

Police Conduct Oversight Commission Minutes

Regular Meeting
March 9, 2021 - 6:15 pm
Online Meeting

A regular meeting of the Police Conduct Oversight Commission was convened this date and time.

1. Roll Call

Members Present: Malaysia Abdi, Abigail Cerra, Jordan Crockett, Cynthia Jackson, Lynnaia Jacobsen, Kerry McGuire, Robert Pineau, Jordan Sparks, and John Sylvester (Quorum: 4)

Pursuant to Minnesota Statutes Section 13D.021, the meeting was held by electronic means and Committee Members and staff participated remotely due to the local public health emergency (novel coronavirus pandemic) declared on March 16, 2020.

2. Adoption of the agenda.

Pineau moved to adopt the agenda. On a roll call, the motion passed.

Aye: Abdi, Cerra, Crockett, Jacobsen, McGuire, Pineau, Sparks, Sylvester, Jackson (9)

Nay: (0)

Abstain: (0)

Absent: (0)

3. Acceptance of minutes

1. [Jan 12, 2021 Police Conduct Oversight Commission](#)

2. [Feb 16, 2021 Police Conduct Oversight Commission](#)

Pineau moved to accept the minutes from the regular meetings of January 21, 2021, and February 16, 2021. On a roll call, the motion passed.

Aye: Abdi, Cerra, Crockett, Jacobsen, McGuire, Pineau, Sparks, Sylvester, Jackson (9)

Nay: (0)

Abstain: (0)

Absent: (0)

4. General public comments

The following persons spoke during the general public comment period:

- 1) Dave Bicking: Mr Bicking recommended that the PCOC undertake an evaluation of the Office of Police Conduct Review intake process in order to identify potential improvements and cited a 2016 PCOC study that could serve as a model for such an evaluation. Mr. Bicking also urged the PCOC to push for greater detail on the final disposition of case summaries presented for its review, to better understand how the final disposition was reached and how complaints are handled.

[Pineau shared a link to that 2016 Research & Study:

[https://www2.minneapolis.gov/media/content-assets/documents/departmentx2fdivisions/Complaint-Filing-Process-Study-\(PDF\).pdf](https://www2.minneapolis.gov/media/content-assets/documents/departmentx2fdivisions/Complaint-Filing-Process-Study-(PDF).pdf)]

- 2) Chuck Turchick: Mr. Turchick encouraged the PCOC to seek to exercise a power to participate in the performance review of the MPD Chief. Mr. Turchick said previous mayors had not engaged the PCOC in those formal evaluation processes, and he encouraged the PCOC to push for engagement in those processes, noting that the term of the current Chief would expire in December 2021. Mr. Turchick also cited the data dashboard published on the website for the Office of Police Conduct Review, which still erroneously showed coaching being classified as discipline; thus, in keeping with the clarification provided by the City Attorney on that matter, he urged PCOC to direct the staff to correct its posted data on the website.
- 3) Emily Peterson: Ms. Peterson, a former participant in the MPD Explorer youth program, recounted personal experiences leading her to file complaints through multiple channels, including the PCOC/OPCR, the MPD Internal Affairs, and the City's Human Resources Department. She supported Mr. Bicking's proposal for an audit of the OPCR complaint intake processes. Ms. Peterson also indicated that an audit of PCOC appointment processes should be conducted, since she believed the current process is unfair and potentially biased against certain individuals (such as herself).

5. Property and Evidence Handling Processes and Procedures (Kerstin Hammarberg, Property and Evidence Unit Supervisor, presenting)

Ms. Hammarberg presented an overview of MPD property and evidence processes and procedures related to Case Summary 18-20737, which was presented at the January 12, 2021 meeting. Ms. Hammarberg detailed the specific steps and missteps that led to evidence being incorrectly filed in that case, and the actions that were taken to locate and correctly file it. Ms. Hammarberg explained that MPD's Property and Evidence Unit receives approximately 375,000 items each year., and she provided a high-level overview of Evidence Continuity procedures and the Computer Aided Dispatch (CAD) system. She concluded her presentation with several suggestions for preventing similar errors in future. A copy of the presentation was included in the meeting agenda.

