

# **EXHIBIT**

**52**

## Complaint Process Manual

Office of Police Conduct Review  
&  
Minneapolis Police Department

2016

# Contents

<b>I. INTRODUCTION</b>	<b>3</b>
A. PROCESS MANUAL	3
B. ABOUT THE OPCR	3
C. MISSION STATEMENT	3
D. PROCEDURAL DISCRETION AND DECISION MAKING:	3
E. COMPLIANCE WITH THE MINNESOTA GOVERNMENT DATA PRACTICES ACT	3
F. JURISDICTION	3
<b>II. COMPLAINTS</b>	<b>5</b>
A. COMPLAINTS	5
B. REPORTS OF MISCONDUCT MADE TO MPD EMPLOYEES	5
C. DATE OPENED	5
<b>III. JOINT SUPERVISOR REVIEW</b>	<b>6</b>
A. INTAKE INVESTIGATION	6
B. INITIAL CASE ASSESSMENT PROCESS	6
C. ENHANCEMENT	6
<b>IV. COMPLAINTS DESIGNATED FOR DISMISSAL</b>	<b>7</b>
A. DISMISSING COMPLAINTS	7
B. NO BASIS DISMISSALS	7
C. NO JURISDICTION DISMISSALS	7
D. FAILURE TO STATE A CLAIM DISMISSALS	7
E. DUPLICATE DISMISSALS	7
F. WITHDRAWAL DISMISSALS	7
G. FAILURE TO COOPERATE DISMISSALS	8
H. CLEARED BY EXCEPTION DISMISSALS	8
I. PENDING FURTHER INFORMATION DISMISSALS	8
J. REFERRING TO OUTSIDE AGENCIES	8
K. POLICY FAILURES	8
<b>V. COMPLAINTS DESIGNATED FOR MEDIATION</b>	<b>9</b>
A. MEDIATION GENERALLY	9
B. MANDATORY MEDIATION	9
C. FAILURE TO APPEAR FOR MEDIATION	9
D. MEDIATION WITH NO AGREEMENT	9
<b>VI. COMPLAINTS DESIGNATED FOR COACHING</b>	<b>10</b>
A. SUBMITTING CASES FOR COACHING	10
B. COMPLETING COACHING DOCUMENTS	10
<b>VII. CASES DESIGNATED FOR INVESTIGATION</b>	<b>11</b>
A. INITIAL ASSIGNMENT TO INVESTIGATION	11
B. TIMELINE	11
C. THE PRELIMINARY INVESTIGATION	11

- D. THE ADMINISTRATIVE INVESTIGATION ..... 11
- VIII. REVIEW PANEL ..... 12**
  - A. PANELIST MANUAL (SEE MANUAL ONLINE) ..... 12
  - B. CASES WITH NO MERIT RECOMMENDATIONS ON ALLEGATIONS ..... 12
  - C. REQUEST FOR RECONSIDERATION ..... 12
- IX. POST-REVIEW PANEL PROCESS ..... 13**
  - A. MPD PROCESS ..... 13
- X. CASES COMPLETED BY THE CHIEF ..... 14**
  - A. RETURN OF CASE FILES TO OPCR ..... 14
  - B. CHIEF DISAGREEMENT WITH THE REVIEW PANEL MERIT RECOMMENDATION ..... 14
  - C. NOTIFICATION TO COMPLAINANT ..... 14
- XI. GLOSSARY OF TERMS ..... 15**
  - A. TERMS ..... 15
- XII. APPENDIX 1: COMPLAINT FILING INSTRUCTIONS FOR MPD EMPLOYEES ..... 18**

# **I. Introduction**

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## **A. Process Manual**

- i. This manual describes the process the Office of Police Conduct Review (OPCR) uses to resolve complaints of police misconduct.

## **B. About the OPCR**

- ii. The OPCR is a neutral agency that investigates allegations of police misconduct by sworn officers of the Minneapolis Police Department (MPD).
- iii. The OPCR is a joint office comprised of personnel from the Minneapolis Department of Civil Rights and the MPD Internal Affairs Unit. There are two OPCR units, the civilian unit and sworn unit.

## **C. Mission Statement**

- i. The Office of Police Conduct Review promotes adherence to the highest standard of police conduct and fosters mutual respect between the Minneapolis Police Department and the community it serves by fairly, objectively, and neutrally investigating complaints that allege misconduct by Minneapolis Police officers.
- ii. The OPCR and MPD will work together to promote public safety, preserve the public trust, and maintain employee engagement and morale.

## **D. Procedural Discretion and Decision making:**

- i. Any procedural issue related to the duties and authority of the office not covered by this manual will be left to the discretion of the joint supervisors. When supervisory staff from the civilian unit and the internal affairs unit are unable to reach agreement upon such issues, they will be referred to the director of civil rights and the chief of police, who will jointly determine the matter. In the event the director and the chief are unable to resolve the issue, a designee of the mayor may mediate, and if necessary resolve, the issue.

## **E. Compliance with the Minnesota Government Data Practices Act**

- i. All data received, created, and maintained will be handled in accordance with the Minnesota Government Data Practices Act.

## **F. Jurisdiction**

- i. OPCR receives and resolves all complaints against sworn members of the MPD alleging a violation of the Police Conduct Oversight Ordinance § 172.20.
- ii. All complaints or allegations of misconduct are reviewed by OPCR to determine jurisdiction regardless of their source. The OPCR will refer complaints against civilian employees of the Minneapolis Police

Department, complaints involving human resources issues, and allegations that require a criminal investigation to the Internal Affairs Unit.

## II. Complaints

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### A. Complaints

- i. A complaint is a document signed by the Complainant, either in writing or filed electronically.
- ii. Complaints may be filed in person by filling out the Police Misconduct Complaint Form, online using the form located on both the Department of Civil Rights webpage and the MPD webpage, by email sent to the OPCR or MPD, or by mail.
- iii. Inquiries may be filed through the 311 system. They will not be considered complaints until a signed copy of the inquiry, complaint form, or email is received.
- iv. The joint supervisors may initiate a complaint of police misconduct.

### B. Reports of Misconduct Made to MPD Employees

- i. Complaints of misconduct may be made to any Minneapolis Police Department employee.
- ii. Police employees shall follow the process for accepting complaints found in [appendix 1](#), on the Inside MPD webpage, or on the MPD intranet webpage.

### C. Date Opened

- i. Complaints will not be considered opened and filed until a signed complaint is received by the office.
- ii. The date opened for written complaints is the date the complaint was submitted to the office.
- iii. The date opened for email complaints is the date the email was submitted to [Policereview@minneapolismn.gov](mailto:Policereview@minneapolismn.gov) or other recognized City of Minneapolis email.

### III. Joint Supervisor Review

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#### A. Intake Investigation

- i. The intake investigator will locate all readily accessible evidence during the initial investigation and prepare the complaint for review by the joint supervisor.

#### B. Initial Case Assessment Process

- i. After a briefing by the intake investigator, the supervisors will discuss the case and come to a mutual decision on how the complaint should be resolved:
  - a. dismissal,
  - b. coaching,
  - c. mediation,
  - d. investigation,
  - e. or remand for additional intake investigation.

#### C. Enhancement

- i. The supervisors will consider past policy violations against each officer involved in a complaint to determine the case process track. This differs from the reckoning period in which a complaint may be enhanced due to same or similar policy violations.



## **IV. Complaints Designated for Dismissal**

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### **A. Dismissing Complaints**

- i. Complaints may be dismissed by the joint supervisors after intake, a failed mediation, or at the completion of a preliminary investigation.

### **B. No Basis Dismissals**

- i. Complaints may be determined to be no basis when, regardless of any subsequent possible investigation, there is insufficient evidence to evaluate the merits of an allegation.
- ii. Complaints may be determined to be no basis when evidence directly contradicts the allegations in the complaint.

### **C. No Jurisdiction Dismissals**

- i. Cases may be dismissed for no jurisdiction when the officer involved cannot be ascertained by any reasonable means.
- ii. Cases may be dismissed for no jurisdiction when the date opened is more than 270 days from the date of the incident absent extenuating circumstances deemed sufficient to warrant untimely filing.
- iii. Cases may be dismissed for no jurisdiction when the complaint is against a civilian employee of the MPD or an officer not affiliated with the MPD.

### **D. Failure to State a Claim Dismissals**

- i. Cases may be dismissed for failing to state a claim when the complainant does not allege that any misconduct occurred and no misconduct can be inferred by the intake investigator or joint supervisors.

### **E. Duplicate Dismissals**

- i. A case may be dismissed as a duplicate when two separate complaints provide the same allegations. Complaints are not considered duplicates when the complaints involve the same incident but contain different allegations.
- ii. Duplicate complaints are all complaints received after the initial complaint. If complaints are received simultaneously, the joint supervisors will determine which complaints are considered duplicates.
- iii. Duplicate complaints will be added to the original complaint which follows the normal case processing procedure.

### **F. Withdrawal Dismissals**

- i. Complaints may be dismissed when a complainant expresses the desire to withdraw a complaint. The complainant will sign a withdrawal form indicating this when possible. However, the case may proceed without the complainant's input.

#### **G. Failure to Cooperate Dismissals**

- i. Complaints may be dismissed when Complainant fails to cooperate with a necessary part of any stage of the investigation.
- ii. Complainants will be given reasonable time and notice when feasible to comply with requests before the complaint is dismissed.

#### **H. Cleared by Exception Dismissals**

- i. Complaints may be cleared by exception when the focus officer no longer works for the MPD.

#### **I. Pending Further Information Dismissals**

- i. Complaints may be dismissed, pending further information, when the joint supervisors conclude that there is not enough evidence to continue the investigation but additional evidence could arise.

#### **J. Referring to Outside Agencies**

- i. Complaints may be simultaneously dismissed for any of the above reasons and referred to the appropriate governmental agency.

#### **K. Policy Failures**

- i. Complaints may be dismissed because no policy covers the alleged misconduct. The joint supervisors may recognize that a policy gap exists that led to the dismissal, and therefore, further action is needed. This is considered a policy failure.
- ii. When a policy failure is discovered, a summary of the case and policy failure will be written and presented to the Police Conduct Oversight Commission – Policy and Procedure Committee to explore revision or creation of policy to address the alleged misconduct. The policy failure will also be provided to the MPD administration, Deputy Chief of Professional Standards, and the Chief of Police.

## V. Complaints Designated for Mediation

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### A. Mediation Generally

- i. When a case is assigned to mediation, complainants and focus officers have an opportunity to work with a qualified, neutral mediator to resolve the allegations in a complaint.
- ii. The contents of the mediation are confidential. The OPCR is notified of the outcome.

### B. Mandatory mediation

- i. In cases assigned to mediation, parties must mediate in good faith.

### C. Failure to appear for mediation

- i. Mediation services will notify the committee clerk if officers fail to appear for mediation.
- ii. If complainants fail to appear for mediation and have no valid excuse for absence, the case will be dismissed for complainant's failure to cooperate.
- iii. If an officer fails to appear for mediation and has no valid excuse for absence, the case will be referred to the joint supervisors for reconsideration of the method of resolution and additional allegations.

### D. Mediation with no agreement

- i. If the involved parties are unable to reach an agreement but mediate in good faith, the case will be returned to the joint supervisors for consideration.
- ii. If a complainant fails to mediate in good faith, the case will be dismissed for failure to cooperate.
- iii. If an officer fails to mediate in good faith, the case will be referred to the joint supervisors for additional action.

## **VI. Complaints Designated for Coaching**

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### **A. Submitting Cases for Coaching**

- i. The OPCR will send the coaching document to the highest ranking supervisor in the focus officer's precinct/unit/division via email.
- ii. The coaching document will contain all relevant contact information and focus officer information. It will provide a brief summary of the complaint and allegations.

