

Implementation Progress Evaluation Plan Summary

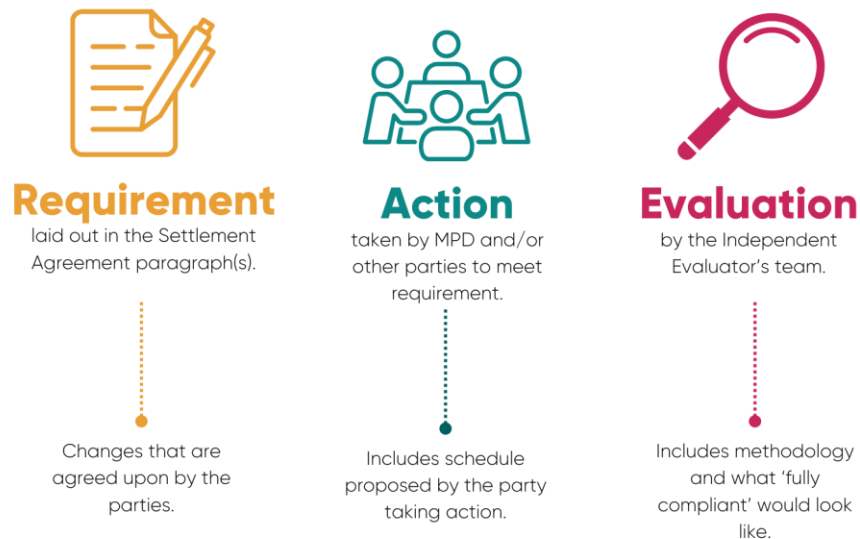
Introduction

The Settlement Agreement and the Evaluation Plan

The Minnesota Department of Human Rights and the City have entered into a Court enforceable agreement to correct alleged violations of the Minnesota Department of Human Rights Act, Minn.Stat. Ch. 363A. The Agreement outlines specific measures to achieve lawful, non-discriminatory policing and improve public safety support in Minneapolis.

Paragraph 407 outlines the creation of an “Implementation Progress Evaluation Plan (the Plan) to explain how the Independent Evaluator will evaluate the Parties’ progress toward compliance. The 87-page Plan tracks the requirements as written in the Settlement Agreement, describes the actions the City and MPD (or other relevant/named parties) must take to achieve compliance, and, importantly, a schedule for accomplishing those actions. Finally, the Plan sets forth how the Independent Evaluator will measure compliance for each requirement. The IE published its plan on September 13, 2024.

This document summarizes the Plan, with links to the relevant sections of the Plan. In sum, the Plan lays out a process that starts with identifying the specific requirement, the actions necessary to meet the requirement, and the IE’s plan for evaluating compliance, as shown in the following illustration.



The Independent Evaluator

Who We Are and Our Role

ELEFA is a 501(c)(3) non-profit corporation whose mission is to educate and empower the public to engage with their police departments to articulate, adopt, and implement law enforcement that is safe and effective for police and the communities they serve. Our Minneapolis team is experienced, multi-disciplinary, and diverse. We have worked with law enforcement agencies and communities nationwide under consent decrees and through self-initiated reform initiatives to implement meaningful change.

The Implementation Process

Laying the Foundation for Sustained Compliance

Actions in the Settlement Agreement broadly follow the same sequencing logic: foundational changes will occur first. For example, updating policy is required before revising training to meet the needs of new policy. Foundational changes also include improving the department's capacity to meet requirements, for example, hiring additional staff for Data Analysis and Internal Affairs roles will be laid out in hiring plans submitted by MPD. Once foundational changes are implemented, MPD's performance can be evaluated.

By focusing on creating a solid foundation, MPD will be able to sustain compliance and become a self-monitoring organization that meets Minneapolis' needs.

Changes to the Effective Date

The Agreement sets forth an Effective Date in July 13, 2023, the date the Court approved the Agreement. The Agreement also provides for the selection of an Independent Evaluator ("IE"). Numerous deadlines under the Agreement are tied to both the Effective Date and the IE's appointment. But because an IE was not appointed until March 18, 2024, a significant disparity arose between the Effective Date and our selection.

In our view, this disparity created practical challenges. It created the prospect that the City and MPD could become non-compliant with time-bound stipulations that required the IE's review, even though the IE had not yet been appointed. It also deprived the City of the benefit of leveraging the IE team's expertise, as is also contemplated under the Agreement. Finally, the disparity risked creating confusion for the public, as we would have been required to qualify some compliance findings by noting that the deadlines could not have been met because we had not been appointed, a circumstance beyond the Parties' control. These outcomes would be unfair and we have confirmed with the Parties that this was not the Parties' intention.

For these reasons, the IE recommended that the Parties request the Court to modify the Effective Date to the date of our appointment, March 18, 2024. In our view, realigning this date is consistent with the purpose and spirit of the Agreement, which was to subject the Parties' compliance to the IE's oversight, provide the Parties the benefit of the IE's expertise, and facilitate public understanding of the Parties' progress toward implementation.

