

ORDINANCE
By Chavez

Amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Police Conduct Oversight.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 172.60 of the above-entitled ordinance be amended to read as follows:

172.60. Community commission on police oversight.

(a) *Creation and purpose.* There is hereby created a community commission on police oversight. The commission shall provide a forum for the public to have meaningful engagement in police oversight, engage in research and study and provide policy recommendations on policing practices, and shall serve as part of the deliberative review process, as set forth in section 172.40.

(b) *Composition.* The community commission on police oversight shall be composed of fifteen (15) designated seated members, thirteen (13) of whom shall be appointed by the city council, one (1) per ward, and two (2) of whom shall be appointed by the mayor. All designated seated commissioners shall be appointed to specific seats and terms, in conformance with the open appointments process, including residency requirement, as set forth in Title 2 of this Code. In addition to the fifteen (15) designated seated members, an additional five (5) alternate members may be appointed by the director of civil rights. Alternate members shall serve as civilian panelists on review panels as provided in section 172.40 and shall be subject to the eligibility and training requirements set forth in this section. The director of civil rights may select an alternate member to temporarily act as a seated member of the commission in the event of a vacancy until the vacancy is filled by the appointing authority; unless so selected, alternate members may not participate as members in any commission or committee meeting. All appointments shall be for a term of three (3) years.

(c) *Qualifications.* To be eligible for service, all members:

(1) Shall be eighteen (18) years of age or older;

(2) Must take and pass any background check, training, and tests necessary to obtain certification to access data from the U.S. Federal Bureau of Investigation's criminal justice information system, except that if a member does not take and pass such a background check they may still qualify to serve on the commission but shall not be eligible to serve on the review panels, under section 172.40, that involve access to data for which a background check is required. There must be at all times at least ten (10) members of the commission who have passed the required background check. No individual may serve as an alternate member unless they have taken and passed any background check, training, and tests necessary to obtain certification to access data from the U.S. Federal Bureau of Investigation's criminal justice information system;

(3) May not be a current employee of the city;

(4) May not be a current licensed peace officer as defined by Minn. Statutes, Section 626.89, subdivision 1(c);

(5) Must satisfy any other qualifications required under Title 2 of this Code; and

(6) Once appointed, must adhere to commission bylaws and applicable City policies, and must sign and adhere to a Participation Agreement.

(7) The civil rights department shall implement procedures to ensure that all persons appointed:

a. Have a demonstrated commitment to equitable, non-discriminatory policing.

b. Do not have a record of taking actions which would undermine public trust in the individual's ability to conduct civilian oversight of law enforcement in an equitable and non-discriminatory manner.

(d) *Training.*

(1) Within ninety (90) days of appointment and prior to serving on review panels as provided in section 172.40, all members shall complete the following mandatory initial training as it relates to the powers and duties of the commission:

a. Police use of force.

b. Minnesota Government Data Practices Act.

c. Minnesota Open Meeting Law.

d. Minnesota Public Employment Labor Relations Act.

~~e. Ethics and conflicts of interest.~~

~~f.~~ g. Race, equity, inclusion, and belonging anti-racist training as developed or adopted by the City of Minneapolis.

~~g.~~ h. Review panel procedures and ordinance requirements.

(2) Additional training.

a. All members shall complete ethics education training as set forth in Sections 10.80(b)(3) and 15.260.

~~a.~~ b. All members shall complete mandatory annual refresher training on the subjects set forth in section 172.60(d)(1).

~~b.~~ c. Members may be provided training on any other subject or material recommended by an organization with expertise in civilian oversight of law enforcement, such as the National Association for Civilian Oversight of Law Enforcement.

~~c.~~ d. Members may be provided any other relevant training as determined by the civil rights department including by request of the commission.

To the extent training is not conducted during regular meetings of the commission, members will be compensated fifty dollars (\$50.00) for each training session attended.

(e) *Removal; forfeiture.* Except as otherwise established by law or City Charter, all members of the community commission on police oversight shall serve at the pleasure of the appointing authority. Any member who is found to have failed to satisfy the qualifications set forth in section 172.60(c), fails to satisfy the training requirements set forth in section 172.60(c) and (d)(1), fails to serve as a review panelist pursuant to section 172.40, as assigned by the director of civil rights or the director's designee, or fails to satisfy the attendance requirements in section 10.70(e), forfeits their appointment. The director of civil rights may authorize an exemption from forfeiture for good cause.

(f) *Vacancies.* Any vacancy occasioned by resignation, death, forfeiture, or removal of a member shall be filled for the balance of the unexpired term by the appointing authority or temporarily by the director of civil rights as provided in section 172.60(b).

