOTAL
2005	**2**	**1**	**4**	**4**	**9**	**20**

··PRECINCT 1: DOWNTOWN··



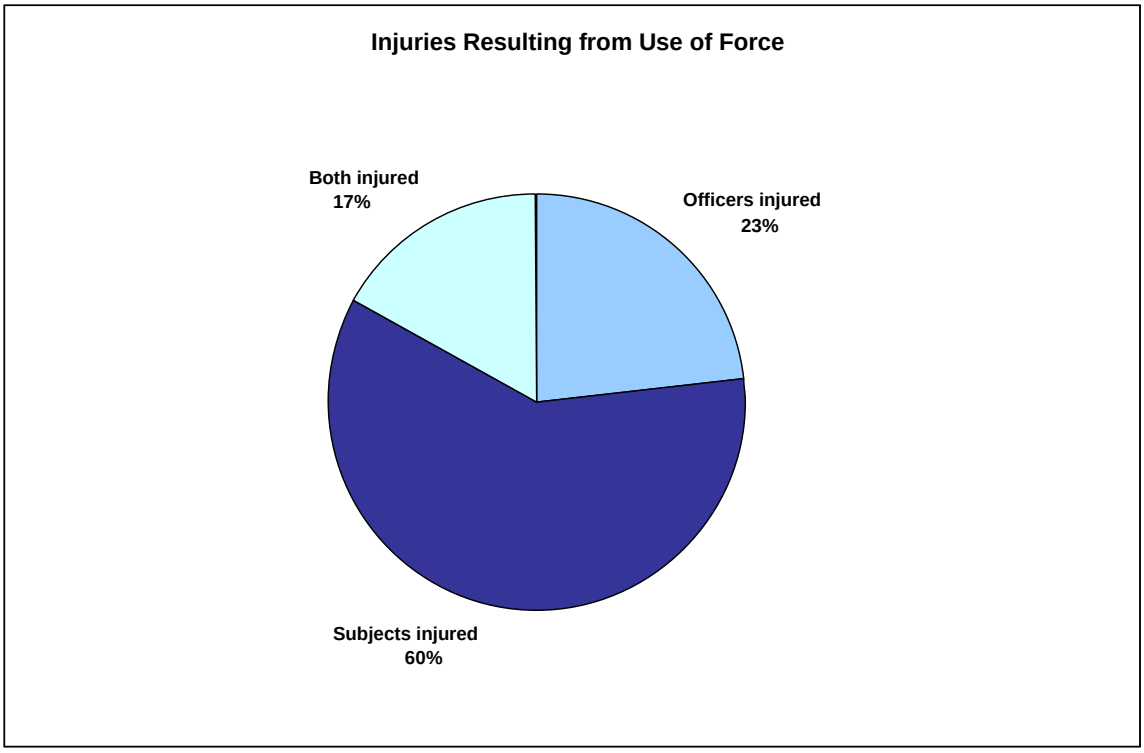
	March	April	May	June	July	August	September	October	November	December
Incidents	5	18	11	16	21	16	14	8	4	11

