

POLICE CONDUCT OVERSIGHT COMMISSION
Minutes
Regular Meeting March 10, 2015
Starting at 6:00 p.m.
350 Fifth Street, Room 241, Minneapolis, MN 55407

Committee Members Present: Andrea Brown (Chair), Adriana Cerrillo, Amran Farah, Jennifer Singleton (Vice Chair) and Laura Westphal.

Committee Members Absent: Andrew Buss and Naida Medicine-Crow.

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 6:01 p.m.

Westphal moved to adopt the meeting agenda.

Seconded.

No discussion. All-in favor. None opposed.

The motion carried

Singleton moved to adopt the February 10, 2015 meeting minutes.

Seconded.

No discussion. All-in favor. None opposed.

The motion carried

NEW BUSINESS

Office of Justice Program – MPD Communication Committee Update

Scott Seroka, Public Information Officer and MPD's OJP Communication Committee's Co-Chair, addressed the Commission and those in attendance. The following were the main points from his presentation:

- The MPD's Communications Committee was tasked with developing a comprehensive communication strategy to increase understanding of police complaint process among community members and police officers.

Approved on April 14, 2015 PCOC Meeting

- Cam Gordon (City Council Member), Andrea Brown (PCOC Chair), and community leaders are some of the committee members.
- Increasing understanding of the police conduct and oversight process is the key driver in the work that the Committee is doing. According to the OJP report, there is a need to raise awareness among community members about police conduct and oversight process.
- Part of the communication strategy includes the production of a YouTube video that explains the complaint process (3-5 minutes). The video will include interview from Deputy Chief Travis Glampe and Commander Chris Granger.
- The MPD's Communications Committee extends an invitation to one or two PCOC commissioners to be interviewed for the video and talk about the complaint process.
- Ideally, the committee expects to production to be finalized in 6 weeks (optimistically).

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

- One commissioner asked if the video will be produced in different languages so other communities can be reached. Mr. Seroka specified that the committee will be looking into that option, possibly by adding captions.
- Another commissioner asked about the video format and information will be presented in the video. The MPD's Communications Committee is currently outlining the format.
- A commissioner asked about the timeline for the interviews. Mr. Seroka stating interviews will be conducted "fairly quickly;" hopefully, done by the end of April 2015.

Appointment of PCOC Representatives to the MPD's OJP Committees

Chair Brown appointed commissioners to the following OJP Committees sponsored by the Minneapolis Police Department:

- Communications Committee – Adriana Cerrillo and Andrea Brown (re-designated)
- EIS Committee – Andrew Buss
- Police Conduct Committee – Jennifer Singleton

The Chair will send the Chief of Police a letter notifying of her of the PCOC appointments. With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

Approved on April 14, 2015 PCOC Meeting

Legislative Update: Body Camera Bill

Ryan Patrick, OPCR Legal Analyst, addressed the Commission and those in attendance. The following were the main points from his presentation:

- There have been updates in the state legislature that could impact body camera usage across the state.
- The first thing that the bill does is make body camera recordings private data except when recordings are associated with a criminal investigation (confidential data) or it contains public personnel data (public).
- It also establishes requirements for law enforcement entities handling body cameras: there is data they always must make publically available such as number of devices owned, number deployed, precincts where they are used, policies and procedures for use, total amount of audio and video collected by systems and maintained by agency and the agency's retention schedule.
- Proposed Retention Schedule: if the recording is not associated with an active criminal investigation, it needs to be maintained for at least 90 days and destroyed within one year.
- Agencies are required to adopt and disseminate a model policy governing use. Also, agencies must address situations under which body cameras should be activated.

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

- One commissioner asked about the entity that would have possession of the actual recordings. Mr. Patrick clarified that recordings will stay with the specific agencies, meaning the department that records the video.
- Another commissioner asked about the expected timeline for the bill to pass. It was addressed that the bill is currently at the Judiciary Committee stage and there is insufficient information to determine whether the bill will pass.
- Finally, Mr. Patrick mentioned that if the legislation passes, any recommendation that the PCOC makes in the future cannot contradict the state law.