We emphasize that an important consideration underlying our recommendation was that the City and MPD, in conjunction with the MDHR, have been working diligently toward implementation, as we noted in our Evaluation Plan. Had the City and MPD delayed starting implementation and made no efforts toward complying with the Agreement until our appointment, we would not have made the recommendation. Thus, we believe that this recommendation does not delay implementation but rather clearly defines the periods of performance that align with Parties original intent. The Parties accepted our recommendation and requested the Court to modify the Effective Date. That request is still pending before the Court.

Summary of the Evaluation Plan

This at-a-glance summary includes key takeaways from each section of the Evaluation Plan, which is laid out in the order provided by Paragraph 407 of the Settlement Agreement. For more details, please refer to the corresponding section.

A. Projected Schedule of Provisions

Provisions to be Evaluated in Year One

Completing these tasks will establish the foundation upon which to build sustained changes in practices, transparency, accountability, and culture that are the Agreement's ultimate goals. They will also facilitate the IE Team's ability to monitor and evaluate implementation.

Summary of Year One Implementation Goals

- Substantial progress toward or complete elimination of the IA/OPCR backlog
- Increased ability to observe officer performance through BWCs and ICCs
- Completion of Equipment, Technology, and Facilities Response Plan
- Commencement of improvements to precinct facilities
- Launch of IE Team website (currently available at www.elefamn.org)
- Publication of Community Map
- IE Team public quarterly meetings and publication of Semi-Annual Reports
- Completion of Data Systems Plan
- Completion of first Annual Master Training Plan and Training Needs Assessment
- **Compliant Policies** for: • Mission, Vision, Values and Goals • Non-discriminatory policing • All use of force related policies • All stops, searches, citations and arrest related policies • BWC and ICC policies • Internal Affairs & OPCR Policies/Disciplinary Matrix • Quarterly review panels • Engaging with Minors • Field Training Officers • Officer Wellness & Early Intervention
- **Compliant Trainings** for: • Engaging with Minors • Crisis Intervention refresher training • Supervisor/Leadership Training

Provisions to be Evaluated in Year Two

Year Two will continue building the foundation essential for the IE Team to commence activities related to compliance evaluations and assessments. Additionally, as Data Systems changes are implemented, the ability of the IE Team to conduct audits will expand greatly.

Summary of Year Two Implementation Goals

- Continued implementation of Equipment, Technology, and Facilities Response Plan
- Continued implementation of Database Systems Plan
- Improvements to public facing data dashboards
- Completion of annual community evaluation survey and officer survey
- IE Team Public Quarterly Meetings and Publication of Semi-Annual Reports
- IE Team begins audits on the following topics: Non-Discriminatory Policing, De-Escalation / Peer Intervention, Misconduct, Use of Force, Stops/Searches/Arrests/Citations, Engaging with Minors, Crisis Intervention
- **Compliant Policies** for: • Crisis Intervention • Critical incidents • Supervisor duties/responsibilities • Early Intervention System • Performance evaluations • Social Media Use Data System Enhancements: • IA & OPCR Misconduct Case Management System(s) • Use of Force Reporting Module • Vehicle Pursuit Module • EIS Phase 1 Implementation
- **Compliant Trainings** for: • BWC and ICC policies • All use of force policies • All non-discriminatory policing policies • All stops, searches, citations and arrest policies • Supervisor duties/responsibilities • Internal Affairs & OPCR Policies • Disciplinary Matrix • Crisis Intervention (MECC & MPD) • Critical Incidents • Officer Support and Wellness policies • Early Intervention System • Performance Evaluations

Activities in Year Three and Year Four

The IE Team has an obligation to update this Implementation Plan after two years (throughout March 2026). The Plan notes that the ability to forecast activities two years in the future is somewhat limited. Nevertheless, the Plan forecasts implementation activities for Years Three and Four.

Summary of Years Three and Four Implementation Goals

- Complete required policy drafting, updates, and training, if and as necessary
- Complete Implementation of Equipment, Technology and Facilities Response Plan
- Complete Implementation of Data Systems Plan and EIS
- IE Team tasks
 - Audit compliance with all Parts of the Agreement
 - Complete two-year Implementation Plan Review
 - Continued quarterly meetings and publication of Semi-Annual Reports
 - Continue annual community evaluation surveys

B. 407(b) – Data and Information to Be Reviewed

This section outlines the types of data that will be reviewed and the kinds of audits the team will use, including the following:

- Policies, SOPs, and any new policy management system that MPD may implement.
- Training documents (needs assessment, curriculum, lesson plans, training attendance records, training evaluations, training feedback forms, etc.).
- Performance evaluations.
- Data from City's data systems (as it becomes available).
- Police reports (incidents, arrests, uses of force, etc.).
- Body worn and in-car camera footage.
- MPD audit reports.
- Public comments and feedback.
- Third-party documents.
- MPD documents.
- Other documents or formal submissions provided by the City in response to the Settlement Agreement requirements.

