U.S. DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES
CRITICAL RESPONSE INITIATIVE

MAINTAINING FIRST AMENDMENT RIGHTS AND PUBLIC SAFETY IN NORTH MINNEAPOLIS

An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct

Frank Straub | Hassan Aden | Jeffrey Brown | Ben Gorban | Rodney Monroe | Jennifer Zeunik

COPS
Community Oriented Policing Services
U.S. Department of Justice

POLICE FOUNDATION

This project was supported by grant number 2015-CK-WX-K005 awarded by the Office of Community Oriented Policing Services, U.S. Department of Justice.
The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

The Internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s) nor the COPS Office can vouch for their current validity.

Recommended citation:
Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services.

Published 2017

CONTENTS

Letter from the Director . . . . . **vi**

Executive Summary . . . . . **vii**

Summary of events vii

Implications and challenges vii

Public safety response vii

Key themes of the review viii

Conclusion ix

Part I. Overview **1**

Introduction **1**

COPS Office Critical Response Technical Assistance 2

Scope and goals of the review 2

National and international implications 2

Report organization 3

Chapter 1. Methodology **4**

On-site data collection 4

Resource review 4

Off-site data collection 5

Analysis and application of lessons learned 5

Part II. Contextual Background **6**

Chapter 2. Minneapolis: The Setting for the Occupation of the Fourth Precinct . . . 6
The Minneapolis Police Department . . . 6
Governance of the City of Minneapolis and the MPD . . . 6
North Minneapolis community . . . 8
North Minneapolis today . . . 9

Part III. Incident Description . . . 11

Chapter 3. 18 Days: Protests and Occupation of the Fourth Precinct of the Minneapolis Police Department . . . 11
Incident description . . . 14
Summation . . . 39

Part IV. Critical Incident Response Assessment and Analysis. . . . 40

Chapter 4. Leadership and Incident Command Lessons . . . 40
Leadership . . . 40
Incident Command System . . . 42
Findings and recommendations . . . 44

Chapter 5. Operations . . . 48
Internal communications . . . 48
Public information and media . . . 50
Use of force . . . 51
Accountability and transparency . . . 51
Findings and recommendations . . . 52

Chapter 6. Planning and Preparation **57**
Training in civil disturbances and crowd management 57
Equipment and tools for managing civil disturbances 59
Findings and recommendations 61

Chapter 7. Officer Wellness and Resilience **64**
Officer wellness and resilience 64
Findings and recommendations 66

Chapter 8. Community Perspective and Engagement **68**
Community response. 68
Findings and recommendations.. 68

Part V: Conclusion **70**

Chapter 9. Conclusion **70**

Appendix A. Findings and Recommendations **71**

Appendix B. MPD Organizational Chart **83**

Endnotes **85**

About the Authors. **95**
Minneapolis After-Action Team 95
Also on the Project Team 96

About the Police Foundation **97**

About the COPS Office **98**

LETTER FROM THE DIRECTOR

Dear colleagues,

Maintaining the delicate balance between First Amendment rights to freedom of speech and the need to maintain public and officer safety can be difficult even in the best of times. But the unique circumstances surrounding the demonstration at the Minneapolis Police Department (MPD)'s fourth precinct headquarters in 2015 made this balancing act unusually challenging.

In reaction to the fatal shooting of a member of their community, protestors occupied the area around the precinct's headquarters for 18 days and also occupied its lobby by staging a sit-in for a short time. As the following report demonstrates, the department and its individual officers displayed commendable restraint and resilience in these extremely difficult circumstances. Yet there are always lessons learned from these experiences, and, to identify them, Chief Harteau and Mayor Hodges requested this after action review.

I applaud their leadership in doing so, for the findings and recommendations will not only benefit the MPD, but also provide a road map for other agencies dealing with similar challenging situations. I also commend the assessment team from the Police Foundation and the authors of this report for their valuable contributions to the body of knowledge that law enforcement, public safety agencies, and local government can draw upon to prepare for and respond to mass demonstrations and similar events. Critical incidents can arise anytime, anywhere–and while the occupation of the fourth precinct was unusual, many of the lessons learned from it can help other police departments and municipalities respond successfully.

Sincerely,

Russ Washington
Acting Director
Office of Community Oriented Policing Services

EXECUTIVE SUMMARY

Summary of events

On the morning of November 15, 2015, two Minneapolis Police Department (MPD) officers were dispatched to an assault call in a North Minneapolis neighborhood just blocks from the police department's Fourth Precinct station. Soon after arriving on scene, the officers fatally shot Jamar Clark. Following the shooting, community members marched to and organized outside the Fourth Precinct police station.

Over the course of the next 18 days—from November 15 through December 3, 2015—demonstrators occupied the lawn and street in front of the Fourth Precinct. For the first three days, a group of demonstrators also occupied the front vestibule of the Fourth Precinct station. The street and the surrounding neighborhood were the site of demonstrations, open fires, noisy gatherings, and encampments. The demonstrators called for police reform, and specifically for the release of video footage from the officer-involved shooting.

In the early morning hours of December 3, the occupation was successfully and peacefully resolved. After 18 days, the community response was mixed: while the large majority applauded the professionalism and restraint of the Fourth Precinct line officers, some perceived the response as overly-aggressive and unnecessarily forceful, and others questioned why the occupation was allowed to continue for 18 days. Ultimately, the total cost to the city was approximately $1.15 million. The majority of the expenses were for MPD overtime; however, there were also expenses for replacing and repairing barriers and fencing, squad repairs, and hardware replacements. Approximately $50,000 of costs to the city were in property damage.[1] There were five injuries caused by a group of alleged White supremacists who shot into the crowd of demonstrators; however, no serious injuries were attributed to interactions between MPD officers and demonstrators.

Implications and challenges

Like every significant incident, the occupation posed a unique set of circumstances for city and MPD leaders—circumstances that were unpredictable and rapidly evolving. Significant challenges were associated with managing the demonstrators; the media; and the impacts of the occupation on the surrounding neighborhood, MPD employees, and their families. These issues were compounded by a police department that struggled with the command and control structure and fully implementing the National Incident Management System (NIMS) and Incident Command System (ICS), inconsistent communication, and training and equipment deficiencies.

City leaders and MPD officials worked to maintain the First Amendment rights of the demonstrators while ensuring their safety, the safety of police officers, and the safety of the community as a whole. They were determined to bring a peaceful end to the occupation in a difficult national environment marred by civil disturbances spurred by officer-involved incidents in Ferguson, Baltimore, New York, and other cities nationwide. For city and law enforcement leaders, this environment reinforced their determination to exercise extreme caution throughout the response. In the end, the city and its police department brought the occupation to a peaceful conclusion and avoided the civil disturbances that occurred in other cities.

Public safety response

Officers throughout the MPD demonstrated extraordinary resilience and professionalism in their response to the occupation. Many officers worked long shifts and were subjected to verbal, and in some cases physical, assault. At various times, bottles, bricks, Molotov cocktails, bottles of gasoline, and other things were thrown over perimeter fences, threatening officers and damaging police vehicles and the precinct building. During the occupation, Fourth Precinct officers were instructed not to leave the building during their shifts except to provide perimeter security. Meals were brought into the station by

chaplains and other volunteers. The commitment of the city, the police department, and individual officers to a peaceful, measured response played a large role in keeping the occupation from escalating into violent riots.

Key themes of the review

This COPS Office Critical Incident Review (CIR) of the 18-day occupation of the front lawn and the street in front of the MPD Fourth Precinct, completed by the Police Foundation, provides a comprehensive overview of the occupation from the perspectives of the MPD, elected leaders, demonstrators, and community members. The CIR identifies findings and recommendations as they relate to the response in Minneapolis, but apply more generally to civil disturbances across the nation. While the authors understand the unique set of circumstances that surround the protests and occupation of the Fourth Precinct, they also understand that the decision-making framework for the police response to this incident can and should be reviewed within the context of other significant incidents to identify important lessons that can be applied if a similar event occurs in another city, as well as to critical incidents more generally.

The findings and recommendations in this report center on leadership; command and control; response to civil disorder; accountability and transparency; internal communications; public information and media; use of force; intelligence gathering; training; equipment and tools for managing demonstrations; officer safety, wellness, and resilience; and community engagement and relationships. Some of the key lessons learned include the following:

- **Clearly define leadership roles and responsibilities among elected officials, law enforcement, and other agencies to ensure a coordinated and collaborative response to civil disturbance and other critical incidents.** Strained relationships, lack of clearly defined roles and responsibilities, public disagreements, and lack of consistent internal communication contributed to the dynamic and varied response to this protracted incident. Unified leadership from elected officials, police executive and command staffs, and precinct personnel provides the foundation upon which a cohesive tactical and operational response is built and executed.
  - » Findings related to estabilishing a unified leadership response include Findings 4.1 through 4.4.
- **Plan and exercise the unified command system for complex incidents during routine public safety response and operations.** A citywide understanding and familiarization with NIMS and ICS is necessary during civil disturbances and other critical incidents to ensure coordination and collaboration among all responding agencies and individuals. Consistent implementation of unified command system principles in response to routine events and pre-planned large-scale events builds confidence in the systems and facilitates their implementation in response to mass demonstrations and critical incidents.
  - » Findings related to developing an effective plan, institutionalizing NIMS and ICS to implement that plan, and training on that plan include 4.5, 4.6, and 5.6.
- **Clear, concise, and consistent communication, particularly during critical incidents, is key to establishing trust and credibility.** Clear, concise, and consistent communication between the Mayor's Office and the MPD, between elected officials, and within the MPD regarding the overall strategy would have led to a more coordinated and collaborative response to the occupation, provided context to the operational and tactical decisions that were made, addressed officer safety concerns, and positively impacted morale.
  - » Findings related to communication and messaging include 5.1 through 5.4.
- **Prioritize officer safety, wellness, morale, and resilience before, during, and after a critical incident such as a protracted response to civil disturbance.** City and MPD leaders should have addressed and more fully accounted for the physical, mental, and emotional well-being of officers assigned to respond to the 18 days of protests, demonstrations and occupation.
  - » Findings related to officer safety, wellness, morale, and resilience include 7.2 through 7.5.

- **Build on positive police-community relationships to help mitigate potential future critical incident responses.** The MPD 2.0 model, the training and engagement being done as part of the National Initiative for Building Community Trust and Justice, and the emphasis on positive interactions and fostering trusting partnerships should continue. Understanding and acknowledging the deep-seated racial and other issues, particularly in North Minneapolis, and building and fostering relationships with traditional and emerging community leaders will be instrumental in learning from the occupation and building opportunities to address areas of community tension and discord.
  - » Findings related to community policing include 5.7 and 8.1 through 8.3.

Conclusion

Many of the findings and recommendations that resulted from the 18-day occupation and the MPD's response build on an existing body of knowledge that can assist law enforcement agencies in their mission to protect, serve, and strengthen relationships with their communities. Given the unprecedented nature of the occupation, we hope that the lessons in this report will provide guidance to other agencies that may encounter similar events in the future and add to the growing body of literature that public safety agencies can use to enhance their preparation for, and response to, civil disturbances in their communities.