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

Approved on April 14, 2015 PCOC Meeting

History of Civilian Oversight

Sarah Pherson, OPCR Intake Investigator & Special Projects, addressed the Commission and those in attendance. The following were the main points from her presentation:

- Almost 25 years have passed since the commencement of civilian oversight of the Minneapolis Police Department. Throughout that time, the organization of civilian review has changed dramatically, first under the Civilian Police Review Authority and then under the Office of Police Conduct Review.
- In 1990, an ordinance created Minneapolis' first civilian oversight body, the Minneapolis Civilian Police Review Authority (CRA). The CRA was composed of a board of seven members. The CRA complaint process was formal with many steps:
 - The complainant first must contact the office and meet with the investigator. Shortly thereafter, the complainant will receive a complaint in the mail requesting his or her signature. Then, the investigator will do any additional investigation. The complaint then is sent to the Executive Director for a finding on the merits called "a statement of probable cause." Afterward, the complaint was presented to the CRA panel for hearing to determine whether the probable cause determination was sustained. All sustained complaints were referred to the chief for discipline.
- During 1996, the City Council raised the issue of consolidating the CRA with the City Coordinator's Office to reduce expenses, improve coordination, and provide better access to services. The Council also appointed a Redesign Team to study certain areas for improvements. The Redesign Team concluded that the CRA should remain independent from the Minneapolis Police Department and other Minneapolis city departments. The team also recommended measures to increase CRA visibility in the community.
- The CRA entered a period of standstill during a twenty-month period in 2002 and 2003. Again, the CRA was transferred to the City Coordinator's Office and another Redesign team was created. The changes proposed were: more staff, more board members, revamped hearing process and more funding.
- In September 2003, the CRA restarted its work under an amended ordinance and under the leadership of the Minneapolis Department of Civil Rights (MDCR).
- In 2006, an independent consultant hired by the Director of Civil Rights completed a study of the CRA. The study recommended that the CRA should establish a clear dismissal process, modify the format of the determinations, adopt changes to the investigative policy, the MPD appoint a CRA liaison, conduct a quality assurance study, and establish a work group to address issues outside the scope of the study.

Approved on April 14, 2015 PCOC Meeting

- In 2007, the CRA began operating under the new changes implemented in 2006. CRA/MPD strained relationship during this period.
- 2012: Minnesota Peace Officer's Discipline Procedure Act Amended to prohibit "Findings of Fact" and "Determinations" by civilian review boards. The amendment preempted major changes to the CRA.
- In response to the need to streamline the common work of the MDCR and MPD, the need for transparency, and the need for a more effective oversight of the investigative procedures, a new oversight process was proposed by the MDCR, MPD and City Attorney leadership. The MDCR and the IAU would work together under the new umbrella of the Office of Police Conduct Review (OPCR). The OPCR, with the assistance of review panels, assesses and investigates individual complaints in accordance with the process outlined in the police conduct oversight ordinance. In addition to the OPCR, the new law provides for a Police Conduct Oversight Commission (PCOC). The Commission is charged with auditing case summaries, reviewing policies and procedures, facilitating officer training, and performing other duties.

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

Committee Reports

A. Policy and Procedure Committee

Commissioner Jennifer Singleton, on behalf of the Committee Chair, addressed the Commission. The following are the main points from her report:

- The agenda and minutes for the February 24, 2015 meeting are available online.
- Due to Citizen's Academy (training requirement for the PCOC), the March and April Policy and Procedures Committee Meetings have been moved to March 19 and April 30.
- The main discussion topic during that meeting was the investigative detentions research and study methodology which was referred to the Committee during the February PCOC meeting.

Approved on April 14, 2015 PCOC Meeting

Investigative Detentions Research and Study Methodology

Ryan Patrick, OPCR Legal Analyst, addressed the Commission and those in attendance. The following were the main points from his presentation:

- The study goal is to determine the existing conditions in the documentation of investigatory detention activities, otherwise known as *Terry* stops.
- The MPD does not have a “Stop and Frisk” policy *per se*. Police Officers follow the guidelines set in *Terry v. Ohio*.
- MPD refers to the encounters as “Suspicious Person Stops” and “Suspicious Vehicle Stops.”
- There were 46,271 in 2014.
- According to Chapter 9-200 of the MPD Policy & Procedure Manual, Section 6: *Terry* Stops (Investigative Detentions) searches must be justified under the law and documentation should be made via added remarks.
- In doing the research, the following goals were determined:
 - To determine whether reasonable suspicion, identification of parties and proper recording are performed.
 - To develop an accurate estimate of the time and average duration of such stops
 - To identify trends, if any, of the location and outcome of such stops.
- The research method used 385 random samples and 7 variable categories. The goal is to achieve 95% confidence.