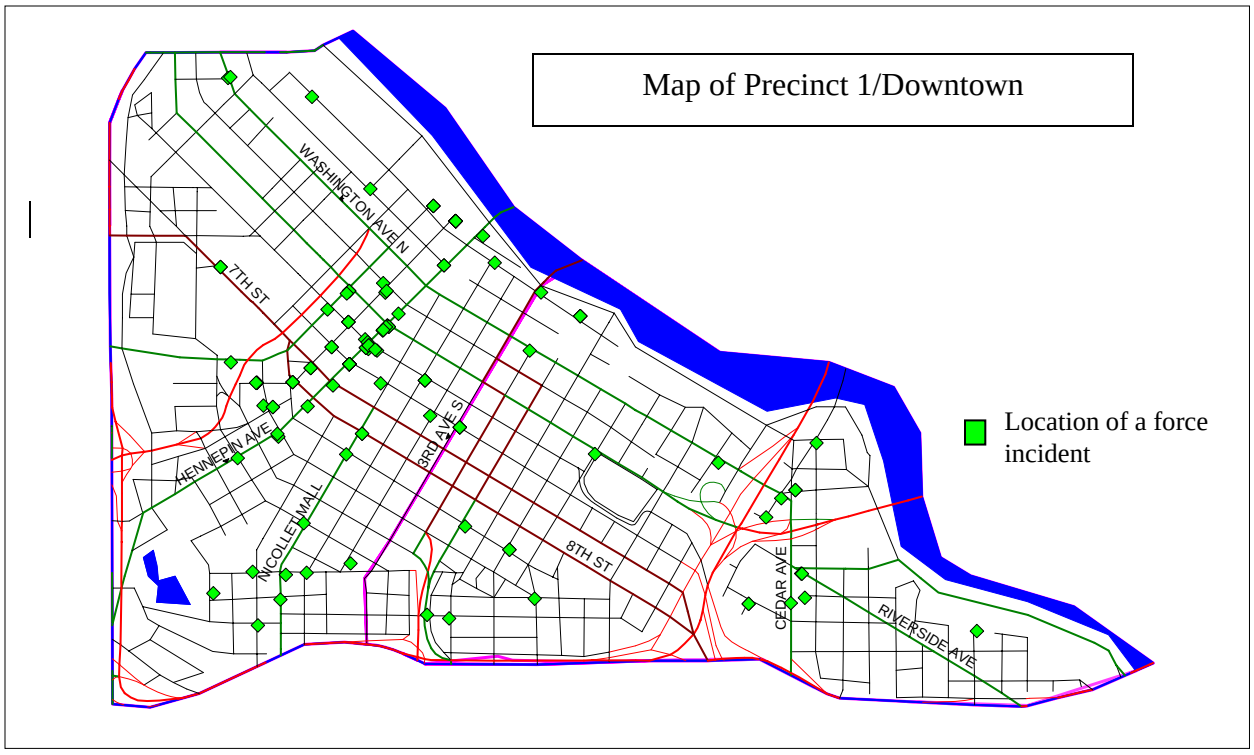


··PRECINCT 1: DOWNTOWN (CONTINUED)··

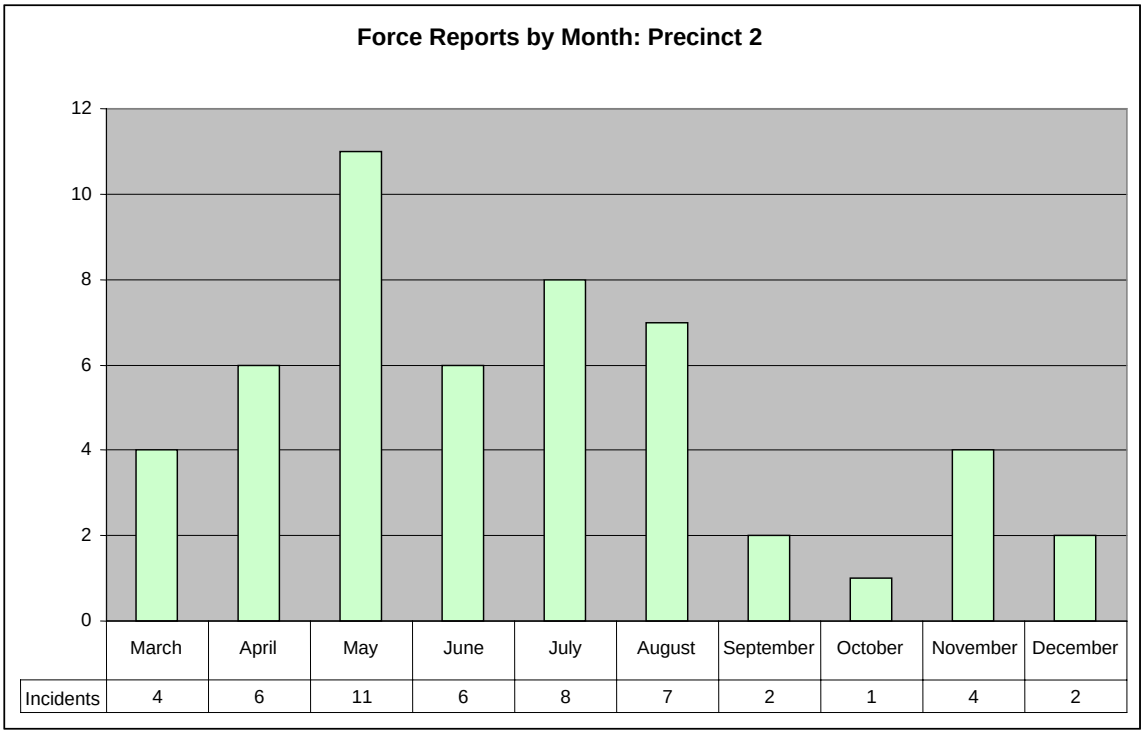
	# of force incidents	% of Citywide total force	# of injuries	% of citywide total injury
Precinct 1	124	22%	47	22%

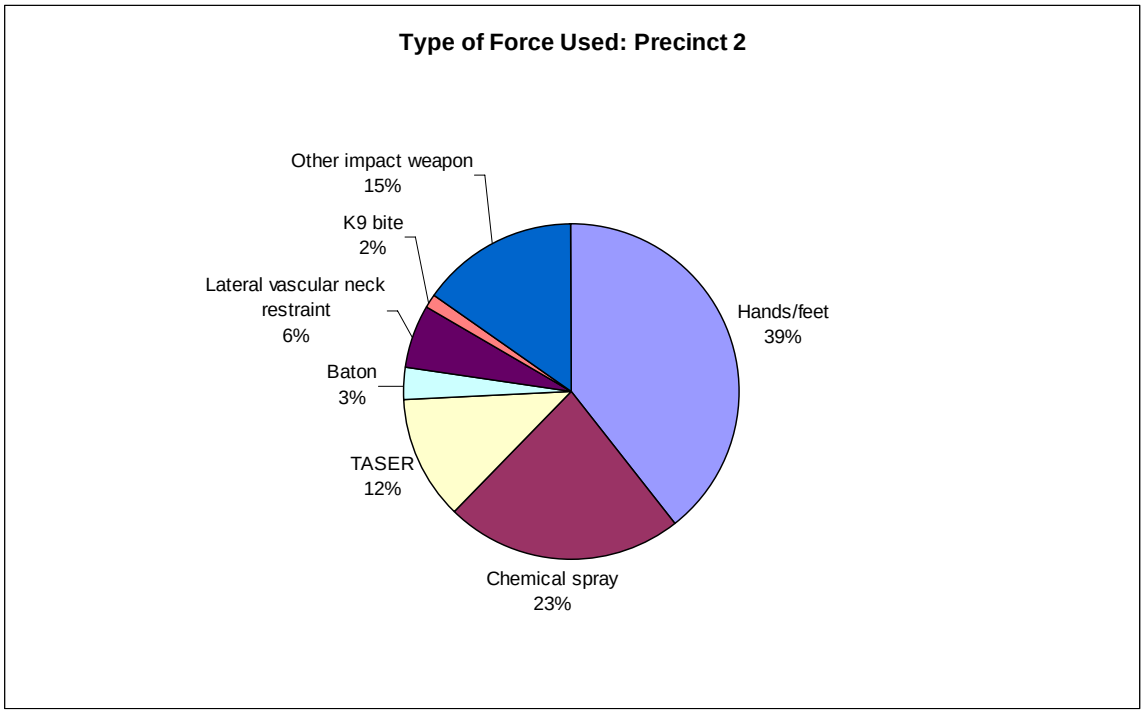
Here, the term "injury" refers to injury to officer, subject, or both.