Discussion ensued between Ms. Hammarberg and Commissioners. Several commissioners asked specific questions about the implementation of new procedures to prevent future errors and the potential of utilizing an audit process to uncover errors. Ms. Hammarberg detailed some of the procedures she routinely uses to screen for errors and said that an audit process would need to be referred to the Business Technology Unit.

Chair Jackson thanks Ms. Hammarberg and directed the clerk to receive and file the presentation.

6. Case Synopses Discussion

The following case summaries were presented, copies of which were included in the meeting agenda:

1. Case #3

Case summary was presented by Director Jaafar. Commissioners and staff discussed current body camera policy, frequency of body camera violations, and consequences for body camera policy violations. Commissioner Cerra moved to send Case #3 back for further investigation and to inquire as to activities that may have occurred prior to the activation of the body-worn camera. Assistant City Attorney Joel Fussy advised that that motion would not be in order because it was outside of the PCOC's authority to direct the investigatory processes of the OPCR.

2. Case #8

Case summary was presented by Director Jaafar. Commissioners and staff had further discussions about body camera policy, the potential for auto-activation of cameras, and retention policies and storage capacity for body camera video.

3. Case #9

Case summary was presented by Director Jaafar. Commissioners and staff discussed “referral for training” determinations. Pineau asked how the case selection was determined and if it would be possible to receive cases that were closed in the past year. Director Jaafar agreed to look into that possibility.

Chair Jackson directed the clerk to receive and file the case summaries.

7. Personnel Actions: Coaching

Reviewing legal memorandum regarding the status of “coaching” with respect to employee performance.

Vice-Chair Abdi offered the following staff direction:

Directing the City Clerk to notify appropriate City department leaders of the Police Conduct Oversight Commission’s request to have clarification provided with respect to the definition, application, and data classification implications of “*coaching*” as that term is used in connection with employee performance management, and to request those City leaders to appear at the Commission’s regular meeting on April 13 to provide responsive information and to respond to questions.

Commissioner Cerra made a motion to add a request for information about how the decision was made to add Section 2-112 to the MPD Manual on December 31, 2020, as a new section titled “Complaints, Coaching & Disciplinary System.”

The amended staff direction is as follows:

Directing the City Clerk to notify appropriate City department leaders of the Police Conduct Oversight Commission’s request to have clarification provided with respect to the definition, application, and data classification implications of “*coaching*” as that term is used in connection with employee performance management, including an explanation of how a new Section 2-112 entitled “Complaints, Coaching & Disciplinary System” was added to the MPD Policy & Procedures Manual on or about December 31, 2020, and to further request that those City leaders to appear at the Commission’s regular meeting on April 13 to provide responsive information and to respond to questions.

On a roll call, the motion passed.

Aye: Abdi, Cerra, Crockett, Jacobsen, McGuire, Pineau, Sparks, Sylvester (8)

Nay: (0)

Abstain: (0)

Absent: Jackson (1)

7. Ratification of Sub-Committees:

1. Membership & roles
2. Meeting dates

Pineau made a motion to ratify the sub-committee assignments and defer the ratification of chairs and meeting dates to the April 13, 2021 meeting. On a roll call, the motion passed.

Aye: Abdi, Cerra, Crockett, Jacobsen, McGuire, Pineau, Sparks, Sylvester (8)

Nay: (0)

Abstain: (0)

Absent: Jackson (1)

8. Case selection for April 13, 2021 meeting

Commissioners selected Cases 3, 5, and 6 for summaries at the April 13 meeting

Motion by Pineau; to approve selection. On a roll call, the motion passed.

Aye: Abdi, Cerra, Crockett, Jacobsen, McGuire, Pineau, Sparks, Sylvester (8)

Nay: (0)

Abstain: (0)

Absent: Jackson (1)

With no further business to transact, the meeting was adjourned at 8:38 p.m.

Next Police Conduct Oversight Commission meeting: Apr 13, 2021

Submit written comments about agenda items to: councilcomment@minneapolismn.gov

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