The Plan states that the IE Team reserves the right, however, to review all data sources relevant to evaluating compliance in any systems of record used by the MPD or the City to record and manage officer activity.

C. 407(c) – Measures to Determine Compliance Status

This section includes a general set of key questions that will be used to determine compliance status, as well as the key sources that will be used in evaluation:

- Has the MPD adopted an approved policy that meets the requirements of the Agreement?
- Has the MPD provided approved training that meets the requirements of the Agreement?
- Have the City and MPD met the Agreement's deadlines?
- Has the City committed adequate financial support to not only achieve, but sustain compliance?
- Has the City and/or MPD assigned sufficient personnel to sustain compliance?
- Do audits show that MPD members comply with the policy?
- Do audits demonstrate that supervisors are monitoring whether their subordinates comply with applicable law, the Agreement, and MPD policy?
- Are MPD members sufficiently held accountable where there is non-compliance with law, the Agreement, and MPD policy?
- Has MPD complied with the Agreement's performance evaluation requirements?
- Has the City and/or MPD meaningfully met the Agreement's requirements for public input, engagement, and meetings?
- Has the City satisfied the Agreement's facilities and equipment plan requirements?
- Has the City satisfied the Agreement's data systems and analyses requirements?
- Are there enough observable encounters to find compliance?
- What are the results of the required community evaluation surveys?

- What are the results of any MPD officer surveys?
- Has the City complied with the Agreement’s requirements for soliciting and addressing officer and public feedback?
- Has the City complied with the letter and spirit of the Agreement?

The Plan also identifies specific questions that will be used to assess compliance for specific Parts.

D. 407(d) – Methodology for Evaluating Full and Effective Compliance

This section outlines evaluation methodology and includes standards and definitions of compliance levels used in evaluation. As explained more fully in the Plan, while numerical standards will be one tool used to assess compliance, the IE Team may also determine compliance based on relevant, objective, and realistic criteria to include the following considerations (where applicable):

- The extent to which compliance with a requirement has been demonstrated and sustained across multiple audits.
- Whether any non-compliance also violates applicable law.
- The extent to which any non-compliance affects safety.
- Whether any non-compliance undermines a core purpose, principle, or Part of the Agreement.
- The impact of any non-compliance on the public and officers.
- Whether any non-compliance is systemic.
- Whether any non-compliance is limited to one or a few of the Agreement’s requirements.
- Whether the non-compliance is department wide or limited to certain precincts, groups, or officers.
- Whether the non-compliance is attributable to recurring entities, units, or individuals.
- Whether the MPD can demonstrate effective corrective action was taken in response to identified non-compliance.
- The extent to which the City and/or MPD can control the factors necessary to achieve compliance.
- Whether compliance has improved over time and is likely to continue improving after the Agreement is terminated.

Compliance Status will be evaluated at the paragraph level and Part level according to the following categories:

Compliant. All material elements of the requirement (paragraph or Part) have been sustainably implemented.
Partially Compliant On-Track. One or more material elements of the requirement have been sustainably implemented and MPD is progressing toward compliance consistent with this Implementation Plan, as may be modified by the Parties
Partially Compliant Off-Track. One or more material elements of the requirement have been sustainably implemented but MPD is not progressing toward compliance consistent with the Implementation Plan, as may be modified by the Parties.
At Risk. The status indicates that MPD is facing the prospect of either not making further progress or becoming non-compliant.

Non-compliant. No elements of the requirement have been sustainably implemented.
Not yet measured. The IE Team has not yet assessed compliance with the requirement.
Not applicable. This would apply to requirements that have been eliminated, rendered moot, or are no longer operative.

E. 407(e) – Timeline & Sequence of Progress Reporting from IE Team

The IE Team expects that the results of Progress Reviews, including a complete and detailed explanation of findings and conclusions, will be shared with the Parties no later than 30 days after completion and that the Parties will be afforded 15 business days to review and comment.

F. 407(f) – Roles and Responsibilities of IE Team Members

This section outlines the IE Team Members’ roles, and briefly describes responsibilities. Our Team’s bios are [also available at our website](#).

G. 407(g) – Public Communication and Input Methodology

This section lays out ELEFA’s public engagement strategy. ELEFA is dedicated to empowering communities in Minneapolis to engage in the processes of reform as laid out in the Settlement Agreement. ELEFA believes that the public, as the users of public safety services, should play a key role in how those services are shaped. We will be accessible via our website, public engagement sessions, proactive outreach to community organizations and members. It also describes an Implementation Liaison Council we are contemplating establishing to facilitate engagement and crucial feedback on the implementation process.

Appendices

The Evaluation Plan contains two appendices: the first highlights reported actions already taken by MPD to achieve compliance. The second tracks Settlement Agreement requirements paragraph-by-paragraph, matching them to a proposed action step, time frame, and compliance measurement.