··PRECINCT 2: NORTHEAST MINNEAPOLIS··

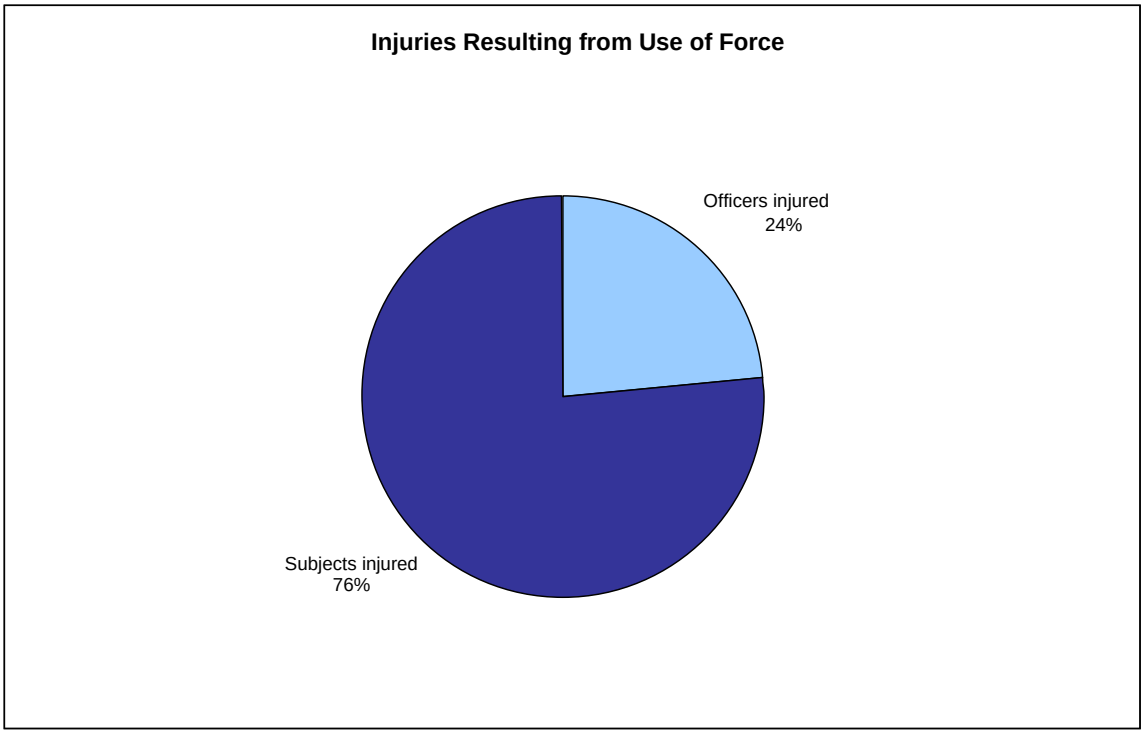


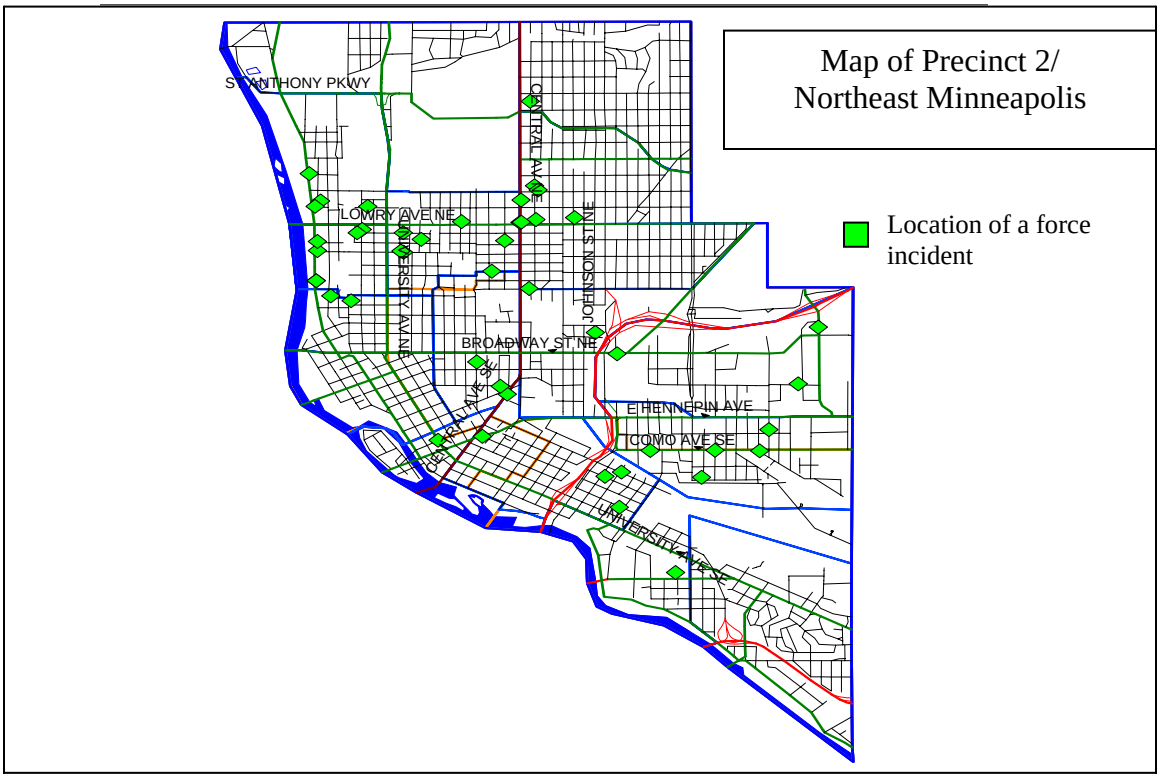


··PRECINCT 2: NORTHEAST MINNEAPOLIS (CONTINUED)··

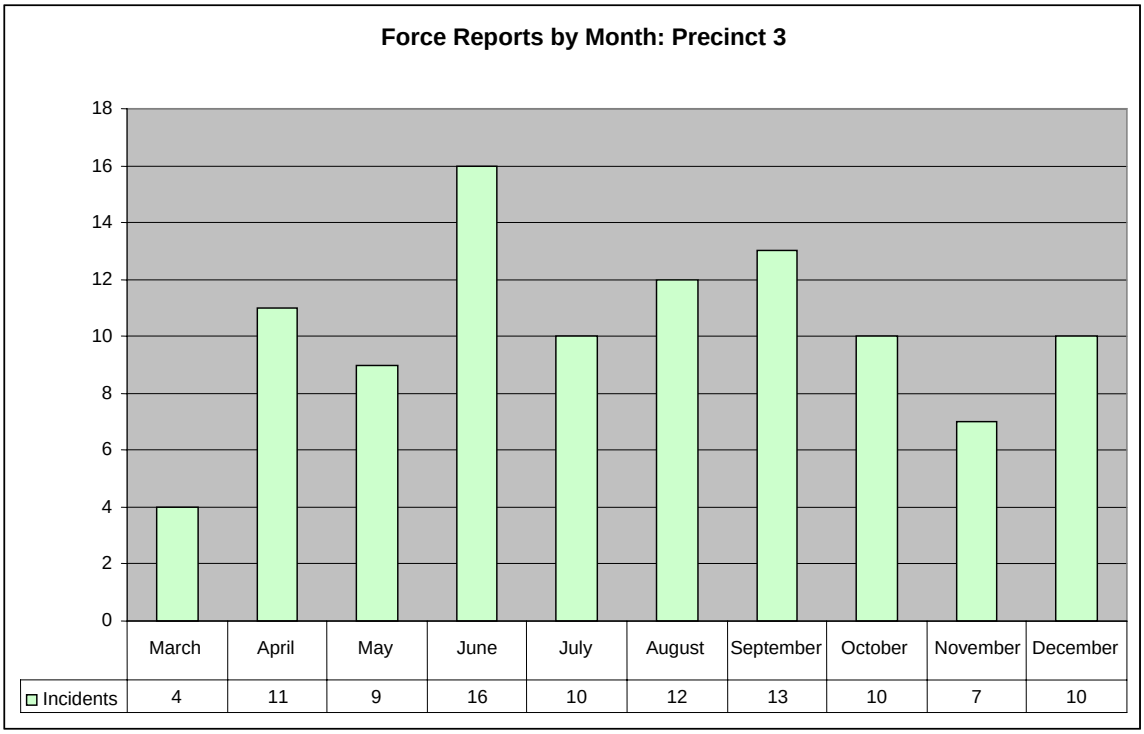
	# of force incidents	% of citywide total force	# of injuries	% of citywide total injury
Precinct 2	57	9.3%	17	7.9%