### **B. Completing Coaching Documents**

- i. Generally, coaching documents will be returned to the OPCR for review.
- ii. The OPCR supervisors check coaching documents to make sure they are complete and comprehensive. If the coaching documents are not, they may be returned to the precinct for completion.
- iii. The complainant will be notified via letter that the complaint has been closed. Additional information is limited by the Minnesota Government Data Practices Act.

## **VII. Cases Designated for Investigation**

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### **A. Initial Assignment to Investigation**

- i. The joint supervisors may assign cases to either a civilian or sworn investigator. This decision is based on the complainant's preference as well as the nature of the complaint.
- ii. The same investigative process occurs regardless of whether a sworn or civilian is assigned to investigate the complaint.

### **B. Timeline**

- i. Cases will be completed within a timeline established by the joint supervisors.
- ii. Extenuating circumstances may prevent compliance with established timelines.

### **C. The Preliminary Investigation**

- i. Preliminary investigations may consist of formal interviews with the Complainant and all parties as well as gathering all relevant evidence associated with the case.
- ii. In cases where the investigator believes dismissal, mediation, or coaching should occur after the preliminary investigation, the investigator will prepare the case for discussion with the joint supervisors. A written report may be submitted when necessary.

### **D. The Administrative Investigation**

- i. Administrative investigations include all work done in preliminary investigations as well as interviews with the focus officer(s)
- ii. At the conclusion of the administrative investigation, the investigator will draft the investigative report.

## VIII. Review Panel

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### A. Panelist manual (See manual online)

- i. Panelists will follow the latest version of the [Police Conduct Review Panel manual \(PDF\)](#) published on the Police Conduct Review Panel website.

### B. Cases with No Merit Recommendations on Allegations

- i. Notification will be sent to Complainant for all no merit recommendations on allegations. The letter will be sent via certified mail.
- ii. Complainants are not notified of the allegations with merit recommendations per the Minnesota Government Data Practices Act.

### C. Request for Reconsideration

- i. Complainants may request reconsideration of any no merit allegation recommendations.
- ii. The request for reconsideration must be received by the Office no longer than 15 days after receipt of the no merit notification.
- iii. Reconsideration will be granted when a complainant provides newly discovered and relevant evidence or information not previously available.
- iv. The joint supervisors will collaboratively review the request and determine if the reconsideration standard is met.
- v. If the reconsideration standard is met:
  - a. the panel may be recalled, the new evidence will be presented to the panel, and the review panel may modify or sustain its prior recommendation regarding the complaint; or
  - b. the new evidence may be forwarded directly to the office of the chief to be included in a final determination.
  - c. The case may be returned to an investigator to address any remaining issues.

## IX. Post-Review Panel Process

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### A. MPD Process

- i. After the Review Panel issues a recommendation, the case will follow the discipline process outlined in the MPD discipline process manual.

## **X. Cases Completed by the Chief**

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### **A. Return of case files to OPCR**

- i. The office of the chief will return completed case files to the Internal Affairs Unit upon final determination.

### **B. Chief Disagreement with the Review Panel Merit Recommendation**

- i. If the chief determines that no discipline is warranted because the allegation found to have merit by the panel actually lacks merit, s/he shall issue an explanation for this decision.

### **C. Notification to Complainant**

- i. When discipline is final and all grievance procedures are complete, the Complainant will be notified of the outcome of the case.



# XI. Glossary of Terms

## A. Terms

- i. **A-level Violation.** A violation of the MPD Policy and Procedure Manual that can only result in a training or coaching if the officer is found to have committed the violation.
- ii. **B-Level Violation.** A violation of the MPD Policy and Procedure Manual that could result in oral or written reprimand or up to 40 hours of suspension.
- iii. **C-Level Violation.** A violation of the MPD Policy and Procedure Manual that could result in written reprimand, up to 80 hours of suspension, or demotion.
- iv. **D-Level Violation.** A violation of the MPD Policy and Procedure Manual that could result in up to 720 hours of suspension, demotion, or termination.
- v. **Adequate and Timely.** Such length of time as may fairly, properly, and reasonably be allowed or required, having regard to the nature of the act or duty, or of the subject matter, and to the attending circumstances.
- vi. **Administrative Investigation.** Investigation of a complaint that involves a formal statement by the focus officer.
- vii. **Chief.** The Chief of Police for the City of Minneapolis.
- viii. **Coaching Investigation.** An investigation of an A-level complaint conducted by the focus officer's supervisor that may lead to an oral reprimand (coaching session), policy violation, or additional training.
- ix. **Commission.** The Police Conduct Oversight Commission.
- x. **Complainant.** The person(s) submitting a signed complaint form.
- xi. **Complaint.** A signed, completed complaint form.
- xii. **Confidential Data.** Data which cannot be made public and is inaccessible to the individual subject of the data.
- xiii. **Day.** Monday through Sunday.
- xiv. **Director.** The director of the Minneapolis Department of Civil Rights.
- xv. **Director, Office of Police Conduct Review.** The civilian joint supervisor of the Office.
- xvi. **Dismissal – Cleared by Exception.** A joint supervisor dismissal of a complaint due to employee resignation, death, or other similar circumstances.

- xvii. **Dismissal – Duplicate.** – A dismissal that occurs when two complainants file complaints containing the same allegations.
- xviii. **Dismissal – Pending Further Investigation.** A dismissal that occurs when insufficient evidence currently exists to pursue a complaint but there is a likelihood that evidence may arise at a later date.
- xix. **Dismissal for Failing to State a Claim.** A joint supervisor dismissal of a complaint that does not contain allegations of misconduct.
- xx. **Dismissal for Failure to Cooperate.** A joint supervisor dismissal of a complaint when the complainant is unreachable, will not provide necessary evidence, or will not appear for formal interviews.
- xxi. **Dismissal for Lack of Jurisdiction.** A joint supervisor dismissal of a complaint that is not about a Minneapolis police officer, is against an unidentifiable officer, or a complaint that was filed over 270 days after the incident.
- xxii. **Dismissal for No Basis.** A joint supervisor dismissal of an allegation without sufficient evidence to either prove or disprove the complaint.
- xxiii. **Focus Officer.** The officer that is the subject of the complaint.
- xxiv. **Joint Supervisors.** The director of the Office of Police Conduct Review and the commander of the Internal Affairs Unit.
- xxv. **Mediation.** A session where the complainant(s) and focus officer(s) attempt to resolve the complaint through discussion with a trained, neutral mediator.
- xxvi. **Merit.** A recommendation to the Chief by the Police Conduct Review Panel indicating that a preponderance of the evidence supports an allegation in a complaint.
- xxvii. **No Merit.** A recommendation to the Chief by the Police Conduct Review Panel that a preponderance of the evidence does not support an allegation in a complaint.
- xxviii. **Office of Police Conduct Review (OPCR).** A joint office comprised of civilian staff from the Department of Civil Rights and sworn staff from the Internal Affairs Unit of the Minneapolis Police Department charged with receiving and resolving complaints of police misconduct.
- xxix. **Officer.** A sworn peace officer.
- xxx. **OPCR Civilian Unit.** The OPCR unit comprised of civilians employed by the Minneapolis Department of Civil rights.
- xxxi. **OPCR Sworn Unit.** The OPCR unit staffed by employees of the Minneapolis Police Department and administrative support staff.

- xxxii. **OPCR Website.** The OPCR website is located at:
  - a. <http://www.minneapolismn.gov/civilrights/policereview/index.htm>
- xxxiii. **Police Conduct Review Panel.** A panel comprised of appointed civilian representatives and sworn members of the Minneapolis Police Department (rank of lieutenant or higher) that reviews cases and issues recommendations to the Chief on the merits of allegations.
- xxxiv. **Policy and Procedure Manual.** The manual created for governing the operation of the Minneapolis Police Department.
- xxxv. **Preliminary Investigation.** Investigation of a complaint to determine if the complaint constitutes misconduct that does not involve participation by the focus officer.
- xxxvi. **Private Data.** Data that is not public and is accessible to the individual subject of that data.
- xxxvii. **Public Data.** Data which is accessible to the public.
- xxxviii. **Summary Data.** Data made available for audit by the Commission. The data will contain a description of the incident that is the subject of the complaint with all non-public information removed. The data will contain the corresponding Policy and Procedure Manual violations when applicable and contain information for all relevant stages of the complaint's lifecycle.

## **XII. Appendix 1: Complaint Filing Instructions for MPD Employees**

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# Accepting a Complaint – Supervisors



**Complaint Defined:** Any allegation of misconduct that potentially involves a Minneapolis Police Department (MPD) employee that is reported by any person including an MPD employee.

**Purpose:** This document is meant to serve as a guideline for those employees assigned to leadership positions.

**Scope:** All MPD employees who have obtained the rank of Sergeant or higher and are in a supervisory position shall following the steps outlined in this document.

All complaints filed by a private citizen and received by a MPD supervisor via email, mail, or in person, shall be forwarded to [policereview@minneapolismn.gov](mailto:policereview@minneapolismn.gov) or sent inter-office mail to the Office of Police Conduct Review (OPCR).

## **Any MPD Supervisor:**

### **Step 1: External - Citizen Complainant**

- A. **Provide** complainant the following 3 documents:
    - **Police Conduct Complaint Form (PCCF) AND**
    - **Business reply envelope AND**
    - **Yellow Complaint card**
  - B. **Explain** complaint filing options to complainant using the yellow complaint card (*see step 2 for details*)
  - C. **Complete** the OPCR Electronic Notification Form which can be found on the MPD Homepage under "Forms". This form is for **MPD employees only** and should not be confused with the online complaint form that is completed by the complainant.
  - D. **Determine** if the allegations of misconduct requires notification of the Watch Commander or Internal Affairs - *MPD Policy & Procedures 2-101*.
- **Note: MPD Employees are not required to investigate the complaint beyond the information that is provided to them by the complainant**

### **Step 1a: Internal - Employee Complainant**

- A. If the complainant is an MPD employee then the Supervisors will determine what classification the complaint falls into based on the allegations being reported.
  - 1) **Respect in the Workplace** – This type of complaint generally deals with allegations related to sexual harassment or ill treatment of others based on a protected class status. If the allegations being brought forth by the employee are of this nature then the supervisor shall contact the MPD Human Resource Generalist and the Lieutenant of Internal Affairs.
  - 2) **Policy & Procedure Violation** – This type of complaint could include generally recognized work rules as well as any infractions of the policy manual. If the allegations are of this nature then the supervisor should contact the Lieutenant of Internal Affairs.

## Step 2: Complaint filing options:

- A. **Complaint Form** - A Police Conduct Complaint Form (PCCF) can be completed with as much information as the complainant is willing to provide. Complainant is not required to provide any specific information to make a complaint. Complaints can be made anonymously.
- 1) Complaints can be mailed directly to the Office of Police Conduct Review (OPCR) in the pre-paid postage envelope
  - 2) If complainant requests the MPD employee to mail the form for them, the MPD employee will mail the completed PCCF to the OPCR via inter-office mail *before the end of their shift*.
  - 3) MPD employees shall not complete a complaint form on behalf of another person. If a complainant is unable to complete the form the MPD employee should document the reason or circumstances on the electronic notification form (listed under **Step 2 (c)**).
- B. **On-Line Electronic Complaint Form** - The On-line Electronic Complaint Form can be used as an alternative to filling out a paper Police Conduct Complaint Form (PCCF). MPD employees shall advise the complainant that the electronic complaint form is located on both the OPCR and MPD websites.
- **Note: The online complaint form is not the same as the Electronic Notification Form. The online complaint form should only be completed by the complainant and the Electronic Notification form should be completed by MPD employees.**
- C. **Appointment** - A complainant can call the OPCR at 612-673-5500 or Internal Affairs Unit (IAU) at 612-673-3074 to make an appointment to file a complaint during regular business hours (9:00 AM – 4:00 PM)
- D. **In-Person** - A complaint can be filed in person at the OPCR (350 South 5<sup>th</sup> Street, Room 239) or IAU (350 South 5<sup>th</sup> Street, Room 112) where they can also speak with an investigator during regular business hours (9:00 AM – 4:00 PM)
- **Note: Documents can be accessed through the Intranet, via Squad MDC and are kept on file at each police precinct. Complaint forms are available in English and other translated languages and can be printed from both the OPCR and MPD websites. Forms should be printed if complainant requests a hard copy**

# Accepting a Complaint – Patrol Operations



**Complaint Defined:** Any allegation of misconduct that potentially involves a Minneapolis Police Department (MPD) employee that is reported by any person including an MPD employee.

