A REVIEW OF MINNEAPOLIS POLICE DEPARTMENT'S INTERNAL AFFAIRS

DECEMBER 2008

1120 Connecticut Avenue NW, Suite 930
Washington, D.C. 20036

TABLE OF CONTENTS

SCOPE OF STUDY 1
OVERVIEW 3
THE MINNEAPOLIS POLICE DEPARTMENT 6
THE COMMUNITY'S PERSPECTIVE 9
THE INTERNAL AFFAIRS UNIT 14
Organizational Placement and Staffing 14
Personnel Selections 16
Complaint Intake 21
Levels of Complaints 27
Complaint Investigations and Case Preparation 30
Discipline 32
Allegations of Criminal Misconduct 36
Data Systems and Records Keeping 37
Internal Affairs Files 39
Internal Affairs Office Location 41
Case Closures 43
Drug Testing 49
Information Sharing 50
Use of Force Responsibilities 50
Critical Incidents Response / IAU Notification 51
Internal Affairs Related Manuals 55
Workload – Preliminary Cases and Internal Affairs Cases 56
Civilian Police Review Authority (CRA) 65
COMPARISON OF INTERNAL AFFAIRS UNITS 71
COMPLIANCE WITH NATIONAL ACCREDITATION STANDARDS 76
Appendix-1 Example of Disciplinary Matrix from Denver Police Department 78

SCOPE OF STUDY

The Police Executive Research Forum (PERF) was contracted by the Minneapolis Police Department (MPD) to conduct a review of its Internal Affairs Unit (IAU). As part of that review, PERF performed an examination of the police department's processes for receiving complaints, investigating them, and imposing discipline. Additionally, PERF analyzed whether the IAU is in compliance with existing legal provisions. The PERF team also examined the integrity of the various processes in place to conduct thorough, timely and objective investigations into allegations of misconduct against members of the MPD. PERF's review considered local factors affecting policing in Minneapolis as well as nationally recognized best practices associated with internal affairs systems.

PERF examined the policies, procedures and practices integral to the department's internal affairs function and disciplinary processes. Included were:

- The Minneapolis Police Department's organizational structure as it relates to the Internal Affairs Unit.
- An evaluation of MPD's complaint process and its accessibility to the community.
- An examination of the department's complaint investigative process and procedures.
- Determining the IAU's familiarity with legal provisions and statutes and whether policies are in place to ensure that these legal safeguards are followed.
- Evaluating the level of independence with which the Internal Affairs Unit operates.
- Evaluating the equity, timeliness and consistency of the discipline process.

In addition to a review of specific operations, PERF's assessment included the collection of information from members of the department as well as representatives of

the community. Internally, members of the Police Department's executive staff and command officers were interviewed by the PERF team. The current Internal Affairs manager and all personnel now working in the unit (sergeants and civilian support staff) were individually interviewed along with commanders and sergeants who had previously worked in that assignment. PERF met with representatives of the Police Officers Federation of Minneapolis as well as other officers in a focus group meeting. Some officers were on-duty personnel assigned to attend the meeting; others attended on their own after notification by the Federation.

Externally, PERF met with elected officials, the City of Minneapolis Director of Civil Rights, representatives of the Police Community Relations Council (PCRC), members of the Civilian Review Authority Board, investigators of the Civilian Review Authority and the Legal Advisor. Meetings with members of the community took several forms. Two separate community forums were advertised through the media and open to any members of the community, including the media, wishing to express their views on the department in the areas of the study. The first was held on June 16, 2008, at the Minneapolis Urban League North and the second on June 17, 2008, at the Minneapolis College of Arts and Design. In addition, a focus group meeting was conducted on June 18, 2008, at a local church in which representatives from the community engaged in a more detailed discussion into their views and experiences with the Minneapolis Police Department.

Through these interviews and meetings the PERF team was able to gain an understanding of those operations of the Police Department that fall within the scope of this study. These practices were compared against successful practices of other law enforcement agencies that PERF believes to be among the best, nationally. Recommendations were developed and tailored specifically for the Minneapolis Police Department.

OVERVIEW

Police departments throughout the United States are granted significant authority as they go about protecting the public, maintaining the peace, preventing crime, and pursuing criminals. With this authority comes a great responsibility to wield police powers carefully and within the limits of the law – and they must police themselves. In Minneapolis, as is typical across the country, this responsibility rests with the Chief of Police who relies on command and supervisory personnel to ensure the provision of just and impartial police services to the public. However, when members of the community – or members of the department – raise complaints about the conduct or performance of officers, the Chief of Police calls upon the department's Internal Affairs Unit to conduct or oversee the appropriate inquiry.

The basic operation of the Minneapolis Police Department's Internal Affairs Unit (IAU) is not unlike other units of its kind in law enforcement agencies throughout the United States. The unit's lieutenant and six sergeant-investigators are responsible for the investigation of citizen complaints filed with the department, administrative investigations into officer involved shooting, in-custody deaths and other critical incidents, and the review of use-of-force reports. When a citizen complaint is filed, the complainant has the choice of whether the investigation is conducted by the Internal Affairs Unit within the police department or the Civilian Review Authority (CRA) within the city's Department of Civil Rights.

In 2007, the department's Internal Affairs Unit handled 266 external complaints and the Civilian Review Authority handled another 75 - for a total of 341 complaints for the year. Of the 266 external complaints handled by the IAU, 163 were investigated as preliminary cases, 77 were handled by the accused employee's commanding officer as a Policy and Procedure Inquiry (PPI) and 26 resulted in complete investigations by Internal Affairs.

Comparisons of complaints against officers from city to city are difficult to make because of the variety of factors that can impact the number and nature of complaints reported. A higher or lower number of reported complaints may reflect as much about the confidence the community has in a department to conduct fair and objective

complaint investigations. An uncharacteristically low complaint count can simply mean that a large segment of the overall community feels the effort is futile; whereas in a comparably sized city or department that enjoys a solid reputation of accountability and transparency, complaint counts may actually be higher because more incidents are reported without fear of reprisal. The existence of an alternative outside entity such as the CRA where complainants may take their concerns can account for a higher number of complaints than when no such alternative exists.

There are a number of other – internal and external – factors that impact the number of complaints that are reported. Some departments accept anonymous complaints while others do not. The vast majority of law enforcement agencies rely on their Internal Affairs Units to conduct the more serious complaint investigations, while field supervisors often handle complaints of minor rudeness or poor performance. There is no clear distinction among departments as to where that differentiation lies or how such complaints are counted.

Events of national significance, such as the Rodney King incident or the 9/11 tragedy, have been responsible for periods of greater and lesser public regard for law enforcement which impacts the filing of complaints. Clearly, all over the United States, complaint processes are impacted by provisions of police officer labor agreements, local Police Officer Bills of Rights, False Reporting Laws, and other legislation that restricts investigations and discipline. Often, the public's lack of understanding of these limitations translates into a loss of public confidence in the department's ability to police itself. One interesting feature of the complaint intake/adjudication processes in place in Minneapolis is that citizens can take their complaint to the police department or the Civilian Review Authority. This provides an alternative for persons reluctant to take their complaint to the police.

In Minneapolis, as explained throughout this report, there are positives and negatives that impact public confidence and the lodging of complaints. There are constraints, and there are opportunities for improvement of processes, but there are also dedicated and professional managers, supervisors and officers who strive every day to improve upon the way the department police itself and how it is viewed by the public. In light of all of this,

Minneapolis with an average complaint count may not reflect any extreme, but rather as a police department working hard to become better than it already is.

THE MINNEAPOLIS POLICE DEPARTMENT

Minneapolis is the largest city in the state of Minnesota and the sixteenth-largest metropolitan area in the United States.[1] As a full-service law enforcement agency, the Minneapolis Police Department (MPD) is staffed with approximately 900 sworn officers and 300 civilian employees who provide progressive police services to an estimated population of 380,000.[2] Under the direction and guidance of the Chief of Police and Assistant Chief, the department is organized into three bureaus: Patrol, Investigations, and Professional Standards.

The operational philosophy of the Minneapolis Police Department is found in two documents: the department's Vision, Mission and Values statement; and the preface to the department's Policy and Procedure Manual. These statements are important to the assessment performed by PERF because they specify the core values and beliefs that direct the activities and operations of the department.

The Vision, Mission and Values statement (updated 12/21/01) of the Minneapolis Police Department provides guiding principles for police executives, managers, supervisors and line employees to fulfill their duties and are as follows[3]:

Vision

The city of Minneapolis is the safest place to live, work and visit.

Mission

To prevent crime and improve community satisfaction.

[1] http://en.wikipedia.org/wiki/Minneapolis
[2] http://www.ci.minneapolis.mn.us/police/about/
[3] http://www.ci.minneapolis.mn.us/mpdpolicy/1-300/1-300.asp

Values

Serve and work with our community

Employees are our greatest asset

A workforce that reflects our community

Protection of human rights

Professional excellence

Honesty and integrity

The Internal Affairs Unit plays a particularly important role in the department's ability to fulfill the stated values of the department. The degree of transparency in the Police Department's operations, and its ability to police itself, are paramount in order for the community to enjoy a high level of confidence in its police department. At the same time, recognizing that a police department's employees are its greatest asset, it is important for the department to maintain the integrity of its IAU and complete fair and objective investigations in a timely manner. The Internal Affairs Unit is responsible for investigating minor as well as serious allegations of misconduct, ranging from policy infractions to violations of law.

The Preface to the Minneapolis Police Department's Policy and Procedures Manual is quite explicit as to the department's expectations of its officers:

> *Minneapolis Police Officers are not separate from the citizens of Minneapolis. We draw our authority from the will and consent of the people. The police are the instrument of the people to achieve and maintain order. Our efforts are founded on the principles of public service and ultimate responsibility to the public.*
>
> *The specific goals and priorities which we establish within the limits of our legislatively granted authority are determined to a large extent by community desires. These desires are transmitted to us through the community and the governing body of the City of Minneapolis. We conscientiously strive to be responsive to these desires, knowing full well that we exist not to serve ourselves but to serve and protect others.*
>
> *Police officers are accountable to the people for their decisions and the subsequent consequences. A substantial percentage of police work is done*

in direct response to citizen complaints. This underscores the frequently unrecognized fact that members of the public are an integral part of the criminal justice system. Though many factors play a role in the success of the system, citizen participation is preeminent. Public confidence in the criminal justice system depends primarily on the trust that the people have in their police.

The fundamental purpose and role of the police in a free society is the protection of constitutional guarantees, maintenance of public order, crime prevention and suppression, and dutiful response to the needs of the community.[4]

As found in the Internal Affairs Unit's 2007 Annual Report, the unit has initiated the following pledge to support the department's vision, mission and values:

- Encourage active participation by all parties in the complaint process
- Carefully examine each investigative file to ensure that all efforts have been made to resolve the complaint
- Review all complaints with complete objectivity and impartiality
- Engage in community outreach throughout Minneapolis
- Educate the public concerning the IAU purpose
- Report to the Office of the Chief of Police any patterns of misconduct that are uncovered as a result of the investigation and complaint review
- Report to the Deputy Chief of Professional Standards any and all issues and policy matters that may arise
- Productively identify trends that may need to be addressed by the Training Unit

[4] http://www.ci.minneapolis.mn.us/mpdpolicy/preface.asp

THE COMMUNITY'S PERSPECTIVE

Effective police self-governance requires that the community trust and have confidence in the process and outcomes of the citizen complaint investigation process. Therefore, an important element of PERF's review involved establishing direct contacts with residents to receive community perspectives on the current complaint investigations process and on perceptions of where the department might improve its internal affairs operations. At PERF's request, the Minneapolis Police Department coordinated, with assistance from the media, community based groups and civic organizations, three meetings between PERF and members of the community. It has been PERF's experience in such meetings across the country that these sessions offer community residents the opportunity to air concerns, issues, and sometimes grievances, while individuals who have had only positive experiences with the police are not as likely to attend. Attendees frequently report personal negative contacts with the police or cite episodes where relatives or acquaintances felt they were not treated well by the police. These perspectives are an important element of PERF's data collection effort.

PERF conducted two open public forums and one focus group to provide an opportunity for members of the community to provide input about the current citizen complaint process used by the Minneapolis Police Department. PERF's experience in other venues has been that the presence of police representatives at such meetings constrains some attendees from speaking freely. Consequently these meetings do not include a police presence.

The first public forum was held at the Minneapolis Urban League North on Monday, June 16, 2008 from 6:00 p.m. to 8:00 p.m. A total of 40 representatives from the community were in attendance, including participants representing educational institutions, the criminal justice system, and civil rights organizations. These organizations included:

- Police Community Relations Council (PCRC)
- Communities United Against Police Brutality (CUAPB)
- Civilian Review Authority (CRA)

The second public forum took place at the Minneapolis College of Arts and Design on Tuesday, June 17, 2008 from 6:00 p.m. to 8:00 p.m. There were a total of 25 representatives, including six who participated in the first session.

The third meeting, the focus group, was held at a Lutheran church on Wednesday, June 18, 2008 from 6:00 p.m. to 8:00 p.m. The focus group, composed of eight persons invited by the Police Department, was designed to provide the PERF team an opportunity to probe and ask follow-up questions to gain a more in-depth understanding of the views of those attending. Attendees were actively involved in neighborhood groups and other community-based organizations (e.g., Lake Street Business Council; Whittier Neighborhood Association; Weed and Seed; Block Club; Citizens' Patrol; etc.).

Although some of those present expressed the view that the department properly handles and sustains complaints initiated internally, most expressed less positive views. Several participants cited perceived barriers to filing complaints, expressed concern that officers were too easily exonerated, or said that laws regarding making false complaints were too one-sided, and some said they feared intimidation and retaliation. Some attendees indicated their perception that both local attorneys and community groups were reluctant to encourage residents to file complaints because of such barriers. Many were also concerned that there is no mechanism in place whereby the community can appeal the outcome of an internal review.

Concern about the ability of the department to police itself was an ongoing theme in these public meetings. Participants wished for more objective oversight of the internal review process. They indicated that what they had heard about disciplinary outcomes suggested inconsistency and that too often serious misconduct was penalized too lightly. Some were concerned that an officer's ethnicity, race or gender might play a part in the severity of a penalty. Others felt that without appropriate sanctions, some officers might feel empowered to behave with little regard for the public they serve.

Minneapolis community members offered their perceptions about elements of the police culture which they feel interfere with thorough and complete internal investigations. Some felt that not all officers would report the misconduct of others and that officers are reluctant to testify against each other. Concern was expressed about

negative aspects of the culture being absorbed by recruits coming out of the academy due to the lack of more positive support systems.

Some attendees expressed broader concerns. Participants in one session felt that immigrants are not treated well and the Latino community especially has a difficult time getting adequate police response. Intimidation was cited as a deterrent to consistent Latino participation in CUAPB and CRA meetings.

Some attendees said they were hopeful, but skeptical, that PERF's ultimate recommendations would have much impact. Several cited other MPD reform initiatives that seemed to have never been fully implemented. PERF staff members were questioned about whether improvements resulted in other communities after PERF studies. When asked about how the current citizen complaint investigation process might be improved, participants offered the following suggestions.