PART I. OVERVIEW

INTRODUCTION

In the early morning hours of November 15, 2015, two Minneapolis Police Department (MPD) officers were dispatched to an assault call in the North Minneapolis neighborhood. That call ended with alleged suspect Jamar Clark being fatally wounded in an officer-involved shooting. Immediately following the shooting, eyewitnesses and other community members organized outside the Fourth Precinct building of the MPD, just blocks away from the site of the shooting. Some witnesses claimed that Clark was compliant and handcuffed when he was shot, while others provided statements indicating Clark was not handcuffed and had reached for one of the officers' guns during a scuffle.[2]

Demonstrations, marches, and protests followed, lasting 18 days. Over the course of the 18 days, demonstrators called for police reforms and the release of video footage and shut down a major thoroughfare in North Minneapolis, turning it into an encampment with tents, food, music, and open fires. Some demonstrators breached the perimeter of the Fourth Precinct station and occupied the vestibule of the precinct building.

Meanwhile, City of Minneapolis and Minneapolis Police Department leaders worked to balance providing the demonstrators an opportunity to exercise their First Amendment rights with ensuring their own safety and the well-being of the community through an ever-evolving situation. Additionally, MPD personnel worked to bring a peaceful end to the occupation, which ultimately occurred in the early morning hours of December 3, 2015. The fact that the MPD did not arrest any of the demonstrators who physically occupied the vestibule, did not arrest or cite anyone peacefully demonstrating over the course of the 18 days (despite the fire codes and ordinances violated), and peacefully ended the occupation was noted by government and MPD officials during interviews with the assessment team as a successful outcome.

In March of 2016, Mayor Betsy Hodges and Chief Janee Harteau requested the COPS Office conduct a thorough critical incident review of the MPD and City of Minneapolis response to the protests, demonstrations and occupation of the Fourth Precinct station following the officer-involved shooting.

Figure 1. Map of Minneapolis

Source: All maps in this report created by the authors via the ESRI website, www.arcgis.com. ESRI data originally from USDA FSA, DigitalGlobe, GeoEye, Microsoft, and CNES/Airbus DS.

COPS Office Critical Response Technical Assistance

The Office of Community Oriented Policing Services (COPS Office) established the Critical Response Initiative – Technical Assistance (CRI-TA) program in 2013 to provide targeted technical assistance to law enforcement agencies dealing with high-profile events, major incidents, or sensitive issues of varying need.

The purpose of this COPS Office CRI-TA Critical Incident Review is to critically, objectively, and thoroughly examine the entirety of the response to the community protests, demonstrations, and 18-day occupation of the lawn and street in front of the MPD Fourth Precinct station following the officer-involved shooting, examining the tactics and strategies of the demonstrators, elected officials, and police. This review

- provides a detailed overview of the demonstrations and occupation of the MPD Fourth Precinct station from the perspectives of law enforcement; community members, groups, and leaders; the City of Minneapolis; and other stakeholders;
- identifies focus areas and observations from the law enforcement response to the demonstrations that provide learning opportunities for law enforcement, public safety departments, government officials, and community members nationwide;
- informs law enforcement and public safety as they prepare to respond to civil disturbances in their own communities.

Scope and goals of the review

This report will focus on the entirety of the response to the demonstrations and precinct occupation—including the roles of the MPD and local, state, and federal officials during the event—and address some of the residual effects from both the law enforcement and community perspectives. The assessment starts with the beginning of the community organization and demonstration on November 15, 2015, and extends over the course of the 18 days through the decampment on December 3, 2015. Reviewing every aspect of the occupation and response allows for a robust discussion of how decisions made and actions taken affected subsequent events, and provides opportunities to identify lessons learned that may inform responses to civil disturbances of all types.

This report will also examine the roles that law enforcement, the mayor, and other elected officials played in shaping the response to the protests, demonstrations, and occupation. The Minneapolis City Charter gives the civic government unusually broad and direct authority over law enforcement activity, and the mayor and other city officials were consequently highly involved in the law enforcement response.

The goal of this report is to critically assess the decisions made and the actions taken, not as criticism, but as part of careful study. We hope that this study will provide information that will ultimately assist agencies in the difficult job of balancing between protecting citizens' rights to peacefully voice their opinions and ensuring the safety of protesters, the wider community, and police officers. This report will examine training, policies, and procedures; police-community relationships and engagement; response to civil disturbances; use of force; use of equipment; officer safety, wellness, and resilience; public information and media; accountability and transparency; and the importance of addressing and acknowledging the history of race relations as part of the process for building effective community-police relationships. Findings and recommendations throughout this report will inform the field with regard to responses to future similar events.

National and international implications

The occupation in Minneapolis was, at the time, the latest in a series of nationwide civil disturbances, particularly in response to officer-involved shootings, in communities across the United States. The events that are the focus of this report were preceded by demonstrations in Baltimore, Chicago, Ferguson, and New York City. Since the conclusion of the Fourth Precinct occupation in Minneapolis, civil disturbances have also occurred in Tulsa, Oklahoma; El Cajon, California; and, Charlotte, North Carolina. Each demonstration and subsequent response provides a unique set of challenges and promising practices. This critical analysis of the Minneapolis response, with a particular focus on the law enforcement response, is intended to add to a growing body of literature that national and international public safety agencies can use to prepare for civil disturbances.

Report organization

The introduction to this report provides an overview of the COPS Office CRI-TA process and the scope, goals, and implications of this review. Chapter 1 discusses the methodology used to complete this review. Chapter 2 includes contextual background on the history of the North Minneapolis community where the incidents occurred, the governance structure established by the Minneapolis City Charter and the roles of elected officials as they pertain to the police department, and an overview of the Minneapolis Police Department's organization. Chapter 3 provides a timeline of the 18 days, highlighting important moments and decisions from the perspective of the law enforcement agencies involved, government officials, and the community. Chapters 4 through 8 focus on issues that impacted the response, including leadership; incident command and response to civil disorder; accountability and transparency; internal communications; public information and media; use of force; intelligence gathering; training; equipment and tools for managing demonstrations; officer safety, wellness, and resilience; and community engagement and relationships. Each of these chapters provides information on the identified topics as well as important findings and recommendations in those categories. The conclusion of this report, Chapter 9, summarizes the key themes.

CHAPTER 1. METHODOLOGY

In March 2016, at the request of the mayor of the City of Minneapolis and the chief of the Minneapolis Police Department (MPD), the Police Foundation created a Critical Incident Review team (assessment team) under the direction of the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office).[3] The assessment team, comprising subject matter experts in law enforcement, police-community relations, and public safety, developed a comprehensive methodology to thoroughly review and assess the public safety response to the occupation of the MPD Fourth Precinct building that began on November 15, 2015, following the fatal officer-involved shooting of Jamar Clark. The assessment approach involved three means of information-gathering and collection: (1) on-site data collection, (2) resource materials review, and (3) off-site data collection and research. Each method is described in more detail below.

On-site data collection

The assessment team conducted four site visits in the spring and summer of 2016: April 11–15, May 2–6, June 13–17, and August 8–11. During these visits, the assessment team conducted semi-structured individual interviews and meetings with state, county, and city government officials; MPD command staff and officers; and community activitists and community members. More than 50 individuals were interviewed during these site visits and the subsequent phone interviews, including the following:

- Hennepin County sheriff and chief deputy
- Minnesota House of Representatives member
- Minnesota Department of Human Rights staff
- Minneapolis mayor and members of the mayor's staff
- Minneapolis city councilmembers
- Minneapolis chief of police
- MPD executive staff
- MPD command personnel
- MPD officers
- Minneapolis community activists, including those representing Black Lives Matter, the National Association for the Advancement of Colored People (NAACP), and other community organizing groups
- Minneapolis community members, including residents, local business owners, and unaffiliated community members
- Minneapolis religious leaders
- National Black Police Association – Minnesota Chapter board member
- Police Officers Federation of Minneapolis executive

While on site, the assessment team also held a series of forums with MPD Fourth Precinct officers and participated in ride-alongs to conduct direct observations of officers' day-to-day interactions with community members.

Resource review

The assessment team reviewed MPD policies, procedures, training curricula, after-action reports, and other documents and resources provided by the chief of police and the Fourth Precinct line officers and command staff. The assessment team also reviewed documents provided by the Mayor's Office and by City Council members. Each resource was reviewed in an effort to better understand the department's response to crowd control and civil disturbances, use of traditional and social media for outreach and engagement, and approach to police-community relations. Materials reviewed included the following:

- MPD after-action summaries from the demonstrations and Fourth Precinct occupation
- After-action reports from previous critical incidents in Minneapolis

- Citywide and precinct-specific weekly crime and arrest statistics
- Cost details and summaries
- Daily Incident Action Plans
- Daily staffing rosters
- *MPD 2.0: A New Policing Model* [4]
- MPD Chief's Citizens Advisory Council meeting minutes
- MPD Policy and Procedure Manual
- Press conferences and public statements made by the mayor, MPD command staff, Fourth Precinct leadership, and the president of the Police Officers Federation of Minneapolis
- Police radio traffic recordings from important days of the occupation
- Slides from an MPD PowerPoint presentation to law enforcement leaders
- Social media content and statistics
- Timelines detailing the response from the MPD's and Mayor's Office's perspectives
- Training outlines

Off-site data collection

In addition to the information collected from Minneapolis, and in an effort to ground the incident review in national standards, model policies, and best practices, the assessment team researched and reviewed scholarship on crowd control and civil disturbances, the National Incident Management System (NIMS) and Incident Command System (ICS), community policing, and other relevant topics, published by researchers from academia and from organizations including the following:

- U.S. Department of Homeland Security
- U.S. Department of Justice
- Federal Emergency Management Agency
- International Association of Chiefs of Police
- Police Executive Research Forum
- Police Foundation

The protests, marches, and occupation were also extensively reported on television and the Internet and live-streamed on social media as they occurred. The team reviewed hours of open-source video footage and social media postings, read articles, watched news clips, and listened to relevant audio regarding the demonstrations.

Analysis and application of lessons learned

The assessment team used all of the information collected to conduct a gap analysis, which focused on identifying key areas to develop a set of findings and recommendations for the City of Minneapolis and the MPD. The team began by reviewing policies, procedures, protocols, and training for civil disturbances and crowd control in Minneapolis. Having these documents as the foundation, the team identified promising practices and challenges in the response to the occupation through interviews and other data collection methodologies. They then analyzed engagement and communication with the community before, during, and after the incident response. Based on this information, as well as best practices, model policies, and evidence-based protocols, the team produced a series of findings and recommendations for responding to future critical incidents—primarily civil disturbances—in Minneapolis. The findings and recommendations are also applicable to law enforcement agencies and communities across the nation faced with responding to civil disturbances. It should also be noted that the findings and recommendations in this document not only relate to law enforcement, but also have implications for elected officials, community members, and other stakeholders who played a role in the 18-day occupation of the lawn and street in front of the MPD Fourth Precinct station.

