

**POLICE CONDUCT OVERSIGHT COMMISSION**

***Minutes***

**Regular Meeting**

**August 12, 2014**

**Starting at 6:00 p.m.**

**350 Fifth Street, Room 241, Minneapolis, MN 55415**

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**Committee Members Present:** Andrea Brown (Chair), Andrew Buss, Al Giraud-Isaacson, Sara Rude, Jennifer Singleton, and Michael Weinbeck (quorum 4).

**Committee Members Absent:** None

**Staff Present:** Michael K. Browne, Director – Office of Police Conduct Review (612) 673-5500. Also present, Legal Analyst Ryan Patrick and Committee Clerk Leda Schuster.

Chair Brown called the meeting to order at 6:02 p.m. A quorum of the Commission was present.

**Buss moved to adopt meeting agenda.**

Seconded.

No discussion. All-in-favor. None opposed.

**The motion carried.**

**Giraud-Isaacson moved to approve the July 8, 2014 meeting minutes.**

Seconded.

No discussion. All-in-favor. None opposed.

**The motion carried.**

**Cultural Awareness Training Material Presentation from Commander Jason Chase:**

The following are the main points from Commander Chase's presentation:

- The information from 2008 is the current material available for the MPD Cultural Awareness program.
- At the academy there are 3-4 Cadre officers, who are the driving force on what has been done with the program; the department also provides in- service training.
- In 2008 the MPD worked in conjunction with the City's Human Resources Department in addition to connecting with the community.
- Before an officer undergoes the training they participate in a self-assessment, which provides identifiers prior to participating in the workshop provided by the MPD.

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- Officer Laura Hanks has since taken the initiative to create more community partnerships.
- The department is currently working at reaching out to local and national corporations and is currently waiting for some of the materials.
- In addition to the identification of an individual bias, the department is also working with the Jewish Community Relations Council to educate on the historical aspect of law enforcement.
- The department is also working with and using literature from the Minneapolis Association of Women Policing and the Diversity Leadership Council
- Other areas being explored are principled policing, hearing, Native American training, service animal training, Franklin Covey diversity centered leadership, respect in the workplace, Hmong cultural awareness, the Lisa Burch case, an introduction to de-escalation, the warrior tradition, deaf and hard of hearing, and autism.

With the conclusion of the presentation, Chair Brown opened the floor for discussion. The following is a list of the discussion points from Commissioners' comments and the speaker's responses:

- A Commissioner had questions about indexing and what testing and measures are in place.
- There were additional questions with regard to what communities and cultures are being tested and identified when performing the indexing.
- The Commissioners addressed the problem of coaching and fair and impartial policing being addressed; questioning whether or not the training sessions are provided for supervisors to provide them the tools to discuss sensitive issues.
- The Commissioners asked what steps need to be taken to enable PCOC participation in the development of training.

With no further discussion, the Chair closed the discussion and moved to the next item on the agenda.

### **New Business**

#### Policy and Procedure Committee Report

*Commissioner Buss, the Committee Chair, addressed the Commission. The following are the main points from the Chair's report:*

- Status update on the pending research and study projects with coaching and the documents received from the 1<sup>st</sup> Precinct.
- The information that has been received will go to an outside group for analysis, which would provide a different perspective with no internal bias.
- The Cultural Awareness material has been received; the Committee is still waiting on the body camera policy materials.

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- The Committee is ensuring that those existing cases referred to the Committee have links for tracking purposes to allow the Commissioners to access the case details and identify trends over time.
- Case Summary Data #10 dealt with ADA accommodations and the Committee wants to explore the issue surrounding ADA policy and training within the department.

**Buss, having the floor, moved to have the Policy and Procedure Committee propose a Research and Study into stop and frisk reporting data collection.**

Seconded.

The Chair opened the floor for discussion. The following is a list of the speakers during the discussion and an abstract of the points presented:

*Brown* – asked what type of data the Committee will be looking at; whether it will be involving Minnesota or Federal statutes; expressing concern over what type of material would be received by the Commission.

*Rude* – questioned what training is connected to it and the policy in general.

*Weinbeck* – the Committee received training materials on the matter, there is a lot of material remaining to review; however, officers are not formally required to document when there was no custodial arrest and the City may not be collecting data properly. There are also questions on whether or not the officers are being trained consistently.

With there being no further discussion from the members present, the Chair closed the discussion and called for a voice vote.

All in favor. None opposed.

**The motion carried.**

With the conclusion of the Policy and Procedure Chair report, Chair Brown opened the floor for discussion. The following is a list of comments discussed and an abstract of their individual comments:

*Giraud-Isaacson* – questions the status of the body camera policy and asked if the Committee has discussed the role of the Commission and inputting their perspective. He also expressed concern regarding when the Commission would gain access to the information and questioned if it is appropriate for the Commission to join the MPD process and if the Commissioners will have time to address and make alterations if possible.

*Brown* – indicated that Director Browne and Chief Deputy Glampe are engaged in discussions regarding this matter.

*Rude* – questioned if timelines will be discussed and how will the Commission gather that information.

With no further discussion, the Chair closed the discussion and moved to the next item on the agenda.

