

Part 1: Introduction Page 1-7

Section	Positive	Negative	Comment
I. Background			
P1--Names the parties.			
P2--Provides historical context.			
P3--City refuses to agree with MDHR findings			Standard language for settlement agreement but precludes the possibility of acknowledging past issues and providing reparations or rectification
P4--Outlines purpose of agreement			Claims the city has "already made some important changes" which is a serious exaggeration.
P5--States MDHR and MPD consulted with community before making this agreement.			Yes to MDHR. Does anyone recall hearing from the MPD?
P6--Claims MPD has made important changes to its Mission, Vision, Values and Goals and that this agreement builds on those.			See P4. What is the evidence of these changes?
P7--Objectives and Guiding Principles are not an enforceable part of the agreement.			
II. Jurisdiction and Venue			
P8--Court has jurisdiction over the subject matter of this action pursuant to MN Stat. 363A.33 and jurisdiction over the parties.			
P9--Venue is proper under MN Stat. 363A.33.			

III. Scope of Agreement			
P10--No admission of liability		As above	
P11--This agreement constitutes the full settlement and resolution of the MDHR's claims against the city.			
P12--MDHR does not release or waive any other claims against the city in any other action.			
P13-Full and effective compliance required before case is closed	No getting out of the agreement until all is done		
P14--Data under this agreement is governed under the MN Government Data Practices Act. Terms of this agreement are public.			
P15--If any part of the agreement is declared unenforceable by the court, the rest of the agreement remains.			
P16--Compliance is required by officials, officers, employees, agents, assigns and their successors.			
P17--This agreement constitutes the entire agreement between the parties.			

P18--Agreement may be executed in multiple counterparts.			
P19--This agreement is effective upon the date it is approved and ordered by the court.			
P20--Applicability to off-duty work	Good to include		
P21--Non-interference with collective bargaining agreement		possible issue with conflicting with CBA	THIS AGREEMENT TRUMPS THE COLLECTIVE BARGAINING AGREEMENT, NOT THE OTHER WAY AROUND. ADD PROVISION TO CBA THAT IT NOT CONFLICT WITH CONSENT DECREE
P22--Agreement does not create new standards of liability or causes of action other than outlined in the agreement.			
P23--This is a companion to case 27-CV-20-8182.			
P24--MPD will create an implementation unit within 60 days to coordinate compliance and implementation activities.	Good		

Part 2: Policy Framework and Outreach Page 7-10

Section	Positive	Negative	Comment
I. Initial Changes to Policies and Engagement			
P25--Includes specific definitions for "requires" and "prohibits."	Good		
P26--Policies to be written with sufficient detail to provide clear guidance.	Good		Tie with disciplinary matrix
P27--Engagement required before finalizing any changes	Good		
P28--Requires posting of draft or proposed policies on website for 45 days and accept written comments	Good		We will need to publicize the location of this webpage and encourage comments
P29--Requires new policies and procedures on UoF, non-discrimination and impartial policing, stops, searches, arrests, and training on the policies within one year and hold employees accountable then	Good but probably not realistic		
P30--All RFPs except for the monitor RFP will be published within 45 days of the onset of the agreement	Good but probably not realistic		
II. Future Changes to Policies and Engagement			
P31--Annual review of policies and procedures on UoF, non-discrimination and impartial policing, stops, searches, arrests	Good		

P32--Any policy changes after the initial change will be posted on a webpage for at least 45 days in multiple languages, accept written comments and hold at least three public engagement sessions.	Good		
P33--Allows for changes to be made if required by law without a public engagement process.	Okay		

Part 3: Non-Discriminatory Policing Page 10-15

Section	Positive	Negative	Comment
I. Objectives, Guiding Principles, and Policy Framework			
P34--Policing free of discrimination is central to effective public safety. MPD will develop policy, training and accountability systems accordingly.	Good		
P35--Intro statement.			
P36--Policies, training, supervision and accountability systems will be designed so that officers act with ethics and professionalism, promote trust, and are held accountable for discriminatory conduct.	Good		
II. Non-Discriminatory and Impartial Policing Policy Changes			
P37--Prohibits discriminatory conduct. MPD will hold officers accountable for discriminatory policing based on race or other demographic categories. Includes acts that exhibit a discriminatory motive or impact.	Good		
P38--MPD will review and revise to prohibit discrimination based on protected class status. Requires reporting of other officers who engage in discriminatory conduct.	Good		
P39--Prohibits discriminatory content on social media accounts.	Good		

P40--Requires officers to document perceived demographic categories for all encounters.	Very good		
P41--Officers who violate any policy provisions set forth above "will be held accountable and may be subject to discipline."		Too weak	
III. Supervisory Review			
P42--Supervisor review will include whether officers violated the non-discriminatory or impartial policing provisions. For violations, the supervisor will provide coaching or refer the officer for training, or refer the incident to Internal Affairs within 72 hours.	Okay		
P43--Provide training for supervisors to identify violations.	Good		
P44--Supervisors who fail to identify and address violations will be referred to Internal Affairs and receive appropriate corrective or disciplinary action.	Good		
P45--During evaluations and promotions, officer conduct that either reflects a commitment to procedural justice or shows a history of bias will be considered.	Good		

P46--MPD will include quality of supervisor reviews in their performance evaluations.	Good		
P47--Requires performance evaluations be based on fulfillment of supervisory duties as long as not inconsistent with collective bargaining agreement.		BAD	THE CONSENT DECREE TRUMPS THE COLLECTIVE BARGAINING AGREEMENT, NOT THE OTHER WAY AROUND
P48--Within 18 months, MPD will revise its performance evaluation process to assess non-discriminatory policing, problem solving, use of de-escalation. Also bans quotas for arrests, stops and citations.	Very good		
P49--Requires supervisors to perform timely and accurate performance evaluations including feedback from other supervisors.	Good		
P50--Supervisors will meet at least monthly with those under their command.	Okay		
P51--Supervisors will formally or informally recognize officers who demonstrate a commitment to procedural justice, de-escalation, and non-discriminatory and impartial policing as permitted by civil service rules and the collective bargaining agreement.			THE CONSENT DECREE TRUMPS THE COLLECTIVE BARGAINING AGREEMENT, NOT THE OTHER WAY AROUND

P52--MPD will maintain records of performance evaluations in an electronic tracking system.	Okay		
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Part 4: Use of Force Page 15-38

Section	Positive	Negative	Comment
I. Objectives, Guiding Principles, and Policy Framework			
P53--Recognizes use of force as a significant action. Requires policy and actions to recognize humanity, dignity and civil rights of individuals. Requires officers to be non-discriminatory in use of force and reduce circumstances in which force is necessary.	Good		Although much of this will involve when force can be legally used, I like how it states that ultimately the goal is for reducing the circumstances when force is necessary
P54--Recognizes impact of use of force on public trust.	Good		
P56--Outlines guiding principles for the design, implementation and maintenance of use of force policies.	Good		
P56a--Requires officers to resolve incidents without resorting to use of force when feasible	Good		
P56b--Only allows force that is "objectively reasonable, necessary, and proportional to the threat then reasonably perceived"	Good		
P56c--Modulate or discontinue force when threat subsides or person is restrained	Good		
P56d--Act with ethics, professionalism and respect and without prejudice	Good		
P56e--Act to promote trust	Good		

P56f--Have a clear affirmative duty to de-escalate and increase voluntary compliance	Good		
P56g--Avoid unnecessary injury	Good		
P56h--Identify themselves as law enforcement and warn of use of force		Incomplete	Add "Explicitly state what action needs to happen or what behavior needs to stop for the use of force to not happen - and then give reasonable time for the person to hear, process the command, and comply."
P56i--Do not use force to punish, retaliate or deter person from engaging in lawful conduct		Should be stronger	Rather than 'do not' should say something like use of force by an officer to deter a person from engaging in lawful conduct is criminal on the part of the officer, will result in discipline or something along those lines. As this is in the guiding principles it need not be fleshed out here but should be called out.
P56j--Accommodate persons with disabilities, youth, elderly, or people with language barriers.		Incomplete	While it's possible to include it in disability, mental impairment should explicitly be called out.
P56k--Recognize and act on duty to intervene	Good		
P56l--Recognize and act on duty to report	Good		
P56m--Accurately report force used and observed	Good		Need to outline reportable force elsewhere in policies. For example, until recently pointing a gun was not a reportable use of force by the MPD
P56n--Recognize role of officer health and wellness in responding appropriately	Good		Need to address long hours
P56o--Hold officers accountable who use force that is discriminatory, not objectively reasonable or otherwise violates law or policy		not complete	What about holding accountable for failing to de-escalate? You might have a use of force that ends up being reasonable but still could have been avoided had better de-escalation steps been taken.
P57--Requires transparency for use of force	Good		Need to see what this looks like in action.
P58--Requires data collection and analysis on use of force.	Good		