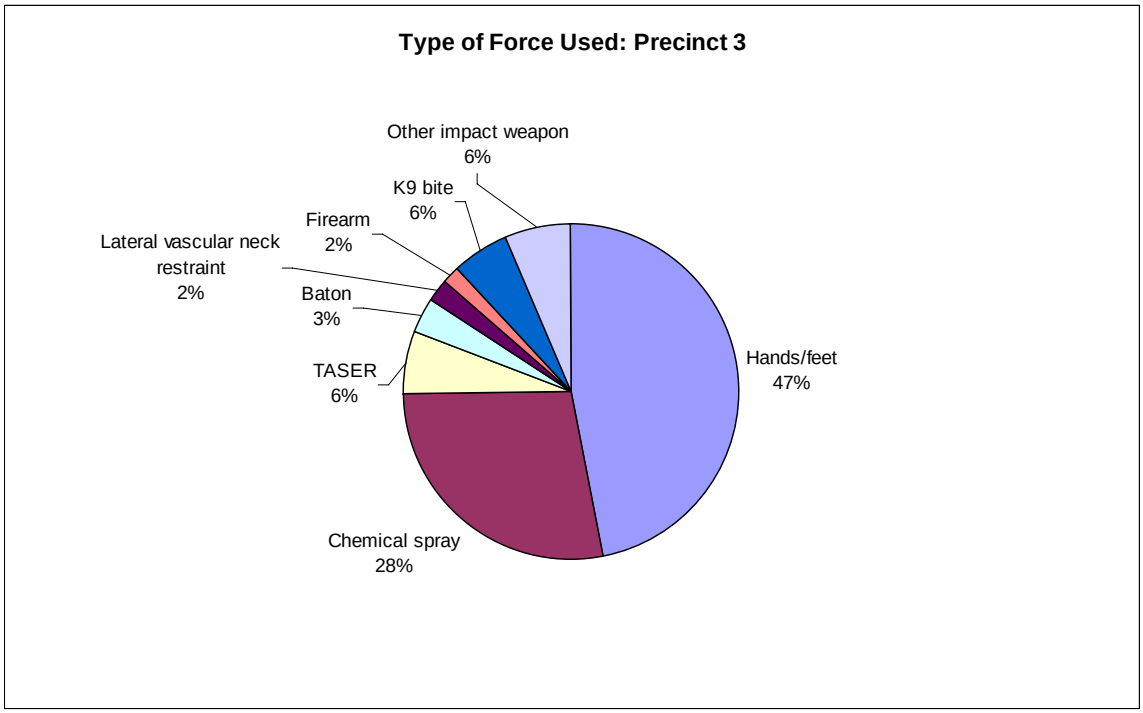
Here, the term "injury" refers to injury to officer, subject, or both.





