



DEPARTMENT OF CIVIL RIGHTS PROPOSAL
COMMUNITY COMMISSION ON POLICE OVERSIGHT

November 17th, 2022

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Proposal for Consideration:

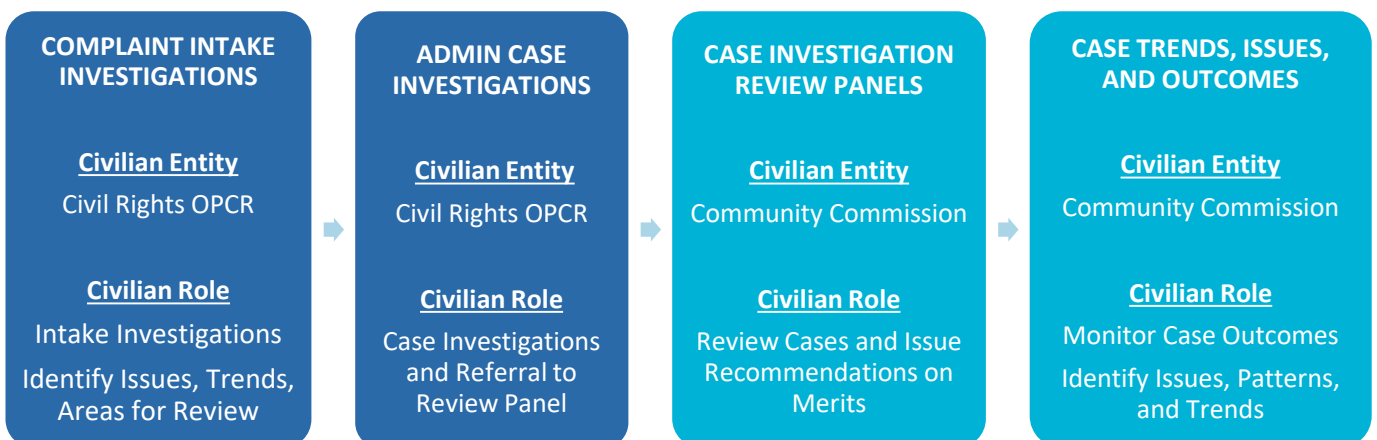
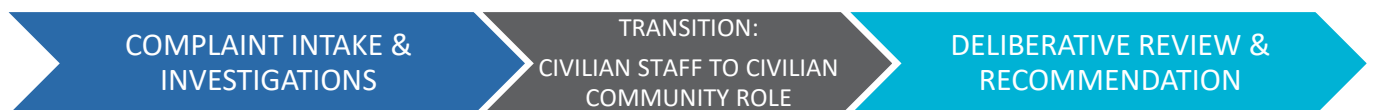
Creation of Community Commission on Police Oversight

Summary of Proposal

WHAT: Proposed changes would significantly enhance civilian oversight of police in Minneapolis. The proposed changes create a community commission where the civilian commissioners would be responsible for making recommendations on changes to police policy and procedure. The civilian commissioners also would take on the new duty of serving as rotating civilian members on panels that make recommendations on the merit of allegations of police misconduct.

WHY: The proposal enhances the opportunity for community to play a clear, direct, and meaningful role in the police oversight process. First, the civilian commissioners would directly participate in the process as panelists to consider allegations of police misconduct. Second, the proposal also enhances the ability of the commission to provide meaningful recommendations on policy and procedures by providing commissioners complete access to investigatory files on current, pending cases.

HOW: At the conclusion of the investigatory process, completed administrative case investigations are referred to a review panel selected from pools of civilian and sworn panelists. In this proposed ordinance change, community commissioners will serve, on a rotating basis, as the civilian panelists for specific cases, review full investigation case files, and make recommendations to the police chief on the merits of the allegations. The new role as panelists will inform the community commissioners’ work in making recommendations for police policy and procedure, increase transparency, and enhance the ability for commissioners to effectively monitor and identify case patterns, trends, and outcomes.