P59--Outlines how MPD will reorganize the use of force and code of conduct sections of the policy manual.			
P60--Requires use of force policies be rewritten for clarity and consistency with the agreement	Good		
II. Affirmative Duty to De-escalate and Prohibition of Escalation			
P61-63		Should be stronger	As a whole there needs to be more details on the affirmative duty to de-escalate. Firefighter example: Escalation is throwing gas on the fire. De-escalation is using water. I want a system where the firefighters have to justify if they just stand around and watch a building burn. Just because they didn't toss gas on the fire isn't a pass.
P61-De-escalation required whenever possible, respecting the humanity, dignity, and civil rights of individuals		Poorly worded	Police should always be taking those things into account and that's why de-escalation is needed. The way it's written it sounds like if a cop chooses to escalate he can then ignore humanity and dignity of others.
P61a--Requires de-escalation and outlines specific tactics		Incomplete	Should require officers to provide a reason when they don't de-escalate, why waiting an individual out wasn't an option, why they couldn't create distance, why they couldn't have called for specialists, etc.
P61b--Lists tactical decision to disengage and delay contact as valid de-escalation tactics	Good		
P62--Prohibits tactics that unnecessarily escalate an encounter	Good		
P63--Incentivizes and rewards exemplary de-escalation		Should be stronger	YES BUT even if an officer chooses not to escalate, that doesn't mean he is properly de-escalating, either. Need to deincestivise failure to de-escalate even if there's no escalation.
III. Officers' Use of Force in the Field			

Overall--Fails to address the use of force continuum		Problematic	Consider adoption of St. Paul continuum, which matches level of force to level of resistance.
P64--Only force that is objectively reasonable, necessary and proportionate is permitted.	Good		Consistent with the law.
P64a--Outlines objectively reasonable, necessary and proportional standards	Good foundation, nothing revolutionary		
P65--Use no more force than necessary to detain a restrained person		Too weak	This is already the legal standard. Need further guidance or outright prohibitions. Should stress that a person with hands cuffed behind back is less capable of resisting. Should provide guidance on use of force on an uncuffed person.
P66--Engaging in foot pursuits		Needs detail	Should have required policy incorporates best practices and tactics that lower the likelihood the suspect will react in ways that will make force necessary
P67--Requires oral warnings prior to use of force when safe and feasible		Incomplete	Missing 3 key elements: 1-only one officer gives commands so they are not contradictory, 2-officer explicitly and specifically states the action the person should take to prevent use of force, 3-observe and listen to the target's response and modify the command as necessary, assess <u>target's ability to comply</u> .
P68--Requires MPD to seek or provide prompt medical treatment for injured community members	Good		MPD has frequently failed to provide or seek medical care after using deadly force. Thurman Blevins writhed in pain on the ground for several minutes before dying even though one of his shooters was a paramedic instructor and had an <u>emergency kit in his car</u> .
P69--Prohibits suggesting or directing sedation.	Very good		Addresses the ketamine debacle
P70--States that officers who use excessive force may be subject to corrective action		TERRIBLY weak	Officers who engage in excessive force WILL BE disciplined.

P71--Addresses the use of chemical agents and other crowd control weapons	Good but incomplete		Should require MPD adopt the POST Board model policy. Should also specify the officer can only use tools they've been trained in, and use that tool as specifically described by the manufacturer - i.e. do not fire at face, bounce off ground and skip into crowd rather than direct fire, etc. Also missing requirements about K9 use. Should prohibit use of high-lumen flashlights to shine in eyes or interfere with filming.
P72--Only use Tasers where grounds for arrest or detention are present and necessary to protect others from physical harm, requires annual training. Each cycle is a separate use of force. Prohibits more than three cycles unless deadly force is justified.	Very good		Includes prohibition of use on pregnant, elderly, small children, frail or low body mass or people fleeing. Prohibits use on head, neck, chest or groin. Prohibits use by multiple officers. Requires weak-side holstering.
P73--Limits pointing of guns to situations where there is threat of serious bodily harm or death.	Very good		Requires officers also carry at least one less-lethal weapon. Prohibits firing at people running or driving away. Requires officers to provide first aid to people they shoot.
P74--Prohibits use of force as punishment or retaliation, against lawful protesters, against people filming police.	Good but incomplete		Should prohibit stepping into the path of a vehicle or staying in the path of a vehicle to justify use of force.
P75--Prohibits chokeholds and neck restraints	Very good		
P76--Requirement to intervene in another officer's improper use of force	Good		
IV. Reporting Use of Force			
P77--Recognition of importance of thorough reporting of use of force	Good		
P78--Requires officers who use force or observes force used report the force	Good		

P79--Sets requirements for use of force reporting system	Very good		
P80--Requirement of MPD to gather data adequate to evaluate policies and facilitate transparency	Good		
P81--City required to define levels of force within 90 days	Good		
P81a--Defines level 1 reportable force	Good but incomplete		Threatening to use less lethal force should be level 1
P81b--Defines level 2 reportable force		Problem with level of force	Includes use of 40mm impact munitions--these should be level 3 due to danger
P81c--Defines level 3 (deadly force) reportable force	Good but incomplete		Drawing a firearm should be defined, and pointing a firearm should be a level higher.
P82--Requires witness officer to complete written statement or interview following critical incident		DANGER--potential loophole	Under what circumstances can ranking investigator or chief just relieve the officer of the obligation to do a written statement or interview? Need some controls as far as when this can happen.
P83--Requires officers who use reportable force document the reason for the initial interaction.	Good		
P84--Officers will complete use of force reports and documentation based on their own recollections, prohibits officers from sharing info with each other to produce the report. Allows officers to review body cam footage.		Problematic	Officers should not be permitted to review body cam footage before writing reports and this reduces the evidentiary value of the reports and causes the reports to be tailored to the footage.
P85--Prohibits officers from reviewing body cam footage before writing reports or interviewing after police critical incidents.	Good		

P86--Requires officers who witness inappropriate use of force to report it from the scene in person, by phone or by radio.	Good		Allows supervisors to interview victim of the use of force on the scene.
P87--Requires officers who become aware of information about a reportable use of force that was not reported to report it.	Good		
V. Supervisory Review of Use of Force			
P88--Notes the importance of supervisor force reviews.	Good		
P89--All reportable uses of force will be reviewed by a reporting supervisor and reviewing supervisor. Any supervisor who used, participated in or observed the force will not be the reviewer. Higher levels of force will be reviewed at the level of Deputy Chief.	Good		
P90--MPD supervisor will report to the scene of any level 2 or level 3 use of force.	Good--may be impractical		
P91--For level 2 and 3 uses of force, the reporting supervisor will identify witnesses, employees, coordinate with police conduct review, gather and preserve evidence, photograph injuries, ensure injured get medical care, make appropriate notifications, review reports from the incident.	Good but incomplete		Photographing of injuries must happen just after they occur. The photos must be available to the injured person.

P92--Notify the injured person that they are being interviewed regarding the use of force and document their consent to the interview. Interview solely about the use of force.	Very good		Important that the interview not veer into the area of attempting to uncover information that could be used against the person in a prosecution.
P93--Requires reporting supervisor to document all information collected and actions taken.	Good		
P94--Second Supervisory Review requires incident be reviewed by an officer who ranks one level above reporting supervisor.	Good		
P95--Reviewing supervisor must view all available info including videos, witness statements, photos, etc.	Very good		A significant improvement over current practices.
P96--Requires reviewing supervisor to determine if incident should be reported to Internal Affairs or police conduct review entity and assess if the force is within MPD policy.	Good		
P97--Reviewing supervisor will provide timely feedback to officer, officer's supervisor or both and will refer for training if appropriate. If force violates the law or MPD policy, the incident will be referred to Internal Affairs or oversight agency.		Problematic	Uses of force that violate the law should be referred to the county attorney for potential prosecution.