··PRECINCT 3: SOUTH MINNEAPOLIS··

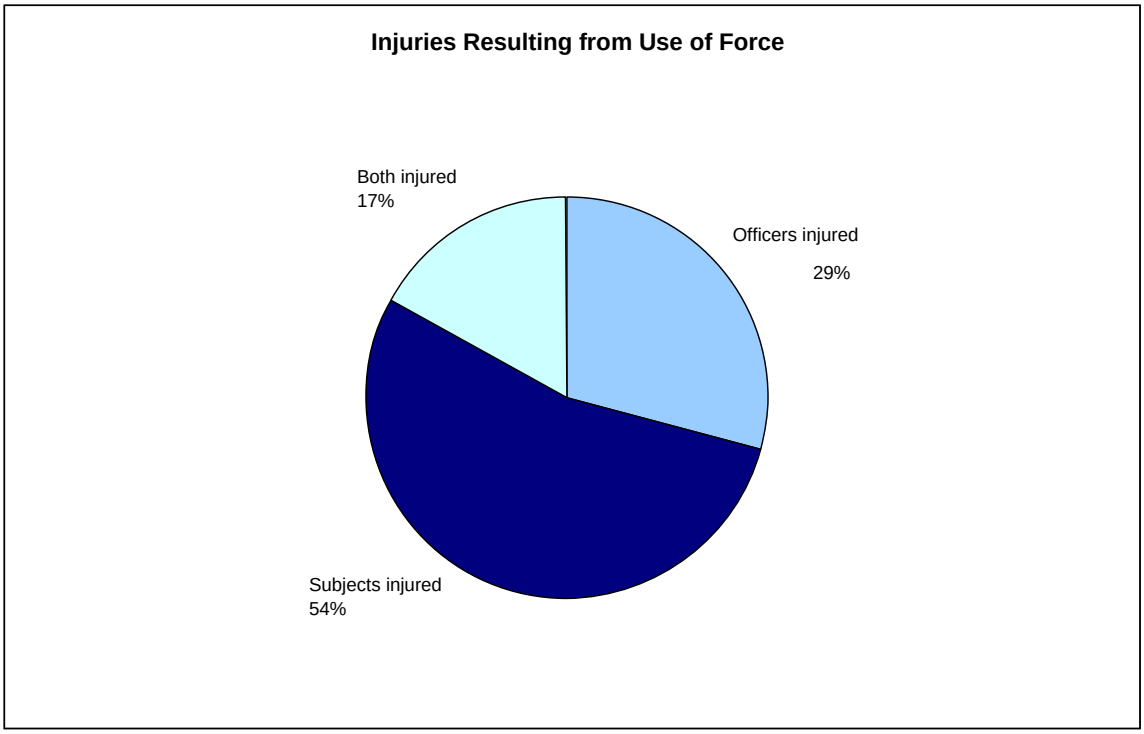


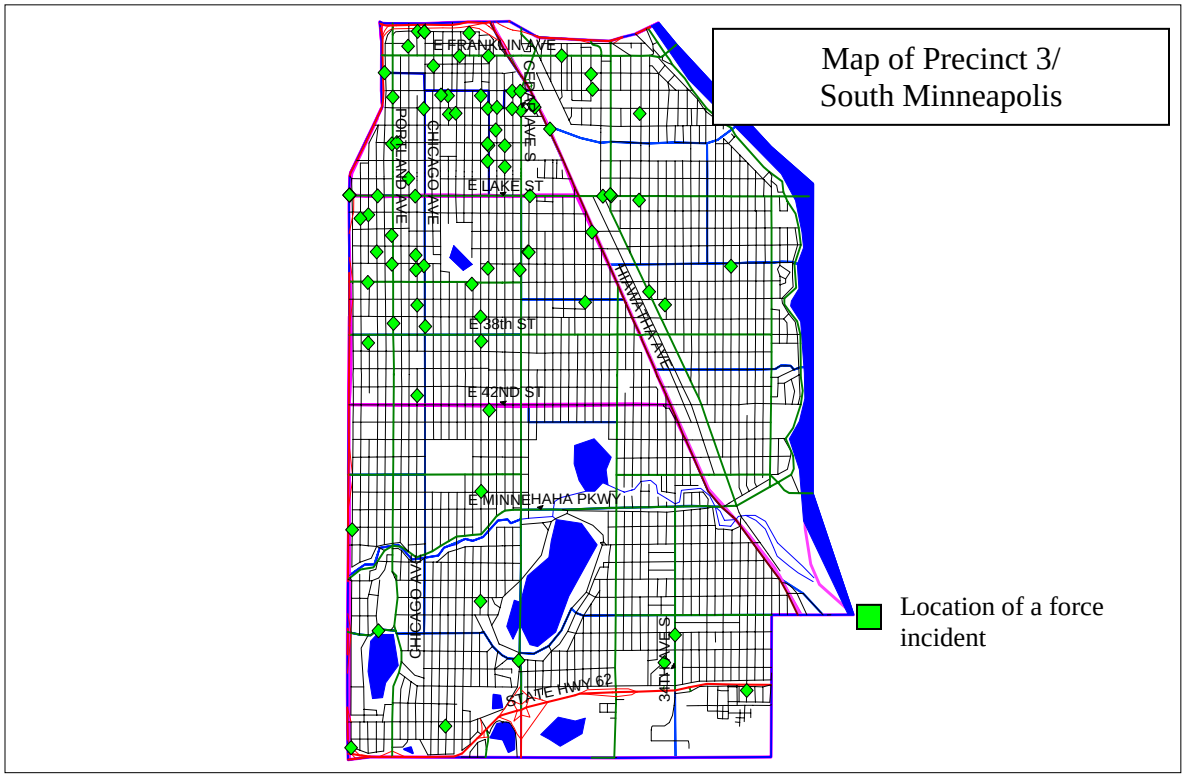


··PRECINCT 3: SOUTH MINNEAPOLIS (CONTINUED)··

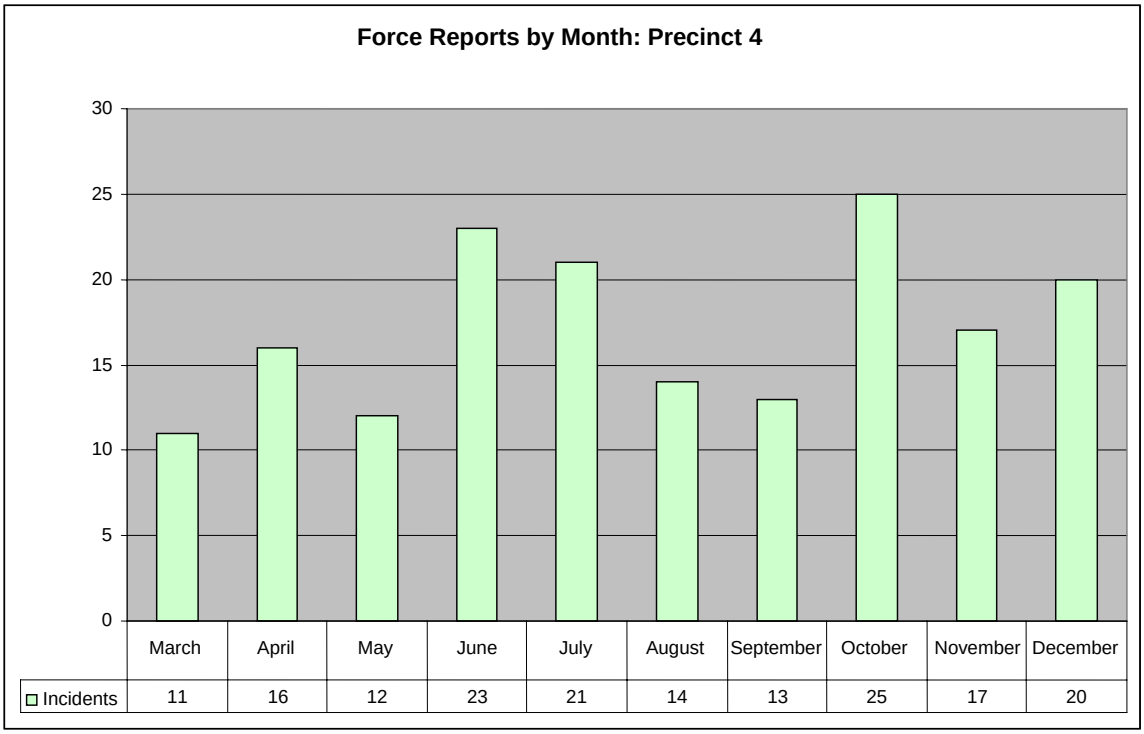
	# of force incidents	% of citywide total force	# of injuries	% of citywide total injury
Precinct 3	102	18.7%	41	19.2%

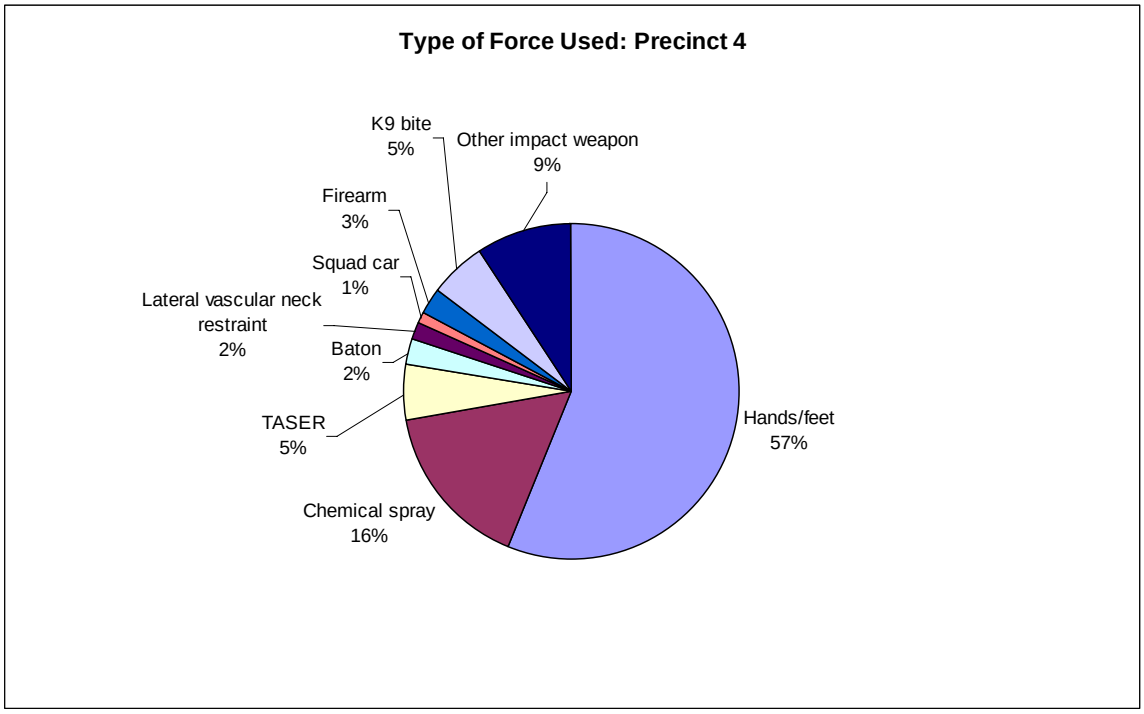
Here, the term "injury" refers to injury to officer, subject, or both.