Community Member Suggestions:

- Accountability needs to be increased by creating a proper 'follow-up mechanism' for internal investigations.
- Accessibility to IAU needs to be expanded in several ways. Attendees suggested:
    - Having the IAU office open beyond the current hours of 8 a.m. to 4 p.m., when most people are working;
    - Offering multiple sites at which complaints can be filed;
    - Accepting complaints online;
    - Providing translation services for non-English speaking complainants; and
    - Having the complaint form readily available at libraries, post offices, schools, community centers, etc.
- Participants listed a number of elements which they think would improve community trust in the process and make it more transparent. These included:
    - Once a complaint is filed, citizens should be able to easily track the investigative progress or the status of the case.
    - The status of a complaint should be posted on the Police Department's website.
    - Follow-up by the department should be timelier.
    - Complainants should be informed as to the outcome of any disciplinary proceeding and should receive a complete and comprehensive summary of a disciplinary proceeding.

    - Statistical summaries of complaints and outcomes should be published periodically by the department.
    - An informational/educational campaign should be initiated by the department to better inform and instruct the community that there are avenues of recourse available to them.
- Community members felt that the department in general, and IAU in particular, should be more ethnically diverse and more culturally sensitive. Some said that fear of the police among communities of color (African-Americans, Latinos, and Native Americans) is particularly high.
- Members of the community and the police department (especially the Internal Affairs Unit) would derive benefits if the entire department received additional cultural sensitivity training.
- Having an outside entity monitor the disciplinary process of the Minneapolis Police Department would be good for both the police and the community.
- Recommendations stemming from this PERF study should be made available to the public.

Community meeting attendees were not alone in expressing some of these concerns. Interviews with Police Department executives and line personnel surfaced a recognition that the department needs to improve its relations and communications with the community. Members of the department echoed community members' opinion that in some instances the citizen complaint process takes too long to complete, a factor that benefits no one. The importance of diversity of the staff of the Internal Affairs Unit was mentioned by those within and outside the department. Finally, the importance of transparency in the citizen complaint process is a common concern of both.

An examination of the suggestions brought forth by the community reveal that many are already the policy and practice of the Minneapolis Police Department. Examples include:

- The department accepts complaints on-line, either by the complainant downloading and returning the completed complaint form to the department or simply providing information in the text of an e-mail message;
- Translation services are provided for non-English-speaking complainants;
- Complaint forms are currently available at all MPD precincts, at the Internal Affairs Unit, as well as at a number of community organizations, including the following partial list:
    - Barbara Schneider Foundation
    - American Indian Movement, Peacemaker Center
    - A.W.M.I.N.
    - Minneapolis American Indian Center
    - Metropolitan Urban Indian Directors
    - Southeast Asian Community Council
    - Chicanos Latinos Unidos en Servicios *(C.L.U.E.S.)*
    - The City, Inc.
    - Minneapolis Urban League
    - Minnesota State Baptist Convention, Inc.
    - OutFront Minnesota
    - Minneapolis Department of Civil Rights
    - Somali American Friendship Association
    - Upper Midwest American Indian Center
    - Urban Coalition
    - University of Minnesota Student Legal Services
- MPD completes an Internal Affairs Unit Annual Report that provides a myriad of statistical data about complaints against officers. The last three years (2005 - 2007) are posted on the department's website for review.

THE INTERNAL AFFAIRS UNIT

The Internal Affairs Unit (IAU) plays a particularly important role in the department's ability to fulfill the stated values of the department. The Internal Affairs Unit is responsible for investigating minor as well as serious allegations of misconduct, ranging from policy infractions to violations of law.

Organizational Placement and Staffing

The IAU falls under the authority of the Professional Standards Bureau Deputy Chief of Police. The Internal Affairs Office has recently moved to a larger, secure office suite within the police department, located literally around the corner from the executive offices of the Chief of Police, Assistant Chief and Deputy Chiefs.

At the time of the PERF site visit to Minneapolis, staffing of the Internal Affairs Unit consisted of one lieutenant, six sergeant/investigators, one administrative analyst and two support employees – one typist and one transcriptionist.[5] Generally, the sergeant/investigators are responsible for the investigation of serious allegations of misconduct made against members of the department, allegations that the complainant wishes to be probed by MPD rather than the Civilian Review Authority (CRA). The administrative analyst maintains unit statistics, conducts research and as an ancillary duty was in the process of finalizing the IAU's complaint process manual. All unit personnel answer directly to the commander of the unit, a lieutenant, who in turn reports to the Deputy Chief of the Professional Standards Bureau, who assists in managing cases and establishing unit priorities. Although the current organizational structure has the Internal Affairs Unit reporting to the Professional Standards Deputy Chief, persons interviewed indicated the IAU commander has easy and direct access to the Chief of Police as warranted.

It was explained that the current placement of the IAU under the direct command of the Professional Standards Bureau's Deputy Chief was intentional in order to keep related functions together. Along with the IAU, the deputy chief has hiring, training, human resources, and policy development responsibilities. These functions were grouped

[5] Since the last PERF site visit, the administrative analyst position has been transferred from the IAU.

together to give the department the opportunity to be proactive in identifying trends in complaints or behavior and to quickly coordinate a training, personnel or policy response.

The Internal Affairs Lieutenant is assigned by the Chief of Police and serves in that capacity at the pleasure of the chief. The lieutenant is responsible for the final review and approval of all Internal Affairs investigative report before they are forwarded to the appropriate authority. There have been two lieutenants assigned as commander of the IAU in the past four years. Each person serving in this organizationally important command assignment brings his or her own set of experiences, skills and values. It was reported to PERF that with a change in command come different perspectives in distinguishing between Policy and Procedure Inquiries (PPI) and more serious violations.

Recommendation: The Internal Affairs Unit should report directly to the Chief of Police or Assistant Chief. The Minneapolis Police Department has a clearly defined vision, mission, and values statement that are built on the principles of employee excellence, diversity, human rights, honesty, integrity, and community collaboration. The Chief of Police is the most visible public figure of the police department and is the person entrusted with the protection of civil liberties and ensuring that the agency is viewed by the community with trust, respect, and honor. Criminal and administrative misconduct by police officers undermines the relationship a police department has with its community. The purpose of an internal affairs function is to receive, investigate, and resolve complaints of police misconduct. The nature and sensitivity of an internal affairs investigation justify that the Internal Affairs Unit provide information and report to the top of the agency. Ideally this would be the Chief of Police. However, in large agencies where the day-to-day operations of the department are shared with, or relegated to, an Assistant Chief, this level of direct supervision for the internal affairs function is also appropriate.

Observations: The Internal Affairs Unit (IAU) currently reports to the Deputy Chief of the Professional Standards Bureau, who reports directly to

the Assistant Chief of Police. The Chief of Police is organizationally removed three levels from the IAU. The Commission on Accreditation for Law Enforcement Agencies (CALEA) states that the sensitivity and impact of internal affairs matters on the direction and control of the agency require that the chief receive all information directly. Surveys of other police agencies commonly reveal a separation of no more than two layers between the Chief and the commander of the unit responsible for investigating allegations of misconduct against employees. When the IAU does not report directly to the Chief of Police (or at a minimum, the Assistant Chief), there is a risk that information may be subject to filtering before it reaches the Chief. Furthermore, without the visible and symbolic placement of the IAU reporting directly to the Chief or Assistant Chief of Police, the community, the police, and the news media are not assured that the prevention of police misconduct is one of the top priorities of the police department. The department's current grouping of the IAU with training, human resource and policy development functions is based on the premise that these functions all legitimately share responsibility to take action aimed at greater compliance or policy/training modification so as to avoid similar future complaints. However, such action can be prompt and decisive even if the IAU answers directly to the Chief or Assistant Chief of Police.

Personnel Selections

An assignment in the Internal Affairs Unit had been voluntary for sergeants serving as investigators. Position openings are posted and those who are interested may apply. It is not uncommon for no one to apply for this demanding assignment when openings are posted. At other times the few who have applied were not thought to have the desirable attributes necessary for this challenging position. Generally, the assignment is not viewed in a favorable light by the rank and file. Internal Affairs positions are two-year commitments, and there is no formal rotation policy. At the time of the site-visit, one

investigator had approximately four years of IAU experience, while all the others were relatively new. In fact, it has occurred that newly promoted sergeants are assigned to Internal Affairs as their first duty assignment. The department recognizes the value of maintaining a diverse Internal Affairs staff, but when it is difficult to find sergeants interested in an Internal Affairs assignment, the potential for achieving desired diversity decreases. Initial training in the section consists of a review of the IAU manual, assignment of a senior investigator to work with the newly assigned sergeant, and on-the-job-training. The department recognizes the value of formal training courses and seeks appropriate opportunities for its new investigators, but cost considerations sometimes necessitate waiting until training is offered locally. Reportedly, one such recently attended week-long training opportunity was the first offered in this subject in some time.

One official suggested that the combined lack of experience and training in Internal Affairs weakens the department's likelihood of success should a legal challenge be mounted by a skilled litigator against an action stemming from an internal investigation. There is a sentiment among many in the department that internal investigations are so important to the integrity of the department, and they can damage an officer's career so severely, that only the most seasoned and trusted members of the department should be assigned to this duty. Moreover, this would instill greater trust and confidence in the unit, which in turn would encourage other experienced and trusted members to apply for openings in Internal Affairs.

Recommendation: Experienced sergeants should be selected to fill positions within the Internal Affairs Unit. Incentives should be established to recruit top-quality candidates for this important assignment. Internal Affairs sergeants are responsible for conducting investigations into internal and external allegations of misconduct against members of the department. It is important that IAU personnel have a wide range of supervisory experience and investigative knowledge to draw upon when making judgments on whether the actions of an employee constitute a violation of policy. Without such a base of

skills, the credibility of the unit may be suspect. The department should create an environment in which an assignment to the IAU is seen as having a positive impact on one's career. Incentives should accompany this important and difficult assignment to attract quality candidates. Examples of inducements used by other agencies include: assignment pay, take-home vehicles, consideration in promotional processes, and selection to a choice assignment upon completion of a commitment to the IAU.

Observations: Interviews of current and former employees assigned to the Internal Affairs Unit along with other members of the department revealed an organizational culture that does not value an assignment in the IAU. Because of the difficulty in filling these positions with volunteers, newer and less experienced sergeants have been selected for this assignment. In some cases, new sergeants have been assigned to the IAU as their initial assignment following their promotion. Others with no investigative experience have been assigned to the unit. The most desirable IAU candidate should be an experienced sergeant with investigative experience.

Recommendation: The makeup of the Internal Affairs Unit should be ethnically diverse. It is important for members of minority groups both within the department and in the community to have confidence in the Internal Affairs process. One element that impacts the level of confidence in the department's ability to objectively investigate allegations of misconduct is the inclusion of minority-group staff members assigned to the unit.

Observations: In interviews with command staff, officers and the community all identified the need to include minorities, most notably African-Americans, as part of the IAU. This is not to say that the sergeants now assigned to the IAU are not performing in an acceptable manner. The department is well aware of the diversity factor. It should be noted that the current makeup includes a female lieutenant and both male and female

sergeants, and a sergeant from a minority group is the most recent addition to the unit. In the past, there have been minorities within the unit, and a recent IAU commander was African-American. The unit commander and executive staff have recognized this issue and have identified it as a priority for filling further vacancies within the unit.

Recommendation: New investigators should be required to attend a basic internal affairs investigation course within six months of their assignment to IAU. The legal, administrative, and technical requirements of an internal affairs investigation require that newly assigned investigators attend, at minimum, a basic internal affairs investigation course. Completion of the training should occur as soon as possible. Competent and well-trained investigators are a key to determining the role, extent, and scope of police misconduct within a police agency, and investigators must be properly trained.

Observations: Internal Affairs investigators recently completed a basic internal affairs training course prior to PERF's site visit, after working in the unit for well over six months. The minimum generally accepted training standard to conduct a competent internal affairs investigation is a basic internal affairs training course which is typically between 24 and 40 hours of instruction. The recent completion of this training by IA investigators is a good sign of progress. New sergeants to the unit are reportedly assigned to the first available local Internal Affairs training session. It has been reported that some investigators have worked in the IAU for nearly a full year before attending this training, because attendance was delayed due to the fiscal impact of sending an investigator to training outside the area.

Recommendation: Continuing education and training should be required of internal affairs investigators on an annual basis. Constantly changing legal and administrative policies and practices require that internal affairs investigators receive the latest and most up-to-date training available. Retraining of internal affairs investigators, along with other development opportunities such as membership in state and national professional associations, provides IAU members with professional growth and the sharing of ideas with colleagues regarding investigative policies and practices. Membership in the National Internal Affairs Association and similar state organizations as well as subscriptions to related publications can also be of value to investigators.

Observations: At the time of the PERF site visits, there was no indication that IAU staff is currently members of any state or national internal affairs association, nor are they exposed to publications focused on internal affairs or disciplinary matters.

Case Assignments

On a rotational basis, one sergeant is designated the Duty Sergeant. For one day shift (Monday through Friday tour) the sergeant is responsible for telephone and in-person inquires as well as response to incidents requiring on-scene presence. The unit commander prioritizes cases based on the seriousness of the allegation and distributes them among the case investigators according to caseload and availability of time. Investigators are permitted to prioritize their caseload according to the likelihood of allegations being sustained.

The determination to assign a case for investigation generally rests with the unit lieutenant. This is true whether the complaint is lodged with the department, forwarded through the City Office of Civil Rights, 311, or any other source. Regardless of who received the complaint, the complainant has the option of an investigation by either Internal Affairs or the Civilian Review Authority.

Recommendation: IAU cases should be assigned within five business days of receipt of the complaint and prioritized by their seriousness. The prompt assignment of citizen complaints should be a top priority of the IAU. The Minneapolis Police Conduct Incident Report Form states that the complainant will be contacted within five business days by an Internal Affairs investigator upon receipt of the complaint. Citizen complaints that are not investigated in a timely manner affect the citizen's trust and confidence in the police department. Criminal complaints and the most serious policy violations should be assigned immediately. And all other complaints should be assigned within five business days of their receipt.

Observations: The IAU case log does not list a receipt date of the complaint. The only listed date is when the investigation is assigned. Without this information, it is difficult to determine if the complaint was assigned within five business days of receipt and/or the complainant was contacted within five business days of receipt. Also, it makes it difficult to determine whether or not the cases were assigned according to their seriousness.

Complaint Intake

Complainants without command of the English language can be accommodated by a language line that is available in Spanish, Somali and Hmong. Additional language needs can be met via resources available through the precincts. Brochures that describe the complaint process are also available in these languages, as well as English. The actual complaint forms are also printed in multiple languages.

Complainants who lodge their complaints over the telephone are directed to file a formal written and signed complaint. The initial complaint taken over the phone is accepted, however, not with the consequence of initiating criminal charges against the complainant

for filing a false police report if the allegation is knowingly untrue. The Investigator taking the complaint over the phone is relieved of any further responsibility until the written complaint is received. Investigators will work non-regular duty hours to meet with complainants and investigate cases as necessary and with prior approval. The draft Internal Affairs Manual indicates that serious allegations are initiated immediately – regardless of how they are received.