P98--When there are multiple reports of the same use of force, differences in reporting do not necessarily reflect a lack of truthfulness.			
P99--Reviewing supervisor will document assessment of compliance with MPD policy, feedback and recommended actions.	Good		
P100--Requires reporting supervisor's documentation be completed by end of shift. Reviewing supervisor's report must be complete within 5 calendar days.	Good		
P101--All level 3 force incidents or level 2 force incidents involving a strike to the head or neck are to be reviewed by Deputy Chief or Chief of Staff and report misconduct to Internal Affairs.	Good		
P102--Train supervisors on how to complete a thorough use of force review.	Good		
P103--Quality of force reviews to be taken into account in annual performance evaluations for supervisors. MPD may develop a specialized Force Investigation Team.	Very good		MPD should develop a Force Investigation Team, which would allow them to track and better address patterns of use of force.
VI. Transparency During Critical Incidents			
P104--Recognizes the value of transparency	Good		

P105--Recognizes the importance of communication around critical incidents on community trust.	Good		
P106--Claims the city and MPD are committed to transparency while treating all impacted individuals with dignity and respect.			Remains to be seen.
P107--MPD will develop an updated policy for communications during critical incidents.	Good		Policy must include input from the community.
P108--Outlines what should be in a critical incident communications policy.		Problematic	Written in a way that fails to recognize MPD requirements under 13.82, subd. 2.
VII. Use of Force Data and Analysis			
P109--Outlines the content for a police report involving use of force. Includes a requirement to link the use of force report with the police report, report perceived race, other info.	Good		
P110--Requires above reporting in a searchable, filterable, linkable form within 180 days.	Good		Who will be able to access the data?
P111--Requires all use of force data to be linked to a related stop, search, arrest, citation or other law enforcement activity within one year.	Good		Reinforces P109.
P112--Requires inclusion of a narrative in use of force reports. Must note any BWC or squad cam footage.	Good		

P.113--MPD must track and maintain all use of force documents in accordance with MN statutes.	Good		
P114--Requires Internal Affairs to develop a method for evaluating uses of force based on best practices including comparative uses of force by officers against people in protected classes.	Good		
P115--Chief and command staff to meet quarterly to review citywide and precinct-level data on uses of force, within 270 calendar days.	Good		Presumes such data will be available to them.
P116--After each quarterly meeting, Command staff will seek input from officers on needed changes to policies, training or oversight.	Good		

Part 5: Stops, Searches and Arrests Page 38-56

Section	Positive	Negative	Comment
I. Objectives, Guiding Principles, and Policy Framework			
P117--Basis for stop, search and arrest policies	Good but incomplete		Should include "officers are acting within the law"
P118--Requires constitutional, non-discriminatory enforcement	Good		Should include a consideration for the safety of the person they are interacting with.
P119--Guiding principles for compliance with agreement			neutral
P120--Policies, training, supervision and review related to stops, searches, arrests and voluntary interactions are non-discriminatory, uphold humanity, dignity and civil rights.	Good but incomplete		Should include "personal adherence to lawful conduct is paramount for those tasked with enforcing laws on others."
P121--Treat all people with respect and dignity in a professional and procedurally just manner.	Good but incomplete		Should state "Treat all people AND THEIR PROPERTY with respect"
P122--Outlines parameters for stops, searches and arrests. Prohibits pretextual stops. Requires particularized knowledge rather than demographic characteristics.	Excellent		

P123--Requires policies on stop, search, arrest be written with sufficient detail to provide clear guidance. Include specifics about legal basis for actions such as reasonable suspicion, probable cause and speculation. Requires incorporation of LEED (listen, explain, equity, dignity), applying discretion.	Good but incomplete		Should include no use of time of day as a justification for stopping. Should include factors that dispel reasonable suspicion
P124--Requires MPD to rewrite and reorganize policies on stops, searches and arrests.	Good		
II. Stops, Searches, Citations, and Arrests Limited to Certain Circumstances			
P125--Requires clear communication that the person is not free to leave and why	Good		
P126--Require officers to provide business card or name and badge number on request.	Good		Add "as soon as reasonably possible" and prohibit retaliation for requesting the information. Add that the information must be provided in writing.
P127--Requires documentation of all stops. Basis for stop must be documented on body-worn cameras.	Very good		Prevents concocting a reason after the fact.
P128--Requires officers to provide written documentation of name and badge number for stops that don't result in a citation or arrest.	Very good		Add "as soon as reasonably possible."
P129--Prohibits stops without reasonable suspicion	Excellent		

P130--Prohibits stops based on race or other demographics	Very good		Add "of a crime" to indicate that the only reasonable articulable suspicion is that the person may have been involved in a crime rather than "you look suspicious." Every policy that addresses suspicion needs to add "of a crime." Also need to add that police are prohibit from making stops based on constitutionally-protected activities.
P131--Prohibits stops based only on the person's reaction to the presence of police officers or the person's presence with others suspected of crimes.	Very good		
P132--Limits the ability to transport people for investigative purposes where there is no probable cause for arrest.	Good but incomplete		Should address the need to bring the person back promptly AND/OR be prepared to transport the person to their desired destination if the detention impacted their original travel plans - such as bus they needed has stopped running to do time, or they missed a ride from a friend not detained.
P133--Prohibits questioning of passengers unless there is separate articulable suspicion about the passenger.	Very good		
P134-Prohibits stops based on minor equipment violations or traffic infractions	Very good		
P135--Allows stops for operating a vehicle in an unsafe manner but requires the officer to document specifically the unsafe conduct they stopped the person for.	Very good		Like the trend of having the officer have to state what/why ahead of time, prevents creating an answer after the fact hiding the true reason
P136--Searches must be made pursuant to a warrant or pre-trial or probationary release term, with certain exceptions.		Problematic	Includes exceptions for hot pursuit, destruction of evidence, emergency aid, field sobriety testing. The exception for consent searches should be removed since all "consent" is coercive. CRITICAL MISS: There should be language regarding drug detection dogs.

P137--Requires MPD to link investigatory detentions to a specific and detailed suspect description with time and location rather than broad race or ethnicity description.	Very good		
P138--Prohibits officers from relying on info they know to be false or incorrect to justify a warrantless search or to seek a search warrant.	Very good		
P139--MPD will train on types of searches permitted in different contexts.	Good		
P140--Requires documentation of all searches and seizures.	Good		
P141--Prohibits frisks for weapons during stops and detentions without a reasonable, articulable suspicion that the person is armed. There is no routine or automatic "officer safety" justification for frisks.			This is the current legal standard.
P142--Prohibits searches based on the claim of smelling marijuana.			This is the current legal standard under recent SCOTUS decisions.
P143--Officers prohibited from conducting warrantless searches of persons, homes, property or vehicles unless search meets an exception to the warrant requirement under state or federal law. Bans consent searches of pedestrians or vehicles.	Good		Banning of consent searches on pedestrians or vehicles is very good.
P144--Requires search warrant for body cavity searches.			This is the current legal standard.

P145--Prohibits more invasive, humiliating or demeaning searches of transgender, gender queer, or non-binary people. Requires officers to ask which gender they want to search them. Requires training by members of the LGBTQ community.	Very good		
P146--Strip searches must be authorized by a supervisor and conducted by same gender as the person being searched. Searches limited to the minimum extent necessary and prohibited from touching breasts, buttocks, genitalia and body cavities. Basis for search will be documented.	Good		
P147--Outlines requirements for searching residences. Prohibits warrant execution on homes with children, elderly, guests, vulnerable persons unless there is no other feasible way without those people present. Requires completion of a risk assessment with approval of a supervisor and includes safety measures to be taken.	Very good		
P148--Continues ban on no-knock warrants	Okay		Should outline more specifically how officers will make residents aware of their presence and give residents adequate time to respond.
P149--Prohibits execution of warrants between 8 pm and 7 am with exceptions for public/officer safety	Good		

P150--Officers subject to discipline for providing knowingly inaccurate or incomplete info to obtain a warrant.	Okay		
P151--Outlines consequences for people given criminal charges or arrested.	Good		
P152--Continues the requirement for supervisors to approve felony arrests	Okay		Under MN law, with few exceptions officers are required to issue citations for charges below a felony so the only arrests should be for felonies.
P153--Continues the requirement to issues citations for crimes below a felony	Okay		Consistent with state law but often violated by the MPD
P154--Continues the requirement to document the justification and probable cause for all arrests and citations	Okay		Consistent with state law and current MPD policy
P155--Requires probable cause to issue a citation or make an arrest	Okay		Consistent with state and federal law
P156--Requires officers to activate BWC, provide and record a warning before making an arrest or citation for obstructing legal process or disorderly conduct charges.		Inadequate	Obstructing legal process (OLP) and disorderly conduct (DC) are among the most common charges when police brutalize a person. Officers should be required to articulate the specific element of statutes they believe the person is violating. In all cases, DC is a misdemeanor offense thus not arrestable. OLP is almost always a misdemeanor so not arrestable unless the conduct results in substantial bodily harm. Yet there are many people arrested on misdemeanor OLP and DC. This must be addressed.
P157--Requires that when an officer issues a warning for OLP or DC the person is not detained and is free to leave.		Inadequate	Should require the officer to tell the person they are not being detained and are free to leave.