··PRECINCT 4: NORTH MINNEAPOLIS··

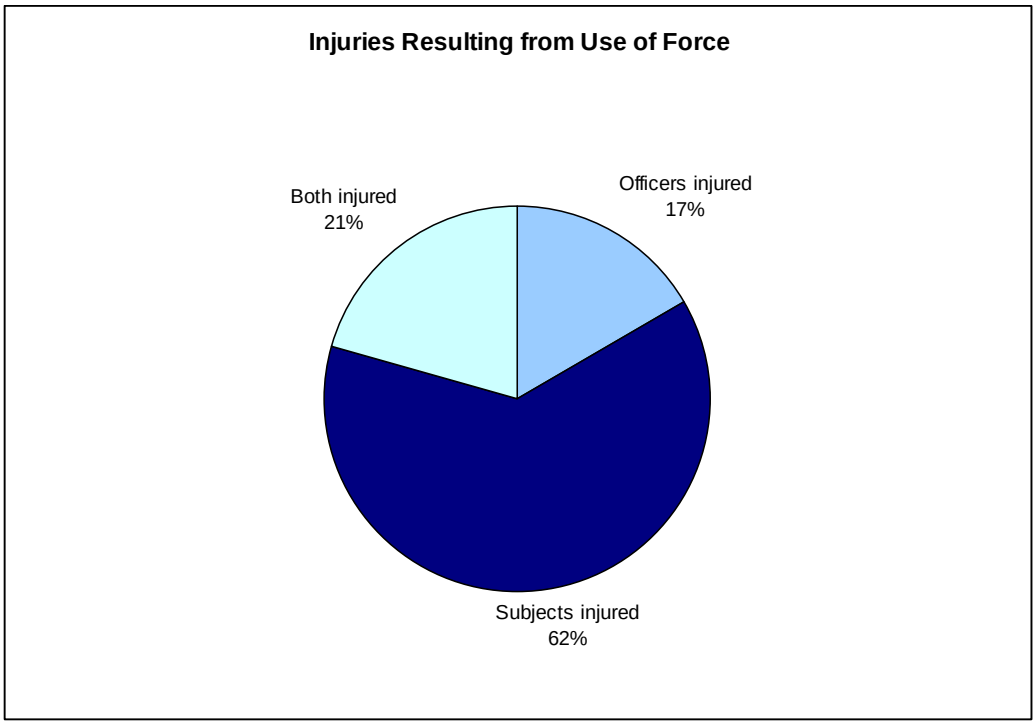


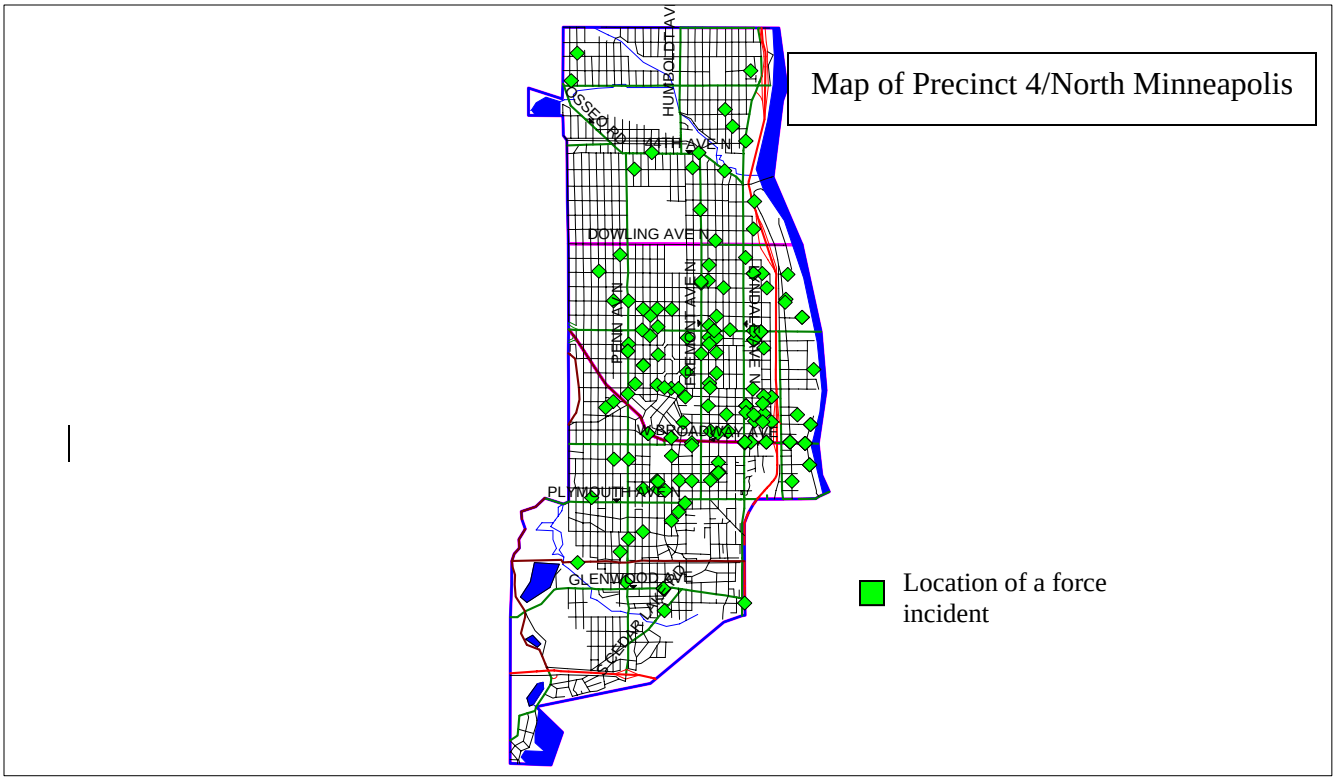


··PRECINCT 4: NORTH MINNEAPOLIS (CONTINUED)··

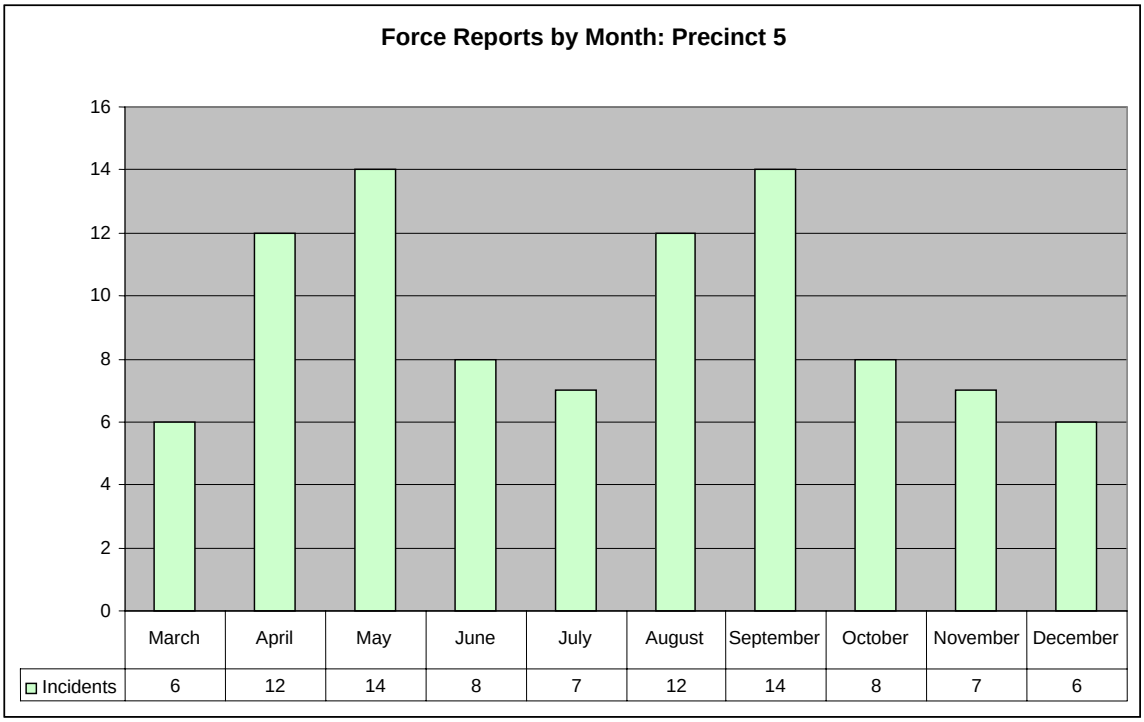
	# of force incidents	% of citywide total force	# of injuries	% of citywide total injury
Precinct 4	172	31.6%	78	36.6%