Although the department does not have a written policy on acceptance of anonymous complaints, it is the **practice** of the Internal Affairs Unit to review all complaints that come into the department. Anonymous complaints are reviewed by the IA commander; and if the allegation is serious in nature and investigative leads are available, the case is brought to the Chief of Police for consultation. Examples of further leads include the presence/identification of potential witnesses, a review of the squad car camera, and record checks. The Chief will decide if further action is warranted; and if so, the case is investigated under the signature of either the Chief of Police or his designee in compliance with Minnesota Statute 626.89 (PEACE OFFICER DISCIPLINE PROCEDURES ACT). It should be noted that the Internal Affairs Unit Commander has significant discretion as to whether an anonymous complaint is taken before the Chief or no action is taken in the case. It was estimated that five anonymous complaints have been fully investigated in the past two years, under the tenure of the current IA commander.

Recommendation: The department's practice of handling anonymous complaints should be modified and developed into a formal departmental policy. The integrity of the police department and its personnel and operations depends on receiving and investigating any and all allegations of misconduct, regardless of the manner, method, or source of the information. Even though anonymous complaints can be complicated and difficult to validate, every effort should be made to look into such allegations before dismissing the accusation because the complainant refuses to sign a sworn statement. The determining factor as to whether an anonymous complaint should be investigated is the presence or absence of investigative leads, rather than exclusively the seriousness of the allegation.

Minnesota Statute 626.89, PEACE OFFICER DISCIPLINE PROCEDURES ACT, a state law that governs the disciplinary procedures for peace officers in the state, provides in section 626.89 (5) that "Complaints stating the signer's knowledge also may be filed by members of the law enforcement agency." PERF's analysis of the statute suggests that IAU investigators can file a complaint on behalf of an anonymous complainant against a member of the police department when the validity and knowledge of the complaint can be validated.

Observations: Anonymous complaints are handled on a case-by-case basis after review and consultation with the Chief of Police. There is no prohibition within the existing labor agreements as to the investigation of anonymous complaints. Anonymous complaints verified by the IAU are permitted under statute 626.89 (5), as the IAU investigator in effect becomes the complainant.

Recommendation: The department should conduct further educational efforts to inform the community about how to file a complaint against a member of the department. Information regarding filing a complaint against a member of the Minneapolis Police Department as well as forms in multiple languages are available at headquarters and all the precinct stations along with various organizations previously noted. Information for filing a complaint is also available on the department's Web-page. Despite these efforts, some members of the community who met with PERF did not know how to file a complaint or where they could get information on the subject.

Observations: The Minneapolis Police Department entered into a Memorandum of Agreement with the Unity Community Team, made up of community leaders representing various Minneapolis communities. With assistance from the U.S. Department of Justice, this voluntary agreement is designed to address issues related to the management and operation of the department. The following are segments of the agreement that the Police Community Relations Committee identified to improve the department's educational efforts regarding the citizen complaint process, and the status of each item within the agreement:

- 7.2.2 - Incident Report Form in 4 other languages
    - *Action Item Satisfied*
- 7.2.4 - Minneapolis Police Conduct Incident Report Form and materials available at all MPD precincts, the IAU, and community organizations.
    - *Action Item Satisfied*
- 7.2.5 - The MPD to periodically provide training to staff at the agency where such forms are available regarding the complaint process.
    - *Partial Work Done*

- 7.2.6 - The MPD will provide training to supervisors (MPD) regarding the proper response to the receipt of a report of police misconduct.
    - *Partial Work Done* (ongoing)

A significant challenge for police managers is striking a balance between ensuring that an informed public is not in any way intimidated and uncomfortable making a legitimate complaint about the department or its members, and the perception of a lack of support for good officers by the administration's apparent solicitation of complaints. The department should continually look for opportunities to further educate the community about the complaint process, and to offer opportunities for community leaders and activists to learn more about why the police operate in certain ways. Many complaints stem from misunderstandings – such as public misperceptions of sound officer safety practices or incomplete recognition of laws and restrictions on officers from taking certain actions. Opportunities to clarify public concerns as well as direction on how to file a complaint may be accomplished by encouraging greater participation in the department's Citizen's Police Academy, by members of the IAU and precinct commanders looking for additional opportunities to attend community meetings, by seeking out joint educational efforts between the MPD and CRA, and by placing a link on the home page of the MPD Web-site clearly identifying it as information on filing a complaint that will to go directly to the Internal Affairs Unit.

False Reports

False reports of police misconduct are a misdemeanor under state law. Only a few such cases have been prosecuted in the courts. Currently, the department does not track complainant data to determine when there are repeated complaints lodged by the same complainant over a period of time.

Interaction with Complainants

Internal Affairs investigators indicate that complainants are offered copies of their complaint at the start of their complaint investigation. They may be given verbal updates if they choose to call in to the unit. Upon the conclusion of an investigation, complainants are to receive a letter advising if the matter was sustained. It is interesting to note, however, that the draft Internal Affairs Manual includes a full array of forms, templates, and letters associated with the complaint investigation process, but not included are any letter formats to complainants. Completed case information that is accessible by the public is limited to the nature of the allegation and whether it was sustained, as prescribed by current law.

Recommendation: Complainants should be kept apprised of the progress of their complaint. In an effort to keep a complainant informed of the progress of their report, the Internal Affairs investigator assigned to the case should make contact with those filing a complaint against a member of the department to provide an update on the investigation.

Observations: Maintaining contact with a complainant throughout the course of an internal affairs investigation will keep the complainant informed as their complaint progresses through the process, while serving to enhance the community's confidence that the department is serious about investigating allegations of misconduct. Though the release of information is limited by legal requirements, complainants can be kept abreast of the progress of case processing. At a minimum, complainants should be notified by letter, at key points along the investigation, to include:

- Receipt of the complaint (indicating that it will be investigated or why it will not be investigated)
- Notification if the completion of the complaint investigation has been delayed beyond 60 days – explaining the delay and when the complainant may anticipate completion
- Notification when the investigation is complete and a closure finding can be relayed to the complainant.

Levels of Complaints

In addition to external complaints brought to the department, supervisors may initiate a Policy and Procedure Inquiry whenever they believe a member of the Police Department has violated a policy. These forms are directed to Internal Affairs, where they are reviewed by the IA lieutenant and a determination is made if the matter will be handled in the field or by Internal Affairs.

When the IAU receives an allegation of misconduct against a member of the department, a Preliminary Case investigation is initiated to determine if there is merit to the accusation, warranting a further investigation. If the case is found to have "No Basis for Complaint" or is "Continued" due to lack of evidence or response from the complainant, a Preliminary Case Summary is completed and submitted to the IAU lieutenant. Should the investigation reveal the allegation is substantive, an administrative case is initiated.

As described in greater detail later in this report, the department categorizes complaints against officers into four levels (A – D). All complaints, regardless of level or where they will be handled, are issued control numbers. Category "A" violations, also know as Policy and Procedure Inquiries (PPIs), are minor in nature and remanded to precinct or other field commanders for investigation.[6] PPIs are not considered as serious as to result in discipline and cannot be grieved. Rather, they are seen as an opportunity to provide a "coaching" session with employees to ensure adherence to policy. Records associated with category "A" complaints are maintained in the Internal Affairs Section and may only be considered in personnel matters for one year. Category "B" through "D" violations are investigated at Internal Affairs as administrative cases. Upon completion, "B" and "C" violations are taken before a disciplinary panel established by the subject officer's commander. "D" complaints are brought before a disciplinary panel usually made up of three Deputy Chiefs. These panels can recommend discipline or reverse Observations.

[6] The department has changed the terminology from Category "A" violation to "coaching documentation."

"A" category infractions are those that are appropriate for non-punitive resolution. Field commanders report that sometimes the routing of such complaints makes their resolution options less effective. For example, when a minor complaint – clearly an "A" category complaint – is lodged at the precinct by a complainant, it must be referred to Internal Affairs for numbering, review, and categorizing. Once the determination is made that the matter fits the "A" category criteria and it is returned to the precinct for handling, it is often the case that so much time has passed that counseling or other non-punitive approaches are not fully effective.

Recommendation: The department should continue its recent practice of reclassifying Category "A" Policy/Procedure Inquiry (PPI) as "Coaching Documentation." Currently, relatively minor category "A" allegations are not handled in a disciplinary manner, unless the behavior of the employee continues and the reoccurrence is then categorized as a "B" violation for which disciplinary action may be taken. Sustained allegations cannot be grieved, and all documentation is removed from the employee's working file after one year. By redefining these incidents as "coaching documentation," supervisors may better monitor employees' non-disciplinary behavior and ensure that employees adhere to policies and procedures. These infractions may be handled informally in the manner the department intends.

These coaching opportunities should continue to be documented by supervisors and monitored and reviewed by the Internal Affairs Unit. It is necessary to continue assigning an Internal Affairs number to these incidents for tracking and record keeping purposes. In order to maintain consistency within the department and establish confidence among the public, the department must maintain working knowledge of such cases to identify trends or officers requiring coaching.

Observations: PPIs are currently taking up a significant amount of time for not only the Internal Affairs Unit but also for command staff and supervisors having to investigate and process these incidents. Due to the minor nature of

these incidents, supervisors have a tendency to rationalize the actions of the employee rather than find they are in violation of policy. This causes additional work for Internal Affairs and commanders. By changing the language to "coaching," the department may maintain employees' adherence to policy, while documenting infractions for purposes of handling cases where the officer continues to violate policy and the department wishes to move into the disciplinary process.

An example of this is the *Varnado* decision, which restricts officers' actions during a routine traffic stop for a minor violation. Minnesota police officers may not circumvent the reasonableness requirements of the Fourth Amendment by requiring violators to sit in the squad car and then frisking them. During the review of officers' car video, violations of the Varnado decision are sometimes observed by IA investigators and are referred to field supervisors. Under the above recommendation, supervisors may support the department's goal of complying with directives while addressing the behavior of subordinates by documenting the incident along with the review of the departmental policy and the officer's acknowledgement that he or she understands the related duty requirements. With Internal Affairs monitoring these actions, the unit was able to identify an organizational trend which resulted in the proactive and timely training on the Fourth Amendment along with search and seizure. Through this process, compliance with the law and policy can be achieved, which is the desired outcome. Officers who continue to violate policy may be dealt with through the disciplinary process, using the documentation of coaching incidents.

In the department's Internal Affairs Annual Report (2007), violation levels are defined, as follows:

- A Violations (now referred to as a "coaching documentation") – As the lowest-level violation, corrective action for "A" violations is not intended to be punitive. "A" violations typically result in coaching or re-training. "A" violations remain on file in Internal Affairs for one year from the date of the incident; multiple "A" violations within the year can result in enhanced consequences for continued violations. Examples of "A" violations include, but are not limited to, minor squad car accidents and minor report writing violations.
- B Violations – B violations are more serious than A's and may result in oral or written reprimands or short suspensions (under 40 hours) without pay. B violations may be used in future discipline for up to three years from the date of the incident. Examples include using profane language or a first-time DWI with no aggravating circumstances.
- C Violations – The third level of policy violation, C violations may result in reprimand, demotion, or up to 80 hours of suspension without pay. C violations may be used in future discipline for up to five years from the date of incident. Examples include code of conduct or use of discretion violations.
- D Violations – Due to the severe nature of D violations, a sustained "D" may be grounds for termination, demotion, and lengthy suspensions (up to 720 hours) without pay. D violations remain on the officer's record for as long as he/she is employed with the department plus seven years. Examples of D violations are serious ethics and code of conduct violations, some criminal convictions, and use of force abuses.

Complaint Investigations and Case Preparation

Preliminary Cases are evaluated by Internal Affairs to determine if a complaint exists or has merit. This can result in a case being continued as an administrative case handled by Internal Affairs, the case being re-categorized as a PPI and directed to the field, or case suspension. Hard copies of completed preliminary cases are presented to the Internal Affairs lieutenant for review in a standard binder format. A similar but more detailed format is prescribed for administrative case binders.

All statements taken by investigators are transcribed for case files. Those giving a statement, whether a member of the department or the community, are provided a copy of their statement and are given an opportunity to make corrections as necessary. Although cases can proceed without formal statements, complainants are asked to appear to give recorded statements. The same applies to witnesses. This is problematic in that it inconveniences some complainants and they must pay to park at police headquarters. For others, this reduces their interest in making a complaint.

Officers are required to give statements except in unusual circumstances such as those relating to ongoing criminal matters. Officers are to be provided with a summary of the events relating to the statement. Prior to giving a statement, officers must sign a departmental form advising them of the circumstances, and must be given Garrity Warnings and the Data Practices Advisory. Officers may be accompanied by their Federation representative, but those representatives cannot interfere in any way. There is a departmental policy that requires truthfulness in giving statements.

One reported area of contention is about the taking of officer statements. From time to time, the Federation raises objections to recorded statements. PERF has identified the policy of the Internal Affairs Unit that all interviews conducted by investigators "shall be recorded" as an IA "best practice." Investigators are assigned a digital recorder and are instructed to not turn off the recorder at any time during the interview.

Recommendation: A policy should be established mandating that internal affairs investigators sign an affidavit affirming that all statements, interviews, and facts in an investigation are truthful and reflect an accurate record of all evidence against the employee.

Observations: It was reported that the IAU requires all recorded statements to be transcribed and the record sent via mail for review by the officer and/or witnesses. Notations and changes are mailed back to the IAU. The person being interviewed is given five days to review the transcript and return with any corrections they deem necessary. If a civilian complainant fails to return

the transcribed statement, the investigation is closed. At times, this process delays the resolution of the complaint, which is a concern expressed by community members. PERF's proposed recommendation should reduce such delays considerably.

Discipline

Minneapolis Civil Service Rule 11 (Discipline and Removal) provides that employees are subject to disciplinary actions for two primary causes: Substandard Performance, and Misconduct. Essentially, Substandard Performance comes into play when an employee fails to maintain his/her ability or willingness to perform the duties of his/her position. Misconduct charges generally stem from activities that violate the department's Code of Conduct, Written Directives (Polices and Procedures), and enumerated responsibilities.

Officer perceptions of the fairness of an outcome based matrix like that used in the MPD will vary to the extent that they perceive that like violations receive like sanctions. PERF heard a number of concerns from within and outside the department about disciplinary equity. These discussions included anecdotal examples that were not confirmed or disproved by PERF. There is no assurance that these accounts were portrayed accurately or if they were recent events. Of greater importance than the validity of these perceptions is that they widely exist both within and outside the department. The department should be concerned not only that the administration of discipline is fair and equitable, but that there is sufficient transparency in the process to permit its members to ascertain current and factual information rather than rumor and reliance on historical accounts. This may be remedied by developing a comprehensive disciplinary matrix that matches, in advance, prohibited behaviors to set ranges of penalties and regular (quarterly if not monthly) publication of all completed disciplinary action.