P158--Requires warning to be documented on BWC, CAD and police radio and if the person stops the conduct the officer need not complete a report.		Issue	Conflicts with other paragraphs requiring documentation of all encounters.
P159--Officers required to introduce themselves and inform people they wish to question that responding is optional and they are free to leave.	Good		Should have to give badge number.
P160--Requires that all undercover social media accounts be registered with the Commander of Strategic Information Center and periodic reassessment of the use of the accounts.		Inadequate	Should ban the use of undercover social media accounts to tract groups that engage in First Amendment-protected activities.
III. Supervisory Review of Stops, Searches, Citations, and Arrests			
P161--Requires development of a plan for supervisory review of stops, searches, citations and arrests. Outlines the requirements for the plan. Bans the use of boilerplate language.		Inadequate	Should require review of body-worn camera footage to compare to report, looking for false, misleading, or excluded relevant information.
P162--Requires supervisor regular checkins with officers (at least monthly) and requires the review of at least three stop, search, arrest or citation incidents prior to the meeting.	Very good		

P163--Requires supervisors to document deficiencies and provide timely feedback to officers.	Good		
P164--Requires supervisors to act on all apparent violations or deficiencies in enforcement-related contacts.	Very good		
P165--MPD will take corrective action against supervisors who fail to conduct thorough reviews of officer activities.	Very good		
P166--The quality of supervisor reviews will be part of their performance evaluations.	Very good		
IV. Stops, Searches, and Arrests Data and Analysis			
P167--Requires MPD to set up a system to track data on all enforcement-related contacts and that integrates with their Early Intervention System.	Good		
P168--Requires documentation of the legal basis for their enforcement-related contacts.	Very good		
P169--Requires documentation of all vehicle and pedestrian stops and detentions including legal basis. Includes documentation of weapons frisks and the reasonable suspicion for the frisk.	Good but incomplete		Should only allow frisks on people who are armed and presently dangerous given that MN is a conceal and carry state.

P170--Outlines the requirements for documentation of vehicle stops. Includes the requirement for officer to document perceived race of the driver.	Good but incomplete		Add whether a drug detection dog was used or threatened and the basis thereof.
P171--Failure to document as outlined above may result in discipline.	Okay		

Part 6: Body Worn Cameras and In-Car Cameras Page 56-58

Section	Positive	Negative	Comment
P172--MPD will continue to develop, implement and maintain a system of video recording of officers' encounters with the public.	Okay		
P173--Requires MPD to provide all officers with field duties with functioning body-worn cameras.	Good		
P174--Outlines what needs to be in the MPD body-worn camera policy.	Very good		Appears to severely limit or prevent turning off camera to discuss and plan. Otherwise pretty identical to the current policy.
P175--Requires officers to follow the BWC policy or may face discipline.	Okay		
P176--Requires officers to inspect BWC at the beginning of the shift and notify supervisor if camera becomes inoperable during shift.	Okay but incomplete		Make sure that no part of their uniform interferes with camera such as vest, coat, etc. If involved in a physical altercation, make sure camera is functional and positioned correctly as soon as practical.
P177--Requires MPD to replace inoperable camera by the beginning of the next shift.	Okay but incomplete		Require MPD to finish installing devices that activate BWC upon squad car door opening.
P178--Requires MPD to ensure all squad cameras are operable. Requires officers to check the cameras at the beginning of their shift.	Good		

Part 7: Training Page 58-78

Section	Positive	Negative	Comment
I. Guiding Principles			
P179--Intro to section	Good		
P180--Acknowledges necessity of quality, proactive training	Good		
P181--Acknowledges the role of training in accountability and encourages scenario-based training	Good		
P182--Policies provide guidance with some discretion, unquestioning obedience is bad, training should improve critical thinking skills	Good		
II. Training Plan			
P183--Within 180 days and annually thereafter, perform a training needs assessment including a. info from MPD review panel on UoF, stops, searches, etc. b. recommendations from oversight entities c. changes in the law, policies, POST Board requirements, court decision and litigation d. training best practices research e. input from trainees f. trainee to instructor ratios	Good		
P184--30 days after training needs assessment, develop a training plan	Good		

P185--outlines what should be included in a training plan, Encourages use of community organizations and resources. Requires evaluation of training effectiveness. Requires modification of training based on critical incidents.	Good but timeline is unrealistic		
P186--Requires in-service training for policy revisions or UoF, non-discriminatory/impartial policing, stop, search and arrest policies prior to implementing the policies.	Good but timeline is unrealistic		Combined with P29--this may be an unrealistic deadline.
P.187--Policies not requiring in-service training can be implemented through other means but officers are still accountable to them.	Good		
III. Training Development, Delivery, and Evaluation			
P188--Length of training will be sufficient to prepare officers to comply with policies and procedures	Good		
P189--Requires use of adequate number of instructors	Good		
P190--Requires instructors to have expertise and will consider past performance and discipline records in selecting instructors	Very good		

P191--Requires MPD to incorporate experiences of diverse community members to inform training.	Good but need to see how this is implemented		
P192--Requires MPD to recruit instructors from a wide range of backgrounds	Good		
P193--Requires instructors to receive annual training in effective training, adult learning principles, and curriculum development	Good		Consider use of IADLEST instructor training
P194--Requires annual instructor performance reviews	Good		
P195--Requires use of a training tracking system that is accessible to supervisors	Good		
P196--Requires knowledge-based and performance-based assessments that are reliable and fair	Good		
P197--MDHR to review all training related to this agreement and Independent Evaluator must approve the training	Good but probably unrealistic		
IV. Specific Trainings by Subject Area			
P198--Introductory paragraph	Good		
P199--Importance of good Use of Force training	Good		

P200--Requires UoF training teach policies and laws, tactics and skills including de-escalation, to reduce the need to use force and proportionality of force used.	Good		
P201--Training on use of force options will be consistent with non-discriminatory policing and de-escalation as core values and will incorporate scenario-based training. Training will include limiting and addressing injuries.	Good		
P202--Provide officers with training on chemical irritants before they are approved to carry or use them. Include training on recognizing adverse reactions and providing care.	Good		
P203--Provide 16 hours of use of force and de-escalation training within one year and 8 hours training annually, not including firearms training.	Okay		
P204--Clarifies content of above training.	Okay		
P205--Above training will also be provided to new recruits.	Okay		
P206--MPD will prohibit officers from attending warrior-style training. Officer may be disciplined for attending such training.			Already a state statute. Would be good to require retraining of officers who had this training previously.

P207--Require officers to continue to receive annual Active Bystandership for Law Enforcement (ABLE) training.		Issue	This training only works if there is a culture to support it.
P208--Provide all officers with 16 hours of training on the requirements of this agreement related to stops, searches, citations and arrests within one year and 4 hours annually thereafter, taught by a qualified legal instructor.	Good		
P210--Review training content annually and update as needed.	Good		
P211--Train officers on elements of the offenses of Obstructing Legal Process and Disorderly Conduct within one year and annually thereafter.	Good		
P212--Train supervisors on completing reviews of officers' enforcement-related contacts.	Good		
P213--Each component of training will include non-discriminatory policing training.	Good		
P214--Provide 16 hours of training on non-discriminatory policing within one calendar year and 8 hours annually, based on MPD's own data.	Good		
P215--Outlines content of non-discriminatory policing training.	Good		

P216--Revise field training officer (FTO) program within one year.	Essential		
P217--Outlines requirements for FTO program including training under different trainers.	Good		
P218--Outlines competencies to be demonstrated by trainees to be designated as "field qualified"	Very good		
P219--Outlines requirements for documenting trainee progress and addressing remedial training.	Good		
P220--Outlines selection criteria for field trainers and requires 40 hours of initial training and 8 hours of annual training.	Very good		
P221--Requires current field trainers to be trained within 180 days of this agreement.	Good		
P222--Provides a mechanism for trainees to give confidential feedback on trainers. Requires review of the feedback quarterly and responsive action based on the feedback.	Excellent		
P223--Provides a mechanism for trainer feedback on the training and evaluation process. Feedback will be reviewed quarterly and acted on.	Excellent		
P224--Training Division will update FTO program annually based on best practices.	Excellent		