PART II. CONTEXTUAL BACKGROUND

CHAPTER 2. MINNEAPOLIS: THE SETTING FOR THE OCCUPATION OF THE FOURTH PRECINCT

The Minneapolis Police Department

The Minneapolis Police Department (MPD) provides public safety services to the largest city in the state of Minnesota. In 2016, the police department employed approximately 870 sworn officers and approximately 160 civilians under a decentralized command structure led by the chief of police, an assistant chief, three deputy chiefs, and five precinct commanders.[5] Its authorized strength for 2017 is 877 sworn officers.[6] Precincts operate with significant latitude to employ neighborhood-specific crime prevention and community engagement practices, and commanders manage the day-to-day operations of their precincts as they see fit. Currently, the MPD is divided into five geographically-arranged precincts and four administrative/operational sections—the Patrol Bureau, Investigations Bureau, Office of Professional Standards, and a Leadership and Organizational Development Division.[7] Figure 2 shows the location of the five MPD precincts and the neighborhoods they include.

Governance of the City of Minneapolis and the MPD

The governance of the police department is a unique aspect of Minneapolis city government, and factored into the City/MPD response to the occupation. The Minneapolis City Charter divides the majority of the roles and responsibilities for providing for and overseeing the operations of the police department between the city council and the mayor (figure 3). The mayor has five general duties:

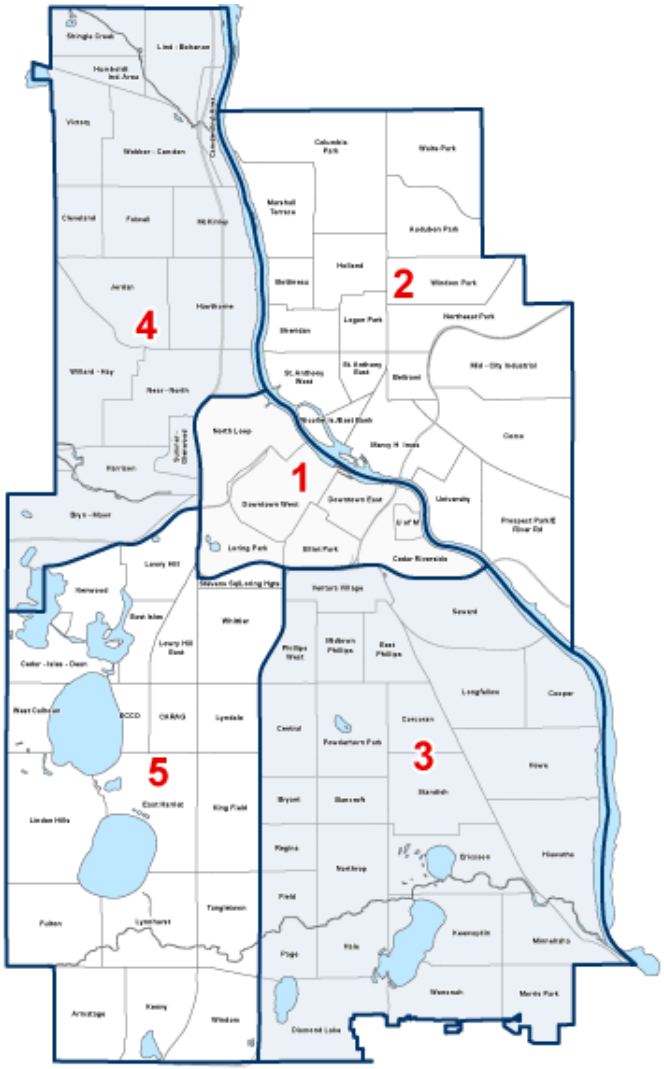
> ***"(1) take care that all laws and ordinances are faithfully observed and enforced within the City; (2) take care that each other officer discharges his or her duties, for which purpose the Mayor may seek a writ of mandamus or other appropriate action against any delinquent officer; (3) recommend action in the City's interest by any other government; (4) address the City Council annually on the state of the City, and recommend appropriate measures for the City's physical and economic development; and (5) notify the City Council and any other interested board, commission, committee, or department of any litigation against the City."***[8]

The mayor also exercises power over the police department. According to Article VII, Section 7.3(a) of the City Charter,

> ***"The Mayor has complete power over the establishment, maintenance, and command of the police department. The Mayor may make all rules and regulations and may promulgate and enforce general and special orders necessary to operating the police department. Except where the law vests an appointment in the department itself, the Mayor appoints and may discipline or discharge any employee in the department. . . [.]"***[9]

All other authorities lie with the city council. As described in Article IV, § 4.1, "The governing body is the City Council, in which the City's general legislative and policymaking authority resides." In addition, the city council also serves as the statutory

Figure 2: Police precincts and neighborhoods

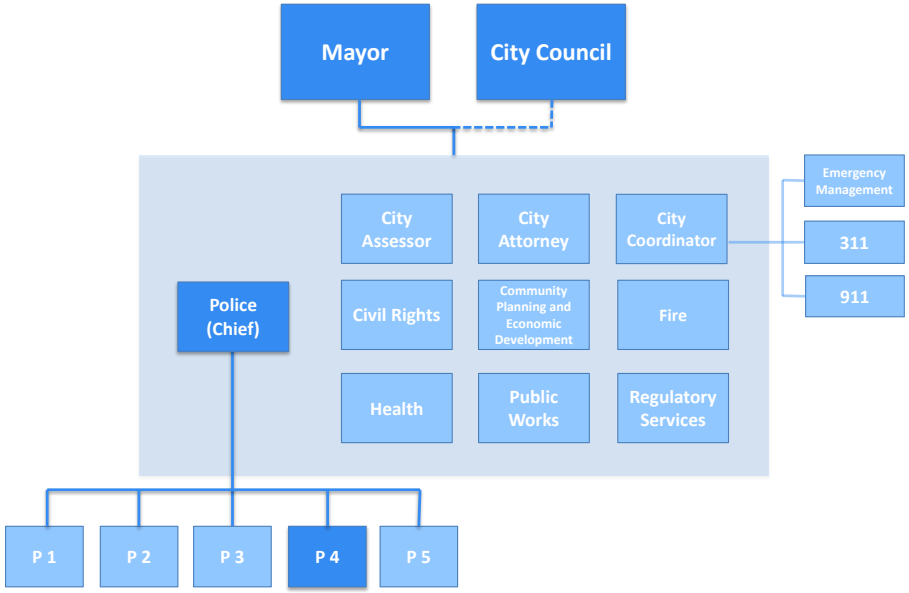


Source: "Police Precincts & Neighborhoods," City of Minneapolis, last modified March 28, 2014, http://www.minneapolismn.gov/police/precincts/index.htm.

board and acting body for any action on behalf of the city that is not otherwise referenced in the charter, and must also "establish, organize, and otherwise provide for" 14 specific city departments and positions—including a police department.[10] Providing for the police department includes allocating funding of at least 0.0017 employees per resident and providing for the compensation of its employees. The city council is also responsible for confirming the police chief, who has been nominated by the mayor, and can provide orders relating to the preservation of health that the police department must execute.

At the outset of the occupation, the mayor exercised her authority established under Article VII, § 7.3(a), and members of the city council attempted to use their funding authority to exert power over the MPD response. As we detail in the timeline in chapter 3, the mayor provided approval when MPD took some actions and directed MPD to refrain from taking others. She participated in meetings and negotiations that she

Figure 3. Minneapolis governance



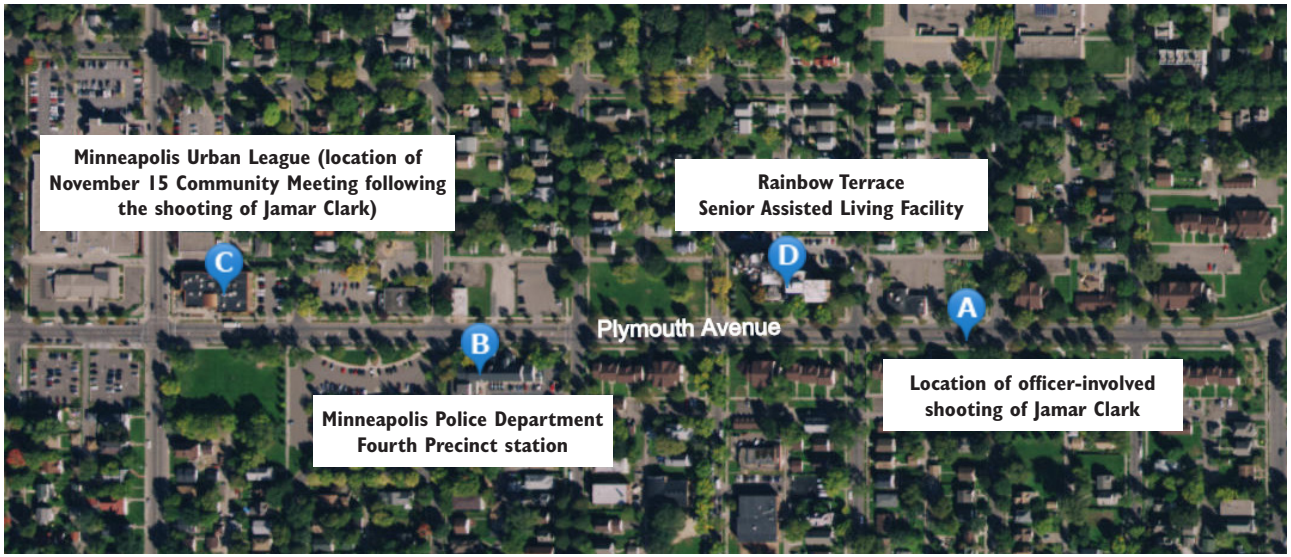
Source: Peter Callaghan, "So What Does the Minneapolis City Coordinator Do? A Q & A with Spencer Cronk," MinnPost, September 18, 2014, https://www.minnpost.com/politics-policy/2014/09/so-what-does-minneapolis-city-coordinator-do-q-spencer-cronk.

was invited to with demonstration organizers without including MPD leadership. City councilmembers also involved themselves with the occupation—by participating in the protests as demonstrators themselves, by attempting to negotiate a peaceful end to the occupation, and in other ways. The mayor's role as tactical and strategic commander of MPD and the city councilmembers' roles as negotiators—not their political affiliations or positions—are profiled and reviewed in this report.

North Minneapolis community

The community's initial reaction, response, and continued involvement in the occupation of the Fourth Precinct station were complex. In order to understand the perspective and actions of the demonstrators after the officer-involved shooting and throughout the subsequent occupation, it is important to consider the history of North Minneapolis.

Figure 4. North Minneapolis



Source: ESRI; see note on figure 1.

North Minneapolis: historical perspective

Minneapolis is a city long known for its robust economy, affordability, and liberal politics. In the last half of the 19th Century, Swedish, Norwegian, and Danish immigrants flocked to Minneapolis, building churches, schools, and a fraternal insurance organization downtown. City Hall was built as the anchor from which the business district would expand.[11]

But while the White population of Minneapolis was taking advantage of the city's opportunities, they stymied the relatively small African-American population's attempts to gain access to the city's prosperity. Not only were multiple Ku Klux Klan chapters active, but in the downtown neighborhoods, White residents organized corporations to buy Black owners out, mobilized associations to block them from moving in, or intimidated them out of even making the attempt. North Minneapolis was the only section of the city where minority residents were accepted.[12] In employment as well, widespread racism prevented African Americans from being hired for milling and finance-related jobs—two of the city's largest industries—leaving many unemployed and impoverished.

