

172.30. - Complaint filing, preliminary review and investigation.

- (a) Complaint filing. Any person who has personal knowledge of alleged misconduct on the part of a Minneapolis police officer may file a complaint with the office of police conduct review by submitting said complaint by means of any readily available method approved by the office. The office shall endeavor to facilitate the complaint filing process by providing multiple and accessible avenues for the filing of complaints. Absent extenuating circumstances deemed sufficient to warrant untimely filing, no person may file a complaint if more than two hundred seventy (270) days have elapsed since the alleged misconduct.
- (b) Complaint review. All complaints shall be jointly and collaboratively assessed and preliminarily reviewed by supervisory staff of the office from both the civilian unit and the internal affairs unit. A complaint may be declined with no further action required pursuant to the authority and discretion of the office if, on its face, it fails to allege a violation within the purview and jurisdiction of the office. A complaint may also be referred to another more appropriate governmental agency or, in the case of allegations which rise only to a potential "A" level infraction under the police department's adopted discipline matrix, may be referred to a program of mandatory mediation instituted by the office of police conduct review or directly to the officer's supervisor for coaching. Such complaints may also, pursuant to the authority and discretion of the office, be referred for formal investigation pursuant to subsection (c).
- (c) Complaint investigation. All other qualifying complaints shall be formally investigated by the office through assignment to an investigator or investigators from the civilian unit and/or the internal affairs unit. The office shall endeavor to complete any reviews and investigations as promptly and efficiently as possible, given the staffing and workload of the office. Any complaint alleging criminal misconduct by an officer shall be investigated by the internal affairs unit. Complaints not alleging criminal misconduct may be assigned to the civilian unit at the formal request of a complainant. The investigative report shall be in a format designated by the office and all final reports shall be reviewed and approved by supervisory staff of the office from both the civilian unit and the internal affairs unit. The investigative report shall not include any recommendation or conclusion regarding the merits of the complaint.
- (d) Procedural discretion and decision making. Any procedural issue related to the duties and authority of the office for which supervisory staff from the civilian unit and the internal affairs unit is unable to reach agreement upon shall be referred to the director of civil rights and the chief of police, who shall jointly determine the matter. In the event the director and the chief are unable to resolve the issue, a designee of the mayor may mediate, and if necessary resolve, the issue.
- (e) Mediation. Upon the joint direction of supervisory staff of the office of police conduct review from both the civilian unit and the internal affairs unit, a complaint may be referred to mandatory mediation upon preliminary review of the complaint or at any other time in the course of investigation when deemed to be appropriate. The mediation shall proceed according to procedures adopted and instituted by the office of police conduct review. Mediators shall be neutral trained mediators unaffiliated with the office of police conduct review, the police conduct oversight commission, the civil rights department or any other department of the City of Minneapolis.
- (f) Firewall. Information from investigations shall be shared only with staff assigned to the office of police conduct review and police conduct oversight commission, unless otherwise specifically authorized by law. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 3, 3-21-03; 2003-Or-112, § 1, 9-12-03; 2004-Or-068, § 1, 6-18-04; 2009-Or-029, § 1, 3-27-09; 2010-Or-022, § 1, 4-16-10; 2012-Or-061, § 4, 9-21-12)

172.40. - Review panel procedure.

All final and approved investigative reports shall be forwarded to a review panel for the purpose of making recommendations regarding the merits of the complaint to the chief of police.

- (1) Each review panel shall be comprised of four (4) panelists. Two (2) of the panelists shall be sworn officers of the police department holding the rank of lieutenant or higher assigned by the chief of police or the chief's designee and two (2) panelists shall be civilians assigned by the director of civil rights or the director's designee.
- (2) The panels shall be scheduled on an as-needed or regular basis by the office of police conduct review. Each panel shall appoint a chair, although the office of police conduct review shall designate whether the chair of each panel shall be a civilian or officer member on a rotating and equal basis.
- (3) The panel shall review and discuss the investigative report but shall take no testimony or argument from witnesses or parties unless a request from the panel is specifically approved by the office of police conduct review.
- (4) The panel shall issue its recommendation within three (3) business days of the panel review, which shall be returned to the office of police conduct review and promptly forwarded to the chief of police. The recommendation shall be in a format approved by the office of police conduct review, shall be signed by all panelists, and shall include a recommendation as to whether each allegation is supported or not supported along with reference to the investigative evidence which supports the recommendation. Alternatively, the panel may return the investigative report with a request for additional information, which shall be identified with particularity.
- (5) The recommendation shall include the votes of each panelist, and in the event the panel is evenly divided on any recommendation, such division shall be noted.
- (6) The standard of proof necessary to recommend that an allegation be sustained is preponderance of the evidence. Preponderance of the evidence means that the greater weight of the evidence supports the decision.
- (7) The office of police conduct review shall provide written notice to the officer of the review panel's recommendation. The office shall provide written notice to the complainant of any allegation not sustained in the review panel's recommendation. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 5, 3-21-03; 2012-Or-061, § 5, 9-21-12)