P225--Outlines expectations of supervisors.	Very good		
P226--Requires development of supervisor training within one year of agreement and make the training mandatory prior to start of a promotional assignment. Outlines list of topics to be included.	Excellent		
P227--Requires a field training component for new supervisors.	Very good		
P228--Requires annual supervisor training.	Very good		
P229--MPD will hold supervisors accountable for the quality of their supervision.	Good but incomplete		Should include that performance evaluations will be based on the quality of supervision they provide.
P230--MPD will provide training opportunities for officers seeking promotions including mentoring, peer ride alongs, and shadowing in specialty units.	Excellent		
P231--Within 180 days of agreement, the city and MPD employees assigned to investigate police misconduct will receive 16 hours of investigation training, with 8 hours of annual training thereafter.	Good		Why wasn't this already happening?
P232--All newly hired or assigned to investigating police misconduct will receive investigative training.	Good		
P233--Outlines the content of the above training.	Good		

P234--Within 180 days, provide instruction to all MPD officers on policies on police misconduct investigations including reporting misconduct, the consequences for failing to do so, and the city's anonymous reporting website.	Very good		
P235--Within 180 days, provide training and hold accountable all officers on specific protocols when engaging with minors.	Very good		
P236--Within one year, all officers will receive 40 hours of initial training and 8 hours of annual training in crisis intervention. Included will be instruction that officers cannot direct or suggest sedation for any individual.	Good but incomplete		Should include instruction that mental health crisis responders are the most appropriate responders for most situations.
P237--Within one year, provide training to MECC (city dispatch) on recognizing mental health crisis and dispatch most appropriate responder.	Very good but very overdue		
P238--Involve mental health professionals in the training outlined in P236-237.	Good		
P239--Option to involve experts in developing training on use of force and de-escalation.		Weak	
P240--Provide all employees training in stress management, alcohol/substance abuse, officer wellness every three years.	Good		

Part 8. Officer Support and Wellness Page 78-90

Section	Positive	Negative	Comment
I. Guiding Principles			
P241--Heading			
P242--Recognize need to support officers to cope with stress and consequences of service to the public.	Okay		
P243--City and MPD recognizes the need to provide adequate support services for officers experiencing mental health, substance abuse and other behavioral health challenges.	Good		
P244--Recognize need to treat officers fairly by equipping them to do their job safely with equipment and technology that is in working order and up to date, timely and accurately paying employees and giving sufficient time off.	Okay		
P245--Introductory statement to next section			
MISSING			Requirement that officers act with integrity and respond honestly in their request for support. Given the numerous phony PTSD claims, there should be a statement about what happens if someone is found to have filed a fraudulent claim.
II. Resource Support for MPD Employees			
P246--By January 2024 conduct assessment of equipment and non-database technology for outdated or broken equipment. Seek officer input. Develop tools to assess ongoing needs.	Good		

P247--Within 120 days the City will conduct a facilities assessment to determine facility repairs and additional facilities are needed, including feedback from officers.		BAD	No provision for community feedback on need for additional facilities. Has the potential to be interpreted to force the rebuilding of the third precinct against community will.
P248--Within 90 days of the assessment MPD will develop a plan to address repair or replacement of equipment, technology, and facilities.		BAD	No word on input from the community.
P249--Requires the city to provide resources to support implementation of the Equipment, Technology and Facilities Response Plan.		BAD	The City should be allowed to question the need for any request and the potential impact it may have on the public. There should be no carte blanche requirement that the city fund whatever the MPD comes up with.
P250--Develop a plan for future periodic assessments.	Okay		
P251--Requires city to provide safe, secure and equitable working environments.	Good		
P252--Outlines requirements for requests for new or remodeled facilities.	Okay		Does not include opportunity for the public or affected community to weigh in.
III. Mental and Behavioral Health Support Services for MPD Employees and Beneficiaries			

P253--City will provide a range of services to employees and dependents through an Employee Support Plan including mental health, stress management and substance abuse care. Plan will include confidential counseling, peer support, incident debriefings and officer wellness training.	Very good		Consider adding a crisis line. Add annual mental health screening. Peer mentors should be officers with no complaints or disciplinary actions on file, must have been employed at least 5 years.
P254--City will hire a Health and Wellness Manager to create and implement a Wellness Program. The City and MPD will complete a needs assessment based on best practices within 120 days.	Good		Position must be filled by qualified person with wellness/EAP experience.
P255--Outlines requirements for needs assessment.	Good		
P256--Within 60-calendar days of completion of the needs assessment, the City and MPD will develop a plan to address the identified needs. The plan must be implemented by September 1, 2024.	Good but incomplete		Plan should include regular communication regarding wellness and create a culture that encourages verse discourages seeking mental, emotional, and physical health resources as often as necessary. Assessment of the program to determine what is working and what is not working per officer feedback at least annually. Assure timely access to mental health services and other services. Services to be provided by competent credentialed psychologists, behavioral health professionals.
P257--Provide access to licensed mental health professionals with specialized training in PTSD, domestic violence, substance abuse, anger management, depression and anxiety.	Very good		

P258--The City will provide the level of support needed to address officer issues identified by assessment.	Good		
P259--Ensure services are culturally appropriate. Provide access to licensed mental health professionals that can provide services respectful of diversity.	Good but incomplete		Include peer support that is culturally competent and responsive.
P260--Requires city to offer MPD employees and dependents counseling services.	Good		
P261--Requires city to provide access to counseling within 24 hours or non-emergency counseling within two weeks of request.	Good but incomplete		Should include assessment of whether the officer can safely perform duties during the period before a professional assessment can be completed.
P262--Requires mental health counseling services are confidential.	Good but incomplete		Should provide mechanism for addressing condition of the officer that may have negative impact regarding the safety of the community or the officer. There must be some way to remove the officer from duty until fit for duty.
P263--Individuals providing mental health services are not allowed to participate in fit for duty assessments.	Good but incomplete		As above, should provide mechanism for reporting fitness for duty concerns. Conduct fit for duty assessments at least annually and more frequently for MPD officers involved in incidents or complaints.
P264--Prohibits retaliation for seeking care.	Good but incomplete		Should note that referral for fitness for duty issues is not retaliation.
P265--City and MPD must implement a communication strategy to educate employees about available services, address stigmas and other barriers to accessing help.	Good but incomplete		Require a specific number of hours of wellness training annually including self-help strategies as a mitigation to health issues – diet, exercise, counseling, debriefing, handling the emotional aspects of law enforcement.

P266--Provide information in multiple formats and spaces. Educate supervisor on how to support and make referrals for support for Wellness services.	Very good		
P267--Requires annual reassessment of support services with an annual report on utilization of services.	Very good		
IV. Early Intervention System			
P268--MPD will use an automated Early Intervention System (EIS) that meets industry standards and provides info to supervisors.	Very good		
P269--Outlines requirements for EIS.	Good		
P270--Outlines functions of an EIS.	Good		
P271--MPD will identify supports and interventions that are most helpful including counseling, training, coaching, mentoring, additional supervision or monitoring.	Okay		
P272--MPD will solicit input from officers before implementing EIS.	Okay but incomplete		Should solicit input from experts and members of the public.
P273--EIS will rely on statistical methods and analytic techniques to prompt supervisor action.	Good		
P274--Outlines sources of info for the EIS.	Very good list		
P275--Requires input of historical information into EIS during implementation but only if stored electronically.		Problem	Much of the MPD's historical information is on paper.