Recommendation: The Department should revise its current disciplinary matrix to describe in more detail specific violations and a range of disciplinary consequences for the accompanying behavior with mitigating or aggravating circumstances. The matrix should be periodically reviewed to ensure the level of discipline reflects current societal views and changes in the law. Annually, the department should review all disciplinary action within the past year and ensure that similar discipline has been imposed for similar infractions. This will identify situations – for further review – that were outside the norm and will demonstrate how the executive staff views the severity of different types of misconduct. (An example of such a disciplinary matrix from the Denver Police Department is included as an appendix to this report).[7]

Observations: A disciplinary matrix should group specific violations by severity and then offer a range of sanctions for each group. A matrix system maintains a range of sanctions which provides predictability and equity for officers having committed similar infractions, while giving management the discretion to take into account individual circumstances. Currently the department has a discipline matrix which categorizes the severity of misconduct into four classifications, "A" thru "D." Level "D" is the most serious, for which a sustained violation may result in discipline ranging from significant time off to termination. The matrix is categorized by potential discipline, rather than the specific behavior that constitutes a violation. A strong perception of those interviewed within the department and members of the community was that discipline has not always been consistently applied throughout the organization. It was repeatedly reported by members of the department that discipline has in some instances been uneven from person to person for like violations and circumstances. A well-thought-out discipline matrix may provide for the fair application of discipline without infringing on the discretion of the Chief of Police. An example where the matrix should reflect changes in society's views is the seriousness with which driving under

[7] http://www.denvergov.org/Portals/338/documents/Handbook%206-4-08%20-%20FINAL%20with%20appendix.pdf

the influence is now held. Domestic violence is another example of a change in the law (the inability to carry a weapon upon conviction) that resulted in changes with regard to the severity of punishment by the department. In 2007, MPD incorporated the following progressive policy to provide the authority to respond to such cases: Employees who no longer meet minimum job qualifications or who are no longer able to perform the essential functions of their job, for a period of 90 days or more, due to a criminal conviction, court ordered restriction, driver's license restriction, POST license restriction or other adverse legal action due to criminal behavior are subject to termination from employment (03/13/07).

Based upon input from Police Department staff members and a number of people in the community, the new matrix should include a specific offense for rudeness and discourtesy because communicating effectively with the public is an important part of being a police officer.

Recommendation: The Department should publish a personnel order, minimally on a quarterly basis, that lists the behavior and disciplinary action taken against members of the department without naming the employee. Included in the order should be information such as:

- The rank, race, and gender of the officer
- The charge(s) sustained
- Any mitigating circumstances (prior events, other aggravating circumstances)
- The discipline imposed

Observations: Personnel laws restrict the department from publishing the names of employees with the discipline imposed for violation of policies and practices. Without official information being communicated by the

department, rumors within and outside the department may be the only source of information, regardless of its accuracy. The department, its members and the disciplinary process may be unjustifiably criticized. The practice of issuing such information is performed by police departments across the country. Publishing the personnel order as described above will maintain the rights of employees along with the integrity of MPD's disciplinary process, both of which are integral to maintaining confidence in the department by its members, city officials and the community.

This personnel order may also include additional information along with disciplinary action such as transfers, promotions and commendations.

Matters handled by field supervisors are reviewed by a PPI panel designated by the officer's commander to determine validity of the complaint, and if warranted, the fitting resolution (coaching, training, reprimand, or no action at all). It was reported that field supervisors are largely untrained in the conduct of internal investigations. Supervisory training includes only a short block of instruction on Internal Affairs, but no time is reported to be devoted to conducting internal investigations. It was suggested that this may be, in part, responsible for the high number of non-sustained Policy and Procedure Inquiries conducted by field supervisors.

Finalized and signed forms (and outcomes) are submitted to Internal Affairs. Policy and Procedure Inquiries ("A" violations) handled in the field are not due to be completed and returned to Internal Affairs in any specific timeframe, nor is there a deadline for completing complaint investigations handled at Internal Affairs. Cases can languish indefinitely. Once PPIs are completed, the PPI card is to remain in the officer's file for a year – which in the view of some serves as a less formal version of an Early Intervention System.

Recommendation: Adopt a Mediation Program for minor complaints against an employee when there is a clear policy violation of a type that the Police Chief has determined is more appropriate for mediation that for formal disciplinary action. Mediation is an informal process done in a private and non-threatening setting, with a trained mediator who works to resolve a citizen's complaint against an employee. Mediation is voluntary; the employee and complainant must agree to the process, or the policy violation investigation continues, including discipline if warranted.

Observations: A mediation process is currently available for minor complaints against members of the police department reported to the CRA. The Minneapolis Police Department does not utilize a similar process for minor complaints investigated by the IAU. The City of Minneapolis does have a Mediation Program on a wide variety of problems between citizens. Including a mediation process for minor complaints against police employees may reduce the time necessary to resolve the matters and provide satisfaction for both the complainant and member of the department. The process should be utilized on those occasions where both the accused employee and complainant agree that mediation is the best way to resolve the issue.

Allegations of Criminal Misconduct

Internal investigations of alleged criminal misconduct on the part of Police Department members are conducted by the appropriate investigative component but are also monitored by Internal Affairs, unless the crime is alleged to have been committed outside the department's jurisdiction. In those instances the Internal Affairs Unit will conduct an administrative investigation checking for departmental policy violations.

Recommendation: The IAU should establish a formal protocol with the local prosecutor's office to consult on matters that require a criminal investigation, subsequent arrest, and prosecution of an employee during an internal affairs investigation. Such a protocol provides a direct communication link for the IAU investigator to discuss a criminal investigation. This should be conducted at the beginning stages of an investigation and mindful of Garrity safeguards. The prosecutor can advise on the appropriate criminal charge and/or the requirements for a search warrant. The prosecutor can help identify the probable cause to secure an arrest warrant or search warrant. Many times a prosecutor will have direct access to a judge to sign either court action.

Observations: The department would benefit from formalizing its current procedural protocol with the local prosecutor's office on matters involving misconduct by members of the department that may be criminal in nature.

Data Systems and Records Keeping

Information on Internal Affairs cases and officer misconduct allegations is entered and maintained in an internal data system. Case numbering consists of a five-digit system that employs the year in which the case was initiated and the consecutive number of the case for the year (e.g., case Number 08001 is the first case of 2008). Completed cases are then entered into a spreadsheet for statistical purposes.

In essence this is a manual spreadsheet that documents activity and status of roughly 200 preliminary cases and 60 to 80 Internal Affairs cases. There have been reports of finding periodic empty fields on spreadsheets, incomplete data, and the potential for data tampering. In fact, it was reported that some fields in the spreadsheet were being left intentionally incomplete in some sensitive cases so as to safeguard against tampering or inappropriate disclosure of information. However, incomplete information inhibits the accuracy of statistical reporting.

Recommendation: All IAU investigations and processes should be centralized in one secured computer system and database, rather than in multiple computers and paper-driven systems that are unconnected to each other and that include only informal tracking processes.

Observations: It was noted during the PERF site visit that the IAU was undergoing a major upgrade of its computer records. The Minneapolis Police Department is working with the City of Minneapolis Information Technology staff to replace the current multiple-computer and paper-driven processes with an integrated and centralized internal affairs information system called "Workforce: The Complete Management System." The computer program permits records to be segregated for IAU access only and has a search capability for data requests. It was reported that under the old system, clerical personnel take an inordinate amount of time to comply with requests for information. The new system should reduce delays in producing reports and should provide investigators with a systematic tool for analyzing trends. Many internal affairs agencies have an off-the-shelf computer solution specifically designed for the IAU, rather than the citywide program that is being developed to integrate all records in Minneapolis. Which type of computer program is more cost-effective has not been determined.

Recommendation: **Confidentiality of Internal Affairs investigations should be a duty requirement of those assigned to the Internal Affairs Unit. Breach of this trust should result in disciplinary action and reassignment from the unit.** A large amount of trust is placed on commanders and investigators given the difficult assignment of Internal Affairs. This trust cannot be betrayed, or the credibility of the unit and investigations may be jeopardized.

Observations: The Internal Affairs Unit should represent the Minneapolis Police Department in a professional manner at all times to attain the respect of members of the department and the community. The IAU Manual should reflect this professionalism and include a narration on the importance of confidentiality for all those assigned to the unit. As members of the IAU, investigators have access to a myriad of information and allegations against other members of the department. Some of these allegations are sustained; others are not. Violating the confidentiality of the office may result in an adverse impact to employees' personal lives and professional careers. Failure to maintain confidentiality and objectivity throughout an investigation can have dire consequences on the department and the community. The manual should also clearly articulate the consequences of violating the security of the unit.

Internal Affairs Files

Internal Affairs files are maintained in a locked room with secured file drawers. Files are kept in sequential order in drawers separated by years. The unit now works under a paper system, so searching for files may be somewhat cumbersome. The new automated system being put in place should alleviate this issue and increase the efficiency of report management.

PERF was given unlimited access to the Internal Affairs files. Members of the team were able to select any case from the file for review. Case files were reviewed in an adjoining Internal Affairs Unit conference room and returned to the IAU staff for refilling.

Four members of the PERF Team reviewed a random sample of approximately 15 case files in the Internal Affairs Unit from the time period of 2006 to 2008. Cases ranged from citizen complaints to officer-involved shootings. The Internal Affairs case files were all organized in the same manner, with tabs separating each section. Forms and advisories observed were filled out properly in compliance with the Minnesota Police

Officers Bill of Rights. Notations were made on interview transcriptions verifying that subjects of interviews had reviewed and made corrections or modifications to their statements. One case in which potential criminal violations may have occurred was submitted for review to the Minneapolis City Attorney's Office, the Hennepin County District Attorney's Office, as well as the Federal Bureau of Investigation. In another case, the Supervisor's Force Review Report (SFRR) was included in the case file as appropriate.

The Officer-Involved Shooting case files reviewed were also consistently organized by the following sections:

- Summary
- Case Investigator
- Persons Involved
- Description of Injuries
- Description of Scene
- Physical Evidence
- Photographic/Video Evidence
- Tactical Analysis
- Assessment of Criminal Investigation
- Policy Compliance

The administrative investigations of the OIS incidents reviewed by PERF were generally thorough and well documented. Appropriate Observations were made with respect to tactical issues and policy compliance. It was noted that specific narrative detail was provided to provide clarity when necessary. For example, in one case, the IA investigator noted the circumstances in which the officers made initial contact with subjects that resulted in a shooting.

Interviews with management and command staff using the products produced by the Internal Affairs Unit revealed they were generally satisfied with the quality of reports

they have reviewed. They acknowledge their ability to return cases to IAU for clarification or further investigation, and said they would not hesitate to return an investigation that had omissions. A common theme was that even if a report was lacking in a small way, due to time constraints and other responsibilities, if the report was generally acceptable and had the information they needed, they rarely returned an investigation for further work.

Internal Affairs Office Location

It was reported that sometimes officers are fearful that they will be suspected by others of being an informer when seen visiting the Internal Affairs office. The location of the IA office within the police department is also intimidating to some members of the community, which has an impact on the willingness of some to file a complaint against an officer or cooperate in an investigation. These are common concerns and certainly not unique to Minneapolis.

Recommendation: The police department should move the Internal Affairs Unit to an off-site location. The Internal Affairs Unit is presently located in the Police Department within City Hall. The office suite is located near the offices of the Chief of Police and command staff. Admittance into the secured inner office is gained from an exterior office.

Observations: The current Internal Affairs Office is neither easily accessible by the community nor private for members of the department. Parking is available in pay lots near City Hall, which is not convenient for the community or those with medical or other special needs. The office setting of the IAU should not be an obstacle for officers who might have a concern to share with I/A but are worried about being seen entering the office. Even officers who are summoned to I/A as part of an investigation are often uncomfortable with the prospect of being observed at I/A by other officers. A private and secure location away from the police department would provide an environment conducive for members of the community to report police

misconduct and be interviewed. Such a facility would also allow privacy and confidentiality for those within and outside the department, which the current facility does not provide.

PERF understands there is a financial impact associated with the implementation of this recommendation. Having the IAU in close proximity to the department's executive offices lends itself to easy access to the department's top command, which is helpful when the IAU lieutenant needs to provide a briefing or case update. However, this can be accomplished through protocols to ensure the continued free flow on information between the Internal Affairs Unit and the Chief of Police and other police executives. Greater reliance on phone conferences, establishing standing meetings, and a practice of unfettered access to command staff should suffice.

Recommendation: Provide additional interviews rooms that are sound-resistant for internal affairs investigations. The nature and sensitivity of police misconduct investigations require that confidentiality be maintained throughout the process. Interview rooms should be sound-resistant so that conversations between investigators and those being interviewed cannot be overheard by anyone not involved in the investigation. Adequate sound-resistant interview rooms should be readily available to conduct multiple IAU investigations.

Observations: Most interviews during the PERF site visit were conducted in the IAU conference room, the Lieutenant's office, or the Police Chief's conference room. Other than the Lieutenant's office, the IAU conference room is the only adequate interview room readily available within the unit. Internal Affairs investigators occupy modular cubicles that are not conducive to sensitive and confidential interviews. While waiting to be interviewed by PERF, one member of the public advised they overheard an entire interview in the IAU conference room while sitting in the IAU lobby. PERF verified that

conversations conducted in the IAU conference room can be overheard in the IAU lobby.