Here, the term "injury" refers to injury to officer, subject, or both.

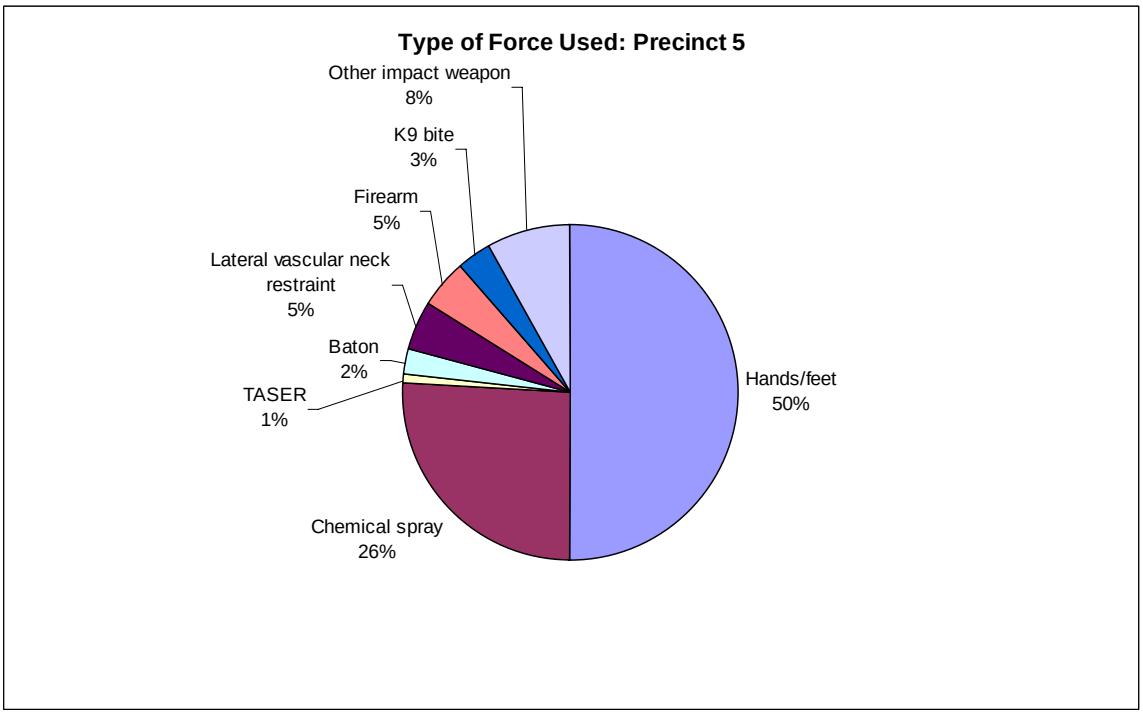




··PRECINCT 5: SOUTHWEST MINNEAPOLIS··



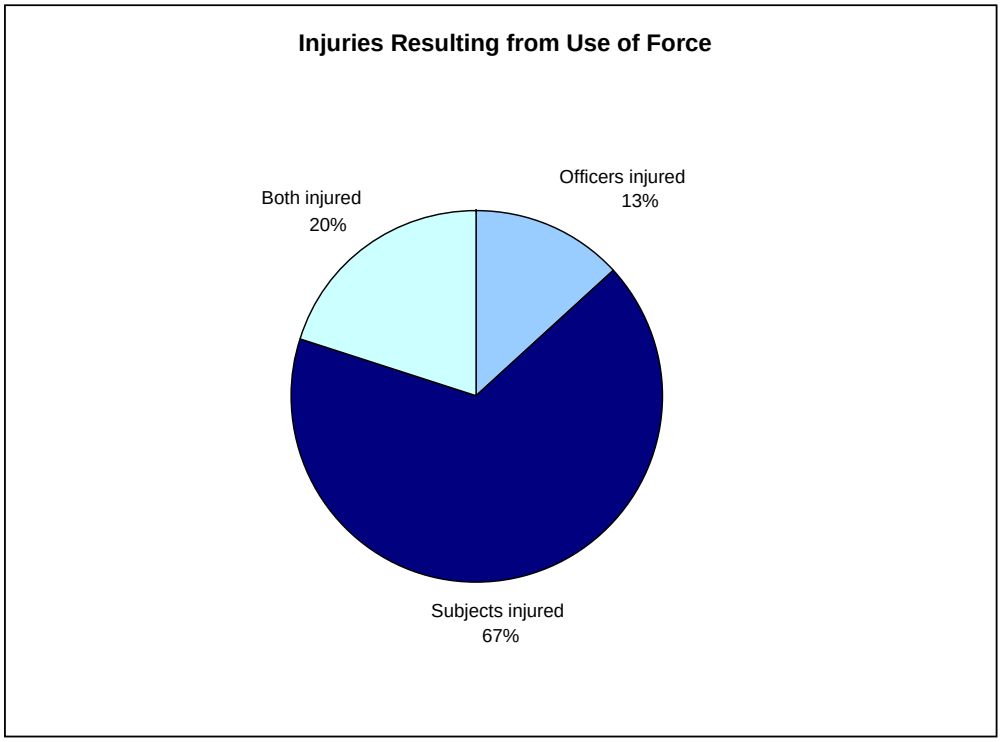
	March	April	May	June	July	August	September	October	November	December
Incidents	6	12	14	8	7	12	14	8	7	6