P276--Requires MPD to collect and maintain all info reasonably necessary to identify patterns indicative of at-risk behavior.	Good		
P277--Data to be entered timely.	Good		
P278--Commanding officers required to review EIS info on anyone transferred to their command within 14 days. Supervisors to complete monthly EIS reviews of officers under their command. Supervisors will review EIS data with officers under their command at least annually.	Good		
P279--EIS will provide push notifications to supervisors. Interventions will be recorded in the system.	Very good		
P280--Command staff required to use system to effectively manage officers and supervisors.	Good		
P281--Requires training to officers, supervisors and command staff on the EIS.	Good		
P282--All supervisors will be trained on the EIS, to interpret the outputs and perform appropriate interventions.	Good		
P283--Requires annual assessment of the EIS and outlines requirements of the assessment.	Very good		

P284--Interventions and support designed to assist officers to correct at-risk behavior. Interventions and support will be documented in the system.	Good		
P285--Requires development of policies for the EIS.	Good		
P286--EIS will be implemented in phases with pilot testing within 18 months with complete implementation within 24 months.	Good		
P287--Prior to full implementation of EIS, MPD will continue to use existing tools.	Good		
P288--City will provide adequate funding for the EIS including hardware and support.	Okay		

Part 9: Mental and Behavioral Health Crisis Support in the Field Page 90

Section	Positive	Negative	Comment
P289--City required to fund and adequately resource Behavioral Health Crisis Response Team 24/7.	Excellent!		
P290--Limit number of hours worked by officers to 16 per day and 74 hrs per week. Officers must notify supervisor if they work more than 64 hrs a week. Working over 74 hrs a week requires approval by police chief, assistant chief or deputy chief.		BAD--ensures officer exhaustion leading to errors, cutting corners and higher risk for misconduct.	TOO MANY HOURS--see our position in contract recommendations (no more than five consecutive days of work with two consecutive days off, maximum of 50 hours per week including regular hours, overtime, off-duty and buyback work).

Part 10: Accountability and Oversight Page 91-106

Section	Positive	Negative	Comment
I. Guiding Principles			
P291--Overview			This section is mostly platitudes - goals that the City has put forward for years without corresponding action. Public trust and confidence in the legitimacy of the MPD are the major goals, rather than the transformation that could earn that trust.
P292--MPD must provide constitutional, non-discriminatory policing and must hold officers accountable when they don't.	OK		
P293--Critical to have a robust, well-functioning system that instills confidence in the legitimacy of the system.	OK		The term "procedural justice" in the last sentence is clearly wrong. Should be "due process."
P294--Process must be accessible for all who want to file complaints.	OK		
P295--Requires meaningful community involvement in oversight systems.	Good		CONFLICTS WITH P309 AND P310
P296--Requires independent community oversight.	Good		But the agreement does not provide community oversight independent of the Civil Rights Dept and MPD
P297--Requires effective and efficient system of oversight.	Good		
P298--Requires independent review of police activities that is fair to officers and complainants.	Good		Again, the agreement does not provide any truly independent review
P299--System must be fair, timely, effective and consistent and use appropriate standards of proof.	Good		
II. Policy Revisions			

P300--Acknowledges recent changes by city.		BAD	This paragraph reveals that accountability will continue to be a sham. It says, "the City has recently undertaken and continues to undertake important changes to its accountability and oversight systems. The provisions in this Agreement are intended to continue to build on these changes." But recent changes have actually taken a completely broken system and made it worse. There is nothing to build on.
P301--Requires city to review and revise policies and procedures for police misconduct investigations within 120 days.	Good, but incomplete		Complaint handling procedures have shifted with no transparency. Manuals are nearly impossible to obtain. This process must include significant public input, even if it extends the timeline. The resulting manual must be readily available to the public.
P302--Requires city to review and revise investigative timelines, benchmarks and goals within 120 days.	Good, but incomplete		Again, this must include public input, even if it extends the timeline.
P303--Requires policies and procedures be sufficiently clear. States that accountability neither requires nor limits discipline.	Good, in part	BAD, in part	Clear, detailed accountability policies are important. But it is problematic that there will never be circumstances that require discipline for accountability. No limitation on discretion to impose discipline is also problematic. This gives the Mayor and the Chief far too much power that can't be challenged.
III. Making a Police Misconduct Complaint			
P304--City to maintain multiple ways for people to make complaints.		Bad	Options for filing complaints just maintains the status quo. Submitting complaints at precincts is problematic - desk officers can discourage complaints, or not maintain needed forms - or even throw away complaints without the complainant knowing. The requirement that staff seek a signature is troubling and ambiguous. A signature can mean many things. Sometimes it simply confirms identity. More often, it indicates agreement or compliance with some sort of statement. What will that statement be? Possibly a threat of prosecution under statute 609.505?

P305--City will maintain portal for internal complaints. City will define when staff are required to file reports.	Good		Will the city actually enforce the filing of reports when misconduct is found on BWC footage?
P306--City agencies will provide information on how to file a complaint.	Good		
P307--All complaints will be assigned a tracking number. All complainants will receive written confirmation of the complaint including the tracking number. City will provide mechanism for tracking progress of complaint.	Very good, in part		Notification of receiving complaint very good improvement. A barcode is not helpful to most of the public. Being able to track the status of the complaint is new and very good. But it is limited by state law, which the City has interpreted to mean that NO tracking is allowed.
P308--Agencies will get signatures on complaints but if evidence suggests the investigation should continue, it will continue even if the complaint is not signed.	OK		The emphasis on obtaining a signature is troubling, but the ability to proceed without one mitigates the problem.
IV. Entities Conducting Police Misconduct Investigations			
P309--Internal complaints will be investigated by Internal Affairs or similar body.		Bad	Completely eliminates any civilian involvement in handling internally generated complaints
P310--OPCR will investigate external complaints.		Bad	Civilian involvement limited to complaints from the public only.
P311--Human Resources will investigate complaints that an MPD employee violated city anti-discrimination, harassment or retaliation policies, not including MPD policies.	OK		

P312--City will eliminate the joint supervisor structure between Internal Affairs and OPCR.	Good		It was never good management policy for a department to have 2 heads, reporting to different departments (MPD and Civil Rights). But the trade-off is the elimination of ANY civilian involvement in internal complaints.
P313--Human Resource complaints will be investigated independent from Internal Affairs and OPCR.	OK		
P314--OPCR, Internal Affairs and HR can share knowledge about receipt of complaints, as permitted by law.	OK		
P315--Except for critical incidents, if two entities receive complaints about the same incident, whichever received it first will be the investigating agency.	OK, in part		Is it assumed that Internal Affairs will handle all complaints resulting from critical incidents?
V. Police Misconduct Investigation Process			
P316--Requires entities to receive complaints courteously and classify them properly and that investigations are timely, accurate and thorough. May include an expedited process.	OK		
P317--Within 30 days of receipt of complaint, the appropriate agency must review the complaint and refer the complaint to mediation or investigation, dismiss, or to coaching. Creates expedited process for allegations where officer admits violation.	Mixed	VERY BAD (mediation and coaching)	The 30-day timeline will sometimes be too short to do the job well. None of the current restrictions on mandatory mediation, including those that are meant to avoid re-traumatizing complainant by meeting personally with the officer. (There is no further information on mediation.) Far too much will be sent to coaching (officer's supervisor), though the exceptions in 317d(i) are good. The expedited process when the officer admits the violation is an improvement.

P318--Investigators will identify and preserve all evidence.	Good		
P319--Requires investigation of all complaints even if complainant cannot identify officer.	Very good		
P320--Requires identification and investigation of all allegations.	OK		
P321--Requires completion of all investigations within 180 days but can request an extension.	Good		
P322--Requires effective investigations including interviewing all witnesses, taking all reasonable steps to identify the officer,	Very good		Provides a thorough list of actions to properly do an investigation.
P323--Requires proper interview techniques with witnesses. Prohibits closing the case based on a criminal case in the same matter or because complainant withdraws complaint or is unable to cooperate.	Very good		
P324--Requires complete investigation files be kept and outlines minimum requirements.	Very good		Thorough.
P325--Investigators will report allegations of criminal conduct to their director, who will determine if appropriate to forward to appropriate law enforcement entity,	Good		But unrealistic that evidence of potential criminal conduct will be reported. After all, any unjustified use of force is criminal conduct, for example.

P326--Investigators will ask interviewees what information they reviewed and who they discussed the investigation with and document the answers.	Very good		
VI. Police Misconduct Investigation Review Panel and Next Steps			
P327--Investigators will complete a summary outlining their findings.	Good		
P328--Supervisory review of investigator's summary will be completed within 15 days unless additional investigation is needed. Upon supervisory review, the investigative file will be forwarded to the Review Panel. A Review Panel will be convened no later than 30 days from approval of the investigative summary.	Good, mostly		There is no minimum time specified for the file to go to Review Panel members before the panel is convened. If too short, this could seriously disempower the panel. Investigative files can be very long and complex with many videos. Scheduling of panel meeting is controlled by Civil Rights Dept, not by members of the CCPO or the Chair.
P329--Within 7 days of receipt of Review Panel recommendation, the head of the agency will review and provide to the chief of police the Review Panel's recommendations, investigative file and investigative summary.	OK, mostly		What is the purpose of the agency head's review of the Panel recommendations?

