



Policy Brief for December 20, 2021 COB Meeting

Chief Drake's Approval of Soft-Empty Hand Recommendations

On 12/6/21, Chief Drake responded to MNCO's Soft Empty-Hand Use of Force Report and accepted the two recommendations from the COB. The COB deferred a third recommendation to the Metro Council from the report for two meetings. The Metro Council recommendation is on the agenda for the December 20th COB meeting. If the Board decides that the response from the Chief and the implementation plan from the department satisfies the COB's recommendation for soft empty-hand control to be tracked, the Metro Council recommendation may not be necessary.

Chief's Response

MNPD Response to MNCO Recommendation 1: "Accept. As is established practice, when the MNPD issues such policy revisions, they will be posted on the MNPD [public website](#)."

MNPD Response to MNCO Recommendation 2: "Accept. Rather than suggested quarterly or annual reports, the Use of Force dashboard at the [MNPD Data Dashboard site](#) will be modified to track and report the suggested items in a 'live' format and the data download feature of the dashboard has been made active."

Clarifying questions

A representative of MNPD will answer questions from the COB regarding their implementation of the recommendations. Dr. Vielehr requested that the department send "the most appropriate person to discuss the response and how the recommendations are being implemented." There are several clarifying questions that the Board should explore.

1. Will the deadline of January 1, 2022 to begin tracking of soft empty-hand control used to overcome resistance be met?
2. How are departmental policies being changed to accommodate reporting soft empty-hand control when used to overcome resistance and there is no injury?
 - a. What is the threshold that will be used in policy to determine whether a use of force report will be required?
 - b. How will officers learn about these changes and how will supervisors be trained to implement these changes? Will they be incorporated into 2022 in-service training?
3. The COB's report makes specific recommendations on creating forms. Will the department be creating a 108-S form, and will it replace or be used with the Form 108-F?

4. The COB recommended that quarterly and annual use of force reports be posted to the MNPD website, sent to Metro Council, and sent to the Executive Director of the COB. MNPD stated that the MNPD dashboard will be revised to report on the items requested in the report.
 - a. The MNPD dashboard states that the figures are not official counts, does the department have concerns that unofficial numbers may be misinterpreted? Would issuing a report give the department the ability to release official numbers with additional context?
 - b. The revised use of force policy requires an annual use of force report. Will the annual report still be issued, and will it meet the disaggregation standard specified by the recommendation?
5. The department is conducting supervisor trainings around investigating uses of force following a COB recommendation from last year; what are the statuses of these trainings, and will the policy change to require reporting of soft empty-hand control be incorporated into these in-service trainings?

License Plate Readers

The Board will have one guest to discuss oversight of LPRs. [Brian Hofer](#) is the Chair of the Oakland Privacy Advisory Commission and Executive Director of Secure Justice, a non-profit privacy organization. The Oakland Privacy Advisory Commission [recently brought a lawsuit](#) against the Oakland Police Department for not following the regulations for storing and sharing LPR data. The Oakland Commission is one of the few governmental bodies across the county that is providing active oversight over a license plate reader program. Dr. Vielehr requested that he focus on oversight of LPR technology.

Metro Council legislation is currently deferred, and the Vice Mayor announced on 12/7 that there will be a special committee of three cosponsors of BL2021-961 and three cosponsors of BL2020-841. MNCO researchers plan to attend the meetings of the special committee to report back to the Board on the committee's discussions.

MNCO researchers developed a potential policy position that could be discussed and modified by the Board. Rather than supporting a specific bill, the position aims to highlight that there are multiple perspectives on LPRs among Board members and suggests principles that the board has discussed related to civil rights and privacy if the Council is to make regulations of LPRs. Following questions from the Board for Mr. Hofer would be an opportunity to discuss whether the document is in line with members' opinions on how the Board should provide input into the city-wide discussion.