Background and Current Structure of Civilian Police Oversight in Minneapolis

The historical landscape of civilian police oversight in Minneapolis began in 1990 and has undergone multiple evolutions from its earliest iterations through the current structure ([History of Civilian Police Oversight](#)). Each evolution was intended to adapt to changing landscapes, new challenges, and be best suited for the environment in which civilian oversight of police is able to operate. The current structure and roles of civilian police oversight are as follows:

Civilian Staff Police Oversight Body: Civil Rights Office of Police Conduct Review [LINK](#)

- The Civil Rights Office of Police Conduct Review (OPCR) is a neutral civilian agency that collaborates with MPD Internal Affairs to investigate allegations of police misconduct made to the City of Minneapolis.
- The OPCR process can receive any complaints filed against MPD officers by members of the public or by City or MPD staff, except for Human Resources workplace complaints.
- All OPCR complaints are screened by a civilian intake investigator who conducts an intake investigation to gather materials, body worn camera, dispatch information, and other relevant files.
- Complainants may request to have a civilian or sworn investigator investigate their cases. The civilian Civil Rights OPCR Director makes decisions on case routing jointly with the Commander of Internal Affairs.
- Civil Rights OPCR staff have full access to MPD data in order to conduct investigations as well as the ability to produce independent special reviews and reports. This also allows Civil Rights to ensure that a significant amount of public data is made available to the public. This level of civilian oversight staff access remains unique nationally as are many of the resulting public data portals, particularly the officer discipline record portal.

Civilian Review Panelists: Police Conduct Review Panel [LINK](#)

- Panel Membership: 2 Civilian / 2 Sworn (Selected from pools of 8 Civilian and 12 Sworn) [Panelist Instructions](#)
- The Police Conduct Review Panel is comprised of eight civilians appointed by the Mayor and City Council and a pool of sworn panelists selected by the Office of the MPD Chief.
- Completed case investigations are submitted to the Panel for review. Two civilians and two sworn panelists review the case file, discuss allegations, and submit a recommendation on the merits to the Chief of Police.

Civilian Appointed Commission: Police Conduct Oversight Commission [LINK](#)

- Identify programs of research and study, done in conjunction with Civil Rights OPCR staff, and facilitate outreach and training as a result of the research and study process.
- Review and audit summary data and compile aggregate statistics relating to programs of research and study.
- Make recommendations relating to Minneapolis Police Department practices, internal controls, compliance with applicable law and regulation relating to police policy and procedure and other related matters contained within a program of research and study.
- Submit periodic reports to city council public safety committee regarding the work of the commission.

Issues and Challenges

In recent years there has been a national increase in the interest and desire for community participation in civilian oversight of police. Especially at a time when Minneapolis finds itself at the center of discussions around oversight and policing, it is important to continually assess the systems in place to identify potential improvements to process and structures. The nationally evolving landscape of civilian police oversight also provides an increased opportunity to explore a range of oversight mechanisms implemented across the country and identify the strengths and weaknesses of each. The National Association for Civilian Oversight of Law Enforcement identifies a number of examples, as well as the strengths and weaknesses, available here: ([NACOLE Oversight Models Review](#)).

One of the key issues identified by NACOLE is that a system that includes multiple separate entities with overlapping or unclear scopes of work leads to public confusion about roles and responsibilities. This confusion creates an environment where accountability is damaged by the inability to effectively measure performance and outcomes.

Specific to the community involvement role under the current structure, a main source of confusion is the separation of community roles between the civilian panelist pool that is part of the deliberative review function of the Police Conduct Review Panel on the one hand, and on the other hand, the Police Conduct Oversight Commission that provides a public facing entity for community input, presentations, review of the OPCR library of closed case summaries, and discussion of reviews or reports completed by Civil Rights OPCR staff.

While the separation of the Commission and the Review Panels has been effective at reducing the timeline of investigation review by assigning panelists from larger pools as necessary, as opposed to waiting for pre-set meeting dates, it is also a missed opportunity to leverage the strengths of each body into a single entity that plays a critical, clearly defined role in the City's police oversight mechanism.