**Purpose:** This document is meant to serve as a guideline for those employees assigned to patrol operations whose daily assignment primarily involves responding to 911 calls and/or working in the City of Minneapolis as a uniformed or non-uniformed police officer.

**Scope:** All MPD employees shall be familiar with the proper manner in which to handle a complaint. Employees shall be professional, courteous and when feasible, will provide assistance to anyone requesting to file a complaint regardless of where the incident may have occurred.

- At no time shall any employee, including supervisors, handle a complaint about themselves. Under these circumstances, the complainant shall be immediately referred to the employee's on-duty supervisor or another on-duty supervisor not involved in the incident if the complaint involves a supervisor
- All complaints filed by a private citizen and received by an MPD Employee via email, mail, or in person, shall be forwarded to [policereview@minneapolismn.gov](mailto:policereview@minneapolismn.gov) or sent inter-office mail to the Office of Police Conduct Review (OPCR).

## ***Any MPD employee assigned to patrol operations:***

### **Step 1: Ask the complainant if they would like to speak with a supervisor**

IF complainant wants to speak with a supervisor THEN the MPD employee will notify an on-duty supervisor (Sergeant and above) directly to determine whether a supervisor is available who can assist the complainant. If a supervisor is not available or the complainant does not wish to speak to a supervisor then proceed to **Step .2**

### **Step 2: Give the complainant a complaint packet containing 3 items:**

- A. **Provide** the complainant a MPD yellow Complaint Card with the name, badge or employee number of the employee assisting the complainant written on it
- B. **Explain** the general context of the Complaint Card and advise the complainant that they can go to any police precinct, the Office of Police Conduct Review or Internal Affairs for further information.
- C. **Document** when feasible. Employees may choose to complete the electronic complaint notification form as a way to document the interaction with a person who is making a complaint of alleged misconduct. This form can be found on the MPD Homepage under "Forms".

# Accepting a Complaint – Desk Officers & Investigative Units



**Complaint Defined:** Any allegation of misconduct that potentially involves a Minneapolis Police Department (MPD) employee that is reported by any person including an MPD employee.

**Purpose:** This document is meant to serve as a guideline for those employees assigned to work at a Precinct Desk position or those assigned to investigations.

- During the hours of **8:00am – 4:00pm**, employees assigned to an investigative unit within City Hall may refer a Complainant to the Internal Affairs Unit or the Office of Police Conduct Review. If outside these hours then the steps outlined in this document should be followed.

**Scope:** All MPD employees shall be familiar with the proper manner in which to handle a complaint. Employees shall be professional, courteous and will provide assistance to anyone requesting to file a complaint regardless of where the incident may have occurred.

- At no time shall any employee, including supervisors, handle a complaint about themselves. Under these circumstances, the complainant shall be immediately referred to the employee's on-duty supervisor or another on-duty supervisor not involved in the incident if the complaint involves a supervisor
- All complaints filed by a private citizen and received by an MPD Employee via email, mail, or in person, shall be forwarded to [policereview@minneapolismn.gov](mailto:policereview@minneapolismn.gov) or sent inter-office mail to the Office of Police Conduct Review (OPCR).

## **Any MPD employee accepting a complaint shall:**

### **Step 1: Ask the complainant if they would like to speak with a supervisor**

IF complainant wants to speak with a supervisor THEN the MPD employee will notify an on-duty supervisor (Sergeant and above) directly to determine whether a supervisor is available who can assist the complainant. If a supervisor is not available or the complainant does not wish to speak to a supervisor then proceed to **Step .2**

### **Step 2: Give the complainant a complaint packet containing 3 items:**

- A. **Provide** complainant the following 3 documents:
  - **Police Conduct Complaint Form (PCCF)**, or a translated PCCF if needed
  - **Yellow business reply envelope.**
  - **MPD yellow Complaint Card** with the **name, badge or employee number of the employee assisting the complainant** written on it
- B. **Explain** complaint filing options to complainant (*see step 3 for details*)
- C. **Complete** the **OPCR Electronic Notification Form** which can be found on the MPD Homepage under "Forms". This form is for **MPD employees only** and should not be confused with the online complaint form that is completed by the complainant.
- D. **Notify** a supervisor and advise them of the complaint and any actions taken



### Step 3: Complaint filing options:

- A. **Complaint Form** - A Police Conduct Complaint Form (PCCF) can be completed with as much information as the complainant is willing to provide. Complainant is not required to provide any specific information to make a complaint. Complaints can be made anonymously.
- 1) Complaints can be mailed directly to the Office of Police Conduct Review (OPCR) in the pre-paid postage envelope
  - 2) If complainant requests the MPD employee to mail the form for them, the MPD employee will mail the completed PCCF to the OPCR via inter-office mail *before the end of their shift*.
  - 3) MPD employees shall not complete a complaint form on behalf of another person. If a complainant is unable to complete the form the MPD employee should document the reason or circumstances on the electronic notification form (listed under **Step 2 (c)**).
- B. **On-Line Electronic Complaint Form** - The On-line Electronic Complaint Form can be used as an alternative to filling out a paper Police Conduct Complaint Form (PCCF). MPD employees shall advise the complainant that the electronic complaint form is located on both the OPCR and MPD websites.
- **Note: The online complaint form is not the same as the Electronic Notification Form. The online complaint form should only be completed by the complainant and the Electronic Notification form should be completed by MPD employees.**
- C. **Appointment** - A complainant can call the OPCR at 612-673-5500 or Internal Affairs Unit (IAU) at 612-673-3074 to make an appointment to file a complaint during regular business hours (9:00 AM – 4:00 PM)
- D. **In-Person** - A complaint can be filed in person at the OPCR (350 South 5<sup>th</sup> Street, Room 239) or IAU (350 South 5<sup>th</sup> Street, Room 112) where they can also speak with an investigator during regular business hours (9:00 AM – 4:00 PM)
- **Note: Documents can be accessed through the Intranet, via Squad MDC and are kept on file at each police precinct. Complaint forms are available in English and other translated languages and can be printed from both the OPCR and MPD websites. Forms should be printed if complainant requests a hard copy**



# OFFICE OF POLICE CONDUCT REVIEW

## OPCR Investigations Standard Operating Procedure

### Abstract

This manual describes the process the Office of Police Conduct Review (OPCR) uses to resolve complaints of police misconduct.

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## Contents

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Introduction .....	2
Intake Investigation Process and Procedure .....	3
Administrative Investigation Process (Case Investigators) .....	12
Appendix A: OPCR Information Location Tab Procedure.....	20
Appendix B: Sample Complainant Interview .....	23
Appendix C: Sample Closing Complainant Letter.....	24
Appendix D: Q&A Statement of Complaint/Witness .....	25
Appendix E: Ordering Transcripts through Rev.com .....	26
Appendix F: Sample Complainant Transcript Email.....	28
Appendix G: Officer Notification Letter .....	29
Appendix H: Sample Focus Officer Interview Rescheduling Email.....	30
Appendix I: Sample Witness Officer Notification Email.....	31
Appendix J: Sample Witness Officer Notification Letter .....	32
Appendix K: Sample Officer Leave Verification Email.....	33
Appendix L: Officer Leave Verification Letter .....	34
Appendix M: Officer Leave Letter.....	35
Appendix N: Sample Investigative Layout.....	36

## Introduction

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### Process Manual

- This manual describes the process the Office of Police Conduct Review (OPCR) uses to resolve complaints of police misconduct.

### About the OPCR

- The OPCR is a neutral agency that investigates allegations of police misconduct by sworn officers of the Minneapolis Police Department (MPD).
- The OPCR is a joint office comprised of personnel from the Minneapolis Department of Civil Rights and the MPD Internal Affairs Unit. There are two OPCR units, the civilian unit and sworn unit.

### Mission Statement

- The Office of Police Conduct Review promotes adherence to the highest standard of police conduct and fosters mutual respect between the Minneapolis Police Department and the community it serves by fairly, objectively, and neutrally investigating complaints that allege misconduct by Minneapolis Police officers.
- The OPCR and MPD will work together to promote public safety, preserve the public trust, and maintain employee engagement and morale.

### Procedural Discretion and Decision making:

- Any procedural issue related to the duties and authority of the office not covered by this manual will be left to the discretion of the joint supervisors. When supervisory staff from the civilian unit and the internal affairs unit are unable to reach agreement upon such issues, they will be referred to the director of civil rights and the chief of police, who will jointly determine the matter. In the event the director and the chief are unable to resolve the issue, a designee of the mayor may mediate, and if necessary, resolve, the issue.

### Compliance with the Minnesota Government Data Practices Act

- All data received, created, and maintained will be handled in accordance with the Minnesota Government Data Practices Act.

### Jurisdiction

- OPCR receives and resolves all complaints against sworn members of the MPD alleging a violation of the Police Conduct Oversight Ordinance § 172.20.
- All complaints or allegations of misconduct are reviewed by OPCR to determine jurisdiction regardless of their source. The OPCR will refer complaints against civilian employees of the Minneapolis Police 4
- Department, complaints involving human resources issues, and allegations that require a criminal investigation to the Internal Affairs Unit.



## Intake Investigation Process and Procedure

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Intake Investigators will locate all readily accessible evidence during the initial investigation and prepare the complaint for review by the Joint Supervisors. The Joint Supervisors consist of the Commander of Internal Affairs (IA) and the Director of the Office of Police Conduct Review (OPCR). Note: this information is currently contained in Practice Manager (PM) and videos are uploaded to the shared M drive.

### Step 1: Assigning Entities

Entities are the primary individuals assigned to and involved with the case. This may include the complainant, intake investigator, focus officer(s), administrative staff, video analysts, and other authorized administrators. Assignment of entities helps to keep complaints organized within Practice Manager and allows for users to search by entity name for related cases and contact information. Note: Investigators do not need to assign the JTS supervisors to each case.

#### Navigation:

- A. When assigning entities
  - a. Open the case within Practice Manager
  - b. Open the "Entities" tab
  - c. Press the "Assign" button in the lower left corner
  - d. Enter existing individual or create new profile
  - e. Intake investigators are responsible for assigning the following entities:
    - i. Intake investigator (themselves)
    - ii. Focus officer(s) (when applicable)
      1. Only officers listed on the final 3401 should be listed as focus officers
      2. If the officer is unknown, assign them under code "9999, Unknown, Unknown"
    - iii. Witness officers (when applicable)
    - iv. Complainant (if not already assigned)

In some instances, matters may be duplicates of other matter numbers or they may be related to the same complaint or incident. If the investigator determines that a matter is a duplicate or related to another matter, they must "relate" it within the case file. This helps to ensure that files are being appropriately organized, investigated, and closed.

- B. Relating Matters in PM
  - a. Go to the "General" tab within the file
  - b. Go to the "Related Matters" sub-tab
  - c. Click "Assign" in the lower left corner
  - d. Double click on "Client Matter No." and type in the related matter number
  - e. Select "Related" for relation status

- f. Save

### Step 2: Named Officers, Jurisdiction and Employment Status

Investigators may use Workforce Director located within the Minneapolis Police Department's intranet to verify the employment status, as well as precinct and shift assignment, of MPD officers. The employment status of an officer may critically impact the investigatory process and disposition for complaints.

Workforce Director is also useful in determining which officers were assigned to what precinct or shift if an officer was not listed in the complaint.