Even today, according to New York Times reporter John Eligon, the city "finds itself confronting an open secret as discomforting as the bone-chilling winters. By several measures, its Black population, which has grown to 19 percent of its 400,000 residents, has been left behind." [13] Eligon goes on to quote Mayor Betsy Hodges's acknowledgement that there are "deep divisions and divides and gaps between white people and people of color in the city of Minneapolis." For more than five decades, the focal point of these divisions has been Minneapolis's north side.

Civil unrest in North Minneapolis in the 1960s

Frustrated by decades of continued marginalization, the lack of employment opportunities and quality education, and the refusal of local politicians to acknowledge or correct institutionalized racism, Minneapolis's African American community erupted into civil unrest in 1966 when a group of approximately 50 youth vandalized and looted stores in North Minneapolis.[14] Almost a year later, another group of youth set fire to a handful of buildings on Plymouth Avenue in an event that became known as the "Plymouth Riot."[15] Unlike the previous year's incident, the participants did not disperse when authorities arrived. More than 30 fires burned over three days and at least three people were wounded by gunfire. The riot continued until approximately 150 National Guard troops were deployed to the area.[16] While the riots in North Minneapolis were less devasting than contemporary uprisings in Detroit, Newark, and other cities, the Plymouth Riot had a lasting impact on the North Minneapolis community. Of the dozen stores that once lined Plymouth Avenue, none remain. There were charges of police brutality before the 1967 riots, and those charges continued long after the riots and continue to fuel tensions between the community and the police department today.

Following the unrest of the 1960s, the city worked with community leaders to rebuild the Plymouth Avenue corridor. The city donated an abandoned bulding to a group of community leaders who opened The Way Opportunities Unlimited, Inc. (The Way)—a community center and organization dedicated to improving the quality of life for youth in North Minneapolis by providing cultural, social, and political education and opportunities, as well as a recreation center. The Way's goal was to foster Black empowerment and self-determination, to seek power and legitimacy for the typically ignored, and to fill the traditional role of community leader.[17] Named by the community, the center had dual functions—representing "the way of life" for those it served, and "the way out" of being isolated in North Minneapolis.[18] The Way was a vibrant place of community life, and artists like Prince and record producers Jimmy Jam and Terry Lewis grew up within its walls.

In 1989, the City of Minneapolis took possession of The Way's building after the organization lost its funding and converted it into the Minneapolis Police Department's Fourth Precinct police station. Many of the community members interviewed acknowledged that the city was well-intentioned when it opened the station; nonetheless, replacing The Way with a police station became a source of anger and resentment. In a magazine article interview, a Black Lives Matter Minneapolis organizer described the symbolism of the Fourth Precinct building's history as follows:

> ***"The occupation is really interesting to me, I've come to view it as a revenge of the ancestors. If you know the history of that space, the Fourth Precinct used to be a community center called the Way. It was this space of black revolutionary love, they were doing the work that we're trying to do right now, trying to build a better world. . . .***
>
> ***"The City of Minneapolis responded by saying, 'oh you guys must need safety, let's put in this fortress,' and that is now the Fourth Precinct. So I honestly feel like the ancestors were kind of speaking through us, a little bit, because the occupation made it a community space again."***[19]

North Minneapolis today

Today, residents of the 'north side' (North Minneapolis) continue to face many of the challenges that drove the riots of the 1960s. In 2014 (the most recent year for which detailed neighborhood-level statistics were available), the citywide unemployment rate was 9.5 percent, but in North Minneapolis that number was more than twice as high, 21.1 percent. Similarly, the unemployment rate by race was 6.3 percent for Whites citywide, compared with 22.9 percent for African Americans citywide. The difference in unemployment rate was even higher in North Minneapolis, where 28.9 percent of African Americans were unemployed, while 10.5 percent of Whites were jobless. Combined with the fact that the median household income was more than $17,000 less in North Minneapolis than citywide, and the African-American median income in North Minneapolis almost $9,000 less than that, it is no surprise that the poverty rate

in North Minneapolis is much higher than in the rest of the city. The overall percent of persons living below the poverty line in the city as a whole was 22.5 percent in 2014, but 36.6 percent of the population in North Minneapolis. African Americans were almost three times more likely to be below the poverty line than Whites—42.0 percent to 15.1 percent—in North Minneapolis.[20]

In 2015, more than 40 percent of the reported homicides and 42 percent of the aggravated assaults committed in Minneapolis occurred in the Fourth Precinct (which covers North Minneapolis). Additionally, more than 70 percent of the weapons offenses and almost one third of the simple assaults occurred in the Fourth Precinct (see table 1).[21] A commonly expressed sentiment in the Minnesota media is that North Minneapolis is a dangerous place where youth and gang violence runs wild.[22]

The fractured relationship and history of mistrust among Black residents in North Minneapolis, city government, and the MPD, which have made the goal of community safety hard to reach, provide the backdrop against which the protests and occupation played out following the Jamar Clark shooting.[23]

Table 1. Fourth precinct and citywide crime data

Reported Offenses 2015	Fourth precinct	Citywide Total	Percentage
Population * †	62,621	410,939	15.24%
Homicide	21	49	42.86%
Rape	123	439	28.02%
Robbery	543	1,902	28.55%
Aggravated Assault	882	2,068	42.65%
Burglary	870	3,564	24.41%
Larceny	1,779	12,122	14.68%
Motor Vehicle Theft	533	1,740	30.63%
Arson	57	116	49.14%
Total Part I	**4,808**	**22,000**	**21.85%**
Simple Assault	1,460	4,708	31.01%
Vandalism	1,425	4,207	33.87%
Weapons	989	1,380	71.67%
Prostitution	17	181	9.39%
Sex Offenses	89	331	26.89%
Narcotics	685	2,329	29.41%
Driving While Intoxicated	108	539	20.04%
Other Part II	3,186	19,452	16.38%
Total Part II	**7,959**	**33,127**	**24.03%**
Grand Total	**12,767**	**55,127**	**23.16%**

Source: MPD Crime Analysis Team, Minneapolis Police Department Uniform Crime Report Summary (Minneapolis, MN: MPD, 2015), http://www.minneapolismn.gov/www/groups/public/@mpd/documents/webcontent/wcmsp-172138.pdf.

* Fourth precinct population is an approximation gathered from the Office of the Mayor of Minneapolis.

† Citywide total population was obtained from "QuickFacts - Minneapolis city, Minnesota," U.S. Census Bureau, U.S. Department of Commerce, accessed November 28, 2016, http://www.census.gov/quickfacts/table/PST045215/2743000.

PART III. INCIDENT DESCRIPTION

CHAPTER 3. 18 DAYS: PROTESTS AND OCCUPATION OF THE FOURTH PRECINCT OF THE MINNEAPOLIS POLICE DEPARTMENT

Given that the assessment team interviewed Minneapolis Police Department (MPD) officers, city and government officials, and demonstrators who were all there at various points over the 18 days, it is to be expected that their perspectives and accounts may seem contradictory. For example, during some interviews demonstrators reported uses of force and harassment that the assessment team could not independently verify from reviewing video footage and talking to others at the scene who reported Fourth Precinct officers acted with restraint and professionalism. Even within a particular group, accounts varied; for instance, MPD command staff and line officers at the Fourth Precinct disagreed on when—or whether—orders and information were received. In an effort to provide all perspectives equal voice, and recognizing that all parties were reflecting on high-intensity events, we have organized the following timeline first by day and then by whether the information was obtained from law enforcement, government, or community members.

The timeline was developed through a review of the timeline of events prepared by the Minneapolis Mayor's Office, the Minneapolis Police Department's Incident Action Plans and *After Action Report*, on-site interviews, and media reports.

Figure 5. Fourth precinct police station

Source: ESRI; see note on figure

Incident description

Sunday, November 15, 2015

Law Enforcement

MPD: At 12:45 a.m., two Minneapolis Police Department (MPD) officers from the Fourth Precinct were dispatched to an assault call in the area of 1500 Plymouth Avenue. Before the officers arrived, the call was changed to a request for police assistance, as the suspect involved in the assault allegedly confronted paramedics. When the two officers arrived on scene, a confrontation and brief struggle ensued with the alleged assailant, Jamar Clark. During this confrontation, one of the officers discharged his service weapon, fatally wounding Clark.[24]

Following accusations that the officers had shot Clark while he was handcuffed, the MPD issued an initial press release at approximately 3:00 a.m. stating that Jamar Clark was not handcuffed during the confrontation.[25] At approximately 4:00 a.m., MPD Deputy Chief Folkens briefed the media regarding the shooting. During the briefing, Deputy Chief Folkens confirmed that Clark and the two officers were involved in a physical altercation and that Clark was not handcuffed at the time of the shooting.[26]

After speaking with the mayor, Chief Harteau contacted the superintendent of the Minnesota Bureau of Criminal Apprehension (BCA) to ask for an independent investigation. The superintendent agreed to conduct the investigation.

Government

According to an interview with the assessment team, Mayor Hodges received a text from Chief Harteau about the shooting in the early morning, and the two spoke about it at approximately 7:30 a.m.[30]

At 9:00 a.m., Mayor Hodges and her staff and Chief Harteau and MPD leadership met to discuss the next steps. Following this meeting, Mayor Hodges made phone calls to notify other elected officials.

At a 2:00 p.m. press conference, the mayor announced that the Minnesota Bureau of Criminal Apprehension (BCA) would conduct an independent criminal investigation into the shooting of Jamar Clark.[31] The mayor indicated it was the first time in recent memory that the MPD would not be investigating its own critical incident.[32]

The mayor also hosted a 5:00 p.m. community meeting and public listening session at the Urban League in North Minneapolis near the locations of the shooting and the Fourth Precinct station. Prior to the meeting, the mayor addressed a group of protestors outside the Urban League and invited them inside. At the community meeting and public listening session, the mayor openly addressed the attendees regarding the independent investigation and encouraged any witnesses to speak with investigators.[33] At the end of the meeting she

Community

Immediately after the shooting, witnesses and other community members lined Plymouth Avenue North and gathered outside the Fourth Precinct station. Fueled by conflicting accounts from witnesses regarding whether or not Clark was handcuffed and cooperative or uncuffed and combative, they began berating officers.[35] In fact, according to the Hennepin County Attorney's Office, 20 civilian witnesses were interviewed regarding what they saw: two said that Clark was definitely not handcuffed, 12 were certain that one or both of Clark's hands were cuffed, and the remaining six did not know.[36]

Frustrated by the public uncertainty regarding the shooting, a group of approximately 100–200 people marched the two blocks to the Fourth Precinct station and voiced their frustration that another young African-American man was shot and killed by the police and their anger at the perceived increase in police brutality nationwide. Those demonstrators that believed Clark was handcuffed during the shooting also called for the officers to be prosecuted.