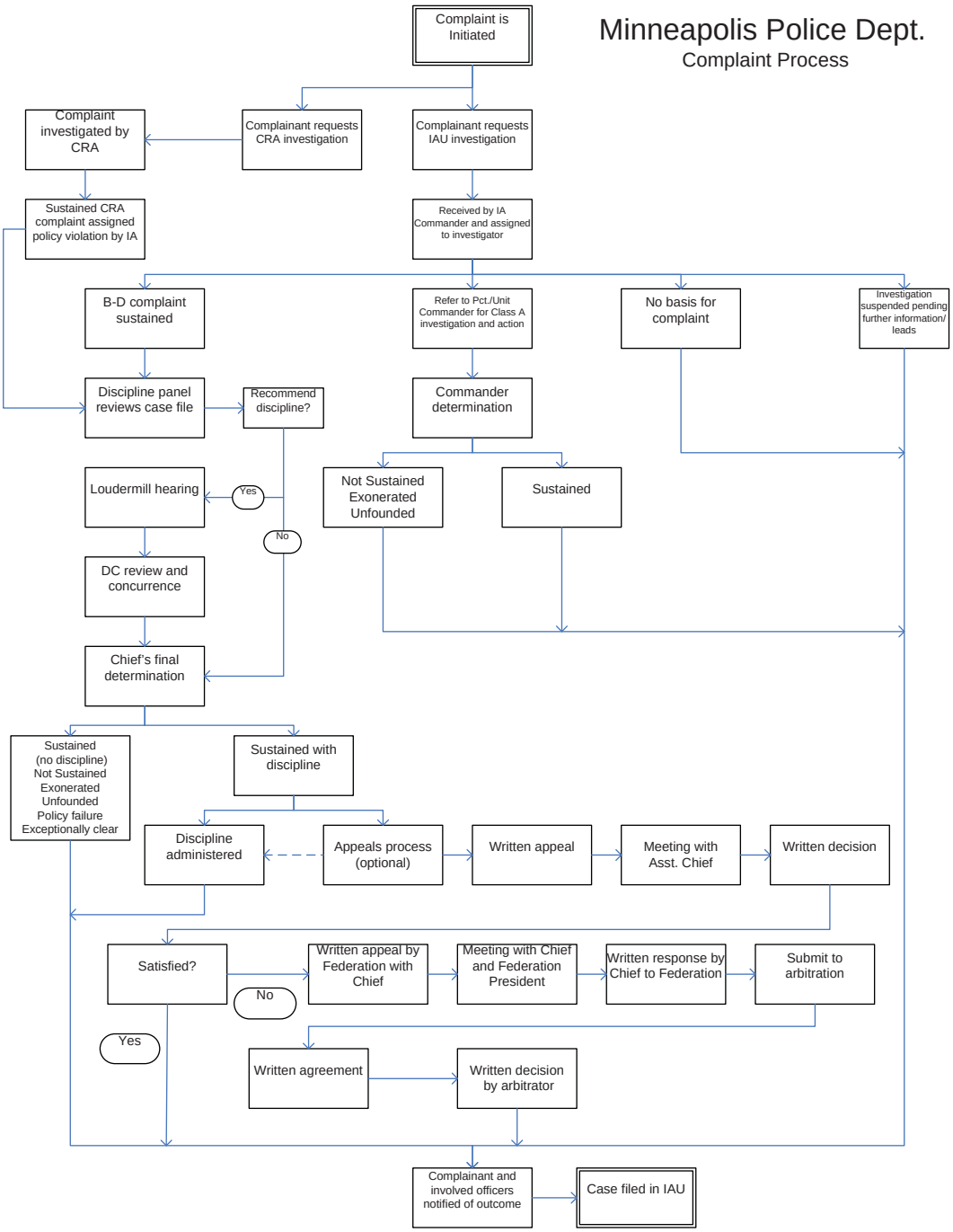
Case Closures

Case Closure types follow typically accepted standards in policing: Sustained, Not Sustained, Exonerated, Unfounded, Policy Failure and Exceptionally Cleared. As noted, all completed cases – including recommendations – are submitted to the unit lieutenant for review. Cases needing further work are returned to the investigators. Otherwise, they are approved and directed to the officers' commanders.

Recommendation: The department should abide by a 45-day goal for the completion of an internal affairs investigation with a formal provision for extensions. Internal affairs investigations should be completed in a reasonable time. Delays in the investigative process undermine the trust of the public and affect the morale of the personnel in the police department. The department recognizes the need to keep internal investigations on track, but in many instances investigations have been drawn out for too long. In keeping with its desire to adopt best professional standards, the department should abide by CALEA Standard 52.2.3, which states that agencies should "[specify] a time limit for completing an internal affairs investigation, with provisions for extensions."

Observations: A small sample of completed internal affairs investigations reviewed by PERF revealed that a number of cases took more than 180 days to be completed (this includes the time it takes for cases to be returned from a discipline panel). Stakeholders, community members, and some officers expressed concern about the delay in the resolution of police misconduct investigations.

The following page illustrates the complaint process for the Minneapolis Police Department. The route begins with the initiation of a complaint, either internally or externally, and makes its way through the investigation and appeal processes until the complainant and involved employee are notified of the outcome of the investigation and the case is filed in the Internal Affairs Unit.


Minneapolis Police Dept.
Complaint Process
Complaint is Initiated
Complainant requests CRA investigation
Complainant requests IAU investigation
Complaint investigated by CRA
Sustained CRA complaint assigned policy violation by IA
Received by IA Commander and assigned to investigator
B-D complaint sustained
Refer to Pct./Unit Commander for Class A investigation and action
No basis for complaint
Investigation suspended pending further information/ leads
Discipline panel reviews case file
Recommend discipline?
Commander determination
Loudermill hearing
Yes
No
Not Sustained Exonerated Unfounded
Sustained
DC review and concurrence
Chief's final determination
Sustained (no discipline) Not Sustained Exonerated Unfounded Policy failure Exceptionally clear
Sustained with discipline
Discipline administered
Appeals process (optional)
Written appeal
Meeting with Asst. Chief
Written decision
Satisfied?
No
Yes
Written appeal by Federation with Chief
Meeting with Chief and Federation President
Written response by Chief to Federation
Submit to arbitration
Written agreement
Written decision by arbitrator
Complainant and involved officers notified of outcome
Case filed in IAU

In extreme circumstances when officers are relieved of duty, it is the responsibility of the assigned IA investigator to ensure that the officer's badge, ID card and PD1 Key are returned. Duty weapons are owned by officers and therefore not returned to the department. However, departmentally issued ammunition is taken from an officer when relieved of duty.

Early Intervention System

The department does not have an Early Intervention System (EIS) in place to assist in the non-disciplinary identification of officers whose repetitive actions suggest they may be at risk and could benefit from training, employee assistance, or other intervention. Some members of the department have voiced concerns that if the Internal Affairs Unit administers an EIS, it will evolve into a disciplinary process. In lieu of a formal EIS, the Internal Affairs Unit relies on its Use of Force reviews as an informal system to identify officers who have developed patterns of use of force.

Recommendation: The department should move to complete its implementation of an Early Intervention System (EIS). Many police departments, including Minneapolis, recognize that law enforcement personnel encounter various situations that are dangerous. The way in which personnel handle these challenges can identify underlying problems. Problems that remain unchecked can escalate to negative behaviors. Officers are often transferred and promoted to different areas of the agency, so at times supervisors can be unfamiliar with those under their command. This can include a lack of familiarity with past and present concerns about an officer. Police departments should be alerted to problems in an officer's behaviors that signal a need for additional training, counseling, or if necessary corrective action. An Early Intervention System (EIS) is a proactive program designed to identify personnel who are involved in various types of incidents, such as use of force, vehicle pursuits, or allegations of misconduct, as well as positive indicators such as commendations. It can further track other associated indicators such as the number of arrests an

officer makes, citations, motor vehicle stops, pedestrian stops, the officer's training history, voluntary overtime worked, sick time usage not protected by federal, state or local law, sick leave taken in conjunction with normal days off (suggesting improper use of sick leave to "extend a weekend"), and charges of resisting, obstructing or delaying a police officer in the performance of their duties.

The department then applies reasonable thresholds or "triggers" to initiate an alert that an employee should be evaluated to determine if there is reason to bring the employee into the formal EIS process. Each indicator is given an associated value which is measured against the threshold. When the alert is sent, it is the responsibility of the employee's precinct or division commander to sit down with the officer and determine if the intervention options of policy/procedure review, remedial training, or psychological counseling are needed. The officer could be referred to an employee assistance program if necessary. The review session is documented in the precinct or division files, with a notation of what action was taken. The officer's immediate supervisor is made aware of any intervention recommended, and reports any unusual behavior by the officer to the precinct or division commander. A review of the interventions that were implemented is conducted on an annual basis, and a quarterly report on any trends or problems that arise in the EIS is prepared for the Chief of Police.

The Minneapolis Police Department has expressed its intention to implement an Early Intervention System. Some eighteen months ago, the agency began taking several preliminary and positive steps toward that goal including: performing a research and literature review on similar systems; surveying approximately 25 police departments on their practices; conducting a site visit to the Phoenix Police Department; briefing command staff; hiring an employee to be a part-time analyst for the EIS system; purchasing software for Internal Affairs that will support an EIS; holding preliminary discussions with the police officers' federation; and establishing a Core Committee to assist in the implementation.

When the "Twin Cities" were chosen to be the site of the 2008 Republican National Convention, the Minneapolis Police Department became involved in the enormous undertaking of planning, coordinating, implementing, and assessing a National Special Security Event. Understandably, resources were devoted to this project, which became the department's highest priority. Implementing programs such as an EIS were put on hold until the successful conclusion of the convention. The department may now recommit resources to the development and implementation of an Early Intervention System.

Observations: The Minneapolis Police Department has not yet implemented its formal Early Intervention System. The current practice of monitoring use-of-force reports provides some measure of information that is clearly important to monitor, but this falls well short of the potential of a well designed EIS which should enlighten managers to a much wider range of behaviors that could be indicative of officers who could benefit from proactive non-disciplinary intervention before a serious situation results. It is important for the department to move forward on its goal of implementing a sound EIS.

A study of Early Intervention Systems was conducted by the Police Executive Research Forum along with the University of Nebraska-Omaha supported through a grant by the U.S. Department of Justice, Officer of Community Oriented Policing Services. As a result of this grant, two publications were released: *Strategies for Intervening with Officers through Early Intervention Systems: A Guide for Front-Line Supervisors* and *Strategies for Intervening with Officers through Early Intervention Systems: A Guide for Law Enforcement Chief Executives.* These represent a compilation of interviews with subject matter experts, site visits and expert panel meetings on the subject. The works detail the elements found to be most critical in making an early intervention system successful and the important role of first line supervisors. The documents provide recommendations on the chief executive's role within an EIS as well as how to plan for,

develop, implement, and maintain such a system. Copies of these publications have been provided to the Minneapolis Police Department for further study and action as appropriate.

Drug Testing

Also of concern is that the department does not have any policy or practice of random employee drug testing. It was reported that even when it is suspected that an officer is under the influence of drugs, the requirement that reasonable suspicion must be confirmed by two supervisors can allow suspect officers to avoid testing. Review of the current Labor Agreement between the City and the Police Officers Federation (Section 24.4) confirmed that "two agents of the employer must confirm the existence of reasonable suspicion." According to reports from the Internal Affairs unit, to date, the department has not acted upon a single officer suspected to be involved in drug use.

Recommendation: The department should develop a policy and practice of random employee drug testing and seek to eliminate the requirement of having a second representative confirm the suspicion prior to conducting a drug test on an employee. Adopting random drug testing may allow the department to provide assistance to an employee in need of support and treatment. Random drug testing also can help give the community and administration confidence that members of the Minneapolis Police Department are not engaging in the use of illegal substances.

Observations: When an officer is suspected of illegal drug use, the current requirement is that reasonable suspicion must be confirmed by two supervisors before testing may be conducted on the employee. This requirement is sometimes unrealistic and does little to help an officer in need of attention. Rather, it can permit the furtherance of an already dangerous situation. The reported fact that, to date, the department has not acted upon a single officer suspected to be involved in drug use strongly suggests that this procedural requirement may be thwarting the department's efforts to ensure a

drug-free workforce. Adopting random drug testing will help to fill this gap in accountability.

The adoption of these recommendations will require the department to draft new policy, change existing policy, and negotiate with Federation representatives to make modifications to the current Memorandum of Understanding between the City and the Minneapolis Police Department Officers Federation.

Information Sharing

Mandatory staff meetings every other week are attended by all internal affairs investigators. The purposes of these round-table discussions are to provide an opportunity for investigators to discuss their cases with each other; to offer updates, support and input by other members of the unit in difficult or complex cases; and to identify any roadblocks that remain and hamper case closure. The meetings also help provide continuity in the manner in which cases are processed and investigated.

Use of Force Responsibilities

One of the six IAU investigators reviews all use of force reports. Another is designated as back-up to this function. In the past there was a Use of Force Team, but this has been reduced to a collateral duty. Use of force reviews focus on "reasonableness" rather than "appropriateness" within a force continuum. Any use of a hard empty hand or more is considered a use of force.

Officers are required to report all incidents in which they applied the use of force, including pepper spray, in the department's CAPRS reporting and records management system (Computer Assisted Police Records System). The officers' sergeants review and approve these reports electronically. There is a detailed procedure for the Internal Affairs investigator to access Force Reports, counts, and summaries. The Internal Affairs review in CAPRS is also documented electronically. When there is a question as to the way force was used or when there is a potential variation from training, the reviewing officer

may consult with the Use of Force Training Coordinator and/or the Taser Coordinator. Reviews are conducted predominantly to determine the reasonableness of actions, policy compliance, to ensure the incident was reported properly, and to determine whether the details are consistent with the narrative in any related police report or the accounts of other officers. If the reviewing Internal Affairs investigator feels there is a violation, with the Internal Affairs lieutenant's approval, a case can be initiated.

For statistical review purposes, use of force information can be obtained in a number of ways: by all reportable use of force; within a date range; where struck; by precinct, rank, race/sex; etc. At the direction of the Internal Affairs lieutenant, office staff uses this information to provide periodic, quarterly, annual, and special reports on use of force.

Minneapolis Police Policies #5-306 and #5-307 reflect that not all use-of-force incidents have a supervisory review. When there is a supervisory investigation, the results are sent directly to the IAU without the officer's chain of command seeing the incident report. Minneapolis Police Policy #7-406.04, on the other hand, requires police pursuits to have a supervisory investigation, and the results are forwarded through the chain of command for review, but are rarely sent to the IAU. Both types of incidents pose significant civil liability concerns for the police department and can undermine the trust and respect by the community if incidents are not properly investigated and reviewed. Part of the IAU's new inspectional role should include examining both type of incidents for trends that require further investigation, analysis, or training.

Critical Incidents Response / IAU Notification

The department's Critical Incident Policy as outlined in Department Order 7-810 (Critical Incident Policy) requires that the Criminal Investigations Division conduct the criminal investigation of critical incidents while the Internal Affairs Unit has responsibility for the

administrative investigation. By policy, a "Critical Incident" is defined as an incident involving any of the following situations occurring in the line of duty:

- The use of deadly force by or against a Minneapolis Police Officer,
- Death or great bodily harm to an officer,
- Death or great bodily harm to a person who is in the custody or control of an officer,
- Any action by an officer that causes or is intended to cause death or great bodily harm

When a critical incidents response is in order, both the Homicide and Internal Affairs lieutenants are notified and an investigative response team is assembled and briefed. The initial team response is to the scene. Criminal and Internal Affairs investigators share joint access to the scene and its control. It is intended that the Internal Affairs function is to monitor the criminal investigation; to make sure the crime scene, witness officers and involved officers are handled in accordance with department policy; and to identify policy failures, tactical and training issues, and potential civil liability issues. Depending on the nature and seriousness of the incident, actions may include: meeting with the Public Information Officer; ensuring urine tests; notifying the Federation, Employee Assistance and chaplains; arranging a gun exchange for the involved officer; photo documentation of officers; arranging statement appointments for involved officers; taking compelled witness officer statements; and more. For all critical incidents, the administrative review by a member of Internal Affairs results in the submission of a Critical Incident Initial Response Report.

The ultimate authority at the scene of a critical incident is the IAU commander or designated investigator. As stated in the policy, "The Commander of the Internal Affairs Unit or his/her designee at the scene, acting on behalf of the Chief of Police, has ultimate authority to intervene in the criminal and administrative investigation and direct the activity of all MPD personnel to protect the integrity of the investigation." It was noted that there has not been a situation where a member of Internal Affairs has had to invoke

this authority. Efforts are made for all investigative units to work in cooperation with one another during critical incidents.

