

# City of Maplewood

## Police Use of Force (UoF) Workgroup Meeting Minutes

Thursday, October 13, 2016

### 1. CALL TO ORDER

The fourth meeting of the Use of Force Workgroup was called to order at 6:35 PM by Chair Neblett.

### 2. ROLL CALL

A quorum of the UoF Workgroup was in attendance at the meeting, including:

- Sylvia Neblett, Chair
- Melissa Sonnek
- Rita Janisch
- Mary Schoenborn
- Sarah Lilja
- Evelyn Combs
- Dave Mathews
- Anne Bryson
- Juan Wilson
- Dave Singleton
- William Josten

Elected Officials Present:

- Bryan Smith, Councilmember

Staff Present:

- Paul Schnell, Police Chief
- Cassie Fisher, Admin Assistant to the Police Chief/Police Data Analyst

Absent:

- Lenna Scott
- Kathryn Hatlestad
- Tzianeng Vang

### 3. BUSINESS AGENDA

#### a. Discussion of Body Worn Camera (BWC) policy draft which was reviewed by the Workgroup:

Topics and areas of consideration:

- 1) Mission of department and Purpose of BWC policy do not match – Purpose might not be broad enough.
- 2) Guardian mentality is not mentioned.

- 3) Legal classification of BWC data – clarified to workgroup members.
- 4) BWC policy options, regarding officer's ability to review BWC footage before making a voluntary statement after a critical incident:
  - a. Option to review will be allowed
  - b. No review will be allowed
  - c. Defer decision of allowance to review to the Investigating Agency (BCA)
  - d. As the policy is currently written: No review will be allowed, unless otherwise granted
- 5) Implications regarding topic number 4 items a - d, above:
  - a. A candid statement without review of footage is a statement of more integrity, which is the type of statement anyone in the community would be held to.
  - b. The inability to review footage provides no advantage to officers – better transparency with the community.
  - c. Officer's inability to review footage reflects community interest and ultimately builds trust.
  - d. Ability to review footage is giving access to officers to give a statement of truth the best they could.
  - e. Officer's voluntary statement without review of footage could put their credibility at risk given the predictable unreliable recall (proven psychological phenomenon) of high-stress, critical incidents.
    - i. This statement would be under higher magnification and held to greater scrutiny than of others in the community.
  - f. If left to Investigating Agency, the likelihood of being invited to review the footage would be minimal.
  - g. No mention in policy regarding officer's ability to review footage before making a voluntary statement gives latitude, discretion of 3<sup>rd</sup> party.
  - h. The inability to review footage may cause officers to invoke their 5<sup>th</sup> amendment rights, which might be seen as incriminating by the community.
- 6) Concern for the community in regard to the definition of the term "Adversarial."
- 7) Concern with portion of BWC policy, as it stands, indicating allowance of exception to officer's inability to review BWC footage before making a voluntary statement after a critical incident.
  - a. Creates community distrust and is seen as an undoing of intent of policy to create standard of the inability for officers to review BWC footage.

- b. Suggestion of community member involvement in the decision making of granting officer an exception to review BWC footage.
- c. Suggestion of agency offering a written public explanation for granting officer an exception to review BWC footage.

Recommendations approved by vote of group

- We recommend that the City maintain the draft policy that officers involved in a critical incident resulting in great bodily harm or death not be allowed to view video prior to making a voluntary statement, unless otherwise approved by the chief of police, the investigating authority, and the prosecuting authority. In the event that such approval is granted, it is our recommendation that a public explanation be offered for why the approval was granted.

*Note: this was not a unanimous recommendation. The principle reservation is that we should gather more information and reflect before establishing this policy.*

- There is an apparent contradiction in the current draft policy: officers can watch video prior to preparing a report, but cannot watch the video prior to making a voluntary statement. **We recommend that this apparent contradiction be resolved.** Moved by Mr. Singleton. Second by Ms. Lilja. 10-Yea, 1-Nay.
- Approval of recommendation to include “Critical Incident” in legal terms/definitions. Moved by Ms. Lilja. Second by Mr. Josten. Unanimous decision.

**b. The following items remain on the agenda for review during the October 20, 2016 meeting:**

- Body Worn Cameras
- Outside Employment
- Fitness for duty
- Traffic Collisions
- Organizational Structure

#### **4. ANNOUNCEMENTS**

Some group members felt that this session did not represent an optimal use of time. Recommendations included more structure gathering comments for discussion, and allowing time at beginning and end to clarify agenda and assignments for next time. The chair and facilitators are working to improve the process consistent with our first shared commitment: *“We will strive to make timely progress while allowing all voices to be heard.”* The chair will send an email to the group presenting our planned actions toward that end.

**5. NEXT MEETING**

The next meeting of the workgroup shall be held on Thursday, October 20, 2016 at 6:30 PM (to 9:00 PM) at the Maplewood Police Department.

**6. ADJOURNMENT**

The Use of Force Workgroup meeting adjourned at 9:08 PM.