At 3:00 p.m., another demonstration was organized via social media by community leaders from Black Lives Matter (BLM) Minneapolis and the Minneapolis chapter of the National Association for the Advancement of Colored People (NAACP). This group of demonstrators gathered at the location of the shooting and followed the same route down to the Fourth Precinct station. From there, demonstrators spread out on the

Law Enforcement

The first night the protestors gathered outside the precinct, the precinct station continued to be surrounded by demonstrators and vehicle exits at the back and side were blocked, leaving all MPD vehicles trapped in the precinct station parking lot.[27] The tires of an unmarked squad car parked on the street were slashed; windows of cruisers and the precinct station were smashed out; and bottles, rocks, and bricks were thrown over the fence at officers.[28] MPD officers were also subjected to verbal harassment. After a few hours, officers were finally able to bring their squad cars into the back parking lot and close the gate.[29] ■

Government

spoke privately to many members of the Clark family, as well as to as many others that wanted to speak with her.[34] ■

Community

sidewalks from Penn Avenue North to James Avenue North and across Plymouth Avenue North (approximately half a mile), linked arms to create a "No Cop Zone," and chanted "No justice, no peace! Prosecute the police!"[37]

During the demonstration, six to 12 BLM Minneapolis members entered the front vestibule of the precinct and staged a sit-in, indicating that they would not leave until five demands—including viewing the footage from the incident, an independent investigation, media coverage of eyewitness testimony, community oversight of police with full disciplinary power, and a residency requirement for MPD officers—were met.[38] These individuals also refused to attend the community meeting and listening session at the Urban League, demanding that the mayor and the chief of police meet them at the Fourth Precinct station. The proposed meeting did not take place that evening.

While this occupation was taking place, approximately 150 community leaders and community members attended the listening session hosted at the Urban League, one block from the Fourth Precinct station. Attendees described the meeting as contentious, and attendees told personal accounts of harassment by Fourth Precinct officers, questioned the mayor and the chief of police regarding their ability to conduct an impartial internal investigation, and echoed many of the sentiments being expressed by the demonstrators who refused to attend.[39]

Following the meeting, many of the attendees and other community members joined the demonstrators outside of the precinct station, bringing the total number up to approximately 300–400.[40] ■

Incident description

Monday, November 16, 2015

Law Enforcement

MPD: Over the course of the day, officers at the Fourth Precinct station guarded the side and back fences from being breached. According to officers' radio traffic, for the most part, the demonstrators remained peaceful, though some officers continued to be subjected to verbal harassment.[41]

During a meeting between MPD command staff and the Fourth Precinct inspector, a first attempt to remove the individuals in the vestibule was planned. However, prior to the time designated to remove the protestors, administration made the decision to delay clearing out the vestibule for 24 hours. It was also suggested that protestors be offered the Fourth Precinct visitor parking lot (which is directly across the street from the precinct station) to continue their demonstration, that the weapons in the building be moved to secured storage in the firearms range, and that the safest route to the station for officers was through the back gate.[42]

Later that evening, as demonstrators began to march from the Fourth Precinct station to downtown Minneapolis, the MPD Bicycle Rapid Response Team (BRRT) was deployed to monitor their progress and ensure their safety. They were instructed to divert demonstrators away from Interstate 94 West (I-94 W); form a line to prevent them

Government

During a press briefing the mayor announced that she had contacted the Civil Rights Division of the U.S. Department of Justice (USDOJ) and the U.S. Attorney for Minnesota, asking for concurrent independent investigations, including a civil rights investigation, into the shooting.[49]

The Hennepin County Chief Medical Examiner announced that Jamar Clark was removed from life support at 9:32 p.m.[50]

Community

Throughout the day, anywhere from 50–300 people remained outside the Fourth Precinct station.[51] These demonstrators—from BLM, the NAACP Minneapolis Chapter, the Black Liberation Project, and unaffiliated community members—continued to demand the release of the video of the shooting and the firing and prosecution of the officers involved.[52] Demonstrators took down the U.S. flag outside the precinct station and shattered one of the front windows.

Later that evening, at approximately 6:00 p.m., a group of approximately 300 demonstrators once again called for a "No Cop Zone" and began to march from the Fourth Precinct station towards downtown Minneapolis. From downtown, demonstrators marched up one of the ramps to I-94 W, formed a line of locked arms extending across the five-lane highway, and blocked traffic.[53] According to the Minnesota State Patrol, 43 adults and eight juveniles were arrested after refusing multiple dispersal orders.[54]

Following the demonstration on the highway, many of the protestors returned to the Fourth Precinct station to continue the occupation. As the night progressed, demonstrators threw bottles and bricks over the wall at officers and squad cars guarding the side and back fences of the station.

from getting onto the highway if necessary; and to arrest anyone committing assault or serious property damage or breaking the line to get on the freeway. According to an attendee at one of the assessment team's anonymous officer forums, they also received a directive to refrain from physically engaging and let demonstrators onto I-94 W.[43]

By nightfall, the occupation turned violent again. Between 9:30 p.m. and 10:30 p.m., bottles and bricks were thrown over the walls in the back parking lot of the Fourth Precinct station.[44] In addition to the violence targeted at the officers and the station building, two separate shootings occurred less than two blocks away on the 1600 block of Plymouth Avenue North.[45] Though it could not be confirmed whether or not the gunshots were related to the occupation, the Special Weapons and Tactics (SWAT) Team was deployed to investigate. According to an interview with a member of the SWAT Team, they were instructed not to take the MPD Bearcat, because it would appear "too militaristic."[46] This became a source of contention for SWAT officers who were concerned for their safety (and is addressed in Chapter 7 of this report).[47]

MSP: According to a Minnesota State Patrol (MSP) lieutenant, 43 adults and eight juveniles were arrested and booked into jail after marching onto I-94 W and blocking all five lanes of traffic for more than two hours.[48] Most of the individuals arrested received misdemeanor citations for unlawful assembly and being pedestrians on the freeway. ■

Incident description

Tuesday, November 17, 2015

Law Enforcement

MPD: Officers at the Fourth Precinct station began to put up fencing down both sides of the sidewalk in front of the precinct and also placed barriers on the sidewalk across the street.[55] Once again, the demonstrators remained mostly nonviolent during the daylight hours, but began throwing rocks, bricks, bottles, and half-eaten food after dusk.

When the violence escalated, the MPD Chemical Agent Response Team (CART) was deployed to identify the indiviudals responsible. Some of the CART members were deployed with tactical helmets and vests, camouflage winter coats, and weapons capable of firing bean bags or marking rounds. This specialized unit also carried chemical agents that could be deployed if necessary.[56]

BCA: At an afternoon press conference, the BCA superintendent indicated that after reviewing several sources of video obtained from the shooting—including from the ambulance on scene, a police camera, several public housing authority cameras, and cell phone videos from witnesses—none of the videos provided a definitive perspective and none would be released to the public.[57] The superintendent also stated that the names of the officers would only be released once interviews were completed.[58]

USDOJ: The USDOJ announced that they would open a civil rights investigation of the shooting.[59] ■

Government

The mayor met privately with 10 members of Jamar Clark's family and six members of BLM from 5:30 p.m. to 7:30 p.m. During the meeting, she expressed her sadness over their loss. The family members and activists requested three things from the mayor: (1) that she arrange for culturally-appropriate grief counseling for the family and community members; (2) that she convey the family's request to view the video of the shooting privately to BCA and USDOJ representatives; and (3) that she publicly call for the release of any video of the shooting. The BLM attendees stated that if the mayor communicated publicly that she had relayed the request that the Clark family be allowed to view the video, they might end the occupation. The mayor agreed to the first two requests and asked for time to consider the implications of the third. The family and BLM agreed to reconvene the next morning. The mayor also contacted Jamar Clark's brother following the meeting.[60]

The Hennepin County Chief Medical Examiner conducted the official autopsy of Jamar Clark. The cause of death was determined to be a gunshot wound to the head and toxicology examinations showed that Clark had a blood alcohol concentration of .09 and had THC in his system. The autopsy also indicated that Clark's wrists had "no occult contusions (bruises), or other injuries suggestive of restraint," supporting the finding that Clark was not handcuffed during the shooting.[61] ■

Community

At approximately 3:00 a.m., seven tents and four canopies were set up in front of the Fourth Precinct station, outside of the vestibule which demonstrators still occupied.[62] Despite the fact that some of their leaders attended the meeting with the mayor and the Clark family, protestors continued to throw rocks over the precinct walls, attempted to breach the fences that had been set up in the morning, and damaged multiple vehicles belonging to neighborhood residents. Two men also attempted to force open the front doors from the vestibule into the precinct lobby, but were unsuccessful.[63] ■

Incident description

Wednesday, November 18, 2015

Law Enforcement

MPD: At 2:00 p.m. MPD officers cleared the vestibule, after being ordered by the chief to do so without tactical gear or helmets.[64] As officers stood in a line to provide some space between the front of the station and the demonstrators, other officers approached the front doors to the vestibule and were hit by rocks and bottles being thrown by demonstrators from behind the line.[65] After the vestibule was cleared, officers trying to restore order outside of the station were yelled at by demonstrators chanting obscenities.[66] Some officers spoke to demonstrators and answered their questions regarding why the vestibule was cleared out.[67]

Additionally, after the vestibule was cleared, officers at the precinct felt the situation escalated to a level that required the deployment of the CART again.

Later in the afternoon, the chief of police spoke at a press conference where she stated that the decision had been made to clear the vestibule after demonstrators there had covered a security camera looking out from the vestibule to the front door, refused citizens entry to the building to speak with investigators and officers, and had made themselves "more comfortable" in the vestibule and smoked marijuana there.[68] During this press conference, the commander of the Fourth Precinct also explained the deployment of the CART members, and

Government

The mayor had more conversations with members of the Clark family in the morning. Then, from 10:30 a.m. to 11:15 a.m., she met privately with two members of the family and six BLM representatives. During the meeting, the mayor conveyed that she had kept her promises from the previous evening and requested that they negotiate an end to the occupation. However, after the mayor told the group that she could not publicly call for the release of the videos, the meeting ended.[77]

The mayor met with the U.S. Attorney for the District of Minnesota in the afternoon.

She then spoke briefly at an afternoon press conference with the chief of police and commander of the Fourth Precinct. The mayor indicated that she supported the decision to clear the vestibule and thanked the community members who continued to demonstrate peacefully.[78] After demonstrators showed up at her house, she posted a brief statement on her website in which she said that it was necessary to balance the community's emotions and public safety.[79]

Senior staff of the Governor's Office also contacted the Mayor's Office to set up a meeting between the senior staffs of both offices. The first USDOJ Community

Community

In the early morning hours, a Black Bloc anarchist flag was raised.[83] Five additional tents and two additional canopies were also erected to help serve as commissary/food areas, guarded by approximately 40 demonstrators.[84]

At 10:00 a.m., the Urban League held a press conference with members of BLM and the Clark family to officially demand the release of the tapes of the shooting. Jamar Clark's family also spoke at the press conference and called for peaceful protests.[85] During the day, the demonstrators remained mostly peaceful, with the occasional breakout of chants demanding that the officers be fired and prosecuted and the videos released.