(g) *Stipend—Limitation.* Each seated member shall be paid a stipend of fifty dollars (\$50.00) for each day when the seated member attends one (1) or more meetings of the commission, and may be reimbursed for public transit or parking expenses incurred in the attendance at those meetings.

(h) *Organization.*

(1) During its annual meeting in July, which shall be the commission's annual organizational meeting, the commission shall select from its designated seated members a chair and a vice-chair to serve in the absence of the designated chair. All members of the commission shall serve until their successors have been appointed. A majority of the total number of designated seats on the commission shall constitute its quorum for the purpose of meeting and conduct of business, regardless of any vacancies.

(2) The commission shall meet at least eight (8) times per year at a regularly scheduled time and place for the purpose of conducting any business necessary to the operation of the commission. When necessary, the chair or the commission by a vote under subsection (h)(3) of this section may call additional meetings at dates and times provided in the notice of special meetings. All meetings of the commission (but not sessions of the review panels) shall be conducted in compliance with the requirements of the Minnesota Open Meeting Law (Minn. Statutes, Chapter 13D). The commission shall operate according to bylaws and rules approved by the city council.

(3) The commission shall take formal action only by the affirmative vote of at least a majority of those seated members present and participating in a meeting, and shall be restricted to matters within its powers as described in this section 172.60(i).

(i) *Powers.* The commission may:

(1) Request programs of research and study to be conducted with the civil rights department, including requesting statistical data on complaints, investigations, and discipline and/or requesting the civil rights department to create anonymized case summaries, consistent with the Minnesota Government Data Practices Act and other applicable law, to ensure that police services are delivered in a lawful, effective, and nondiscriminatory manner for the purpose of ascertaining how the objectives of this chapter may be attained and sustained. This research and study may include analysis of the programs, policies, and

practices, including but not limited to discipline practice, of the police department as well as analysis by the city attorney regarding applicable laws and regulations.

(2) Collect, review, and audit summary data and compile aggregate statistics relating to programs of research and study, such as patterns related to complaints of police officer misconduct, and present results of such analysis on a periodic basis to the city council, mayor, and chief of police.

(3) Make recommendations to the city council, mayor, and/or chief of police relating to police department practices, internal controls, collective bargaining agreements, and other related matters contained within a program of research and study. The commission may refer to the city attorney for consideration and recommendation any matter related to compliance with applicable law or regulation with respect to police policies and procedures.

(4) Recommend training as a result of the research and study process.

(5) Create and implement a community outreach program and coordinate outreach activities with the commission on civil rights.

(6) Designated seated members and alternate members may contribute to the annual performance review of the chief of police.

(7) Recommend clear, detailed, processes for complaint investigations and other necessary policies that build in safeguards against community members who are vulnerable to retaliation.

(8) Recommend policies that protect against retaliation for police officers who may fall under the category of "whistle-blowers" or are vulnerable to retaliation.

(9) Recommend to the city council the creation of any committee, whether standing or special, permanent or temporary. Such authorization shall be through approval of an amendment to the bylaws of the commission which provides for the committee, its purpose, membership, and other details as required by applicable law, ordinance, or bylaw.

(j) Within ninety (90) days after the commission's annual organizational meeting, the commission shall adopt an annual work plan, and shall report back to the city council and mayor at least annually on its progress with regard to such work plan.

(k) The civil rights department may facilitate or assist the commission's programs of research and study by:

(1) Organizing, conducting, and administering programs of research and study on topics requested by the commission.

(2) Establishing a follow-up process to inform the commission of corrective actions taken or the reasons for not having taken action regarding results of programs of research and study.

(3) Submitting reports to the commission, mayor, and city council indicating research and study projects completed, major findings, and corrective actions taken, as well as significant findings which have not been fully addressed.

(l) All members of the commission must serve as review panelists pursuant to section 172.40, as assigned by the director of civil rights or the director's designee.

(m) The commission shall conduct a public hearing at least once per year addressing police department policies, rules, practices, and special orders. The commission shall determine which police department policies, rules, practices, or special orders shall be the subject(s) of the hearing. Additionally, the commission shall invite the chief of police to two (2) meetings per year to address the status of the police department policies, rules, practices, or special orders that were the subject(s) of the most recent public hearing.

(n) During any public comment period provided by the police department, the commission shall review and provide the police department and the public with its analysis and recommendation of any proposed changes to the policies, procedures, and special orders of the police department which govern use of force or other subject matters addressed in federal or state court orders or federal or state court settlements which pertain to the police department.

(o) *Confidentiality.* All members of the commission shall comply with the Minnesota Government Data Practices Act, Minn. Statutes, Chapter 13.