

Civilian Police Oversight Ordinance Update



Proposed Framework for Changes to Civilian Oversight

ELEVATE THE POLICE CONDUCT OVERSIGHT COMMISSION

Move the description of the PCOC to the beginning of the ordinance, and define its duties:

- Advise the Office of Police Conduct Review, which investigates complaints of alleged police conduct misconduct
- Prepare and submit an annual report to the City Council and Mayor
- Recommend appointees to the review panels, who may be PCOC members but are not required to be
- Review summary information from OPCR investigations and review panels, including access to investigative files with redactions if necessary
- May attend review panels as observers
- Develop a structure and rules to limit and define coaching
- Review, advise and recommend police policy regarding police conduct

DEFINE DISCIPLINE

Discipline shall be all corrective action, including but not limited to coaching, a letter of reprimand, and suspension. The ordinance shall require, to the greatest extent possible, that all sustained complaints must be disciplined.

ESTABLISH A CIVIL RIGHTS DIVISION OF POLICE OVERSIGHT

Create a specifically named division of Police Oversight in the Civil Rights department, and define its duties as follows:

- Staff the Police Conduct Oversight Commission and review panels
- Investigate all police complaints as allowed by law (complaints of criminal action by police will continue to be investigated by other law enforcement staff or agencies as required by law)
- Establish and maintain a system to assist with background checks of potential peace officer hiring to identify those that may have implicit or explicit biases and other concerns that could interfere with their ability to work in Minneapolis
- Establish and maintain a system of performance review to regularly review police officers to identify those that may be at risk of misconduct and in need of additional training, supervision, special assignment, and etc.
- Establish and maintain a system for conducting Use of Force Reviews
- Current MPD police officers cannot conduct investigations for the department
- The city shall provide the division with outside counsel to avoid formal or informal conflicts with the city attorney's office

POLICE CONDUCT COMPLAINT REVIEW PANELS

Define the structure and duties of Police Conduct Review Panels, including the following:

- Up to 9 Members to be appointed by the Council after being reviewed and recommended by the Police Conduct Oversight Commission
- At least 3 members of the Police Conduct Oversight Commission shall also be appointed to the Panel
- Membership to be open to any Minneapolis resident who is not an employee of the City
- Current or former sworn MPD police officers cannot serve on review panels
- Panels of 3-5 members are to be established as needed to review police conduct complaints, with at least one member on each review panel who is also a Police Conduct Oversight Commissioner, with the Commissioner serving as chair of the review panel
- Reviews may include review of physical evidence and interviews with City staff, officers involved, witnesses, and complainants
- The review panels will determine if a complaint has merit and should be sustained and will make a recommendation to the Police Chief and/or Mayor regarding the merits and the level of discipline that it warrants
- Complaints may be anonymous and may be initiated by City staff, including civil rights staff in the division of police oversight
- All public information regarding police complaints must be provided to the public online and, if requested, in a printed format

RESTORATIVE JUSTICE

- Restorative justice process can be held in lieu of the investigation when agreed to freely by all parties, including complainants
- This is not a mediation process, as that can't balance the power appropriately
- Discipline of all sustained complaints would give more incentive to officers to accept the restorative justice option
- In the long run a restorative justice process could be more transformative than discipline