As could be expected, this policy has been somewhat controversial. Not everyone interviewed throughout the department felt it is necessary for Internal Affairs to be involved in every critical incident, but one precinct commander indicated it was quite a progressive idea in that it provides for significant IAU insight and first-hand knowledge in the event an incident evolves into a complaint and subsequent internal investigation. In fact, this policy establishes the practice of conducting concurrent criminal and administrative investigations which – when required one-way firewalls are in place and strictly abided by – is a solid "best practice." There is rarely sufficient justification to postpone the administrative investigation until after the criminal investigation is completed. This allows the department to take prompt and decisive disciplinary/personnel action when appropriate.

In contrast to Critical Incident response, Internal Affairs notification is mandated in Department Order 2-101. Per policy, a member of the unit is to be immediately notified in the following circumstances:

- An employee is involved in a critical incident as defined by MPD Policy.
- An employee is arrested, whether the event occurs in Minneapolis or another jurisdiction.
- An employee is alleged to have committed very serious misconduct or believed to be a suspect in a criminal offense.
- An employee is alleged to have used excessive force resulting in great or substantial bodily harm.
- An employee's actions result in a suspect being hospitalized.
- A suspect in police custody is admitted to the hospital.
- An employee is alleged to have committed misconduct in a high profile incident.

- An employee is involved in any other event or circumstance that immediately affects his/her fitness for duty.
- An employee discharges a firearm either on or off duty other than during training, testing or legal recreational purposes. This does not include the discharge of a firearm with the intention of dispatching an animal.

Unlike the mandatory response by a member of Internal Affairs in a critical incident, the IAU Commander has discretion in the above circumstances and makes a determination whether an IAU call-out is necessary. If a call-out is initiated, the response may be either immediate or delayed.

Recommendation: The IAU should establish a formal protocol with the Investigations Bureau specifying that their personnel will assist in sensitive investigations that require special knowledge, specialized training, undercover work, or covert assistance.

Observations: Establishing a formal protocol between the IAU and other investigative sections within the department and identifying specific points of contact will enable Internal Affairs to solicit expertise outside the unit when necessary. This can be applicable in critical incident events as well as allegations of criminal misconduct. Without this process in place, IAU must rely on whoever is available at the time, and this may not lend itself to the level of trust and cooperation that is needed in a sensitive investigation. In an emergency, the investigation process can be delayed, because finding the appropriate investigator in another division may take time.

Internal Affairs Related Manuals

At the time of the PERF site visit, an Internal Affairs Unit Manual was in draft form, but no prior Standard Operating Procedure had previously been in place. The draft manual is a comprehensive document that provides unit members with guidance in the areas of:

- New Internal Affairs employee orientation
- Unit structure and duties
- Complaints
- Case Files
- Investigative Tools
- Conducting Interviews
- Actions against employees
- Critical incidents and callouts
- Other tasks and issues
- Forms and templates
- Digital recording
- The Peace Officer's Bill of Rights
- The complaint and discipline process flow chart.

Another manual – the Complaint Process manual – addresses many of the same issues but it is directed toward, and intended to guide, all supervisors and managers (not just Internal Affairs staff) in the various aspects of complaint intake, initiating and investigating complaints, and discipline. With the overall intent of ensuring fairness and consistency, the manual provides a guide to personnel as to the applicability of, and procedures relating to, Garrity Warnings, the Data Practices Advisory, Loudermill Hearings, Disciplinary Panels, and the Peace Officer's Bill of Rights. The manual is thorough, well organized, and provides samples of applicable letters and memos. It also

includes a disciplinary matrix that describes the various forms/levels of discipline that may be imposed, how each is imposed, and which form/level of discipline is appropriate for each category ("A"-"D") of violation.

Recommendation: A written directive should be included in the Internal Affairs Manual that specifies the conditions during an IA investigation, when medical or laboratory examinations are administered; photographs of employees are taken; an employee can be directed to participate in a line-up; a financial disclosure statement is required; and the use of instruments for the detection of deception are administered.

Observations: The department should incorporate the above information in a directive that applies to the members of the department and serves as guidelines for Internal Affairs investigators to follow. The directive should be based on legal requirements and case law.

Workload – Preliminary Cases and Internal Affairs Cases

Annually, the department prepares an Internal Affairs Report. The document explains processes, terms, and provides a thorough breakdown of a wide variety of data captured by the department about Preliminary Cases and Internal Affairs Cases.

2006 Data:

A review of the department's 2006 Internal Affairs Annual Report indicates the following investigative activity for that year:

Preliminary Cases: 172 (Case Numbers Assigned)

Allegations: 188 [8]

External Complaints: 164

Internal Complaints: 8

Subject Officers: 212

The following table shows the 2006 allegation types and the manner in which those cases were handled or how they were disposed.

2006: Preliminary Case Allegation Types and Case Dispositions

Disposition→ / Violation Type↓	Internal Affairs Case	Policy/Procedure Inquiry	No Basis for Complaint	Suspended Pending Further Information	Still Under Investigation	Total
Conduct	5	3	15	6	-	29
Discretion	-	1	5	-	-	6
Ethics	1	-	2	2	-	5
Force	3	6	24	24	4	61
Harassment/ Bias Policing	-	1	11	6	-	17
Language	1	6	7	4	-	18
Procedure	6	2	10	3	-	21
Search	-	-	4	5	-	9
Service	-	-	6	2	-	8
Misc.	-	1	9	4	-	14
Total	**16**	**20**	**93**	**55**	**4**	**188**

Of the 188 allegations made against officers, the greatest number was for use of force, which accounted for 61 allegations or 32 percent. The next most common allegation was (unacceptable) conduct, which accounted for 29 allegations or 15 percent.

Of the 188 allegations that stemmed from preliminary cases, 16 were directed to Internal Affairs for investigation and 20 were deemed "A"-level, or Policy/Procedure, violations and were directed to precinct commanders for handling. Another 4 force allegations were still under review when the document was prepared. Thus, if all of the allegations still under review were in fact investigated, the maximum combined number

[8] One case/complaint can involve more than one allegation and/or more than one officer. Therefore, it is not uncommon for the number of allegations and the number of officers to be greater than cases.

of allegations handled through Internal Affairs investigations or field investigations would have been 40, or 21 percent of the total.

When reviewing caseload for Internal Affairs, it is important to remember that cases and/or allegations can stem both from preliminary cases that were directed to Internal Affairs for investigation or cases that were opened by Internal Affairs. For example, the following table shows that in 2006 a total of 74 cases were investigated by Internal Affairs. Among them are the 16 allegations shown in the preceding table that were directed to Internal Affairs for investigation. Reflecting a single case in two areas such as when a preliminary case evolves into an Internal Affairs case can be confusing. When a case migrates from one category to another, it should be counted only once – where it is finally handled. It was reported that this situation will be corrected with full implementation of a new Management Information System.

2006 Cases Handled by Internal Affairs

Number of Cases	74
Cases Originating Internally	54
Cases Originating Externally	20
Number Allegations	124
Number of Subject Officers	102

As noted in the table, below, four types of behavior were responsible for 91 percent of all allegations handled by the Internal Affairs Unit in 2006. Unacceptable conduct was the most frequent allegation with 36 complaints (29 percent) followed by 27 (22 percent) for Procedure, 26 (21 percent) for Ethics and 24 (19 percent) for Force.

2007 Allegations by Category

2007 Data

A review of the department's 2007 Internal Affairs Annual Report indicates the following investigative activity for that year:

Allegation Type	Handled by Internal Affairs
Force	24
City Policy	1
Discretion	3
Procedure	27
Searches	2
Off/Special Duty	1
Ethics	26
Conduct	36
Language	2
Vehicle Operation	2
Total	**124**

Preliminary Cases: 159 (Case Numbers Assigned)

Allegations: 192 [9]

External Complaints: 146

Internal Complaints: 12

Subject Officers: 257

The next several tables show preliminary case and Internal Affairs handled cases for 2007.

2007: Preliminary Cases Allegation Types and Case Dispositions

Disposition→ / Violation Type↓	Internal Affairs Case	Policy/Procedure Inquiry	No Basis for Complaint	Suspended Pending Further Information	Still Under Investigation	Total
Conduct	5	10	12	10	-	37
Discretion	1	3	5	4	-	13
Ethics	-	1	2	1	-	4
Force	5	11	26	23	-	65
Harassment/ Bias Policing	1	4	6	4	-	15
Language	-	8	-	5	-	13
Procedure	-	7	7	2	-	16
Search	-	2	1	3	-	6
Property/Evidence	-	1	-	4	-	5
Misc.	-	7	8	3		18
Total Cases	**12**	**54**	**67**	**59**	**-**	**192**

[9] One case/complaint can involve more than one allegation and/or more than one officer. Therefore, it is not uncommon for the number of allegations and the number of officers to be greater than cases.

Of the 192 allegations made against officers, the greatest number was for use of force (65 allegations or almost 34 percent). The next most common allegation was (unacceptable) Conduct, which accounted for 37 allegations or 19 percent). Of the 192 allegations that stemmed from preliminary cases, 12 were directed to Internal Affairs for investigation, one was a force review, and 54 cases were deemed "A" violations and were directed to precinct commanders for handling.

Again, it must be remembered that in reviewing caseload for Internal Affairs, cases/allegations can stem both from preliminary (PPI) cases that were directed to Internal Affairs for investigation or cases that were opened by Internal Affairs. As cited below, in 2007 a total of 63 cases were investigated by Internal Affairs. Among them are the 12 allegations stemming from preliminary cases (shown in the preceding table) that were directed to Internal Affairs for investigation.

2007 Cases Handled by Internal Affairs

Number of Cases	63
Cases Originating Internally	40
Cases Originating Externally	23
Number Allegations	122
Number of Subject Officers	78

As depicted in the following table, in 2007, the top four allegation types accounted for nearly 75 percent of the cases handled by the Internal Affairs Unit in 2007. As in 2006, unacceptable conduct was the most frequent allegation representing 42 cases (34 percent), followed by 22 (18 percent) for Ethics, 15 (12 percent) for Force and 12 incidents (10 percent) for Vehicle Operations.

2007 Allegations by Category

Allegation Type	Handled by Internal Affairs
Force	15
City Policy	-
Discretion	6
Procedure	11
Searches	1
Off/Special Duty	2
Ethics	22
Conduct	42
Language	11
Vehicle Operation	12
Total	**122**

From 2006 to 2007 the department has demonstrated an increased reliance on precinct commanders to handle complaints in the field. In 2006, 20 or almost 11 percent of allegations stemming from preliminary cases were sent to precinct commanders for resolution. However, in 2007, 54 or over 28 percent of such allegations were handled by precinct commanders. Though it is generally considered a "Best Practice" to recognize the responsibility of field supervisors and managers to engage in the investigation and disciplinary process for their subordinates in matters of minor misconduct or poor performance, a marked increase in field investigations limited to only "A" level matters where resolution is non-punitive raises the question: Are officers getting more minor ("A" level) complaints, or have the review criteria for preliminary cases changed?

There was little change in the number or percent of cases/allegations that were suspended pending further information (29 percent on 2006 and 31 percent on 2006). But a noticeable decrease is noted in the number of cases/allegations determined to have no basis for a complaint. In 2006, 93 or over 49 percent of cases/allegations were dismissed for this reason. In 2007, 67 or under 35 percent of cases/allegations were noted to be disposed of in this manner.

When comparing 2006 and 2007 Internal Affairs workload, the actual "caseload" (the number of cases handled by Internal Affairs) has decreased by 15 percent (74 to 63), but

the number of allegations has remained almost the same (124 to 122). The number of investigators working cases has remained constant at six. Therefore:

- In 2006 each investigator handled approximately 12 cases with 21 allegations.
- In 2007 each investigator handled approximately 10 cases with 20 allegations.

A review of 2008 data found that 24 cases had been assigned to Internal Affairs investigators in the first three months of the year. Should this rate of assignment hold true for the year, 2008 will see each investigator handling 16 cases in 2008. Individual open caseloads of the six current investigators were found to range from 10 to 21, with an average of 15.5 open cases per investigator.

Though it is understood that Internal Affairs investigations can be complex and time-consuming and there are many other duties and responsibilities to be addressed, the current caseload (an average of one new case per month, per investigator) is not excessive even in light of collateral duties.

Upon completion of an Internal Affairs investigation, case files are forwarded to the employee's commander for review and action. After completion of the commander's responsibilities, the file is returned to the IAU and then forwarded to the Office the Chief via Deputy Chief of Professional Standards and the Assistant Chief for further study and action.

Recommendation: The department should establish a staff inspections function. The staff inspections function provides an in-depth review of all components of the police agency. CALEA Standard 53.2.1 states, "The role of staff inspections is to promote an objective review of agency administrative and operational activities, facilities, property, equipment, and personnel outside of the normal supervisory and/or line inspections." Information produced during an announced or unannounced inspection provides the Chief of Police with critical insight into what is going right and what is going wrong within the police department. Some observations may serve as the basis for an internal affairs

investigation. Included in this additional role of the IAU should be the comprehensive review of police activities, including all use-of-force incidents and vehicle pursuits.

Observations: The organizational chart of the Minneapolis Police Department does not list a Staff Inspections Unit (SIU) as a functional component of the agency. It has been reported that budget cuts eliminated this audit function in the police department. An SIU is more than an audit capability for the agency. It provides a sweeping, objective review of all organizational components and reports on compliance with policies and procedures. Many police departments have the SIU report directly to the Chief of Police. Since the SIU may uncover criminal and administrative violations during a review, the function may be included within the IAU.

Recommendation: Staffing of the Internal Affairs Unit should be increased by two sergeants. At the time of the PERF site visit, there were six sergeants assigned to the IAU responsible for conducting investigations into allegations of police officer misconduct. Mid-year 2008 case assignment figures reflect a significant increase (60 percent) in case investigations as well as increased workload related to an active role in responding to critical incidents. Furthermore, PERF recommends that the IAU assume additional responsibilities such as staff and inspectional functions, investigating anonymous complaints, reviewing and reporting on use of force and vehicle pursuits, and oversight of an Early Intervention System (EIS). This will require adding two positions to the unit. Additional staffing of two sergeants, for a total of eight, will also allow for more thorough and timely investigations where warranted.

Observations: The current and former IAU commanders and investigators agreed that some cases would benefit from additional investigation, time and resources permitting. Adding two sergeants to the unit will provide the time necessary for those instances as well as afford the staff necessary to perform the additional responsibilities recommended by PERF.

The addition of two sergeants will provide staff to perform additional duties such as assisting with staff inspections, EIS implementation/oversight, and review of use-of-force and vehicle pursuits. It should be noted that in other departments, some of these functions are located within a department's Internal Affairs section, and others operate separately. For example, in the San Francisco Police Department, the EIS falls under the authority of the Professional Standards Section, while in the San Antonio Police Department, the EIS Coordinator is within the Internal Affairs Unit. Should the MPD situate these important responsibilities to operate outside the IAU, the added staff may be redirected from Internal Affairs to staff a new section within MPD's Professional Standards Bureau.

Turn-Around Time of Internal Affairs Case Files

The Internal Affairs Unit disseminates a weekly report to all commanders, deputy chiefs, the assistant chief, and chief listing the status and location of case files by precinct/divisions and the Chief's Office. The reports separate the cases by PPIs, Internal Affairs cases and CRA cases. The reports list the involved officer, allegation, date sent and whether the case is overdue or not. The report includes the following reminder, "All cases are due back into the Internal Affairs office within 30 days of the date sent to the commander."