#### Navigation:

- A. Visit the MPD Intranet: <http://wcms/intranet/mpd/index.htm>
- B. On the right-hand side, click on "Workforce Directory" and login
- C. Verify employment status
  - a. Use the "Roster Member Profile" section to search officers by name or badge number to determine status
- D. Check schedule
  - a. Under the "Main" tab select "Time and Schedule" then select "Schedule"
  - b. Check the box for "Show all units"
  - c. Select precinct and shift information

### Step 3: Managing Documents

For each case, there will be a complaint document uploaded into the PM file. The investigator should read the complaint thoroughly and completely to understand the nature of the complaint and to determine if there is an allegation of police misconduct and verify if OPCR has jurisdiction. Additionally, the investigator should review any further attachments (pictures, video, audio clips, emails, etc.) that may have been received to gain further context.

If the intake investigator makes additional contact with the complainant by phone, email, or in-person, they will write an intake note in the "Notes" tab of PM documenting the correspondence. Any emails exchanged should then be dragged from Outlook into the "Groupware" tab in PM.

#### Navigation:

- A. Go to "Documents" tab of the case file
- B. Locate complaint
  - a. If there is no complaint, reach out to the OPCR Program Assistant
  - b. Further documentation received from the complainant (pictures, videos, audio clips, correspondence, etc.) may also be in the "Documents" tab, if available
- C. In the "Notes" tab, check for any notes filed by other investigators, analysts, or administrators that may include notes on phone calls or further correspondence
  - a. If there has been correspondence between the investigator and the complainant, create a new note using to the following steps:
    - i. Click "New" in the lower left corner

- ii. Select "Standard Note"
- iii. Label as "Intake phone call" "Email exchange" or something to describe the nature of the exchange
- iv. Select "Intake" for the type
- v. Check the "Locked" box
- vi. Write a brief description of the exchange, including the date of the exchange
- vii. Click the clock icon to timestamp the note
- viii. Click "Save" in the lower right corner

\*For the "Documents" and "Notes" tab, on the left side of the screen under "Profile Date" select "All" at the top of the menu to show all related documents

Investigators are responsible for gathering all relevant and available documentation for each case. This includes the VisiNet dispatch log, PIMS report, and Body Worn Camera files. This may also include State Accident Reports and other legal documents depending on the specific case. Gathering media stories, pictures, civilian videos may also be included in an intake investigation.

#### Step 4: Obtaining, Storing and Documenting Relevant Information (VisiNet)\*

VisiNet dispatch log shows information including, but not limited to the following: Case control number, location information, involved officer names and badge numbers, associated squad numbers, and dispatch notes and timestamps. Within the VisiNet site, users can also access AVL (Automatic Vehicle Location) data and generate reports for selected data.

#### Navigation:

- A. General VisiNet dispatch log retrieval
  - a. Go to VisiNet site (located in MPD Intranet)
  - b. Under the "Search" tab, select "Incidents (Advanced)"
  - c. Enter all available information such as date, address, city, and case control number and click enter on keyboard
  - d. Review the generated list of cases by scrolling down
  - e. To open a VisiNet report, click on the associated CCN on the left side of the screen
  - f. Verify that it is the appropriate report
  - g. To download, right click on the open report and select "Adobe Acrobat" then "Convert Web Page to Adobe PDF"
  - h. Save within case folder on the M Drive as "PM# VisiNet." Upload file to associated PM file.
- B. Search for AVL Data
  - a. Under the "Search" tab, select "Unit Activity"
  - b. Check box for "Include AVL Data"
  - c. Enter date(s) for search
  - d. Enter squad number
  - e. Click enter on keyboard



- f. \*Assigned squad numbers may differ from what is shown on Workforce Director. Another way to check an officer's squad assignment is to watch their BWC startup for that shift, in which they may mention the squad number.

#### Step 5: Updating General & OPCR tabs in PM

Each case within Practice Manager will have a tab labeled "OPCR Information." This provides anyone who views the case to see information pertaining to various disposition details including status and outcomes, investigator preference, and location information. Investigators are responsible for updating the location tab with the information gathered from the related VisiNet report.

##### Navigation:

- A. Open case in PM
- B. Go to "OPCR Information" tab
- C. Under the "Complaint" tab select the investigator preference if not already selected
  - a. This information can be found toward the bottom of the complaint form
  - b. If nothing is selected on the form, select "No preference"
- D. Go to "Location" tab
- E. Enter the following information (if available):
  - a. Location name
  - b. Address (Street number, street, type, direction, apartment number)
  - c. City
  - d. Postal code
  - e. Cross street
  - f. Precinct
  - g. Jurisdiction of complaint
  - h. Latitude
  - i. Longitude

Please see [OPCR Information Location Tab Procedure](#) for tips on entering location information.

#### Step 6: Body Worn Camera Search, Retrieval and Analysis

BWC is utilized to establish how the events described in a complaint may or may not have occurred, and which officer(s) were involved in the alleged misconduct. BWC analysis provides context for the actions taken in the incident(s) involved in a complaint, shows which officer(s) were involved in the alleged misconduct, and may illuminate additional acts of misconduct not described in the complaint. Initial BWC review by the BWC Analyst minimizes rework for Intake and Case Investigators by highlighting which BWC video(s) are relevant to the complaint and providing timestamps for events of interest.

##### Navigation:

- A. Open evidence.com
- B. Enter the CCN into the "ID" field. This brings up all BWC video labeled with this CCN.

- a. If video(s) appear to be missing, it is possible that BWC for officer(s) was not labeled correctly.
  - i. Search under the officer's name(s) and/or badge number(s) in the "User or Group" field on the relevant date(s) to see if there is BWC at/around the time of the incident.
  - ii. BWC should be uploaded at the end of an officer's shift. If there is no BWC for an officer, it is possible that BWC was not uploaded in a timely manner. Check again in a day or two if the complaint was made shortly after an incident occurred.
- C. When the CCN is unknown, BWC can be located using the officer's name/badge number
  - a. Search under the officer's name(s) and/or badge number(s) in the "User or Group" field on the relevant date(s) to see if there is BWC at/around the time of the incident.
- D. When the CCN and officer(s) are unknown, BWC can be located using the Evidence Map
  - a. Select "Evidence Map"
  - b. Enter an address into the "Location" bar or navigate using the map on the right.
  - c. Click "Advanced Search" to enter information such as the date and time to help narrow down the search.
  - d. BWC within the search parameters will appear on the map and in a list below
- E. The BWC Analyst views all BWC video in its entirety.
  - a. Focus on actions and words that are pertinent to the complaint. BWC may capture additional context for the complaint and/or misconduct that was not described in the complaint.
  - b. Note the timestamps of pertinent and crucial events in the BWC, if any.
    - i. Example: If the officer spends time driving to the call and locating the complainant, note that interaction with the complainant begins at [XX:XX] on the Axon timestamp on the upper right corner of the viewing screen of the officer's BWC.
    - ii. Timestamps should reflect the time elapsed on BWC, not the actual time of day.
- F. The BWC Analyst creates a "BWC Review" or "No BWC" note in PM.
  - a. A BWC Review note is added when there is relevant BWC. The note should include a comprehensive analysis of what the BWC contains, as well as timestamps of relevant moments. Choose "Body Camera Exists" in the dropdown.
  - b. A No BWC note is added when there is no BWC available for the incident or concern described in the complaint. Choose "Body Camera DOES NOT exist" in the dropdown.
- G. The BWC Analyst downloads all BWC for the incident(s) to the M: Drive
  - a. On evidence.com, select all videos, then click the "..." in the upper right corner and choose Download.
  - b. Create a new folder titled "[OPCR Case Number] [Complainant's Name]" in the M: Drive
    - i. M: > City Common > Police Review > 1. Complaints > 202X Files
  - c. Copy the files in the downloaded zip file and paste them into the new folder
    - i. NOTE: Uploading files onto the M: Drive takes much longer on the VPN.
  - d. Once on the M: Drive, rename the files to this format:
    - i. [OPCR Case #] BWC Officer [Last Name] videos. Windows will automatically add a number to these and/or a note briefly describing the video such as (arrest) or (transport) can be added

- e. If there are photos from evidence.com, create a subfolder within the BWC folder called "Photos" and move them.
- f. If there are BWC videos from the incident that are not relevant, such as videos of officers driving to a complaint, then departing immediately, create a
- H. The BWC Analyst clicks the "BWC Reviewed" box on the OPCR Information tab of PM for tracking purposes.
- I. The Intake Investigator views BWC video on the M: Drive and/or evidence.com, using the BWC Review note in PM as a guide for which videos/which portions of videos are relevant to the Intake Investigation.

### Step 7: PIMS Reports

The PIMS report is a written account of a police incident which contains information including public and non-public narratives written by officer(s) which provide their account and opinion of events, use of force review, and additional pertinent documents including warrants and arrest records. PIMS is also useful with identifying individuals and locating any CCN's associated with that individual.

#### Navigation:

- A. Choose Query from the main menu
- B. To search by CCN:
  - a. Choose the EVENT tab, then GENERAL OFFENSE REPORT
  - b. Choose the year
  - c. Enter the CCN, minus the year into Case Number (example: 21-145637 is entered as 145367)
  - d. Press Enter
- C. To search by Name:
  - a. On the main page, click on the Query button listed under General.
  - b. Select the Person tab and verify that the Search by Name subtab is highlighted.
  - c. Enter the individual's information and click search.
  - d. Once you find the correct individual, click on the person's name. Once the individual's profile is uploaded, click Preview at the top of the page to view the entire individual profile.
    - i. Note: if the investigator wants to view the entire record, the preview must have the "Adobe PDF with Attachments" section highlighted.
- D. View the PIMS Report by clicking Preview
  - a. Check Adobe PDF with Attachments
- E. Review the PIMS report for relevant information, including accurate documentation and BWC/MVR activation. Read through the policy(ies) associated with the complaint/incident and determine if the incident was handled appropriately according to Policy & Procedure.
- F. Download the PDF and add to the PM case
  - a. Drag and drop the file into PM and follow the prompts

### Step 8: Policy & Procedure Manual

The Minneapolis Police Department Policy and Procedure Manual can be located on their public website. Web address: <https://www.minneapolismn.gov/government/departments/police/mpd-policy-procedure-manual/policy-manual/>

The MPD Policy & Procedure Manual contains the policies, procedures, and rules that MPD employees shall follow while performing their duties. OPCR utilizes the MPD Policy & procedure Manual as a reference document and guide when investigating complaints of misconduct, determining appropriate complaint allegations.

It's important to remember that the investigator must use the Policy and Procedure Manual that was in effect at the time of the alleged complaint. For example, if the alleged violation occurred in June 2021, the investigator must use the policy that was available in June of 2021.

Navigation:

- A. Sections of the MPD Policy & Procedure Manual are listed numerically. If you know the section that you are searching for by name or number, use CTRL+F to search.

#### Step 9: Drafting the 3401 – Focus Officers, Policy, Jurisdiction, Date, Time, Location

The 3401 is the form used to consolidate and present a complaint and initial findings to the Joint Supervisors. The completed 3401 serves as a record which acknowledges receipt of a complaint and indicates the Joint Supervisor's decision and case routing.

Navigation: If entered in Practice Manager correctly, much of the data in the 3401 will auto populate when the form is created. Intake investigators need to verify all fields for accuracy.

- A. From Documents Tab click "New"
- B. Select Outgoing and click "Ok"
- C. Select the following from drop downs:
  - a. Author: user
  - b. Category: Intake
  - c. Type: 3401
  - d. Index: Tab from type and this field, along with Description will auto populate.
- D. Click Generate Doc

Once the 3401 is generated, Intake investigators will fill in any additional location data, identify the jurisdiction and category, add the Focus Officer(s) and the relevant allegations. In citing Policy and Procedure, best practice includes listing specific policy (Section, subsection etc.) when the alleged misconduct is in clear violation of that policy. In more complex circumstances, citing the policy section should suffice.

Examples:

*MPD P&P § 4-223(IV)(6)(a) Body Worn Camera- Activation Required*

Could be used when an officer clearly failed to activate their BWC as required by policy.