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

In regards to the Investigative Detentions:

Singleton moved to request a program of research and study on MPD practices in recording and reporting suspicious person stops, including, but not limited to, the grounds for such stops, demographic information of those stopped, and the location of stops. OPCR, with guidance from the Policy and Procedure Committee, shall conduct the research and study in accordance with the methodology presented at the March 2015 PCOC meeting.

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.

Approved on April 14, 2015 PCOC Meeting

B. Outreach Committee

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

- The Committee will continue to meet the fourth Thursday of every month; however, its meetings will now begin at 5:45pm.
- The Committee developed a strategic plan to guide it over the next 6 – 12 months. The Committee would like to focus on partnering with community organizations to conduct outreach events. Outreach events can be a way to explain the purpose of the PCOC and Minneapolis police conduct oversight system and to address other specific issues that are of concern to the partnering organizations.
- In the next six months, the Committee would like to focus on developing a program of outreach to the Latino community, building off Commissioner Cerrillo's existing connections within that community. In the second half of the year, the Committee would like to expand focused outreach to the Somali and Native American communities.
- There is an upcoming conference hosted by the City's Neighborhood and Community Relations Department which will be held on Saturday, March 21, 2015, from 9:00 a.m. to 3:00 p.m. This Community Connections Conference will be a space to bring together city departments, neighborhood organizations, cultural communities, nonprofit organizations, and residents. The Committee recommends that the PCOC attends the event. This would be a great opportunity to connect with community members and hear their perspective around the complaint process, understanding of what the PCOC is and impressions around the relationship between the community and the MPD.

In regards to the video that the MPD Communications Committee is producing:

Singleton moved to have the Outreach Committee monitor and work with the MPD's OJP Communications Committee in the development of the video and ensure that content about the PCOC is included.

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

Approved on April 14, 2015 PCOC Meeting

In regards to the Community Connections Conference:

Singleton moved that the PCOC participates in the Community Connections Conference as an exhibitor on March 21, 2015 from 9 a.m. to 3 p.m. at the Convention Center.

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.

UNFINISHED BUSINESS

Discussion of February 2015, Selected Case Summary Data

- **Case Summary #4**
 - This was a case where a supervisor had to deal with hostility from two males involved in the complaint. At the same time, the complainant was not cooperating with the investigation process. This case raises questions about the kind of training supervisors have to handle hostile situations like this one.
 - One commissioner discussed the complainant's failure to cooperate. The OPCR staff explained that dismissal was due to complainant not responding to office requests to take his/her statement.
- **Case Summary #7**
 - No discussion
- **Case Summary#8**
 - A commissioner asked if the correct officer had been identified, what the case outcome would have been. The OPCR staff responded that based on the complainant's statement, it wasn't clear whether there was a policy violation.

Chair Brown moved to the next item on the agenda.

Approved on April 14, 2015 PCOC Meeting

New Case Selection

The Chair called for the Commissioners to identify their top three case synopsis choices for February 2015 and asked the Committee Clerk to call the roll. The following are the votes by Commissioners:

Brown	3	4	8
Cerrillo	3	5	8
Farah	4	3	8
Singleton	3	7	9
Westphal	4	6	7

Chair Brown indicated the new case selections for discussion at the March 2015 meeting are **cases # 3, 4, and 8** 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:

Chuck Turchick:

- Appreciation for participating in the OJP Committees.
- Body camera legislation: video retention

Dave Bicking:

- OPCR Annual Report: grievance process during that year
- Restated his opinion that the PCOC should study the OPCR complaint process

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

ADJOURNMENT

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

Westphal moved to adjourn.

Seconded. All in favor. None opposed.

The motion carried.

Chair Brown adjourned the meeting at 7:09 p.m.