P330--Within 15 days of receipt of the Review Panel's recommendations and investigatory info, the chief may return the file for additional investigation or within 30 days issue a determination for each allegation and impose any related discipline. Outlines the definition of findings: sustained, not sustained, unfounded, exonerated, policy failure.	Good, with exception		30 days may be too short to be realistic. It gives little time for the required Loudermill hearing, which is never acknowledged in this agreement. It is good that outcomes are classified as Sustained, Not Sustained, Unfounded, Exonerated, or Policy Failure. But will these be public, or will the public still only be told whether the case is Closed without Discipline, or Closed with Discipline?
P331--Requires identification of standards of proof. [Should be preponderance of the evidence].	OK		
P332--Even if more serious allegations are not sustained, the city will not preclude discipline, training or coaching for other sustained allegations.	OK		
P333--All disciplinary decisions will be documented in the administrative investigative file, EIS and disciplinary history record consistent with any collective bargaining agreements and reported in the case management system.		Bad	Collective bargaining agreement cannot include a provision that prevents documentation of discipline or requires the discipline record to be deleted at any point. Including documentation in the EIS is good.
VII. Supervisory Review of Police Misconduct Investigations			

P334--Requires supervisors to communicate with the investigators under their supervision on the progress of investigations.	Good		
P335--Investigator supervisors will review investigative summary reports and full investigative files and order additional investigation if necessary.	Very Good		
P336--MPD will continue investigating level 3 uses of force and other allegations, when feasible, even if the officer leaves the force. The chief will not be required to issue sustained findings or impose discipline.	Very Good		
VIII. Community Oversight Commission			
P337--Requires the city to maintain a community oversight commission with regular meetings that include comments from the public. City will provide data requested by the commission.	Good		Except not truly independent, given the reliance on the Civil Rights Dept, which has undermined this work in the past.
P338--City will develop outreach strategy to appoint a diverse group of community members.	OK		
P339--Requires OPCR to provide sufficient staff support.	Good		
IX. Additional Requirements for Allegations of Police Misconduct			

P340--City will accept complaints that a city or MPD employee refused to accept, discouraged from filing or provided false or misleading information about filing a complaint.	Very Good		
P341--When investigating agencies become aware of lawsuits or criminal proceedings against officers, Internal Affairs will be notified.		Weak	Should require proactive efforts to learn this information.
P342--If the investigating agency becomes aware of a non-subject officer's potential misconduct, it will be reported to Internal Affairs.	Good		
P343--If the complaint involves allegations of discrimination based on protected class, the complainant must be notified of the right to also complain to the Minneapolis Civil Rights Dept and the MN Department of Human Rights.	Very Good		
P344--Complainants alleging discrimination to the Minneapolis Dept of Civil Rights will be told that they can also file a complaint with OPCR or Internal Affairs.	Very Good		
P345--Investigations may not be conducted by any MPD personnel who have a conflict.	Good		

P346--Investigators must notify the subject officer's supervisor that the officer is the subject of an investigation and will be interviewed. The subject officer will be told not to speak to witnesses or complainants about the complaint.	Good		
P347--Within one calendar year and annually thereafter, MPD will review and refine the disciplinary matrix.		WEAK	The current disciplinary matrix is very vague and poorly written. It does not cite policy and is designed not to be enforceable. There are no requirements in the agreement regarding the nature of the discipline matrix - just that there be one.
P348--Following a disciplinary reset or notice to change prior disciplinary practices, MPD will impose discipline in a fair, consistent and timely manner and will consistently apply mitigating and <u>aggravating factors</u> .		WEAK	Missing the requirement to issue a disciplinary reset.
P349--Prohibits retaliation against complainants.	Good		
P350--Prohibits interfering with an investigation including by being untruthful or colluding with others.	Good		
P351--Requires a separation between Internal Affairs and the city's defense in civil liability cases (firewall).	Good		
P352--Requires cooperation by city officials, departments and employees with investigators by providing access to information and documents.	Good		

P353--Requires reporting of pending or sustained allegations of police misconduct to the City Attorney's office.	OK		
P354--MPD will prioritize forming a police misconduct investigation staff with experience conducting quality investigations.	Good		

Part 11: Data Systems, Analysis, and Transparency Page 106-117

Section	Positive	Negative	Comment
I. Guiding Principles			
P355--Introduction			
P356--Data-driven decision making supports accountability and aligning values with action.	Good		
P357--Using metrics for non-discriminatory policing.	Good		
P358--Requires MPD to share data to promote transparency.	Good		
P359--Data analysis does not replace engagement.	Good		
II. Data Systems Plan			
P360--Data systems will store data in easily retrievable ways. City will provide necessary resources for these systems.	Good		
P361--City will hire expert to assess data systems within 120 days.	Good		
P362--90 days after assessment, the City will develop a plan to implement recommendations.	Good		
P363--Outlines characteristics of systems acquired as part of plan.	Good		
P364--Review data systems and forms annually.	Good		
III. Case Management System for Police Misconduct Investigations			

P365--Requires centralized system for police misconduct investigations and outlines requirements.	Very good		
P366--IA and OPCR files will be electronically preserved in accordance with the City's retention policy.		Weak	Should require retention beyond the approved city retention policy to allow for public access and historical tracking.
P367--Outlines requirements for the system.	Good		
IV. MPD Review Panel			
P368--Outlines purpose of a MPD Review Panel to analyze its enforcement practices and recommend changes.	Very good		Provides an ongoing mechanism for internally driven quality improvement.
P369--MPD required to establish an MPD Review Panel within 180 days.	Very good		
P370--MPD Review Panel to be chaired by the chief or designee and include certain deputy chiefs and others.	Okay		
P371--Panel will be staffed with employees with certain expertise, including background in analyzing data.	Good		
P372--Panel will meet quarterly.		Inadequate	Should meet far more often.

P373--Panel will review and make recommendations on level 3 uses of force, samples of level 1 and 2 uses of force, traffic stops, pedestrian stops, discretionary searches, citations and arrests including documentation, reviews, racial composition of subjects of enforcement activities.	Good		
P374--Within 30 days after quarterly meeting, MPD Review Panel will issue written action items and assign the action items to a specific commander or inspector. MPD will promptly implement the action items.	Very good		
V. Transparency			
P375--Transparency is vital to trust.			
P376--Nothing in the agreement requires MPD to violate the Data Practices Act.			
P377--Beginning in 90 days, MPD will publish monthly data on use of force on their website including where the uses of force occurred.	Very good		
P378--MPD will publish an annual report of improper uses of force, failures to de-escalate and whether the officers were disciplined on the MPD website.	Very good		

P379--Beginning in 90 days, MPD will publish monthly data on stops, searches, citations and arrests by race and location on its website.	Very good		
P380--Beginning in 90 days, MPD will publish monthly data on the number of officers who violated non-discriminatory and impartial policing policies, officers who received coaching vs. discipline and demographic characteristics subjected to biased treatment.	Very good		
P391--Beginning in 90 days, MPD will publish disciplinary decision and the chief's discipline memo in a searchable database on the MPD website including type of violation and officer's name, starting with decisions from June 8, 2020 onward.			This is already required by one of the lawsuits won by CUAPB.

Part 12: Independent Evaluation and Implementation Page 117-136

Section	Positive	Negative	Comment
I. Objectives and Court Jurisdiction			
P382--Parties seek to implement the agreement cooperatively and will resolve disagreements with discussion before resorting to the court.	Good		
P383--Agreement becomes effective upon court order.	Good		
II. Parties' Efforts to Avoid Conflict Between this Agreement and a DOJ Agreement			
P384--If there are conflicts with a DOJ consent decree, the terms of this agreement will be renegotiated.	Good		Probably good that the DOJ consent decree will take precedence if needed.
P385--If the agreement is modified based on the DOJ consent decree, the parties will confer with the Independent Evaluator.	Good		
III. Independent Evaluator			
P386--Independent Evaluator (IE) will be selected through an RFP process. Outlines the criteria for an Independent Evaluator.		Bad.	The criteria listed are reasonable. But public had little influence setting the criteria. MISSING: A statement of previous work done for the City and payment received, as well as any intention to continue such work after the agreement is terminated. P402 and P403 only deal with conflicts of interest DURING the duration of the agreement.
P387--IE will consist of a lead evaluator and team.	Good		