### *MPD P&P § 5-300 Use of Force*

Could be used when there are multiple violations of the same section, and more information is needed to determine the specifics.

### Step 10: The 3401 -- Case Summary

The case summary is a concise, objective overview of the allegations of misconduct contained within the initial complaint.

Navigation: The case summary should include language that makes it clear how a policy and/or procedure may have been violated but should not contain an investigator's opinion or bias or identifying information about the officer or the complainant.

Good Example: It is alleged that an officer was disrespectful and unprofessional when they used profane language while giving instructions to a civilian.

Bad Example: It is alleged that an officer yelled and screamed bad words when she was talking to the complainant.

Best practice includes using verbatim language or specific words from the Minneapolis Police Department's Policy and Procedure manual.

### Step 11: Annotations Tab

The Annotations Tab is used frequently throughout the investigation process. At intake, Officers and Allegations are entered and that information is then added to a Focus Officer's blue card. At the completion of an investigation, administrative and/or sworn staff will enter the disposition of the case. A vast majority of the data used in OPCR's internal and external reporting comes from the annotations within cases. **It is imperative that information in the Annotations Tab be entered in a timely and accurate manner.**

Navigation: Once the intake portion of the investigation is complete and Focus Officer(s) and policies have been identified, the Annotation Tab should be completed. Note: Focus Officer(s) will have to be added as entities to complete Annotations.

- A. From the General Tab click Annotations
- B. Click New
- C. Select appropriate OPCR Allegation Type (Should be consistent with Jurisdiction on 3401)
- D. Select Focus of Complaint (the Officer)
- E. Complete the MP Policy#, Subsection (if applicable) and MPD Policy\Procedure fields
- F. Click Save

An annotation for each Focus Officer and each alleged policy violation must be entered. Repeat steps A-F above as needed.

### Step 12: Presenting to JTS, Supervisor Assessment and Signatures

Joint Supervisors meeting is the designated time where OPCR staff present their new cases to the Commander of Internal Affairs and the Director of OPCR or their designees. During this meeting, Intake investigators will summarize the events that led to a complaint being made and answer any preliminary questions JTS have about the early-stage investigation.

After any necessary discussion and at the direction of the Joint Supervisors, Intake Investigators will complete the Supervisor Assessment portion of the 3401 before delivering it to JTS for signing. Once the 3401 is signed, it cannot be amended in any manner without direction and agreement from both Joint Supervisors. It is the responsibility of the Intake Investigator to ensure the 3401 and the Annotations Tab in PM reflect the decision of the Joint Supervisors.

## Administrative Investigation Process (Case Investigators)

When a case is initially assigned to investigation, (after Joint Supervisor review) a case will be assigned to either a civilian or sworn investigator. This decision is based on the complainant's preference as well as the nature of the complaint. The same investigative process occurs regardless of whether a sworn or civilian investigator is assigned to investigate the complaint. Cases will be completed within a timeline established by the Joint Supervisors. Please note that extenuating circumstances may prevent compliance with established timelines.

### There are two types of Investigations:

#### Preliminary Investigation:

- A. Preliminary Investigations may consist of formal interviews with the Complainant and all parties as well as gathering all relevant evidence associated with the case.
- B. In cases where the investigator believes dismissal, mediation, or coaching should occur after the preliminary investigation, the investigator will prepare the case for discussion with the Joint Supervisors. A written report may be submitted when necessary.

#### Administrative Investigation:

- A. Administrative investigations include all work done in preliminary investigations as well as interviews with the focus officer(s).
- B. At the conclusion of the administrative investigation, the investigator will draft the investigative report and the report (along with all data in the case file) will be sent to panel.

### Step 1: Case Review

Investigations begin with a thorough review of evidence from Practice Manager (PM) and shared drives. Investigators will read through documents including but not limited to:

- A. Complaint form
- B. 3401 documents created by intake investigators and approved by Joint Supervisors
- C. PM notes subtab (including notes from BWC analyst and intake staff)
- D. Body worn camera (BWC) video (found in M drive or Axon)
- E. Social media- including YouTube and Facebook if applicable
- F. Any video submitted by complainant or civilians
- G. News articles- may include news articles throughout the process of investigation
- H. VisiNet report(s)
- I. PIMS report(s)

### Step 2: Draft an investigation plan

Investigators shall identify additional evidence needed, and attempt to obtain evidence required to complete the report. New evidence may include but not limited to:

- A. Medical records
- B. Video evidence (i.e., civilian videos, surveillance video, city cameras)
- C. Witnesses
- D. Criminal or civil court action
- E. Courts transcripts

Identify interviewees and determine if they need to be interviewed:

- A. Complainant
- B. Witnesses
- C. Witness Officers
- D. Focus officer(s)- if an administrative investigation

### Step 3: Contact complainant/ civilian witness to schedule interview

Note: information typically found in complaint

- A. Call complainant and leave a voicemail with contact information. Document all call attempts in "Notes" tab in PM.
- B. If an email address is provided, send an email with your contact information and save a copy of your email in the "Groupware" tab in PM.
- C. If the complainant does not respond in a timely manner, send a certified mail via USPS to the complainant's home address. See [Appendix A: Sample Complainant Interview](#)
- D. Above steps should also be followed if the investigator attempts to contact a **CIVILIAN WITNESS**.
- E. Please Note: Always update "notes" tab after scheduling a call if a complainant doesn't answer or refuses to cooperate with an investigation in PM. If the investigator determines that a case will be classified as a "failure to cooperate," report your attempts to Joint Supervisors to confirm whether to send a final interview request or a closing letter. [Appendix B: Sample Complainant Closing Letter](#)

### Step 4: Booking an interview room

When looking for dates to interview the complainant or civilian witness, the investigator must also book an interview room.

- A. Conference rooms are in Civil Rights Room 239. The rooms are in the Outlook address book as follows:
  - a. **CR X CityHall 239 CivRts Intake (5)**
  - b. You must confirm the room is showing as available and then book by the appropriate investigator for the correct time.
- B. If there are no rooms available within the Civil Rights office, consider booking a room in the Public Services Building (PSB). The rooms are in the Outlook address book as follows:
  - a. **CR X PubServBld [room number] [people capacity]** – the X indicates that they are internal and intended for use by the department(s) that are in the area in which they are located.
  - b. **CR PubServBld [room number] [people capacity]** – no X indicates that they are available to reserve and use by any City staff.



**Step 5:** Draft complainant interview questions and identify key topics.

Note: drafting interview questions are a helpful guide to start the interview process but should not be considered an exhaustive list. Leave room for more open-ended questions and allow time for the interviewee to provide more information if necessary.

**Step 6:** Conduct a complainant interview

- A. Review a high-level explanation of the investigation process with complainant.
- B. Begin audio recording
- C. Read [Appendix C: Q&A Statement of Complaint/Witness](#) document.
- D. Follow “hourglass” questioning format, i.e. broad, narrow, broad. **Avoid leading questions!**
- E. Read final “Q&A Statement of Complainant/Witness” questions.
- F. After the interview is complete, stop recording.
- G. Immediately upload recordings to PM.

**Step 7:** Create an interview transcript

- A. Upload audio recording to rev.com for transcription. [Appendix D: Ordering Transcripts through Rev.com](#)
- B. Once transcript is received, email complainant a copy of the transcribed interview. [Appendix E: Sample Complainant Transcript Email](#)
- C. Remember to include a copy of your email in the “Groupware” tab in PM.
- D. Upload signed interview transcript to PM documents.

**Step 8:** INTERVIEWING A WITNESS MPD OFFICER (see below for alternate process for officers on leave)

Create interview notification letter for officer(s).

- A. Utilize template [Appendix J: Sample Witness Officer Notification Letter](#) to draft notification.
- B. Ascertain officer’s schedule in Workforce Director.
- C. Investigators shall attempt to schedule an officer interview during the officer’s regularly scheduled work hours.
  - a. If the officer works overnight (dog watch), schedule an interview within a reasonable time either before or after the officer’s shift, (i.e., officer works 2100-0700 hours attempt to schedule an interview at 1900 hours).
  - b. Make sure to schedule at least an hour out from their shift start time to allow for rollcall (if officer works 1630 – 0230 schedule the interview for 1800 hours).
  - c. If an interview must be scheduled outside of officer’s work hours, include “You have also been approved for a shift extension.” in the notification letter. Investigators must have pre-approval from IA to use overtime.
- D. Best practice is to schedule the interview at least one week from the date the notification letter is sent.
- E. If an officer needs to reschedule interview, work with them to find an alternate date, if possible.
  - a. Annotate call with officer in “notes” section of PM.
  - b. Email officer, Joint Supervisors, officer’s Inspector/Commander, and to memorialize the conversation between you and the officer regarding the date change.

**Step 9: Send Interview Notification Letter to witness officer(s).**

- A. E-mail [Appendix H: Sample Witness Officer Notification Email](#)
  - a. Send email "to" witness officer.
  - b. "cc" Joint Supervisors (OPCR Director, Commander and Lieutenant of MPD Internal Affairs), and inspector/commander of the witness officer's unit
    - Ascertain inspector/commander of focus officer's unit in Workforce Director unit structure tab
  - c. Send email with "high importance" designation and turn on received and read receipts. (Under Outlook options).
  - d. Attach interview notification letter to email.
- B. Send a hardcopy of interview notification letter to the witness officer(s). [Appendix I: Sample Witness Officer Notification Letter](#)
  - a. Print interview notification letter and place in an envelope for increased privacy.
  - b. Complete addressee and sender information on envelope.
  - c. Place envelope in an interoffice mail manila envelope (Ask administrative staff for extras)
  - d. Send interoffice mail envelope.
- C. Upload notification letter materials.
  - a. Upload copies of Officer Notification Letter to the "Documents" tab in PM.
  - b. Upload copies of sent email with Officer Notification Letter to the "Groupware" tab in PM.
  - c. Also upload all tracking documents, such as certified mail receipt/tracking number.

**Step 10: Interviewing a WITNESS officer**

- A. Begin audio recording
- B. Provide officer with Internal Investigation Warning for Employees under Investigation ([Tennessee Warning](#)). Allow the officer to read warning and sign.
  - a. Note: Investigator may sign as a witness to Tennessee warning if the officer does not have an attorney/union rep present.
- C. Read the [Q&A Statement/Witness MPD Officer](#) document.
- D. Follow "hourglass" questioning format (i.e., broad, narrow, broad). **Avoid leading questions!**
- E. Read final "Q&A Statement/Witness MPD Officer" questions.
- F. When the interview concludes, stop recording.
- G. Upload the recording and Tennessee warning to PM immediately.

**Step 11: Witness Officer Post-interview process**

- A. After each interview is completed, upload Officer's Tennessee warning into PM.
- B. Upload audio recording to PM.
- C. Send audio recording to [rev.com](http://rev.com) for transcription.
- D. Once the transcript is received, email the witness a copy of the transcribed interview.
  - a. If witness is an MPD officer, deliver a hardcopy of the transcript via interoffice mail.
- H. Once the final transcripts are approved by witness officer(s), upload the final interview transcripts to PM.

**Step 12: Interviewing A Focus Officer(s) -see below for alternate process for officers on leave**

Create Interview Notification Letter for focus officer(s).

- A. Utilize template [Appendix G: Officer Notification Letter](#) to draft notification.
- B. Ascertain officer's schedule in Workforce Director.
- C. Then schedule an interview during the officer's work hours.
  - a. If the officer works overnight (dog watch), schedule an interview within a reasonable time either before or after the officer's shift, (i.e., officer works 2100-0700 hours attempt to schedule an interview at 1900 hours).
  - b. Make sure to schedule at least an hour out from their shift start time to allow for rollcall (If officer works 1630 – 0230 schedule the interview for 1800 hours).
  - c. If an interview must be scheduled outside of officer's work hours, include "You have also been approved for a shift extension." in the notification letter. Investigators must have pre-approval from IA to use overtime.
- D. Best practice is to schedule the interview at least one week from the date the Officer Notification Letter is sent.
  - a. At a minimum, an officer must be given **three days'** notice (including weekend days) between the date the notification letter is sent and the date of the interview.
- E. The investigator must include the specific MPD P&P Manual policy violations in the Officer Notification Letter. A general summary of the allegations (including CCN and OPCR number) against the focus officer should also be cited in the letter.
  - a. Note: DO NOT include the complainant's name in the summary of allegations or anywhere in the Officer Notification Letter.