These reports were reviewed for the 14-week period of March 13, 2008 to June 18, 2008. This data was analyzed to determine the average number of days it took a case file to be processed, and is depicted in the following table.

Processing Internal Affairs Case Files (3/13/08 – 6/18/08)

Process Location	# of Cases Tracked	Average # of Days	Range	Cases Pending
Chief's Office	22	23	1-91	11
Commanders	15	91	27-225	30

In the commanders' case, it took an average of three months with a range of 27 to 225 days. The case files averaged approximately three weeks in the Chief's Office with a range of one day to three months. Based upon a review of the reports, there do not seem to be any consequences for the late return of files.

Recommendation: Establish a consistently applied consequence for failure to return the disciplinary action on an IAU investigation within the 30-day time limit. The failure to comply with the 30-day period to respond to an IA report should have consequences unless extenuating circumstances are confirmed and result in an approved extension. At present, there are few consequences for not returning the investigation in a timely manner. The Chief of Police should reconfirm his expectations and be clear that continued disregard for the established time-frames will result in action against commanders who are consistently late. Thereafter, consistency in actions taken is essential.

Observations: A random review of completed internal affairs investigations and subsequent disciplinary action revealed that some took more than one year for resolution. The weekly IAU report on the status of completed internal affairs investigations leaving the IAU for May 22, 2008, lists 10 overdue reports that have not been returned to the IAU within 30 days. One investigation was sent to the Precinct Commander on December 13, 2007, and has still not been returned as of June 18, 2008. Members of the department and community expressed concern about the delay in the resolution of police misconduct investigations.

Civilian Police Review Authority (CRA)

As noted, an alternative available to members of the community who prefer not to have their complaint against a police officer investigated by the police department is to

opt for a CRA investigation. A study of the Minneapolis Civilian Police Review Authority was completed in February of 2006 by the City's Department of Civil Rights. Although PERF's study is focused on the police department's Internal Affairs Unit and not the Civilian Review Authority, a discussion is necessary as the work of the CRA has a direct impact on the workload and operation of the IAU.

The Minneapolis Director of Civil Rights is responsible for four operational units: Multi-cultural Outreach; Contract Compliance Unit; Complaint Investigative Unit; and the Civilian Review Authority. The CRA was initially an independent city department, but since 2002 has operated as a sub-unit of the City's Civil Rights Department. Established by the City Council, the CRA provides a measure of distance from the department that employs the officer about which the complaint is being made. Some citizens are more comfortable with the CRA. There were some persons interviewed by PERF who felt that many citizens do not understand the difference between the department and the CRA. When they have a complaint they just want it acted upon. Presently, the CRA employs a manager, two investigators and two support staff.

Complaining citizens must choose one or the other agency to conduct the investigation at the time they submit their complaint. However, the Chief of Police may initiate an internal investigation at any time. Federation representatives interviewed by PERF noted that in the past, after an investigation by Internal Affairs had exonerated an officer, a CRA investigation was found to be ongoing. This can occur legitimately if the CRA uncovers misconduct of a criminal nature and turns that part of the complaint over to the department while continuing its own investigation.

The list of complaints that can be undertaken by the CRA includes:

- Use of Excessive Force
- Racial Profiling
- Harassment
- Discrimination
- Inappropriate Language/Attitude

- Failure to Provide Adequate or Timely Police Protection
- Retaliation for Filing a Complaint

Any matter involving criminal allegations must be investigated by Internal Affairs. The CRA operates under a one-year statute of limitations, whereas the Chief of Police has no such limitation.

As with Internal Affairs investigations, CRA cases are assigned rotationally. At first, they are preliminary in nature, and only once the merits of a case are established and the complaint form is signed are the cases converted to formal investigations. All incoming complaints are assigned numbers and tracked.

Investigators are readily afforded access to police reports, but videotapes and other evidence must be requested through the department's legal office which can result in investigative delays. Another cause for delay is the process of securing officer statements. Statements are required to be given by officers, but they are afforded five days to appear before the CRA. Sometimes the appointments are delayed because Federation representatives are unavailable; other times, appointments are just missed. It was reported to PERF that no action has ever been initiated by the CRA because of missed appointments. As in an Internal Affairs investigation, the lack of subpoena power enables witness officers from other departments, security officers, and others to simply ignore the CRA's requests for statements without legal sanctions.

Completed investigations – including closure recommendations by the investigator - are submitted to the CRA manager who empanels a three-member panel from the membership of the CRA Board appointed by the Mayor. The panel listens to arguments from both sides (the officer and complainant). It was reported that often only a Federation representative appears for the officer. The panel can remand the investigation back for additional work, or it can make a closure recommendation.

One area of potential confusion lies in the different closure types used by the department and the CRA. For example, rather than Unfounded, the CRA closes such cases as Dismissed. The CRA categorizes Policy Failures as either Sustained or Not-Sustained. In addition to remedies open to the police department, the CRA has the option

of recommending Mediation. If the complainant agrees to mediation, officers are bound to participate – though sometimes they are reportedly less than interested in the proceedings. Held at the CRA by an independent mediator, these are difficult resolutions to facilitate. However, once successfully completed, the cases are disposed of without further action. The CRA reports that in 2006 some 17 percent of its assigned cases were successfully mediated. In 2007, that percentage dropped to nine.

Within the police department, some members report a low level of confidence in the quality of CRA investigations. The background and training of some investigators have long been questioned by some officers. However, of the two current investigators, one is an attorney and the other is a former police officer. Others in city government interviewed by PERF expressed concern that regardless of the quality of CRA investigations, they believed that many members of the police department would be reluctant to trust the investigative Observations of an outside entity.

There was a repeated suggestion that CRA investigative conclusions have not always been rooted in truly sustainable violations of department policy, but rather Observations of improper conduct that does not amount to infractions or even align with existing police department policy. Moreover, it is reported that there is an ineffective communications flow between the CRA and field commanders who may have an officer involved in a CRA investigation and not even be aware of it.

According to the CRA's own Administrative Rules (8.H.), an investigation is to be completed within 60 days of its filing unless a 30-day extension is granted. However, the CRA has had a history of taking much longer to complete its investigations. According to its own Observations, the 2007 average was 170 days. This is down from a high of a reported 292 days in 2005.

Completed CRA investigations in which there are sustained Observations are submitted to the Internal Affairs Unit, where charges are aligned with corresponding violations of the Minneapolis Police Department's policy manual. The unit lieutenant assigns this responsibility to an investigator who is tasked with determining if the Observations amount to a violation of departmental policy or procedure. The investigator's Observations are documented on a Discipline Worksheet which is then

attached to the original investigation before it is again reviewed by the Internal Affairs Unit lieutenant and directed to the Chief of Police. The chief cannot alter the CRA's Observations, but it is within his authority to determine what, if any, discipline shall be imposed. The chief may empanel a disciplinary panel to determine discipline.

It was reported that in past instances, when the CRA has returned some sustained cases to the department, either no discipline was imposed or the cases were not moved forward in the department. The current administration has made significant improvements in acting on the sustained complaints investigated by the CRA. According to the Civilian Police Review Authority 2007 Annual Report, only one case was awaiting disciplinary decision at the end of the calendar year. The CRA reports as of December 5, 2008, five cases forwarded to the department are awaiting disposition and one of those was just recently submitted.

On those cases where the department is not satisfied with the quality of an investigation, as is the practice of Internal Affairs, the case should be returned to the CRA with a recommendation for further investigation. Otherwise, the department should act on all sustained cases within a given timeframe. Long periods of delay, by either the CRA or the department, on cases that sustain an "A" type violation may render the investigation moot since sustained "A" violation are retained only for a year from the time the infraction occurred. The timely resolution of cases will also assist the CRA in making appropriate notification to complainants.

The Assistant Chief acts as liaison between the police department and CRA. The Director of Civil Rights and members of the CRA meet on a regular basis with the police department to discuss operational and policy issues as well as others matters of mutual interest. This is a sound practice in promoting cooperation between the two entities and reporting the status of CRA sustained complaints.

Recommendation: The Minneapolis Police Department should endeavor to comply with the requirement to complete its review of the Civilian Police Review Authority's (CRA) "routine" complaint investigations and report

Observations to the CRA Board within 60 days of receipt of the report. Once the police department receives an investigated complaint from the CRA, the department should determine the appropriate sanction and report that finding to the Board within 60 days of receiving the completed investigation.

Observations: The Assistant Chief of Police meets with the CRA Board after the police department makes a determination of what discipline will be applied for sustained violations of policy. In those instances in which the department cannot comply within the prescribed timeframe, the Chief of Police provides a written explanation for the delay. Nevertheless, it was reported to PERF that some complaint investigations completed by the CRA and referred to the Minneapolis Police Department for resolution have taken too long. Some actions have been reported to have taken more than a year to resolve. The timely resolution of complaints is in the best interest of all.

COMPARISON OF INTERNAL AFFAIRS UNITS

In order to benchmark the operations of the Minneapolis Police Department's Internal Affairs Unit, PERF staff conducted interviews with the IA personnel of ten other agencies.

Internal Affairs Survey Comparison Agencies

Police Department	Number of Sworn Personnel	Service Population
Indianapolis Police Department	1194	380,302
Wichita Police Department	663	380,000
Minneapolis Police Department	**900**	**373,000**
Cincinnati Police Department	1000	364,040
Arlington, TX Police Department	582	362,393
Miami Police Department	1057	358,548
Pittsburgh Bureau of Police	1100	350,190
St. Paul Police Department	579	275,000
Rochester Police Department	122	91,230
Duluth Police Department	141	86,000

Seven of the agencies had service populations similar in size to Minneapolis's across different regions of the country. PERF also conducted interviews with the IA staff of the three largest agencies in Minnesota following Minneapolis (St. Paul, Rochester and Duluth) to account for regional issues.

In the following page, the table depicts the total sworn staffing levels in agencies surveyed. Internal Affairs Units ranged from a high of 27 in Miami, CA to a low of one in both Rochester and Duluth, MN.

Comparison of MPD Internal Affairs with those of similar sized agencies

City	Total Staff	Sworn Staffing	Civilian Staffing	Avg. # of cases per year	Other Inspectional Role	IA Location	# of Levels IA Manager is from Chief	Highest Ranking Officer in IA
Arlington TX	4	1 Lt. 2 Sgts.	1 civilian secretary	Avg.39.2 cases 2003-2007	No	PD	1	Lieutenant
Indianapolis	9	Commander (Lt.) 7 Sgts. (Invest.)	1 civilian secretary	100-120 per year.	Yes	Offsite	2	Lieutenant
Miami	27	1 Major 1Cmdr. 2 Lts. 10 Sgts. 7 Officers	4 civilians	297 in 2007	Yes	Offsite	1	Major
Pittsburgh	16	1 Sgt. 6 Detectives	1 civilian mgr., 1 intake coordinator, 5 civilian investigators, 2 clerks	350 per year	No	Offsite	1 (note: manager reports to Public Safety Director. Chief answers to Public Safety Director)	Civilian manager
Wichita	5	1 Captain 1 Lt. 1 Sgt. 1 Detective	1 civilian clerk	Not provided	Yes	City Hall (where PD is located)	1	Captain
Rochester MN	1	1 Deputy Chief	None	Was about 40. Last year had approx.26 cases	No	PD	1	Deputy Chief
Duluth MN	1	1 Lt.	None	20 per year	No	PD	2	Lieutenant
St. Paul	6	1 Cmdr. 3 Sgt. Invest.	2 civilians	Not Provided	No	PD	1	Commander
Cincinnati	13	1 Captain 1 Lt. 8 Sgts. 2 Officers	1 civilian clerk	300	Yes	PD	2	Captain
Minneapolis	9	1 Lt. 6 Sgts.	2	Average of 66/year over the past 5 years	Yes	City Hall (where PD is located)	3	Lieutenant

In terms of the average number of cases received per year, Arlington had the lowest at 39 per year (average of the last 5 years), while Pittsburgh saw the highest number of the complaints of the surveyed cities with an estimated 350 2007. Some agencies were unable to provide their exact number of cases, and either provided an estimate or gave no number as indicated.

Half of the IA Units examined (5) performed other inspectional roles in addition to investigating allegations of misconduct against employees. The additional responsibilities included operating the agency's Early Intervention System database, making recommendations for policy or training adjustments, handling the administrative components of officer-involved shootings, and preparing/conducting disciplinary hearings.

Three agencies housed their Internal Affairs Unit in an office not in the police department (Indianapolis, Miami and Pittsburgh) while the remaining seven worked within the PD. Of the surveyed department's, the commanding officer of Internal Affairs was situated either one (6 agencies) or two (3 agencies) levels from the Chief of Police.

Based upon the information included in the survey, the number of IA staff to the total number of sworn officers was calculated for each department. Staff ranged from a low of 50 officers per IA staff (Miami) to a high of 194 (Arlington, TX). At least one of the surveyed departments (Pittsburgh) has been under a consent decree which impacted their IA operations.

Ratio of Internal Affairs Staff with Sworn Officers

City	Sworn Staff	Sworn IA Staff	IA Staff per Sworn Staff
Arlington TX	582	3	194
Wichita	663	4	166
Pittsburgh	1100	7	157
Indianapolis	1194	8	149
St. Paul	579	4	145
Duluth MN	141	1	141
Minneapolis	900	7	129
Rochester MN	122	1	122
Minneapolis*	900	9	100
Cincinnati	1000	12	83
Miami	1057	21	50

* PERF recommendation of adding 2 sergeants to the IAU

Minneapolis with a staff of 7 sworn officers has a ratio of 116 officers per IA sworn employee. Should the department increase the IA staff by two sergeants, the ratio would be 90 officers per IA sworn staff.

Comparison of MPD Internal Affairs with those of similar sized agencies:

Types of cases handled

City	Type of Cases
Arlington TX	Judgment calls. Truthfulness. Criminal offenses the officer was alleged to be involved in. Rules violations. Racial profiling.
Indianapolis	Police officer shootings. Anything of a criminal nature. Force complaints. Anything aside from minor complaints.
Miami	Misconduct cases
Pittsburgh	All cases
Wichita	Investigate allegations of misconduct that may result in disciplinary action other than oral counseling. Investigations range from violations of policy and procedure to criminal misconduct.
Rochester MN	Reviews all cases that come to I/A's attention, though most are delegated to supervisor in officer's chain of command
Duluth MN	All cases, though about 2/3 are sent to officer's supervisor
St. Paul	Anything ranging from Racial Profiling to excessive force
Cincinnati	Internal and external allegations of: criminal misconduct and violations of department policy, excessive use of force, discrimination, procedural violations and lack of service
Minneapolis	Critical incidents, use of force, internal and external complaints, civil rights complaints, and special investigations

In reviewing the types of investigations assigned, some units were mandated to handle all cases that came their way, even if they eventually were remanded back to the officer's chain of command. Others had a more narrow scope and focused only on severe allegations, such as criminal offenses, civil rights/racial profiling, excessive use of force, and general misconduct allegations/rules violations. There was a correlation between the ancillary duties of the units and staffing; additional duties equaled additional personnel.