P388--IE will not be an agent of either party or the court. IE will not have authority to order or require the parties to take or defer action.	Good		
P389--IE's role is to evaluate compliance. Two years after appointment, the parties will evaluate the work of the IE and determine whether to reappoint or replace the IE.	Good		
P390--Outlines criteria for IE.	Good, mostly		Does not require IE to provide their plan for public engagement and seeking public input.
P391--Outlines process for selecting IE.	Good, with exception		Includes provision for getting community feedback. BUT has no provision for re-opening the process if none of the applicants is acceptable.
P392--Outlines the conditions of the contract with the IE.	Good		
P393--Requires the same IE for this agreement and any DOJ consent decree.	Good		
P394--Parties will share info about the IE candidates with the DOJ and take into account their feedback.	Very Good		
P395--DOJ will be invited to a meet and confer to consider feedback before an IE is presented to the court.	Very Good		
P396--If the DOJ picks a different IE, the IE for this agreement will be terminated and the DOJ IE will take over both agreements.	Good		
P397--There are multiple ways to implement the terms of the agreement and the City and MPD may choose the strategies.	OK		

P398--City will bear the cost of the IE. Budget is capped at \$1.5 million per year.	OK		
P399--If IE fails to perform satisfactorily, the parties will meet and confer to determine if IE should be replaced. If so or the IE resigns, the parties will meet and confer. Either party may move the court to remove or replace the IE, the process in P391 will be used to replace the IE.	Good		
P400--IE will make no public statements or issue findings except as authorized by the parties.		BAD	Public information will be limited to only the required reports.
P401--IE may testify as to observations, findings and recommendations before the court but will not testify in other proceedings.	OK		
P402--IE team members will not accept employment or provide consulting services that conflict with IE's duties. IE will not enter into any other contract with the parties while serving as an IE.		WEAK	Only applies to conflicts of interest during the duration of the agreement. Does not prevent the typical "revolving door" between being a neutral party and being a city contractor for lucrative assignments.
P403--IE will not be permitted to represent or work for any individual or organization in any criminal, civil or administrative matter adverse to the parties.		WEAK	Same as above.

IV. Policy Development			
P404--New policies will be presented to the MDHR and IE to review. MDHR will have 14 days, IE will have 30 days to give feedback. City/MPD will make changes based on feedback. IE must approve policy before it can go into effect.		BAD	Public is shut out from the review. 14 days and 30 days would not be enough to collect public comment if it were allowed. If IE is late, policy is adopted without IE approval.
P405--City/MPD can take temporary action to address an emergent public safety need. Within 48 hours, the temporary policy will be submitted to MDHR and the IE and be subject to review.	OK		
V. Implementation Progress Reviews			
P406--IE will conduct progress reviews including underlying analysis, data, methods and sources of information.	Good		
P407--Within 90 days, IE will develop an implementation progress evaluation plan for the first 4 years of the agreement. Outlines requirements of the plan including measures to determine compliance, methods for sharing reviews with parties, method for receiving public input.	Good, mostly		In-person meetings with the public should be more frequent than each 4 months.
P408--IE to submit evaluation plan to parties for approval. Parties have 15 days to approve or propose changes to the plan.		Bad	Public is shut out from the process.

P409--If plan is not approved, dispute will be resolved by dispute resolution process outlined in agreement.	OK		
P410--Finalized plan will be posted on IE website.	Good		
P411--IE may change the plan at any time with agreement of the parties. Any changes will be posted on IE website.	OK		
P412--After two years, IE will update plan.	OK		
P413--IE will post to website semi-annual reports. Outlines what is included in the reports.	OK		
P414--IE will provide semi-annual reports to parties 30 days prior to public release to allow for comments. IE will post comments and their responses with the reports on the website.	Good		
P415--IE will conduct an annual community survey on satisfaction with the MPD. Data will be presented on the IE website. IE will separately conduct an annual survey of MPD officers.	Very good, with one exception		There will be no initial community survey right after the adoption of the plan, which would establish a baseline for comparison. That is a remarkably stupid oversight!
P416--IE will make recommendations regarding measures needed for timely compliance.	OK		
P417--IE may also arrange for technical assistance.	OK		

P418--IE will maintain regular communication with the parties including regular status meetings.	OK		
P419--IE will regularly meet with community stakeholders who have expressed interest in regular meetings and hold at least one community meeting every four months. Meetings will be publicized on MDHR and MPD web pages and social media accounts and on IE website. IE will designate a team member as community liaison.	Very good, with one exception		The larger community meetings should be more frequent than every 4 months
P420--IE will meet with MPD officers regularly. IE will designate a team member as officer liaison.	Good		
P421--IE will maintain a public website and post evaluation plan, reports, parties' court filings, schedules of community meetings and briefing, proposed budget and accounting. IE is prohibited from speaking directly with media. Social media can only be used to publicize public meetings and reports.	Good, with exception		If they can post information on a public website, it is odd that the IE will not be able to talk directly to media. The media represent and inform the public far more widely than a website.

VI. Termination Evaluation			
P422--Termination evaluation is due no later than four years after effective date of agreement or at the time the city and DOJ reach a consent decree, whichever is sooner. Termination evaluation will determine if City and MPD have demonstrated full and effective compliance and identify areas requiring further progress. Once the termination evaluation is complete, the city can request the court terminate this agreement.	Good, with exception		It is strange that a Termination Evaluation will be required when a consent decree is reached with the DOJ.
P423--Outlines requirements for the termination evaluation.	OK		
P424--A draft termination evaluation will be submitted to the parties 30 days prior to being finalized for review and comment. Parties have 30 days to provide comments and objections. Final termination evaluation will be a public record and posted on the IE website with comments from the parties.		Bad	Once again, the public is shut out.
P425--Parties can modify this agreement with approval from the court.	OK		
VII. Access and Confidentiality			
P426--Requires city/MPD to provide data to allow evaluation of compliance with the agreement.		Weak	NO data should be purged until at least a year after the Termination.

P427--IE can conduct on-site visits and evaluations with notice.	OK		
P428--IE and MDHR staff who review CJIS data must be CJIS certified. City is not required to redact data for the IE or MDHR.	OK		
P429--IE and MPD/City will coordinate onsite visits or observations. MDHR will be advised of the IE on-site schedule and may accompany the visit if appropriate.	OK		
P430--City and MPD will provide IE and MDHR with access to data needed to evaluate compliance. If City/MPD fails to provide data, they must state a reason. If the MDHR disagrees, it can seek a court review. IE team will execute non-disclosure agreements for non-public data.	Good		
P431--IE team will maintain all non-public data in a confidential manner.		Bad	The IE should have access to the personnel data regarding complaints that do not result in discipline. There are surely other examples.
P432--MPD will notify IE and MDHR of any critical incidents, level 3 force or in-custody deaths within 72 hours.	Very good		
P433--IE will provide parties with an unredacted version of their reports.	OK		

VIII. Dispute Resolution			
P434--If any party disagrees with an aspect of implementation, that party will consult with the other party and IE to attempt to resolve the disagreement. If an impasse is reached, within 10 days the disputing party will notify the other party and IE of the dispute. The parties will then meet and confer in person. If the dispute is not resolved, the party may petition the court to resolve the dispute.	OK		
P435--Any ambiguities may be interpreted in a flexible, practical manner.	OK		
P436--Parties will defend the provisions of the agreement to the extent permitted by law. Parties will notify each other of any court or administrative challenges to the agreement.	OK		
P437--City is responsible for funding implementation.	OK		
IX. Modification and Termination of the Agreement			
P438--Parties may stipulate to changes in the agreement, subject to court approval. Any changes will be posted on the IE website.		Bad	Once again, the public is shut out.

P439--Agreement will terminate upon the court's determination that the City and MPD have achieved Full and Effective Compliance by a preponderance of the evidence.		Bad	Once again, the public is shut out.
P440--City/MPD must demonstrate sustained compliance of all requirements of the agreement. IE contract terminates when the court finds full and effective compliance with the agreement.	OK		
P441--Outlines periods of time required for sustained compliance with various provisions.	OK		
P442--City may move the court to terminate part of the agreement if in full and effective compliance with that portion and the portion must be severable from the rest of the agreement.	OK		
P443--City may move the court to terminate the agreement upon showing by a preponderance of the evidence that they are in full and effective compliance.	OK		
P444--City may move the court to terminate the agreement if they can show they have achieved the goals of the agreement through other measures.	OK		

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Section	Positive	Negative	Comment
P454--Definition of discipline		VERY BAD	States that coaching is not discipline. There is no definition of coaching. The City's insistence that records of coaching are non-public is the subject of a lawsuit currently in the courts. P454 prevents for 10 years or more any positive resolution of a very controversial topic. Coaching will remain totally secret.