

Community Oversight Special Board Meeting
MEETING MINUTES
Friday, October 23, 2020 – 1:30 PM to 3:30 PM
WebEx Meeting

1. Call to Order

- **Andres Martinez** (*Chair*), called the meeting to order at 1:00 p.m.
- **Board Members in Attendance:** *Andres Martinez (Chair), Ashlee Davis, Andrew Goddard, Jamel Campbell-Gooch, Phyllis Hildreth, Walter Holloway, Timothy Hughes, Brenda Ross, Matthew Sweeney, and Shawn Whitsell.*
- Board Members Absent: *Adele Lewis*
- **Others in Attendance:** *Jill Fitchard (Community Oversight Board Executive Director), Chris Clausi (Community Oversight Board Assistant Executive Director), R. Todd Pinckley (Community Oversight Legal Advisor), Community Oversight Staff.* The meeting was publicly broadcast contemporaneously.

2. Establish Quorum and Reading of Appeals Statement

- A quorum was established for the meeting and Chair Martinez read the appeals statement.

3. Electronic Meetings Statement

- Todd Pinckley explained that due to the occurrence of the COVID-19 pandemic, a vote was needed pursuant to Governor Lee’s Executive Order 60 to conduct the following Community Oversight Board (“COB”) meeting electronically.
- Shawn Whitsell moved to approve the electronic meeting. Brenda Ross provided a second on the motion. The electronic meeting was unanimously approved.

4. Proposed Resolution Reports

Chair Martinez explained that the Proposed Resolution Report is the result of an investigation by MNCO staff and represents the totality of the investigation. The COB Rules state that the allegations must be proven by a preponderance of the evidence. Additionally, under the COB Rules, the report has a presumption of correctness. He explained that the presumption means that the evidence contained in the report was properly collected by investigators and appropriately analyzed by the Executive Director.

- After Director Fitchard’s presentation, a motion to approve will be given to approve the report as submitted to initiate a discussion. Discussion should focus on the report as submitted to the Board. All potential voting options listed in the Board’s rules were provided to the Board. An approved report and its recommendations will be sent to MNPDP’s Chief of Police for consideration along with the investigative file. MNPDP’s Chief of Police will review the report and provide a written response within a reasonable amount of time.

Director Fitchard presented to the Board Proposed Resolution Report number CC-2020-016. She summarized the complaint allegations of discourtesy and failure to provide assistance and the provided a detailed summary of the findings of fact from the report. She discussed the analysis from the report and the conclusions. She explained that the officer denied the allegation of discourtesy and her conclusion that the charge was not proven by a preponderance of the evidence. She advised that although the failure to assist allegation was proved, it did not violate MNPDP policy. The allegation concerned a MVA accident. She was transported to the hospital before the responding officer took her statement. He prepared his accident report without her input. After her release from medical care she contacted the officer and requested that he include her side of the story in the report. He declined, saying it was unnecessary. The Director concluded that the allegations of failure to assist could not be sustained because MNPDP’s policy did not require that a late report be taken. The PRR recommends, however, that MNPDP adopt a policy change that would provide for late reports under certain instances.

- Specifically the PRR recommended that the MNPDP department manual should be amended to state: when vehicle occupants involved in a collision are unable to give a statement because of medical transport, but desire to give a statement, officers should add the statement to a supplemental report.
- Member Ross moved to approve the PRR. Member Goddard provided a second on the motion.
- After extended discussion among the Board members, Member Sweeney moved to amend the PRR recommendation to state that: if an accident occurs and the person involved is not available to give a statement at the scene, but later wishes to provide a statement, MNPDP should amend the report to include the statement. Member Goddard provided a second on the motion. The PRR, as amended, was unanimously approved by the Board and will be sent to MNPDP’s Acting Police Chief.
- Member Hughes asked if demographic information could be included in the reports. Director Fitchard stated that information in the files is available to all Board members. Member Sweeney initiated a discussion among the Board members regarding the PRR “presumption of correctness” standard, expressing concern that the introductory comments at today’s meeting might be interpreted to mean the Board cannot consider the evidence presented and reach a different conclusion in a case if found that the Director’s conclusion was against the weight of the evidence presented in the report.

Member Sweeney did not take issue with the PowerPoint presentation to the Board regarding its authority, only to the general comment made at the beginning of this meeting. As a result of the discussion, Chair Martinez said he would work with Legal Advisor Pinckley to more clearly describe to the Board at the beginning of future meetings where PRRs are presented the “presumption of correctness” and the Board’s authority to weigh the evidence presented.

5. Policy Advisory Report

- Dr. Vielehr gave a PowerPoint presentation on proposed revisions to the Use Of Force Consent Decree Policy Advisory Report. Revisions were based on three written comments received during the public comment forums process.
- Changes were made to Recommendation #1 and Recommendation #3. An additional recommendation #7 was also added to the report. Dr. Vielehr read the revised recommendations to the Board members.
- Member Campbell-Gooch asked whether most of the Policy Advisory Report recommendations can be administered “budget neutral.” Dr. Vielehr stated most are budget neutral except for the creation of force investigation teams since resources would need to be deployed, which require dedicated officers and training.
- Member Campbell-Gooch asked for clarification over recommendation #5 (Force Investigation Team), which Dr. Vielehr. Provided.
- Member Hughes moved to approve the Revised Policy Advisory Report as recommended. Member Goddard provided a second on the motion. The Revised Policy Advisory Report was unanimously approved. The recommendations will be sent to MNPD’s Acting Police Chief.

6. New Business / Announcements

- Member Hughes encouraged everyone to vote early.

7. Adjourn

Member Goddard moved to adjourn the meeting with Member Hughes providing a second. The motion was unanimously approved. The meeting adjourned at 2:15 pm.

Approved by the Board at its meeting on November 18, 2020

/s/ Matthew Sweeney 11/26/20