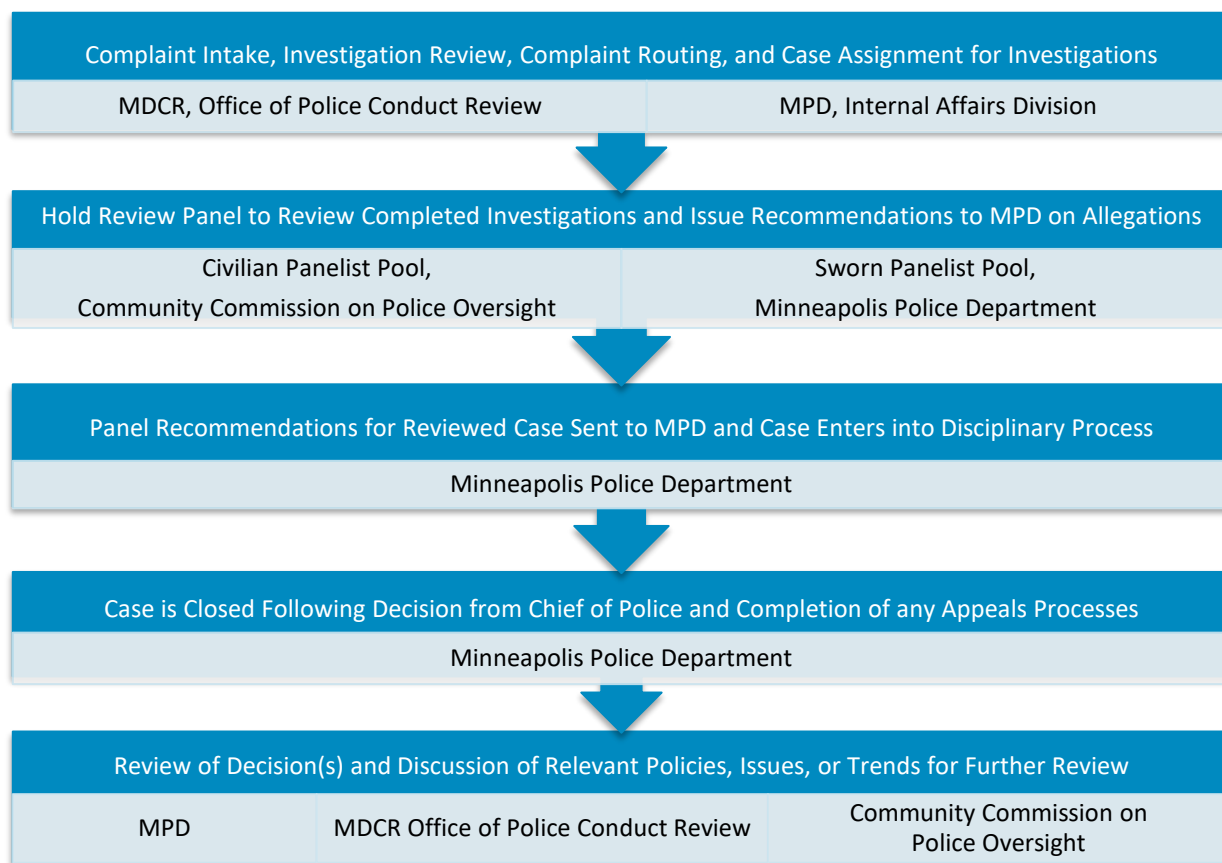
Creation of a Single Community Police Oversight Entity

After review of the current police oversight structure, recommended practices, and state specific limitations, it is proposed that the Civilian Oversight ordinance be amended to consolidate the community roles into a single, community-driven entity called the Community Commission on Police Oversight. The commissioners would serve as the civilian panelist pool for reviewing police misconduct investigations. This panelist role provides direct access to investigatory case files, a full range of investigatory data, and the civilian role in making recommendations on the merit of police misconduct allegations to the MPD Chief.

Through the role on review panels, commissioners will be able to independently accumulate knowledge of misconduct patterns or trends, the investigatory process, case outcomes, and more. As this independent knowledgebase is accumulated, it provides expanded opportunities for members to discuss summary observations and concerns more broadly as a group. These discussions can lead to recommendations for expanded review by City staff, requests for presentations on identified topics to the full commission, and provide an increased level of insight and transparency to the public.

Additionally, this new structure provides commission members with valuable exposure to real-time cases and the increased ability to identify patterns and practices that can guide future discussions of the full commission. Lastly, by retaining the existing process of review panelists being selected from larger pools, there should be no impact to the speed with which panels can be scheduled and held on an ad hoc basis.

Proposed Civilian Police Oversight Structure and Function Charts



Commission and Review Panel Structures and Processes

1) Standardization of Requirements, Training, and Expectations

Establishing clear procedures for onboarding, training, and operations promotes a transparent understanding for potential applicants, commission members, City staff, elected officials, or any additional interested parties. This list will require additional detail and expansion, but some preliminary items identified are as follows:

- a) Meet residency requirements of Minneapolis' open appointments process.
- b) Must complete background check and certifications as required by state or federal law.
- c) Must complete relevant City trainings including ethics, data practices act, and any additional requirements identified by City staff and approved by Civil Rights.
- d) Members must comply with applicable state and federal laws (MN State Statute, MGDPA, CJIS, etc.), City of Minneapolis Code of Ethics provisions, and the operational procedures and standards established for this body.
- e) A specific civilian oversight training curriculum will also be implemented and will include recommendations from national oversight bodies such as the National Association for Civilian Oversight of Law Enforcement ([NACOLE Recommended Trainings](#)). This curriculum will provide an opportunity for members to gain a wide range of relevant knowledge as well as receive important certifications through trainings and conferences.