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### Outreach Committee

*Commissioner Singleton, the Committee Chair, addressed the Commission. The following are the main points from the Chair's report:*

- The office has made arrangements for the off-site meeting, which will be held at the Minneapolis Community Education building at 2225 East Lake Street (Ward 9).
- Chief Harteau will be in attendance at the off-site meeting; there will also be a presentation on the 3<sup>rd</sup> quarter data, but are still waiting for the coaching study.
- The Outreach Committee will be working with OPCR over the next two months to work with community partners and to publicize the event.
- The Civil Rights Act 50<sup>th</sup> Anniversary has concluded.
- Mr. Patrick and Commissioner Singleton have developed the upcoming CLE program, which is scheduled for August 22, 2014; materials will cover the role of the PCOC, data from cases and the creation of policy recommendations, when to file a complaint and discovery requests. Participants will receive one (1) Ethic CLE credit.
- Working on invitations to members of the community to attend Outreach meetings. Sherman Patterson may be in attendance at the next meeting and have also emailed Anthony Newby of the NOC.
- The PCOC now has email address, the distribution of email was discussed at the meeting and there are several issues surrounding the matter. The issues are as follows:
  - There exists a level of liability in that if an email sent from the public are subject to retention schedule under data practices law.
  - The emails must be treated as public comment.
  - There are concerns that substantive discussions, solutions, or replies could violate the open meeting requirements and laws.
  - To avoid becoming out of compliance with any laws or regulations the emails will be catalogued in a binder available at all meeting times and at all time to the Commissioners.

*Buss* – questioned if the binder will be available for public viewing in the office.

*Singleton* – indicated that they will be available to both the Commissioners and the public for viewing. Retention is an issue and an individual liability; personal email accounts will be subject to data practices law.

*Giraud-Isaacson* – indicated that the emails should be sent directly to the Commissioners instead of using a binder in the office to allow for time to review and respond.

*Rude* – expressed that she understands the liability issue but stated that given that the Commissioners have been entrusted with their positions and thoroughly vetted they should be entrusted with the receiving forwarded emails from the public.

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Then, being duly recognized by the chair, the following motion was made:

**Giraud-Isaacson moved to have emails sent to the PCOC to the attention of the Commission be sent to individual Commissioner.**

Seconded.

Chair Brown opened the floor for discussion. The following is a list of comments discussed and an abstract of their individual comments.

*Brown* – asked if this would require each Commissioner to set up their own Gmail account for those that would want to keep their personal email personal.

*Giraud-Isaacson* – email would be sent to those Commissioners who provided email addresses. Also indicating that those interested in receiving email could set up separate email accounts if they so choose; not necessary just voluntary.

*Weinbeck* – questioned the intent of the motion indicating that it seems to merely affirm the Commissioners concerns but does not solve the issue. Indicated that he has difficulty with the motion given that there is no real solution being put forward, but would be happy to hold it over to the next Commission meeting to allow the Outreach Committee more time to discuss and bring back a plan to solve the issue.

*Singleton* – will happily continue discussions with Director Browne to further explore a solution to the matter.

*Rude* – indicated that it is within the Commission's authority to make the motion and it does not affect the work of the Commission but merely creates a public record of the discussion.

Then, after the discussion, and being duly acknowledged by the chair, the following motion was made:

**Weinbeck moved to postpone conversation to next Commission meeting [a subsidiary motion with precedence to the main motion].**

Seconded.

Chair Brown opened the floor for discussion. The following is a list of the speakers during the discussion and an abstract of the points presented:

*Rude* – asked if the Commission passes Weinbeck's motion can a caveat be placed to require the Outreach Committee to discuss the matter and develop a solution for the next Commission meeting.

*Brown* –the Outreach Committee would have the discussion to bring the concern to Director Browne as long as other Commissioners submit other options.

*Giraud-Isaacson* – indicated that he would accept the solution proposed with regard to postponement of the discussions.

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With there being no further discussion from the members present, the Chair closed the discussion and called for a voice vote.

All in favor. None opposed.

**The motion carried.**

### **New Business**

#### Discussion of case summary data selected at the July 2014 meeting

*The Commissioners proceeded to discuss Summary Data Case #6.* In the discussion, the following issue was raised:

- Good use of video and the Commissioner's indicate that they hope that this will assist when body cameras are in use.

*The Commissioners proceeded to discuss Summary Data Case #8:*

- With no discussion on the case the Commissioner's proceed to discuss the next case.

*The Commissioners proceeded to discuss Summary Data Case #10.* In the discussion, the following issue was raised:

- The case should be logged in the general ADA topic that the committee Policy and Procedure Committee has before it.

Then, being duly recognized by the chair, the following motion was made:

**Giraud-Isaacson moved to refer Summary Data Case #10 to the Policy and Procedure Committee for review.**

Seconded.

With there being no further discussion from the members present, the Chair closed the discussion and called for a voice vote.

All in favor. None opposed.

**The motion carried.**

#### New Case Selection

The Chair called for the commissioners to identify their top three case synopses choices for August 2014 and the Chair asked the Commission Clerk to call the roll. The following are the votes by Commissioners:

Chair Brown – 3, 4, 9

Buss – 3, 4, 6

Giraud-Isaacson – 3, 4, 9

Rude – 3, 4, 8

Singleton – 3, 4, 9

Weinbeck – 3, 4, 9

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Chair Brown indicated the new case selections for discussion at the August 2014 meeting are **case # 3, 4, and 9** as the top picks, which were then selected by **unanimous consent of the commissioners.**

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

### **Public Comment**

Chair Brown opened the floor for public comment. The following is a list of the members of the public who addressed the Commission and the topics covered in their discussion:

*David Bicking:*

- Email issue
- NACOLE webinar on transgender policing
- Upcoming CLE and ethical questions

*Chuck Turchick:*

- Comment on Summary Data Case #6
- Al Flowers investigation
- Suggested communication with Chief's advisory council

With no further public comment on the matter, Chair Brown closed the floor for public comment.

### **Adjournment**

With all of the Commission's business being concluded, the chair entertained a motion:

**Giraud-Isaacson moved to adjourn.**

Seconded.

All in favor. None opposed.

**The motion carried.**

**Chair Brown adjourned the meeting at 7:32 p.m.**