**Step 13:** Send interview notification letter to focus officer(s).

- A. Once the Officer Notification Letter is drafted, email a copy of the letter to the focus officer.
  - a. Send email "to" focus officer and "cc" the Joint Supervisors (OPCR Director, Investigations Manager, IA Commander, and Lieutenant of MPD Internal Affairs), and the officer's Inspector/Commander of focus officer's unit
    - Hint: The officer's Inspector/Commander of the focus officer's unit can be found in Workforce Director
  - b. Send email with "high importance" designation and turn on received and read receipts.
  - c. Attach interview notification letter to email.
    - NOTE \*\* If officer is on leave, also attach "Officer Leave Letter" from City Attorney's Office.
- B. Send hardcopy of interview notification letter to focus officer(s).
  - a. Print interview notification letter and place in envelope for increased privacy.
  - b. Complete addressee and sender information on envelope.
  - c. Place envelope in interoffice mail manila envelope.
  - d. Send interoffice mail envelope.
    - NOTE \*\* If officer is on leave but cleared for interview, contact internal affairs to obtain officer's home address so notification can be mailed to their home via certified mail.
  - e. Make sure to schedule at least an hour out from their shift start time to allow for rollcall. (If officer works 1630 – 0230 schedule interview for 1800 hours).

- C. If an officer needs to reschedule their interview, work with them to find an alternate date, if possible.
  - a. If officer calls to reschedule, annotate all of your conversations with the officer in the "Notes" tab in PM.
  - b. Email officer, Joint Supervisors, officer's Inspector/Commander, and union representative representing officer (if known), to memorialize the conversation between you and the officer regarding the date change.
    - For example, "Per our conversation on DATE, you requested your OPCR interview scheduled for ORIGINAL DATE be rescheduled. Accordingly, your OPCR interview has been rescheduled for NEW DATE. Aside from the date and time change, all details in the original notification letter you were provided on DATE remain the same. Please call me with any questions."

**Step 14:** Upload notification letter materials to PM.

- A. Upload copies of officer notification letter to PM.
- B. Upload copies of the email thread with Officer Notification Letter to PM.

**Step 15:** Draft focus officer interview questions/key topics.

- A. Review evidence and complainant/witness statements while drafting questions for the focus officer interviews.

**Step 16:** Conducting focus officer interviews.

- A. Begin audio recording
- B. Provide officer with Internal Investigation Warning for Employees under Investigation ([Tennessee Warning](#)) and allow the officer to read warning and sign.
  - a. The investigator may sign as a witness to the Tennessee warning if the officer does not have an attorney/union rep present at the interview.
- C. Read "Q&A Statement/Witness MPD Officer" document.
- D. Follow "hourglass" questioning format, i.e. broad, narrow, broad. Avoid leading questions.
- E. Read final "Q&A Statement/Witness MPD Officer" questions.
- F. When the interview concludes, stop recording.

**Step 17:** Post-Interview process.

- A. Upload the signed Officer's Tennessee warning into PM.
- B. Upload audio recording to PM.
- C. Send audio recording to rev.com for transcription.

**Step 18:** Send transcript for interview

- A. Once transcription is received, email officer a copy of the transcribed interview.
- B. Deliver hardcopy of the transcript via interoffice mail.
- C. Upload interview transcript to PM.

### Interviewing An Officer(s) On Leave

- A. **Verify officer's leave status:**
  - a. Email MPD HR with JTS and Assistant City Attorney cc'd to confirm whether what officer's leave status is/whether they are on statutorily protected leave. [Appendix J: Sample Officer Leave Verification Email](#)
    - i. Attach completed officer leave verification form to email. [Appendix K: Officer Leave Verification Letter](#)
    - ii. Ensure delivered, read, and high importance options are selected in outlook.
  - b. Once HR responds with the officer's leave status, the Assistant City Attorney will confirm whether the officer is on statutorily-protected leave/whether they can be interviewed.
- B. **Create interview notification letter for officer(s).**
  - a. Utilize template [Appendix F: Officer Notification Letter](#) to draft notification.
  - b. Best practice is to schedule the interview at least one week from the date the notification letter is sent.
  - c. If an officer needs to reschedule interview, work with them to find an alternate date, if possible.
    - i. Annotate call with officer in "notes" section of PM.
    - ii. Email officer, Joint Supervisors, officer's Inspector/Commander, and union representative representing officer (if known), to memorialize the conversation between you and the officer regarding the date change. [Appendix G: Sample Focus Officer Interview Rescheduling Email](#)

### Send Interview Notification Letter

- A. E-mail interview notification letter to witness officer.
  - a. Send email "to" witness officer.
  - b. "cc" Joint Supervisors (OPCR Director, Commander and lieutenant of MPD Internal Affairs), and inspector/commander of the witness officer's unit
    - i. Ascertain inspector/commander of focus officer's unit in Workforce Director unit structure tab
  - c. Send email with "high importance" designation and turn on received and read receipts. (Under Outlook options).
  - d. Attach interview notification letter to email.
  - e. Also attach [Appendix L: Officer Leave Letter](#) from City Attorney's Office.
- B. Send a hardcopy of interview notification letter to the witness officer(s).
  - a. Contact Internal Affairs to obtain the officer's home address so notification may be mailed to their home via certified mail.
  - b. Print interview notification letter and place in an envelope for increased privacy.
  - c. Complete addressee and sender information on envelope.
  - d. Send letter via certified mail and retain the receipts.
- C. Upload notification materials.
  - a. Upload copies of Officer Notification Letter to the "Documents" tab in PM.
  - b. Upload copies of sent email with Officer Notification Letter to the "Groupware" tab in PM.

- c. Also upload all tracking documents, such as certified mail receipt/tracking number.

Interviewing the witness or focus officer on leave is the same process as interviewing an officer who is not on leave, so refer to previous sections for interviewing process.

#### Post-Interview process.

- A. Upload Officer's Tennesen warning into PM.
- B. Upload audio recording to PM.
- C. Send audio recording to rev.com for transcription.

#### Send transcript for interview.

- A. Once transcription is received, email the officer a copy of the transcribed interview.
- B. Contact internal affairs to deliver a hardcopy of the transcript via certified mail to the officer's home address.
  - o Retain receipts for certified mail and upload receipts to PM.
- C. Upload approved interview transcript to PM.

#### Step 19: Concluding the Investigation

Review evidence and ascertain whether the investigation has concluded.

#### Step 20: Draft Investigative Report

- A. Annotate "draft" on report with watermark.
- B. Investigative template found in [Appendix M: Sample Investigative Layout](#)

#### Step 21: Share Draft Investigative Report to Joint Supervisors and MCAO Attorney

Email draft report to Joint Supervisors and Assistant City Attorney. Upload a copy of the report to SharePoint and include a link for the supervisors and MCAO Attorney to review and comment. Once all parties have reviewed the report, make necessary changes, and upload the report to PM and label it "(PM number) Investigative Report- FINAL."

When creating the final report.

- A. Remove "draft" watermark from the report and incorporate all suggested edits.
- B. Save document as final report.
- C. Upload final report to PM.

#### Step 22: Ensure That All Documents Are Uploaded into PM.

- Ensure you have uploaded all case documents to PM (look through your personal documents and personal drive).

#### Step 23: Create Investigative Binder for Review Panel.

- Print all documents found in the PM case, including the final investigative report, PM notes, and Groupware emails. Add them to the investigative binder.
- Create and include table of contents for binder.

**Step 24:** Give Investigative Binder to OPCR Admin And Notify OPCR Director That It Is Ready For Panel.

**Step 25:** Change Investigation Status To "JTS Review" In The "General Tab" In PM.

## Appendix A: OPCR Information Location Tab Procedure

Entering information into Practice Manager accurately and adhering to the format of the program helps to ensure that the many data portals, maps, and reports that are pulled from Practice Manager accurately reflect our work. Although we receive information from complainants in a variety of formats, this guide provides the format required by Practice Manager. In addition to the step-by-step guide, examples are included afterward to illustrate how the information will appear in Practice Manager.

- 1. Location Name**

Information not otherwise captured by the address of the location that may be useful, such as a business name. If not available, leave blank.

Example: Cowboy Jack's

- 2. Street Number**

The number of the street address, if available. If not available, leave blank.

Example: 5000 Penn Ave S

- 3. Street**

The name of the street. If using cross streets, the name of one of the streets. If the street name is a number, you can just list the number-- "4" instead of "4th." This is consistent with how addresses are listed in VisiNet.

Example: 5000 Penn Ave S

- 4. Type**

How the street is designated in the address, such as street, avenue, road, or boulevard.

Example: 5000 Penn Ave S

- 5. Direction**

The direction listed in the street address, if any.

Example: 5000 Penn Ave S

- 6. Apt. No.**

The apartment or unit number, if any. Enter only the number.

- 7. City**

The city listed in the complaint.

- 8. Postal Code of Complaint**

The zip code of the address or cross street listed in the complaint. This can be found in the Visinet report. If a Visinet report is unavailable, you can determine the zip code of an address using Google Maps.

- 9. Cross Street**

The name of the cross street only.

**10. Type**

How the street is designated in the address, such as street, avenue, road, or boulevard. There is no option to list a direction for a cross street. It's fine.

**11. Incident Precinct**

The precinct where the address is listed. This can be found on the Visinet report. If a Visinet report is unavailable, you can determine the precinct using the Police Precinct Map on the City of Minneapolis website: <https://www.minneapolismn.gov/resident-services/public-safety/prevent-prepare/crime-prevention/crime-alert-signup-map/>

**12. Jurisdiction of Complaint**

City of Minneapolis for all complaints that are not out of jurisdiction

**13. Latitude**

Latitude can be found on the VisiNet Report or by searching the location on Google Maps and right clicking the location. When entering the latitude, you must include the decimal point.

Example: 44.912275

**14. Longitude**

Longitude can be found on the VisiNet Report or by searching the location on Google Maps and right clicking the location. When entering the longitude, you must include the decimal point and "-".

Example: -93.309155

**Note:** VisiNet lists latitude and longitude to six digits after the decimal point. Google Maps lists latitude and longitude to five digits after the decimal point. It's fine.

**Example 1: Street Address**



Complaint | Coaching | Chief | Location | Mediation | Review Panel |

Incident Location Information

Location Name

Street Number    Street    Type    Direction    Apt. No.  
               

City    Postal Code of Complaint  
   

Cross Street    Type  
   

Incident Precinct    Jurisdiction of Complaint  
   

Latitude    Longitude    Direction  
       

PIN    APN  
   

Example 2: Cross Street

Complaint | Coaching | Chief | Location | Mediation | Review Panel

Incident Location Information

Location Name

Street Number    Street    Type    Direction    Apt. No.  
    6    ST    S   

City    Postal Code of Complaint  
Minneapolis    55415

Cross Street    Type  
Chicago    AVE

Incident Precinct    Jurisdiction of Complaint  
1    City of Minneapolis

Latitude    Longitude    Direction  
44.97323    -93.26055   

PIN    APN

## Appendix B: Sample Complainant Interview

To: Complainant Email  
From: Investigator Email

SUBJECT: Re: **Date Interview with the Office of Police Conduct Review**

Hi **Complainant Name,**

Your interview with the Office of Police Conduct Review regarding the complaint you filed is scheduled for **DATE** at **TIME**. Your interview will take place in the Department of Civil Rights located in the Minneapolis City Hall. The address is 350 S. Fifth St. – Room 239 Minneapolis, MN 55415. You need a key card to enter Room 239, so you can give me a call at **PHONE NUMBER** when you are at the city hall main level, and I can come meet you on the main level and walk you up to the office.