2) Structure of Community Commission on Police Oversight

- a) Merging the roles of the existing commission and civilian review panelists into a single entity. The work of the Commission as a body (as opposed to review panel proceedings) takes place during public meetings which provide an opportunity for residents to observe presentations, listen to discussions, and provide public input. While the role of the review panels remains a non-public administrative review process, by merging roles it is possible to continue the effective use of review panels while providing increased transparency through commissioners having summary discussions about their roles and experiences as panelists.
- b) Commission membership will consist of fifteen (15) members.
- c) Composition of the Community Commission on Police Oversight
 - i) Thirteen (13) commissioners will be appointed by the City Council.
 - ii) Two (2) commissioners will be appointed by the Mayor.
 - iii) All commissioners shall be appointed to specific seats and terms, in conformance with the open appointments process. In order to stagger the expiration of terms, the original appointments of commissioners shall be for terms of one (1) or two (2) years, as determined by the city clerk. Thereafter, appointments shall be for three (3) years.
- d) Commissioners would also serve as the civilian panelist pool for the civilian members of case review panels.
 - i) Larger membership also simplifies the rotation of panelists on review panels during elevated case volumes.
 - ii) May increase speed with which panels are held with larger pool of panelists.
 - iii) This structure also provides the commissioners direct input on completed investigations, direct access to investigative materials and reports (body-worn camera, interview notes, dispatch logs, incident reports, etc.), and the ability to directly observe and identify patterns through the review panel function. This eliminates the separation of duties that currently exists between commission members and review panelists.
 - iv) Provides the opportunity for discussion of higher-level trends, patterns, or policy issues observed from cases and outcomes at recurring meetings of the full body to the extent allowable by the Minnesota Government Data Practices Act.
- e) Community engagement time weighted more toward participating in panels on alleged police misconduct cases versus full commission meetings. Required meetings of the full Commission will be held a minimum of four (4) times a year. The spacing of meetings is intended to ensure that members have adequate time to serve on available review panels, gather knowledge and information, and coordinate agenda items such as presentations or speakers at subsequent meetings. The Commission also may convene additional special meetings as necessary.

3) Review Panel Selection Process

- a) Maintain the existing Review Panel structure of selecting two (2) civilian panelists from the available civilian pool and two (2) sworn panelists from the available sworn member pool provided by MPD.
- b) Commissioners would be expected to serve as review panelists as able, but a member should not serve on more than two (2) consecutive review panels. This is intended to enable all members to have the opportunity to serve as a civilian panelist and access to the information provided to conduct panel review of case investigations.

4) Review Panel Deliberation Process

- a) Panelists are identified for a review panel on a completed investigation.
- b) Review investigative files (reports, evidence, squad video, BWC, etc.) and discuss the facts of each allegation.
- c) Issue a recommendation, as allowed under MN Statute 626.89, subd. 17, for whether each allegation has merit. Possible outcomes may include:
 - i) Complaint has merit, meaning that the allegation is supported by sufficient evidence.
 - ii) No merit, meaning that review of the allegation could not substantiate a violation, that no violation occurred, or that there is a gap in policy that needs to be addressed.

5) Opportunity for Review Panelists to Flag Items for Full Commission

- a) Independent from the merit recommendations on a case, in the event that panelists identify issues during review that could be addressed by changes in policy or training, these items can be added as discussion items at the next meeting of the full commission.
 - i) This could include, but is not limited to, cases where a complaint revealed a policy failure, meaning that the allegation is factual and followed proper procedure however that procedure may be faulty.

Identifying State Limitations to Civilian Oversight and Investigation Outcomes

The role and impact of civilian oversight is limited by Minnesota Statutes sections 626.89, subdivision 17 and 13.43, subdivisions 2 and 5:

626.89 Peace Officer Discipline Act Subd. 17. Civilian review. A civilian review board, commission, or other oversight body shall not have the authority to make a finding of fact or determination regarding a complaint against an officer or impose discipline on an officer. A civilian review board, commission, or other oversight body may make a recommendation regarding the merits of a complaint, however, the recommendation shall be advisory only and shall not be binding on nor limit the authority of the chief law enforcement officer of any unit of government.