However, once the vestibule was cleared, the dynamic of the demonstrators changed considerably. Some demonstrators felt that the clearing of the vestibule represented an escalation by the police department[86]—a perception bolstered by the police's deployment of militarized equipment, including camouflage coats and what appeared to be automatic weapons, and of the SWAT Team and CART unit. While the use of these items and personnel had been attributed to "safety concerns" at the press conference, demonstrators told the assessment team that officers on the ground had not shared that information with them, and many demonstrators took

Law Enforcement

justified the continuing use of military-looking equipment outside the station, based on safety concerns over demonstrators throwing rocks and bottles as officers were clearing the vestibule.[69]

At 4:30 p.m., the president of the Police Officers Federation of Minneapolis (the Federation) released a statement indicating that Clark reached for an officer's gun before he was shot, and said that witnesses that claimed Clark was handcuffed at the time of the shooting should be charged with a crime if their statements turned out to be "blatantly false."[70]

That evening, as the number and intensity of the protestors grew and it became apparent that demonstrations would continue for the foreseeable future, the MPD response shifted from being handled entirely at the Fourth Precinct—and overseen by the commander and lieutenants—to a department-wide response. The city's Emergency Operations Center (EOC) was activated and MPD opened its own operations and command center next to the the EOC staff in the Emergency Operations and Training Facility. The MPD command center coordinated staffing, operations, planning, logistics, and finance and held regular briefings for command staff and the chief and executive team.[71]

MPD officers were yet again pelted with bottles, bricks and rocks, and other projectiles, including Molotov cocktails.[72, 73] At this point, officers from other precincts in Minneapolis were deployed to the exterior of the

Government

Relations Service (CRS) representatives arrived at the Mayor's Office in the afternoon and led a meeting of representatives from the offices of the mayor, governor, city attorney, and city coordinator, in order to gather information and establish a timeline of significant upcoming events and discussion points.

A member of the Mayor's Office staff stopped by and went into the Fourth Precinct station to observe the conditions firsthand. When demonstrators surrounded all access points, the mayor's staff attempted to contact community members to assist with de-escalating the crowd and to get the crowd to move away from the access points. The crowd retreated from the access points and allowed people in the precinct station to leave safely.

Additionally, during the evening hours, three city councilmembers—Lisa Bender (Ward 10), Alondra Cano (Ward 9), and Cam Gordon (Ward 2)—arrived at the Fourth Precinct occupation.[80] As one councilmember indicated during an interview, while she was initially hesitant to get involved in another councilmember's ward, when her constituents began contacting her to participate and show her support, she did.[81] When she found out that chemical irritants had been used by MPD, she immediately tweeted that the MPD should stop, but indicated that the department was not going to listen to any City Council calls for de-escalation.[82] The other councilmembers also suggested during interviews that they wanted to show support and help the Clark family and the community grieve and heal.

Community

the militarization of the police response as a disproportionate response to their—to that point, largely non-violent—occupation.[87]

During the night, a small number of demonstrators threw several Molotov cocktails, bottles of gasoline, and large cement blocks over the precinct station fence. Demonstrators also cut fencing and barbed wire on the west gate of the station and destroyed a mobile camera that had been positioned to collect images of the protestors.[88]

While the occupation was reaching one of its most violent points to date, a small group of approximately 13 protestors marched from the Fourth Precinct to the mayor's house to voice their displeasure with her approval of the police action, highlight the violence used to remove the demonstrators from the vestibule, and attempt to diffuse the violence on both sides. While the mayor was not home, the group was "pleasantly surprised" when the mayor's husband let them in and talked to them for about 10 minutes.[89]

Law Enforcement

Fourth Precinct station to identify demonstrators who were causing property damage and to answer calls for service, while Fourth Precinct officers were responsible for securing the interior.[74] In response to demonstrators tying tarps to the gate surrounding the back of the precinct and holding tarps up to protect those throwing projectiles, officers deployed chemical irritants and fired one marking round to tag an individual.[75]

BCA: After completing all of the officer and witness interviews, the BCA released the names of the two officers involved in the shooting.[76] ■

Government

As demonstrations escalated, the mayor and the chief were in the Police Administration offices monitoring developments. ■

Incident description

Thursday, November 19, 2015

Law Enforcement

MPD: After the events of Wednesday evening, tension between officers and community demonstrators remained high; however, no significant activities took place during the morning and early afternoon hours.[90]

At a 2:00 p.m. press conference, the chief of police highlighted the threats to officer safety and showed a brick that had been thrown by a demonstrator. The chief also advised that chemical irritants had been used on officers and that damage had been done to MPD cruisers, equipment, and property totaling at least $38,000.[91]

During an afternoon radio show, the Federation president criticized the occupation, stating that it had nothing to do with the investigation of the officer-involved shooting but rather it was part of "an activism [sic] movement." He also criticized city leadership, primarily the mayor, for not letting the police end the occupation because the protestors had voted her into office.[92]

Officers continued to deal with verbal threats and harassment and with spray paint on the station walls.[93] MPD officers conducting patrol outside the precinct station, near the occupation, also recovered four Molotov cocktails.[94] ■

Government

A Joint Information Center (JIC) that included senior representatives from city and state government was established. Initially, the JIC was established without notifying the MPD incident commander, and did not include the MPD. However, a deputy chief and MPD public information officer (PIO) were eventually invited to participate.[95] The JIC members conducted conference calls three or four times a day, primarily to document and review issues, discuss community flashpoints, and identify resource needs.[96] MPD personnel were queried on operational and tactical questions and members of the JIC sought to have significant decisions and actions cleared through the JIC.[97]

During the 2:00 p.m. press conference with the chief of police, the mayor spoke about the need to "strengthen the bonds of our community with our police and one another, both short term and long term," and reiterated her desire to appropriately maintain the First Amendment rights of the demonstrators while ensuring public safety.[98] Later in the evening, the mayor arrived at the occupation to attend the vigil. Staff from the Mayor's Office returned to the precinct during the evening to observe the conditions of the occupation. ▼

Community

On the heels of the violence the night before, demonstrators were much more calm. While some continued to direct verbal threats at officers standing guard of the precinct, other protestors assisted the MPD, tweeting photos of individuals they believed were "casing the area" and the protests to incite violence.[100] ■

Government

Additionally, three city councilmembers and the U. S. Representative who represents the congressional district that includes Minneapolis joined BLM representatives and religious leaders to yet again demand the release of videos from the shooting. The congressman asked for protestors to acknowledge how quickly some of their demands had been met by officials, but indicated that officials needed to do more if they wanted to end the occupation. The city councilmembers echoed the need to release the videos and also highlighted the importance of elected officials standing with the community.[99]

A Minnesota Department of Human Rights executive also arrived at the occupation site to observe but, as he discussed during an interview with the assessment team, made no attempt to get involved. ■

Incident description

Friday, November 20, 2015

Law Enforcement

MPD: At approximately 2:30 a.m., protestors threatened officers with lit Molotov cocktails, and an intoxicated woman who tried to drive through the back fence of the Fourth Precinct station multiple times was arrested.[101] Officers noted during interviews that these events escalated tension among their ranks, with one officer comparing the scene to his military tours in Afghanistan.[102] He also noted that MPD and city leadership's failure to authorize the use of force, even after the apparent attempt on the fence, led officers to conclude their leaders had sided with the community against them.

Throughout the rest of the day, officers continued to be subjected to verbal abuse, though physical violence stopped.[103] During an interview with a local religious leader and MPD chaplain, the assessment team learned that officers were not allowed to leave the Fourth Precinct station during their shifts, or in some cases overnight, because it was too dangerous.[104] Even when allowed, leaving was daunting as officers had to be bused in and out, the roads were closed, and there was a general feeling that no matter what they did, they could not win.[105] African-American officers especially were specifically targeted for verbal abuse, with one woman calling a particular officer, "an Uncle Tom whose family should be ashamed of him," and encouraging him to commit suicide.[106]

Government

The mayor met at the governor's residence with the NAACP national president, the NAACP Minnesota president, five local NAACP chapter presidents, executives from the Minnesota Department of Public Safety and Minnesota Department of Human Rights, and the governor. The meeting focused on improving police accountability, police-community relations, and resolving the occupation.[109]

At around 8:00 p.m., the Federal Bureau of Investigation (FBI) and U.S. Attorney released a statement explaining why the videos from the shooting would not be released until the investigation was complete.[110]

That evening, staff from the Mayor's Office went to the precinct to observe the conditions of the occupation.

Community

At 2:30 a.m. a female driver was arrested and charged with driving while intoxicated (DWI) and damage to property after trying to drive through the back fence of the Fourth Precinct; at about the same time, two shots were fired within blocks of the site of the Clark shooting.[111] While the shots were unrelated to the occupation, and it remains unclear whether the crash was related, nonetheless they created tension among the demonstrators.[112]

Beginning at approximately 4:00 p.m., protestors held a candlelight vigil for Jamar Clark outside the Fourth Precinct station. The NAACP national president, the vigil's guest of honor, called for justice and reiterated the importance of peaceful demonstrations.[113]

Law Enforcement

During a regularly-scheduled 3:00 p.m. appearance on WCCO Radio, the Federation president called for political officials to remove themselves, relinquish handling of the occupation to the police department, and allow officers to end the occupation. The chief of police called in to rebut the Federation president, resulting in a heated and public discussion of each other's experience and the best plan of action for the department.[107]

That evening, the chief of police visited with demonstrators. The MPD also issued a warning "asking gathered demonstrators to be vigilant and report any actions that may seem out of the ordinary," based on information received from confidential sources.[108] The occupation had its most peaceful night yet. ■

Incident description

Saturday, November 21, 2015

Law Enforcement

MPD: Graffiti was cleaned off the Fourth Precinct building. Otherwise, there was no significant police activity. ■

Government

In the morning, the mayor visited the Fourth Precinct to speak with officers and answer questions regarding the strategy to end the occupation.

The Mayor's Office communicated with BLM representatives about scheduling garbage pickup and graffiti cleaning at the Fourth Precinct.

The governor and the U.S. Representative held a meeting with representatives of BLM to discuss ending the occupation. At the end of the meeting, the governor released a statement requesting that USDOJ investigate whether any police actions during the occupation violated anyone's civil rights.[114]

The governor also called for a special session of the Minnesota legislature to address racial disparities in North Minneapolis and in Minnesota as a whole, and he committed to a meeting with BLM leaders.[115] The governor asked that in exchange for his request that videos be shown to the Clark family and released to the public, BLM leaders commit to ending the occupation, but no explicit commitment was made by BLM.[116] ■

Community

During the morning and early afternoon hours, there were approximately 50 demonstrators outside the Fourth Precinct, but the number swelled to approximately 200 during the evening. There were no arrests and no violence.[117] ■

Incident description

Sunday, November 22, 2015

Law Enforcement

No significant police activity occurred on this day. ■

Government

A representative from the Mayor's Office attended a public meeting at Neighborhoods Organizing for Change (NOC), where BLM agreed to end the occupation by Tuesday, November 24.[118] At the end of the meeting, it appeared that consensus had been reached and a schedule to end the occupation was drawn up.

Another group of USDOJ CRS personnel arrived in Minneapolis to assist city officials.[119] ■

Community

For the second day in a row, during the morning and early afternoon hours, there were approximately 50 demonstrators outside the Fourth Precinct, but the number swelled to approximately 200 during the evening. There were no arrests and no violence.[120] ■

Incident description

Monday, November 23, 2015

Law Enforcement

MPD: While there was no significant police activity for most of the day, at 10:40 p.m., Fourth Precinct officers responded to the shooting of five protestors outside of the precinct station.