Feel free to contact me at **INVESTIGATOR CONTACT INFO** if you have any questions or concerns.

Thank you,

**Investigator name and signature**

\*\*\*NOTE: Make sure read and delivered receipts are on. These selections are under options in outlook. Upload this email to PM.

## Appendix C: Sample Closing Complainant Letter

Month DD, YYYY

**RE: OPCR Case Number XX-XXXXX**

(Paragraph summary of complainant's allegations).

On DATE, Investigator \_\_\_ attempted to contact Complainant Name by telephone, and left voicemail messages regarding his/her/their complaint. Investigator \_\_\_ then sent a certified letter to Complainant Name on DATE, requesting him/her/they to contact Investigator \_\_\_ to schedule a date and time for his/her/their statement regarding his/her/their allegations. Complainant Name was asked to respond by DATE.

To date, Complainant Name has not contacted Investigator \_\_\_. Therefore, it is recommended this case be closed due to a failure to cooperate.

Investigator Name  
Contact Information  
Signature

## Appendix D: Q&A Statement of Complaint/Witness

### Q&A STATEMENT OF COMPLAINANT/WITNESS

This is a recorded statement of \_\_\_\_\_ on \_\_\_\_\_ at approximately \_\_\_\_\_ hours, in the Minneapolis Civil Rights Department, Room 239, being interviewed by Investigator [full name].

This is regarding OPCR case# \_\_\_\_.

1. What is your full name?
2. What is your present address and phone number?
3. What is your age and date of birth?

**You are being questioned as part of an official investigation into a complaint of police misconduct. The information you provide will be used in a fact finding process, as part of the total evidence, to determine if such misconduct occurred and for assessing whether disciplinary action should be taken.**

**The information you supply may also be used in a grievance hearing, arbitration, or other appeal procedure. Other parties outside the Minneapolis Civil Rights Department OPCR office may have access to the information you provide as part of the internal investigation.**

At this time I would like to ask you some questions concerning an incident that occurred on (Date & Time) at (location). Are you willing to tell me what you know about this matter?

Please tell me in your own words what you know about this incident?  
(Proceed with Questions)

Is there anything else that you would like to add to this statement that I have not asked you concerning this incident?

Is this a true and accurate statement?

That concludes this interview. The time is \_\_\_\_.

Revised 09/29/2014

## Appendix E: Ordering Transcripts through Rev.com

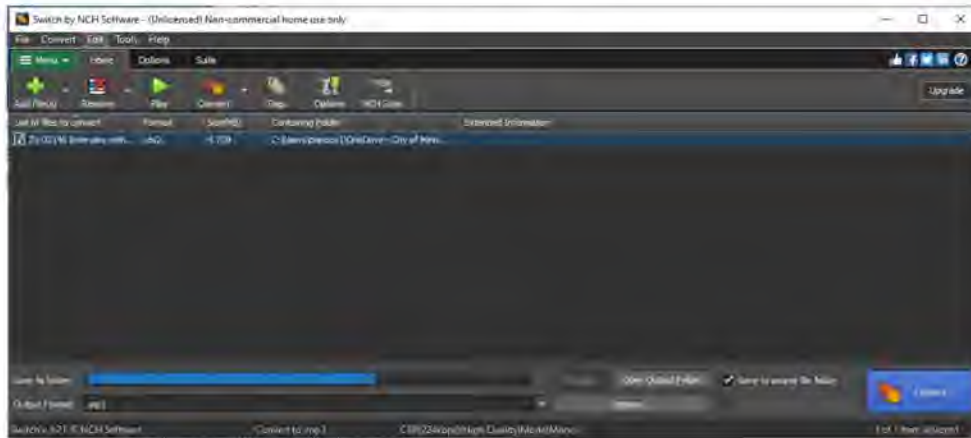
To order transcripts through Rev you must first be invited to join the OPCR team, contact Christopher Band or Andrew Hawkins to be invited to the team.

### Step 1: Convert Audio file to MP3

The audio files must be converted before being submitted for transcript (.DS2 files are not supported). To convert the files you will need Switch Audio File Converter available here:

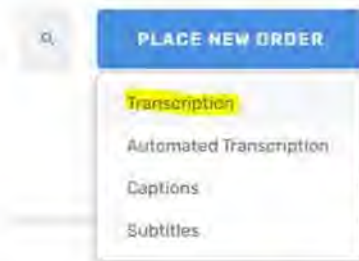
<https://www.nch.com.au/switch/switchsetup.exe>

Note: The audio file should be saved locally on your computer and renamed with the [OPCR case number] and [subject of interview]. The file to be converted can then be opened with Switch Audio Converter. The file should be output as a .mp3 into the same folder:



### Step 2: Log into Rev.com

Once the file is converted, you can go to rev.com and log in to your account. Then select my files and place a new order. Make sure you select transcription for the service:





### Step 3: Upload MP3 into rev.com

The next step is to upload the .mp3 audio file to be transcribed into rev.com:

## Order English Transcripts

Professionals transcribe your files to 99% accuracy

Add English Files for Price and Turnaround ⓘ

 <p>Upload files from your computer or drag and drop</p> <p><b>UPLOAD FILES</b></p>	 <p>Share a link address</p> <p><b>PASTE A</b></p>
--	---

### Step 4: Selecting options for transcript

Select time stamping and verbatim as the services. Finally add the OPCR case number as the reference:



**Order English Transcripts**  
Professionals transcribe your files to 99% accuracy

File Name/URL	Est. Delivery ⓘ	Est.
25-42184 Interview with DA, L. E. ... E. ...	1-4 PM EST	\$8.00
JUSTITIA (2x25 / min)		\$2.00
<input type="checkbox"/> Add by Audio (1:52:14) ... Add by Video (1:52:14) ...		\$0.00
<input checked="" type="checkbox"/> Time Stamping (1:52:14) ... Time Stamping (1:52:14) ...		\$0.00
<input checked="" type="checkbox"/> Verbatim (1:52:14) ... Verbatim (1:52:14) ...		\$0.00
<input type="checkbox"/> Word File (1:52:14) ... Word File (1:52:14) ...		\$0.00
<input type="checkbox"/> Word File (1:52:14) ... Word File (1:52:14) ...		\$0.00
<b>ESTIMATED TOTAL</b>		<b>\$0.00</b>

Step 5: Add accents and speakers once ordered to improve the accuracy.

Step 6: Downloading finished transcript

Rev.com will email the investigator when completed. You can then edit the transcript in rev before downloading a version to word.

## Appendix F: Sample Complainant Transcript Email

**From:** Police Review

**Sent:** XXXX

**To:** Complainant's Email

**Subject:** Official Transcript

"Sent on behalf of Investigator's First Last - Investigator, Office of Police Conduct Review (OPCR)

Dear Complainant's First Last,

Attached you will find the statement which you provided on Date of Interview to the Office of Police Conduct Review. Please review the statement, initial any corrections you wish to make and sign it. You can submit the revised version by scanning it and emailing it to Investigator's Email or return one copy by Mail to Minneapolis Civil Rights Department/OPCR, Room 239 City Hall, Minneapolis, MN 55415.

If we have not received your signed statement within 10 business days, it is assumed that the contents of your statement are correct and accurately reflect your testimony.

Thank you for your cooperation. Should you have any questions, feel free to contact me at Investigator's Phone Number."

**\*\*\*NOTE – REMEMBER TO ATTACH TRANSCRIPT**



## Appendix G: Officer Notification Letter

Date

Officer XXX  
Minneapolis Police Department  
XXX Precinct XXX  
RE: OPCR Case Number XX-XXXXX  
CCN # XXXXXXXXXXX

### Notification Letter

Officer XXXX,

You are being investigated for alleged violations of the City of Minneapolis Police Department Policy and Procedures. Specifically, you are alleged to have violated:

- 
- 
- 

**Summary of allegations:** *It is alleged that you violated the above listed policies ... The CCN for this incident is xxxxx.*

**The listed policy violations may be amended and/or changed at any point during the investigation.**

Your appointment to provide a statement to the Office of Police Conduct Review has been scheduled for \_\_\_\_\_ at \_\_\_\_\_ hours. The interview will take place in the Civil Rights Office, Room 239, City Hall. If you choose to have Federation representation, it is your responsibility to arrange for a representative prior to coming to your interview.

I can be contacted by e-mail at [Investigator email address] or by phone at (612) XXX-XXXX between the hours of 0900 and 1700, Monday through Friday. Failure to show for your scheduled interview may result in additional charges against you. This is an ongoing investigation and, as such, you are not to discuss this case or interview with anyone other than your attorney and/or Federation Representative.

Sincerely,

[Investigator name]

Case Investigator  
Office of Police Conduct Review

## Appendix H: Sample Focus Officer Interview Rescheduling Email

### Sample Focus Officer Interview Rescheduling Email

From: Investigator's Email

To: Focus Officer's Email

Cc: Commander of Internal Affairs Email, Director of OPCR Email, Focus Officer's Unit  
Commander/Inspector Email

Subject: OPCR Interview Rescheduled

"RE: OPCR File XX-XXXXX

Officer Last,

Per your request on Month DD, YYYY, you have requested that your OPCR interview scheduled for Day of Week, Month DD at XXXX hrs be rescheduled. Accordingly, your OPCR interview has been rescheduled for **Day of Week, Month DD at XXXX hrs**. Aside from the date and time of the interview, all details remain the same as those included in the original notification letter you were provided on Month DD, YYYY. If you are working with a union representative, please notify them of the updated interview information.

Please call me if you have any questions.

Thank you,

Investigator First Last"

**\*\*\*\*NOTE – REMEMBER DO HIGH PRIORITY, DELIVERED RECEIPTS, AND READ RECEIPTS.**

## Appendix I: Sample Witness Officer Notification Email

### Sample Witness Officer Notification Letter Email

From: Investigator's Email  
To: Focus Officer's Email  
Cc: Commander of Internal Affairs Email, Director of OPCR Email, Focus Officer's Unit  
Commander/Inspector Email

Subject: OPCR Officer Notification

"RE: OPCR File XX-XXXXX

Officer Last,

Attached is a letter scheduling your appointment for an interview with the Office of Police Conduct Review. Your OPCR interview is scheduled for Day of week, Month DD at XXXX hrs. The details are included in the letter. You will also be receiving a hard copy of this letter.

Please call me if you have any questions.

Thank you,

Investigator First Last"

**\*\*\*\*NOTE – REMEMBER TO ATTACH OFFICER NOTIFICATION LETTER.  
REMEMBER DO HIGH PRIORITY, DELIVERED RECEIPTS, AND READ RECEIPTS.**

## Appendix J: Sample Witness Officer Notification Letter

Month DD, YYYY

Officer First Last  
Officer's Unit  
Minneapolis Police Department

**Re: OPCR Case #XX-XXXX  
GO #MP XXXX-XXXX**

Dear Officer Last:

You are being called as a **witness** in the above complaint. The specific policy(s) alleged to have been violated are:

XXXX [policy #] POLICY NAME (MM/DD/YY) [policy effective date]

*Summary of Allegations: It is alleged that on..... summary of allegations*

According to Workforce Director you are scheduled to work:

**Day of week, Month DD, YYYY; XXXX to XXXX hours**

Your appointment to provide a statement to the Office of Police Conduct Review has been scheduled for **Day of week, Month DD, YYYY, at XXXX hours, at the Office of Civil Rights, Room 239 in City Hall.** It is your responsibility to arrange for a Federation and/or legal representative if you wish to have one accompany you to the interview. If you have a conflict you must contact me by **Day of week, Month DD, YYYY,** to discuss an alternate date. I can be contacted by e-mail at investigator's email or phone at **(xxx) xxx-xxxx [investigator's phone number]** between the hours of 9:00 am and 5:00 pm, Monday through Friday.