13.43 Personnel Data Subd. 2. Public data. (a) ...[T]he following personnel data on current and former employees, volunteers, and independent contractors of a government entity is public:

(4) the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;

(5) the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body;

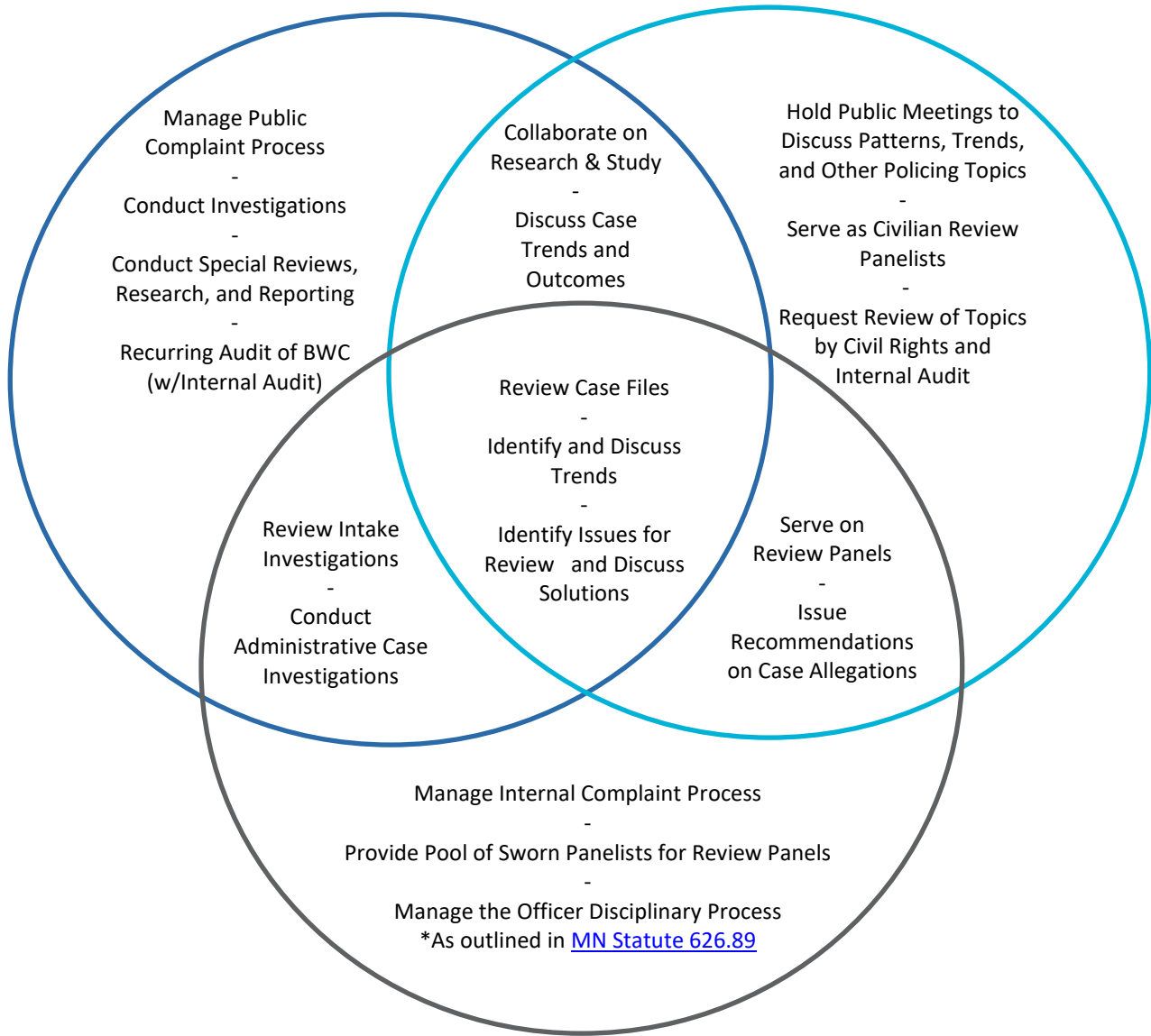
13.43 Personnel Data Subd. 4. Other data. All other personnel data is private data on individuals but may be released pursuant to a court order. Data pertaining to an employee's dependents are private data on individuals.

Visualization of the Independent and Shared Roles in Proposed Civilian Police Oversight Mechanism

Establishing clear and defined scopes of work is critical for any effort to improve public understanding. This chart illustrates the role(s) of each entity in the proposed oversight mechanism and where overlapping or shared role(s) exist.

Civil Rights Office of Police Conduct Review

Community Commission on Police Oversight



Minneapolis Police Department