The shooting immediately escalated the tensions of MPD officers that responded to the scene. According to radio traffic recordings reviewed by the assessment team, dispatchers relayed that multiple shots were fired and officers relayed back that a large group of protestors were coming towards them.[121] Responding officers indicated that the crowd surrounding the victims was hostile to them and paramedics.[122] Some officers said that they were prevented from getting to the victims.

Many of the exchanges between MPD and dispatchers focused on what roads emergency medical responders should take to get to the victims of the shooting.[123]

After the victims were transported for medical attention, officers and dispatchers worked to identify the perimeter of the crime scene and exchanged information about the suspects.[124] MPD investigators worked into the night to identify and locate suspects. They indicated that they were searching for "three white male suspects."[125] ■

Government

While the Mayor's Office requested a meeting to coordinate security around the end of the occupation with MPD and NOC, the meeting request was rejected by NOC. During the day, demonstrators and city officials made significant efforts to put a timeline in place for the agreed-upon withdrawal of the occupation; however, no agreement could be reached.

During a statement to the media, the governor explained that he was allowed to view videos related to the shooting because the BCA, a state agency, was conducting the investigation, they report to him, and therefore it is his responsibility to know the situation. The governor stated, "'I've seen the tape. It doesn't show anything that would be by any confirmation to one point of view or another.'"[126]

Three executives from the Minneapolis Department of Civil Rights met separately with NOC.[127] ■

Community

For the majority of the day, demonstrators remained nonviolent and continued to call for the release of the videos. A national civil rights group, ColorOfChange, announced that they had collected nearly 70,000 signatures online to call for the footage to be released.[128] Additionally, local NAACP leadership issued a statement denouncing the agreement to end the occupation and calling for it to continue.

When the five victims were shot, the dynamic between the demonstrators and officers changed as trust deteriorated and tensions about the shooting and the response increased. According to one demonstrator interviewed, the victims had to be taken to the hospital by other demonstrators because officers were too slow to respond.[129] Another demonstrator interviewed indicated that officers deployed chemical irritants against community members who were applying pressure to the victims' wounds and that officers yelled at demonstrators that they were "waiting to be shot" by supremacist groups.[130] This information was spread among the demonstrators outside the Fourth Precinct station, heightening tensions between protestors and police. ■

Incident description

Tuesday, November 24, 2015

Law Enforcement

MPD: After continuing the investigation from the previous night, the MPD identified five suspects. While the actual shooter was arrested in nearby Bloomington, two accomplices were arrested in Minneapolis, and two turned themselves in.[131] Ultimately, only four of the men were charged with crimes and the fifth was released after MPD determined he was not at the scene during the shooting.

Officers continued to investigate the shooting. Others continued guarding the station against the occupation, and some provided an escort to a march of demonstrators from the Fourth Precinct station downtown to City Hall.

After the march, officers arrested a protestor who jumped the temporary barriers erected outside the Fourth Precinct station and banged on the glass. Officers also faced bottles, vegetables, and other assorted food items being thrown over the back and side fences of the precinct.[132] Renewed threats and chants were directed towards officers standing outside the precinct. ■

Government

The mayor released a short video condemning the shooting of the demonstrators the previous night and reiterating her commitment to ensuring the safety of all involved.[133]

The Mayor's Office also coordinated with the Minneapolis public schools, Parks and Recreation Board, and Youth Coordinating Board and with the Hennepin County and Minneapolis Health Departments to arrange security for student demonstrators participating in Minneapolis public high school walkouts in support of Jamar Clark.[134]

The mayor, the governor, and the U.S. Representative spent six hours with CRS representatives preparing for a meeting in the evening. This meeting was supposed to include all of the government representatives and BLM activists and was designed to reach an agreement to end the occupation immediately, but never took place because some occupation leaders refused to attend.[135]

The Hennepin County Attorney also announced that the decision regarding criminal charges against the two officers involved in the Clark shooting would be brought before a grand jury.[136] ■

Community

Following the shooting of five demonstrators, the communications chair of the Minneapolis NAACP was interviewed on CNN and claimed that the MPD was facilitating injustices and the bullying of demonstrators, was supporting White supremacists, and was "involved in this shooting."[137] She also accused the MPD of purposely delaying their response to the shooting victims and making disparaging comments to eyewitnesses, condemned the use of chemical irritants against demonstrators, and indicated that BLM had no faith in the MPD to keep the community safe during the occupation.[138]

Jamar Clark's brother, Eddie Sutton, also issued a statement early in the morning in response to the shootings, thanking the community for their support and for keeping the occupation peaceful, but noting that in light of the shootings, "the family feels[,] out of imminent concern for the safety of the occupiers, we must get the occupation of the Fourth Precinct ended and on to the next step."[139]

At approximately 2:00 p.m., nearly 1,000 demonstrators marched from the Fourth Precinct, past the scene of the Jamar Clark shooting, and down to City Hall, again demanding the release of videos of the shooting.[140]

Community

An additional 500 people remained at the precinct and listened to a concert.[141]

After the march, demonstrators returned to the Fourth Precinct. Some became violent, throwing bottles and other projectiles at officers and squad cars in the back parking lot.[142] ■

Incident description

Wednesday, November 25, 2015

Law Enforcement

No significant police activity occurred on this day. Officers from the Fifth Precinct were called on to monitor and provide extra patrol during Jamar Clark's funeral and the dinner his family hosted afterwards, but no incidents were reported. ■

Government

The U.S. Representative attended Jamar Clark's funeral and afterwards, noting the unsafe conditions highlighted by the shooting of five demonstrators, called for the occupation to, "evolve beyond encampment."[143] He was the only elected official to attend Clark's funeral.

CRS transitioned to a new on-the-ground team.

Staff from the Mayor's Office returned to the precinct during the late evening to observe the occupation conditions. ■

Community

Between approximately 10:00 a.m. and 1:00 p.m., hundreds of people arrive at the Shiloh Temple International Ministries in North Minneapolis for Jamar Clark's funeral.[144] The service included speeches from religious leaders and Clark's family members.

After the funeral, the President of the Minneapolis Urban League echoed the exhortations of the U.S. Representative and Clark's family to end the occupation, saying that order needed to be restored and that the community around the Fourth Precinct had endured enough gunfire, traffic interruptions, smoke from demonstrators' fires, and helicopters overhead.[145] For the established ministers and traditional community leaders, this signaled the right time to end the occupation, and served as a distinct change in the dynamic of the occupation moving forward.[146]

That sentiment was directly countered by another pastor who announced that another rally was planned after the funeral, that the videos had yet to be released, and that many people still sought justice for Clark.[147] The crowd that returned to the Fourth Precinct to continue the occupation reached up to 100 people.[148] Some protest leaders called for more attention to social services for the homeless and transient individuals who had showed up for help, some of whom were beginning to live at the

growing camp. Protest leaders also held trainings, speak-outs, and concerts and kept the area supplied with food. As one demonstrator noted during an interview, leaders touted their occupation efforts as a "beautiful attempt to build the beloved community."[149] The demographics of the demonstrators also became increasingly diverse, with members of all races referring to themselves as Allies joining the occupation. According to some demonstrators, many of the protesters were from outside North Minneapolis. ■

Incident description

Thursday, November 26, 2015 (Thanksgiving)

Law Enforcement

No significant police activity occurred on this day. ■

Government

The mayor met with USDOJ CRS personnel to negotiate terms of a meeting with the presidents of the NAACP Minneapolis Chapter and the NAACP Minnesota Chapter. Among the terms agreed to by all parties was the removal of three large tents by 8:00 a.m. the following day.[150]

The mayor also visited the Fourth Precinct station to thank officers for their service and to allow them an opportunity to express their feelings and ask her questions. ■

Community

About 100 people gathered around fires and prayed together outside the Fourth Precinct to "reject a history of violence, genocide, and oppression, and host a #Blacksgiving."[151] Community members from across North Minneapolis donated heaters, tents, and traditional Thanksgiving food.[152] ■

Incident description

Friday, November 27, 2015

Law Enforcement

No significant police activity occurred on this day. However, officers heard several gunshots east of the Fourth Precinct station, and a window on the west side of the building was damaged when a large rock was thrown through it.[153] ■

Government

The mayor and her chief of staff had a meeting with the presidents of the NAACP Minneapolis Chapter and the NAACP Minnesota Chapter, mediated by two CRS representatives.[154] The mayor expressed her openness and willingness to advance most of the items on the NAACP's police reform and equity agenda, in exchange for extinguishing the fires on Plymouth Avenue North—a violation of city ordinances and an increasing public health and safety problem.[155]

Staff from the Mayor's Office returned to the precinct during the late evening to observe the occupation conditions. ■

Community

The three tents that all parties had agreed to remove by 8:00 a.m. were not removed, and fires continued to burn in the street. While the number of demonstrators at the station varied from 40 during the day to approximately 20 overnight, 50 other demonstrators marched to downtown Minneapolis in support of increasing the minimum wage and 30 other demonstrators conducted a "Solidarity with the Northside" march on the south side of Minneapolis, which ended at the Third Precinct station without incident.[156] ■

Incident description

Saturday, November 28, 2015

Law Enforcement

No significant police activity occurred on this day. ■

Government

The mayor participated in eight hours of negotiations, from noon to 8:00 p.m., with the president of the NAACP Minneapolis Chapter regarding removing the fire pits on Plymouth Avenue North. The mayor offered to allow demonstrators to bring in their own heaters and use them in the Fourth Precinct visitor parking lot across the street from the station and offered to facilitate the acquisition of a legal permit for doing so.[157] ■

Community

During eight hours of negotiations with the Mayor, the president of the NAACP Minneapolis Chapter agreed to have all of the fires on Plymouth Avenue North extinguished if the city agreed to purchase eight heaters and supplies for the demonstrators. When these stipulations were not met, the negotiations ended unsuccessfully.[158] Meanwhile, the number of demonstrators varied from 80 during the day to approximately 10–15 overnight, and there were no problems.[159] ■

Incident description

Sunday, November 29, 2015

Law Enforcement

No significant police activity occurred on this day. ■

Government

A staff member from the Mayor's Office and the chief and assistant chief of the Minneapolis Fire Department visited the Fourth Precinct station to inspect the fire pits and to encourage demonstrators to extinguish them. In advance of this visit, the mayor's office contacted occupation leaders and USDOJ representatives to inform them of the purpose of the visit.[160]

The mayor continued to work through CRS representatives to negotiate terms with BLM for an end to the occupation the following day. When the mayor was unable to grant the requests and meet the demands of BLM, the negotiations ended unsuccessfully.[161] ■

Community

According to the mayor's timeline, BLM negotiators made the following demands:

- That Minnesota law be changed to enhance civilian review of police departments
- Changes to Minneapolis' contract with the Federation
- That prosecutors charge those arrested in connection with the shootings of the five demonstrators with terrorism
- A federal investigation into the shootings of the demonstrators
- That charges for all involved in blocking I-94 W be dropped

They also demanded that the mayor advocate for the Working Families Agenda, which works for a higher minimum wage; paid sick days, family leave, and predictable schedules; and equal pay.[162] Finally, BLM demanded to be allowed to continue the occupation through December.[163] ■

Incident description

Monday, November 30, 2015

Law Enforcement

No significant police activity occurred on this day. ■

Government

The mayor, the U.S. Representative, a Minnesota Department of Human Rights executive, and multiple former and current elected officials including city councilmembers signed a message calling for an end to the occupation.[164] The message reemphasized the safety concerns for demonstrators, neighborhood residents, officers, and bystanders and emphasized the "many wins . . . already . . . attained."[165] The mayor also reiterated her intention to work with community leaders to advance a comprehensive agenda surrounding racial equity and police-community relations.