Comparison of MPD Internal Affairs with those of similar sized agencies:

Average number of days needed to complete an investigation

City	Average Number of Days to Complete Investigation
Arlington TX	30 days by policy
Indianapolis	Variable. Some can be done in two weeks. Others go on for a year
Miami	From 45-200 days, but 45-80 is standard
Pittsburgh	120 days to complete
Wichita	Attempt to complete in 30 days. More serious cases are in the 30-60 day range
Rochester MN	Policy is to clear within 10 days. Average is about a month
Duluth MN	Avg. of 30 days
St. Paul	10-12 weeks at the earliest (they have considerable backlog of uncompleted investigations)
Cincinnati	30-90 days
Minneapolis	Varies considerably. From a week to 180 days

There is a considerable variance among agencies surveyed in terms of the average number of days it takes to complete an investigation. The quickest turnaround time, by policy, is Rochester, where I/A is required by policy to complete investigations within 10 days (though it was noted that most investigations tended to be completed within 30 days). The most frequently reported average closure time is 30 days. Indianapolis indicated that while some cases may be completed in as little as two weeks, other cases can stretch out for up to one year.

COMPLIANCE WITH NATIONAL ACCREDITATION STANDARDS

A review of the nationally accepted standards relative to Internal Affairs and the completion of internal investigations established by the Commission on Accreditation for Law Enforcement Agencies (CALEA) (Chapters 52.1 Organizational Integrity and 52.2 Complaint Procedures), finds that the Minneapolis Police Department is in compliance with the following:

Organizational Integrity

52.1.4 The agency makes available information to the public on procedures to be followed in registering complaints against the agency or its employees.

52.1.5 The agency compiles annual statistical summaries, based upon records of internal affairs investigations, which are made available to the public and agency employees.

Complaint Procedures

52.2.1 A written directive specifies:
- a. the type of complaints to be investigated by line supervisors; and
- b. the type of complaints that require investigation by the internal affairs function.

52.2.5 When employees are notified that they have become the subject of an internal affairs investigation, the agency issues the employee a written statement of the allegations and employee's rights and responsibilities relative to the investigation.

52.2.7 A written directive specifies the circumstances in which an employee may be relieved from duty.

52.2.8 A written directive requires a "conclusion of fact" for each investigation into allegation of misconduct.

The department is in compliance with all mandatory CALEA Internal Affairs standards with the except for the following four:

52.1.1 A written directive requires all complaints against the agency or its employees be investigated, to include anonymous complaints.

52.1.3 A written directive specifies that the position responsible for the internal affairs function has the authority to report directly to the agency's chief executive officer.

52.2.3 A written directive specifies a time limit for completing an internal affairs investigation, with provisions for extension.

52.2.6 A written directive specifies the conditions, if any, during an internal affairs investigation when:

a. medical or laboratory examinations are administered;
b. photographs are taken of employees
c. an employee may be directed to participate in a line-up;
d. an employee may be required to submit financial disclosure statements; and
e. instruments for the detection of deception are used.

Should the department implement the associated four PERF recommendations, MPD will be in compliance with all relevant Commission on Accreditation for Law Enforcement Agencies Internal Affairs standards.

APPENDIX-1 EXAMPLE OF DISCIPLINARY MATRIX FROM DENVER POLICE DEPARTMENT

Appendix F - Penalty Table and Discipline Matrix

Penalty Table

Discipline Level	Mitigated Penalty	Presumptive Penalty	Aggravated Penalty
1		Oral Reprimand	Written Reprimand
2	Oral Reprimand	Written Reprimand	1-3 Fined Days
3	Written Reprimand To 1 Fined Day	2 Fined Days	4-6 Fined Days
4	2-4 Fined Days	3 Days Suspension	5-7 Days Suspension
5	4-6 Days Suspension	10 Days Suspension	14-16 Days Suspension
6	18-22 Days Suspension	30 Days Suspension	38-42 Days Suspension
7	43-47 Days Suspension	60 Days Suspension	Termination
8	90 Days Suspension	Termination	

Categories, Violations and Level Assignments Table

CATEGORY A

CONDUCT THAT HAS A MINIMAL NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT

EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:		1st Violation in 3 Years -Level-	2nd Violation in 3 Years -Level-	3rd** Violation in 3 Years -Level-
RR-102.1	Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*	1	2	3
RR-102.2	Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*			
RR-103	Aid Another to Violate Rule (A-F)*			
RR-105	Conduct Prejudicial (A-F)*			
RR-108.1	Plainclothes Officers - Identification			
RR-115.1	Conduct Prohibited by Law (A-F)*			
RR-116	Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*			
RR-121	Off Duty in Uniform (A-F)*			
RR-129	Giving Name and Badge Number			
RR-136	Use of Tobacco Products in Police Facilities			
RR-205	Giving Testimonials, Seeking Publicity			
RR-314	Providing Assistance Outside the City			
RR-501	Personal Appearance in Court			
RR-612	Answer to Official Communications			
RR-614	Publication of Articles			
RR-616	Police Bulletin			
RR-802	Uniform Restrictions While Off Duty			
RR-805	Equipment Carried on Person			
RR-1001	Testifying in Civil Cases			
RR-1002	Service of Civil Processes			
RR-1003	Initiation of Civil Cases			
RR-1104	Location When Ill			
RR-1105	Reporting During Illness or Injury			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

**The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.

DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX

Categories, Violations and Level Assignments Table

CATEGORY B

CONDUCT THAT HAS MORE THAN A MINIMAL NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT; OR THAT NEGATIVELY IMPACTS RELATIONSHIPS WITH OTHER OFFICERS, AGENCIES OR THE PUBLIC.

EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:		1st Violation in 4 Years -Level-	2nd Violation in 4 Years -Level-	3rd** Violation in 4 Years -Level-
RR-102.1	Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*	2	3	4
RR-102.2	Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*			
RR-103	Aid Another to Violate Rule (A-F)*			
RR-105	Conduct Prejudicial (A-F)*			
RR-108.2	Protecting Identity of Undercover Officers			
RR-115.1	Conduct Prohibited by Law (A-F)*			
RR-116	Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*			
RR-121	Off Duty in Uniform (A-F)*			
RR-122.1	Respect for Fellow Officer			
RR-126	Amusement Places Restrictions			
RR-127	Responsibilities to Serve Public			
RR-128.1	Impartial Attitude			
RR-132	Purchase of Forfeited Property			
RR-140	Discourtesy			
RR-206	Soliciting Business			
RR-303	Trivial Offenses			
RR-304	Traffic Enforcement When Not in Uniform			
RR-309.1	Suggesting Bondsmen or Attorneys			
RR-605	Removal of Reports and Records			
RR-607	Failure to Make, File or Complete Official Reports			
RR-613	Unauthorized Use of Department Letterheads			
RR-703	Soliciting Money for Political Purposes			
RR-704	Soliciting for Promotion, Appointment			
RR-806.1	Alteration or Exchange of Badge Prohibited			
RR-807	Loss or Damage to Badge			
RR-808	Equipment and Property Restrictions on Use			
RR-809	Rough or Careless Handling of City or Departmental Property			
RR-902	Department Vehicle Operation			
RR-1101	Reporting Absence Prior to Roll Call			
RR-1102	Reporting for Duty			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

**The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.

Categories, Violations and Level Assignments Table

CATEGORY C

CONDUCT THAT HAS A PRONOUNCED NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT, OR ON RELATIONSHIPS WITH OTHER OFFICERS, AGENCIES OR THE PUBLIC.

EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:		1st Violation in 5 Years -Level-	2nd Violation in 5 Years -Level-	3rd** Violation in 5 Years -Level-
RR-102.1	Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*	3	4	5
RR-102.2	Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*			
RR-103	Aid Another to Violate Rule (A-F)*			
RR-104	Contacting of Supervisor			
RR-105	Conduct Prejudicial (A-F)*			
RR-107	Always on Duty			
RR-109.1	Drinking to Excess			
RR-115.1	Conduct Prohibited by Law (A-F)*			
RR-116	Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*			
RR-117	Disobedience of an Order (C-F)*			
RR-119	Sleeping on Duty			
RR-121	Off Duty in Uniform (A-F)*			
RR-122.2	Abuse of Fellow Officers			
RR-138	Discrimination, Harassment and Retaliation (C-F)*			
RR-141.2	Reporting of Prohibited Associations			
RR-204	Soliciting, Accepting Gifts, Gratuities			
RR-307	Posting Bail			
RR-310	Mistreatment of Prisoners/Suspects			
RR-401	Display of Firearms			
RR 402	Careless Handling of Firearms (C-F)*			
RR-403	Restrictions on Auxiliary Weapons			
RR-702	Using Police Position to Gain Political Office			
RR-1004	Testifying for Defendant			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

**The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.

Categories, Violations and Level Assignments Table

CATEGORY D

CONDUCT SUBSTANTIALLY CONTRARY TO THE VALUES OF THE DEPARTMENT OR THAT SUBSTANTIALLY INTERFERES WITH ITS MISSION, OPERATIONS OR PROFESSIONAL IMAGE, OR THAT INVOLVES A DEMONSTRABLE SERIOUS RISK TO OFFICER OR PUBLIC SAFETY.

EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:		1st Violation in 7 Years -Level-	2nd Violation in 7 Years -Level-	3rd** Violation in 7 Years -Level-
RR-102.1	Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*	5	6	7
RR-102.2	Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*			
RR-103	Aid Another to Violate Rule (A-F)*			
RR-105	Conduct Prejudicial (A-F)*			
RR-106.1	Immoral Conduct			
RR-109.2	Unfit for Duty			
RR-112.1	Misleading or Inaccurate Statement			
RR-115.1	Conduct Prohibited by Law (A-F)*			
RR-116	Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*			
RR-117	Disobedience of an Order (C-F)*			
RR-121	Off Duty in Uniform (A-F)*			
RR 122.3	Insubordination			
RR-128.2	Impartial Attitude - Bias			
RR-130.1	Aiding and Protecting Fellow Officers – Unreasonable			
RR-138	Discrimination, Harassment and Retaliation (C-F)*			
RR-141.1	Prohibited Associations (D-F)*			
RR-306	Inappropriate Force (D-F)*			
RR-311.1	Compromising Criminal Cases			
RR-312.1	Interfering with Case Assigned to Other Officers			
RR-402	Careless Handling of Firearms (C-F)*			
RR-601.1	Communication of Confidential Information, Generally			
RR-603	Destruction of Evidence			
RR-806.2	Use of Badge by Person other than Officer			
RR-1106	Feigning Illness or Injury			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

**The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.

Categories, Violations and Level Assignments Table

CATEGORY E

CONDUCT THAT INVOLVES THE SERIOUS ABUSE OR MISUSE OF AUTHORITY, UNETHICAL BEHAVIOR, OR AN ACT THAT RESULTS IN AN ACTUAL SERIOUS AND ADVERSE IMPACT ON OFFICER OR PUBLIC SAFETY OR TO THE PROFESSIONALISM OF THE DEPARTMENT.

EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:		1st Violation	2nd Violation	3rd** Violation
RR-102.1	Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*	No Time Limit	No Time Limit	No Time Limit
RR-102.2	Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*	-Level-	-Level-	-Level-
RR-103	Aid Another to Violate Rule (A-F)*			
RR-105	Conduct Prejudicial (A-F)*			
RR-109.3	Drinking on Duty			
RR-114	Intimidation of Persons			
RR-115.1	Conduct Prohibited by Law (A-F)*	6	7	8
RR-116	Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*			
RR-117	Disobedience of an Order (C-F)*			
RR-120	Appropriating Property			
RR-121	Off Duty in Uniform (A-F)*			
RR-123	Assault of Fellow Officer			
RR-138	Discrimination, Harassment and Retaliation (C-F)*			
RR-141.1	Prohibited Associations (D-F)*			
RR-203	Accepting Gifts from Persons of Bad Character			
RR-302	Personal Family Disputes			
RR-305	Duty to Protect Prisoner			
RR-306	Inappropriate Force (D-F)*			
RR-309.2	Suggesting Bondsmen or Attorneys for Profit			
RR-402	Careless Handling of Firearms (C-F)*			
RR-601.2	Communication of Confidential Information that Jeopardizes a Police Action			
RR-606	Destruction of Reports or Records			
RR-609	Altering Information on Official Documents			
RR-1107	Physical or Mental Examination			
RR-1108	Release of Medical Information			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

**The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.

DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX

Categories, Violations and Level Assignments Table

CATEGORY F

ANY VIOLATION OF LAW, RULE OR POLICY WHICH: FORESEEABLY RESULTS IN DEATH OR SERIOUS BODILY INJURY; OR CONSTITUTES A WILLFUL AND WANTON DISREGARD OF DEPARTMENT VALUES; OR INVOLVES ANY ACT WHICH DEMONSTRATES A SERIOUS LACK OF THE INTEGRITY, ETHICS OR CHARACTER RELATED TO AN OFFICER'S FITNESS TO HOLD THE POSITION OF POLICE OFFICER; OR INVOLVES EGREGIOUS MISCONDUCT SUBSTANTIALLY CONTRARY TO THE STANDARDS OF CONDUCT REASONABLY EXPECTED OF ONE WHOSE SWORN DUTY IS TO UPHOLD THE LAW; OR INVOLVES ANY CONDUCT WHICH CONSTITUTES THE FAILURE TO ADHERE TO ANY CONTRACTUAL CONDITION OF EMPLOYMENT OR REQUIREMENT OF CERTIFICATION MANDATED BY LAW.

EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:		1st Violation -Level-
RR-102.1	Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*	8
RR-102.2	Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*	
RR-103	Aid Another to Violate Rule (A-F)*	
RR-105	Conduct Prejudicial (A-F)*	
RR-106.2	Sexual Misconduct	
RR-109.4	Under the Influence	
RR-111	Controlled Substances	
RR-112.2	Commission of a Deceptive Act	
RR-115.1	Conduct Prohibited by Law (A-F)*	
RR-115.2	Aggravated Conduct Prohibited by Law	
RR-116	Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*	
RR-117	Disobedience of an Order (C-F)*	
RR-121	Off Duty in Uniform (A-F)*	
RR-130.2	Aiding and Protecting Fellow Officers – Intentional	
RR-137	Collective Bargaining Fair Share Fee	
RR-138	Discrimination, Harassment and Retaliation (C-F)*	
RR-141.1	Prohibited Associations (D-F)*	
RR-202	Soliciting or Accepting a Bribe	
RR-306	Inappropriate Force (D-F)*	
RR-308	Aiding an Escapee	
RR-311.2	Interference with Prosecution	
RR-312.2	Interfering with Internal Investigation/Questioning	
RR-312.3	Failure to Provide a Statement	
RR-402	Careless Handling of a Firearm (C-F)*	
RR-803	Uniform Restrictions for Officers Under Suspension	
RR-804	Exercise of Authority While Under Suspension	
RR-1103	Constructive Resignation	
RR-1201	POST Certification	

*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.