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/federation representative. You are entitled to be represented at this interview by a union/federation representative or an attorney.

Sincerely,

**Investigator SIGNATURE**

Investigator First Last  
Investigator - Civilian  
Minneapolis Office of Police Conduct Review

## Appendix K: Sample Officer Leave Verification Email

SUBJECT: Request for Leave Status Verification  
To: HR Rep email  
From: Inv. Email  
CC: Assistant City Attorney, JTS, IA Lieutenant

Hi HR Rep Name,

Please see the attached form requesting Officer First Last's leave status in connection with an OPCR case.

Thank you for your assistance with this matter.

Best,

Inv. Name

Inv. Email Sig.

NOTE: Remember to attach the completed Officer Leave Verification Form and turn on delivered, read, and high importance options in outlook.

## Appendix L: Officer Leave Verification Letter

### TEMPLATE

### YOU MUST BE IN "PAGE LAYOUT" VIEW TO USE THIS

This information will not appear when you print.  
This template conforms to the *Stationery Standards and Guidelines for the City of Minneapolis* as of March, 2001. This red copy will not print.

June 11, 2021

### Leave status request verification form

**To: Sarah Almquist, Human Resources Business Partner**

**From: Joint Supervisors, OPCR**

**Date:**

Office of Police Conduct Review (OPCR) is seeking the leave status for Officer [First name Surname], Employee ID No [XXXX]; connected with OPCR case #[YY-XXXXX], please fill this form out by responding to the following questions:

1. Is Officer [First name Surname] on leave? No  Yes
2. If Officer [First name Surname] is on leave, please identify the type of leave on record for HR:

Signature (HR staff completing the form) \_\_\_\_\_

**\*Thank you for your assistance, please return completed form to OPCR embedded attorney Ivan Ludmer for review of the information to determine protected leave status.**

Administrative Investigation Process  
OPCR SOP 36

## Appendix M: Officer Leave Letter

- [Click on PDF](#)



Officer Leave  
Letter.pdf

## Appendix N: Sample Investigative Layout

### *OPCR Complaint File #00-00000*

1. Minneapolis OPCR Form #3401
2. Complaint Form
3. Investigative Report
4. Police Reports
  - a. MPD CAPRS CCN #
  - b. VisiNet Incident Detail Report #
5. Statements
  - a. Complainant
  - b.
6. Medical Reports
7. Media
8. Correspondence
9. Investigative Notes



## Appendix O: Data Practices Advisory- Tennesen Warning

### Internal Investigation Warning for Employees under Investigation (Tennesen Warning)

You are being questioned as part of an official internal investigation into a complaint of misconduct. The information you provide will be used in a fact-finding process, as part of the total evidence, to determine if such misconduct occurred and for assessing whether disciplinary action should be taken. Any admissions that you make during the course of questioning may be used against you as evidence of employee misconduct or as a basis for discipline. The information you supply may also be used in a grievance hearing, arbitration, or other appeal procedure. The following individuals and entities may have access to the information you provide:

- The subject of the data, which includes you, but may include someone else.
- Employees and officials of the City of Minneapolis whose work assignments reasonably require access to the information.
- Individuals or entities that have contracts with the City of Minneapolis reasonably requiring access to the information.
- Attorneys for the City of Minneapolis if such information is related to a matter upon which the City seeks legal advice.
- If disciplinary action is imposed against you based on the results of this investigation, the information you provide may be made available to the public as documentation supporting final disciplinary action.
- Other persons or entities authorized by you, by a state or federal law, or by court order to have access to such information.

Failure to provide the information requested means that the internal investigation must be concluded based upon all evidence and testimony received by the investigator(s) without your statement.

I have read the above warning or have had it read to me.

---

Signature

Date/Time

---

Witness

Date/Time

# **EXHIBIT**

**57**

MINNEAPOLIS

# Minneapolis police officers disciplined in fraction of cases

By Jennifer Bjorhus (<https://www.startribune.com/jennifer-bjorhus/6370514/>) |

JUNE 9, 2020 — 3:40PM

Each year, hundreds of complaints of police misconduct — from citizens and from inside the Minneapolis Police Department itself — land before a civilian review board tasked with investigating them.

Only a tiny fraction result in the discipline of an officer.

Instead, the civilian review authority and the MPD have increasingly relied on "coaching" officers accused of misconduct, a Star Tribune analysis of data compiled by the city's Office of Police Conduct Review shows. This gentler form of corrective action for low-level violations has a decided benefit for police. Most disciplinary records are public information, but the department does not recognize coaching as a form of discipline; complaints classified this way are, by state law, kept closed and out of view.

It's possible that some of the 16 misconduct complaints against now-fired Minneapolis officer Derek Chauvin that were closed with no discipline, for example, were addressed with coaching.

There is no way for the public to know.

The May 25 death of George Floyd under Chauvin's knee spurred international outrage and renewed calls to restructure or abolish the department. Council members and activists calling for the action often cite union protections — along with the department's unwillingness or inability to discipline its own — as a barrier to changing its culture and improving relationships with distrustful minority communities.

In Minneapolis, the state's largest police force, only about 3% of misconduct complaints result in discipline. That number strikes civilian watchdogs and academics alike as low for a department of nearly 850 sworn officers. Comparisons are difficult, however, because there is no central repository for tracking police misconduct in the United States, and every agency counts things differently, said Susan Hutson, president of the [National Association for Civilian Oversight of Law Enforcement](https://www.nacole.org/) (<https://www.nacole.org/>).

Two departments under federal consent decrees show very different results. In Seattle, roughly 20% of citizen and internal misconduct complaints combined result in discipline. In New Orleans, 14% of outside civilian complaints were sustained with discipline in 2018, while 53% of internal complaints were sustained with discipline.

Around the country, civilian oversight commissions are frequently criticized for lacking the necessary authority to hold officers accountable for their actions. Yet the vast majority lack funding for investigative auditors and don't have subpoena power, she said.

"We are sometimes fighting with one hand tied behind our back," Hutson said. "We need unfettered access to all the data. Period."

Imani Jaafar, a lawyer who directs the Minneapolis Office of Police Conduct Review, defended what she called "a very good layered civilian oversight system." Minnesota law does not permit any civilian oversight group to discipline law enforcement officers, Jaafar said, and that is not the review board's purpose. All it can do is try to help ensure a just process so officers are held responsible within the confines of the law, she said.

When asked if the 3% discipline outcome and use of coaching was acceptable, Jaafar said that was a question for the police department. Only A-level violations — such as foul language, speeding through a neighborhood or not turning on a body camera at the start



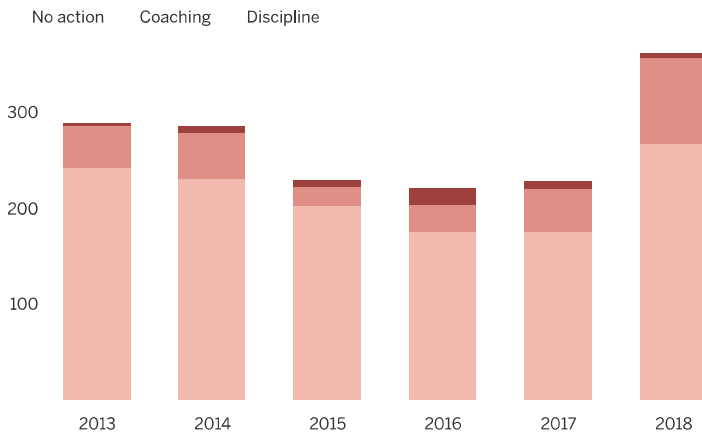
STAR TRIBUNE FILE

Imani Jaafar, a lawyer who directs the Minneapolis Office of Police Conduct Review, defended what she called "a very good layered

of a call — are eligible for coaching.

## Police misconduct

Results of misconduct complaints against Minneapolis police officers.



Note: Complete data for 2019 is not yet available.

Chart: MaryJo Webster, Eddie Thomas, Star Tribune •  
Source: Office of Police Conduct Review, Minneapolis Dept. of Civil Rights

Jaafar said her main frustration is the inability to provide information on cases that don't result in discipline, such as coaching cases. Minnesota's public records law does not allow it. That's a "huge problem," she said.

The Minneapolis Police Department did not immediately respond to a request for comment.

Velma Korbel, who heads the city's Department of Civil Rights, which houses the civilian oversight group, said the low discipline rate and use of coaching are both the result of factors "outside of the Office of Police Conduct Review oversight." She pointed squarely at the discipline matrix Minneapolis police use to sort out infractions.

The state Department of Human Rights investigation of the Minneapolis Police Department underway will look at both, she said. "That is something that absolutely must be looked at in Minneapolis," Korbel said. "I think everything should be on the table. Now is the time."

Michelle Gross, president of Communities United Against Police Brutality, called the discipline rate "unconscionable." She blames it on the ineffectiveness of the civilian review process, which she said is too dominated by law enforcement and city employees.

Gross estimates the national average for discipline from civilian oversight bodies handling civilian misconduct complaints about 7 to 9%. "It makes us the low end outlier for the entire country," said Gross.

Of the 1,600 police misconduct complaints filed in Minneapolis from 2013 through 2018 — the last year of completed data — only 45 resulted in an officer being disciplined. Most of it was a mix of reprimands and suspensions. Five officers were successfully fired during that six-year period, and one was demoted.

During that time more than 270 misconduct allegations were resolved with nondisciplinary coaching.

In Minneapolis, police officers are sometimes not disciplined even when the city pays significant sums to settle allegations that their use of force crossed the line and violated civil rights.

Tou Thao, videotaped watching Chauvin pressing his knee into Floyd's neck, was sued in 2017 for allegedly beating Lamar Ferguson while he was handcuffed, breaking his teeth. The city paid \$25,000 to settle the lawsuit. Thao was never disciplined for his actions, according to police records.

The low rate of discipline troubles Michael Friedman, executive director of the Minneapolis Legal Rights Center, a nonprofit law firm specializing in criminal defense and restorative justice. He said he doubts outcomes have changed much since he chaired the Civilian Review Authority, the earlier version of the oversight board that collapsed in 2012 amid concerns about effectiveness.

"That concerns me because I don't think that could possibly reflect the rate of the misconduct that's being noted by investigators," said Friedman. "I have no reason to think that the overall pattern has changed."

Two retired senior Minneapolis police officials told the Star Tribune that the department leans heavily on coaching because it offers an immediate corrective action. It's faster and more effective to stick an officer in the hot seat in their supervisor's office, they said, than to deal with paperwork, combative union representatives and hearings — which often lead to arbitration. A formal internal affairs investigation could take more than a year before discipline happens. By then the officer has moved on.

"It's kinda like if I whacked my dog an hour after he [misbehaved]," said one former senior official, who is not authorized to speak publicly on the matter.

But others are adamant that coaching shouldn't be used to address deeper problems.

"You can't coach race-based policing," said Merrick J. Bobb, a court-appointed monitor overseeing the federal consent decree that the Seattle police department is operating under.

Bobb and others noted that coaching and its secrecy in Minnesota invite misuse.

"It's not just an administrative workaround; it might also be an intentional way of misleading the public about the true nature and extent of officer misconduct and discipline in the police department," said Metropolitan State University Prof. James Densley.

That's what concerns Friedman. He called Minnesota's public records law "the fundamental issue" complicating efforts to hold Minneapolis police accountable. It says that if an allegation of misconduct does not result in discipline, then all details about who did what are off limits and not open to the public.

"It creates a built-in incentive for police management to let things go so as to avoid public scrutiny for major incidents and preserve their credibility as witnesses," said Friedman.

Bobb was shocked by this provision in state law.

"I find it astounding and disturbing that Minnesota would have a law that prevents citizens from finding out ... what the underlying conduct that was coached was," Merrick said. "One would think that in the wake of the death of George Floyd that coaching and all disciplinary records should be open and transparent to the public."

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