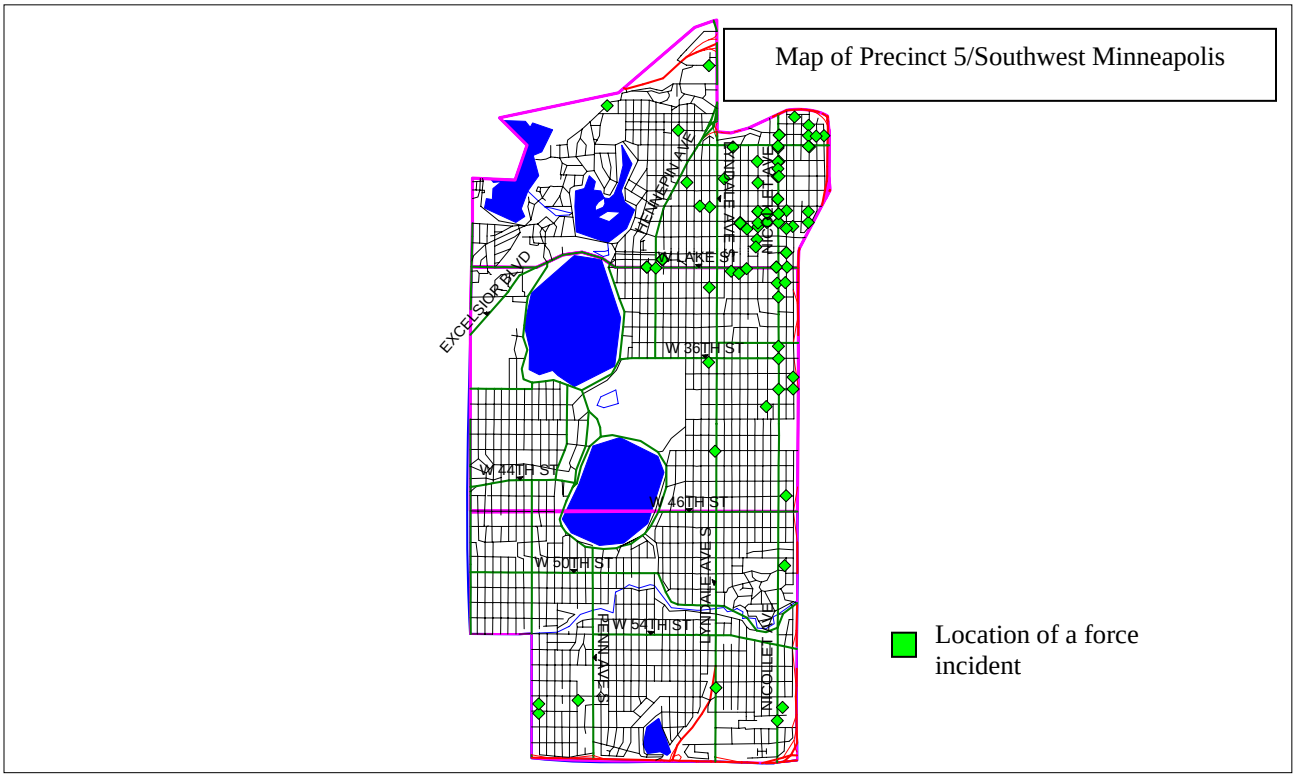


··PRECINCT 5: SOUTHWEST MINNEAPOLIS (CONTINUED)··

	# of force incidents	% of citywide total force	# of injuries	% of citywide total injury
Precinct 5	94	17.3%`	30	14.1%

Here, the term "injury" refers to injury to officer, subject, or both.





··NATIONAL DATA FOR COMPARISON··

In June 2006, the U.S. Department of Justice's Bureau of Justice Statistics issued a Special Report on the topic of civilian complaints regarding police use of force. Because of the possibility of differing research methods, comparisons between that report and this one may not necessarily be "apples to apples." Therefore, comparisons between the two are useful mainly as a general benchmark and as a point for discussion, not as a determination of the ultimate success or failure of the department's policies.

The Bureau of Justice Statistics Special Report on the use of excessive force can be found at:

http://www.ojp.usdoj.gov/bjs/pub/pdf/ccpuf.pdf

This report uses data from the 2003 Law Enforcement Management and Administrative Statistics (LEMAS) survey, which was sponsored by the Bureau of Justice Statistics and the Office of Community Oriented Policing Services (COPS). The report details information provided by a total of 798 agencies, 496 of which are municipal police departments.[8]

EXTERNAL CASE DISPOSITIONS

	Not Sustained	Unfounded	Exonerated	Sustained	Other
LEMAS survey[9]:	37%	25%	21%	8%	9%
MPD[10]	62.5%	6.25%	6.25%	25%	0%

SUSTAINED EXTERNAL FORCE COMPLAINTS

	Total	Per 100 full-time sworn	Per 100 responding to calls
LEMAS survey[11]	469	.40	.7
MPD	4	.49	1.1

[8] U.S. Department of Justice Bureau of Justice Statistics. *Citizen Complaints about Police Use of Force, 2002*. Hickman, Matthew J, PhD. (NCJ 210296; internet). June 2006. (Page 2).
[9] *Ibid*.; (Page 3).
[10] Among complaints with final dispositions in 2005; nine force cases are still pending from that year
[11] *Ibid.;* (Page 6). Information is for departments with 500 to 999 full-time sworn officers.

Section 4: Conclusion

INTERNAL AFFAIRS
2005
ANNUAL REPORT

··AFTERWORD··

Clearly, the past two years have been a time of change and adjustment in the MPD due to many factors, including the federal mediation process and the shifts in the MPD administration. Many MPD units have been restructured and internal processes have been amended and even overhauled.

The Internal Affairs Unit looks forward to the 2006 annual report as a way to continue to report the progress that is being made within the unit and the department. Information we intend to include in that report includes more thorough race/ethnicity data and statistics regarding preliminary investigations. It will also be easier to identify trends in the data over three years, instead of just two.

Additionally, the IAU hopes to improve its Early Intervention System in 2007. This system, which is used in approximately 25 percent of departments nationwide[12], identifies trends in officer behavior that have the potential to become problematic. By recognizing these behaviors, the officer, Training Unit, Employee Assistance Program, and other resources can work together to correct problems before they grow.

[12] U.S. Department of Justice Office of Justice Programs. *Early Warning Systems: Responding to the Problem Police Officer*. Walker, Samuel; Alpert, Geoffrey P.; and Kenney, Dennis J. July 2001. (Page 2).

··ALTERNATIVE FORMAT & TRANSLATION INFORMATION··

If you need this material in an alternative format, please contact the Internal Affairs Unit at (612) 673-3074.

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