The mayor also visited the Fourth Precinct station again to thank officers for their service and to answer questions. ■

Community

While some community members signed the message along with government officials, BLM and the president of the NAACP Minneapolis Chapter responded to the message to end the occupation by fortifying their position and stating that they would not leave until the videos were released. Many protestors continued to refer to the occupation site as their "healing place" and began to circulate rumors that a police raid to shut down the occupation was "imminent."[166] As the rumors increased, the encampment was enhanced with more permanent and robust structures.[167] ■

Incident description

Tuesday, December 1, 2015

On December 1, four men connected to the shootings of five protestors made their first court appearance. One was charged with five counts of second-degree assault and one count of second-degree rioting. The other three were each charged with one count of second-degree rioting.[168]

Law Enforcement

The MPD planned an operation to clear the encampment at 4:00 a.m. However, the operation was deemed unsafe and called off after a Department of Public Works employee leaked the details to the press.[169] For the rest of the day, officers monitored the peaceful group of 30–35 demonstrators that remained.[170] ■

Government

The governor called on demonstrators to "'move on' and allow residents to regain their neighborhood," and to "look at the bigger picture and build the community together," though he did not indicate a timeframe to remove demonstrators. He also proposed a special session of the state legislature to address racial disparities in Minnesota.[171] ■

Community

At approximately 4:00 p.m., a group of clergy and BLM members marched to City Hall again to demand the release of videos of the shooting. Otherwise, no significant community activity occurred as the occupation continued.[172] ■

Incident description

Wednesday, December 2, 2015

Law Enforcement

MPD released data on response times as evidence that the occupation had affected community safety.[173] The data showed that Priority 1 call response time—from phone pickup to arrival of officer—had increased almost three minutes, Priority 2 call response time had increased almost nine minutes, and Priority 3 call response time had increased more than 10 minutes.[174] For the first time, MPD leadership explained that officers from other precincts were answering calls for service, mainly because Fourth Precinct officers had been forced to stay inside and protect their station, leading to some of the delays.[175]

Additionally, the MPD finalized staffing and plans for an early morning operation to clear the encampment, scheduled for the following day, December 3.[176]

Officers continued to monitor the occupation as the number of demonstrators remained static. ■

Government

No significant government activity occurred on this day. ■

Community

Rifts between the North Minneapolis community and the demonstrators that first arose when the Clark family requested the occupation end continued to grow. After the MPD released its data showing slower response times, traditional faith leaders echoed the need to end the occupation, with one saying, "We need to do something different than this occupation in our own community" and claiming that the demonstrators had lost sight of what was important. The emerging community leaders from the occupation, particularly from BLM, continued to declare that they would not move until the video was released.[177] ■

Incident description

Thursday, December 3, 2015

Law Enforcement

At approximately 3:45 a.m., the MPD conducted a coordinated operation involving over 145 officers, city crews, firefighters, and private contractors to officially remove the encampment in front of the Fourth Precinct. The MPD removed tents and supplies and took valuable items to the Property and Evidence Unit; the Minneapolis Fire Department extinguished the remaining fires; street sweepers drove down Plymouth Avenue North to clean the garbage that was left; and the street was reopened.[178] Officers gave the dispersal order to approximately 35 people, and seven demonstrators were willingly and peacefully arrested.[179]

At 10:27 a.m., the chief of police sent an email to all MPD personnel—sworn and civilian—expressing her gratitude, respect, and unwavering support. The email explained, "This movement is much larger than just the MPD as it is a pivotal time for law enforcement across our county as changes need to be made and our profession is being tested. I am proud that we lead the way in best practices in 21st Century policing."[180]

Following the email, the chief of police briefly addressed officers at the Fourth Precinct directly. She reiterated many of the points in her email and noted that they had garnered public support and won because they had that support.[181]

Government

The Mayor's Office staff was present at the Fourth Precinct to observe the removal of the encampment.

The mayor spoke at a press conference at the Special Operations Center, indicating that the increasing safety risks to the neighborhood and the demonstrators made it the right time to end the occupation. She reiterated the city's commitment to balancing First Amendment rights with public safety and thanked both officers for their professionalism and the demonstrators for withdrawing peacefully.[183]

Community

After the encampment was cleared, some demonstrators—believing they had been evicted—gathered at City Hall to protest and march further, reiterating that the end of the occupation would not be the end of the protests.[184]

Law Enforcement

Later in the day, the chief of police publicly expressed her support for officers who helped manage the occupation and many marches, investigated shootings, and continued to conduct their jobs, all while being "consummate professionals" to the media. The chief also thanked the other law enforcement agencies that assisted in the cleanup of the encampment and thanked the residents near the Fourth Precinct for their patience over the course of the 18 days.[182] ■

Summation

Overall, the occupation cost the City of Minneapolis more than $1.15 million, with almost $1 million accounting for MPD overtime and $165,000 for barriers and fencing, repairs, services, and miscellaneous costs.[185] Unlike some of the demonstrations in other cities nationwide that preceded this event, there were no large scale riots and property damage, and none of the officers or demonstrators sustained significant injuries. As concluded in the Minneapolis Police Department *After Action Report*:

> ***"This protest and three week occupation of a police precinct was a situation never previously encountered by the MPD. It was unlike a traditional public safety operation in that it was politically charged and solely focused on the police department, echoing national concerns raised over racial equity. The City and the MPD had to weigh all of its actions, carefully considering the consequences of those actions and whether such actions would diffuse and de-escalate the situation, or further inflame and escalate an already tense and tenuous situation."***[186]

PART IV. CRITICAL INCIDENT RESPONSE ASSESSMENT AND ANALYSIS

CHAPTER 4. LEADERSHIP AND INCIDENT COMMAND LESSONS

Leadership

The 18-day occupation of the lawn and street in front of the Minneapolis Police Department's (MPD's) Fourth Precinct station—including three days of occupying the front vestibule of the station—disrupted a wide range of social, political and organizational processes. While some of these disruptions may have been unavoidable, many were due to preventable or ameliorable causes: lack of coordination among federal, state, and local efforts to resolve the occupation; informal communication issues within the MPD executive and command staff that created confusion among the officers working the front lines; chaotic and extended illegal, and often dangerous, behavior by demonstrators; mixed messages to the public; and extended inconvenience and difficulty for community members living and working in the Fourth Precinct.

Situational complexity

As shown by the incident description of the 18 days, the occupation was a dynamic and chaotic process, and one that was unprecedented in the Minneapolis area. Many of the involved political, police, and community leaders struggled with the open-ended nature of the occupation and their inability to bring closure to the event. Like many protests, the Fourth Precinct occupation ebbed and flowed throughout the 18 days based on the specific incidents occurring, as well as on the general public's interpretation of the incident through the lenses of mass and social media and politics. At the beginning of the occupation, demonstrators had significant public support; however, the longer the occupation lasted the more neighborhood and public support wavered. This balance among First Amendment protections, law enforcement's desire to quickly end civil disturbances in the interest of public safety, and the complexities surrounding each of these imperatives created a difficult environment in which to quickly and definitively make decisions, with few models or examples to follow.

The scope, complexity, ambiguity and political salience of the occupation raised the stakes for the MPD's leadership team, policy makers and elected officials. The protests, demonstration, and occupation together comprised a major political event, following as they did on similar responses to officer-involved fatalities of young African-American men in Ferguson, New York City, and Chicago. In Minneapolis, a variety of actors worked to resolve the event at various levels of coordination and collaboration—and, at times, in conflict with each other, as city and other officials participated in the protests.

In addition, the City of Minneapolis did not have a specific formalized policy, practice, or process for managing demonstrations or protests of this complexity and ambiguity, nor was any situation-specific policy disseminated as the occupation unfolded. While Minneapolis has a general policy regarding responding to civil disturbances (7-805)[187] and a general policy outlining the use of force during civil disturbances (5-312),[188] neither of these policies nor the trainings associated with them were adequate or applicable to the situations that arose. In addition, as the assessment team noted during an interview with an MPD Commander, the formal *MPD Guidelines/Rules of Engagement* were not written until after the 18-day occupation: MPD wanted to make sure that officers had something in writing to look at if an incident like this arose again.[189] Significant coordination and communication gaps also existed as federal, state, and city officials, as well as other community leaders, worked to resolve the occupation.

Collaboration

A fundamental principle of crisis and civil disturbance management is that an effective response requires partnership among multiple levels of government. In a civil disturbance or other critical incident that may require a joint response from the city and the state, collaboration between officials is imperative. Strong baseline relationships among officials

provide a foundation for effective collaboration during critical events and alleviate many of the potential issues that arise during high-stakes scenarios. As exemplified both by the mayor exerting her authority to make policing decisions and weigh in on operational processes, and by the manner in which press conferences were conducted, these baseline relationships—both among city officials and between city and state officials—either didn't exist or were strained. The time to build these relationships was not during the occupation.

Politics

While the Minneapolis Police Department was the lead city agency for response to the occupation, the police chief's authority as incident commander was limited, intentionally or not, by the involvement of the mayor and city council acting on their own given authority, as well as by other individuals with authority and influence in the city, state, and federal government. In an operation of this magnitude, officials must respect each other's areas of authority, responsibility, and operational expertise. They must also clearly communicate and articulate these roles among themselves and to others.

Effects of the national landscape

While the occupation of the Fourth Precinct station was unprecedented in its nature (physically occupying part of a police building for three days) and its length (18 days), neither it, nor the officer-involved shooting which precipitated it took place in isolation; rather, they occurred within the context of police-involved shootings and subsequent protests, civil disturbances, and riots in other American cities. Minneapolis elected officials, police, and community leaders were aware of these events and focused on preventing violence and property destruction while also providing the community an opportunity to grieve and heal together. That MPD did not arrest any of the demonstrators who physically occupied the vestibule, did not arrest or cite anyone demonstrating at the Fourth Precinct station despite the fire code and ordinance violations, and peacefully ended the occupation was noted as a success by government and MPD officials during interviews with the assessment team.

Elected officials, without the inclusion of or coordination with MPD leadership, chose to resolve the occupation through negotiated management —the use of dialogue among elected officials, community leaders, the police, and demonstrators.[190] This strategy was consistent with current best practices and with the 2015 report of the Task Force on 21st Century Policing (established by President Obama in 2014) which recommends that law enforcement agencies consider identifying and using 'least harm' resolutions and issuing citations in lieu of arrest for minor infractions.[191] In light of the complexity and ambiguity of the occupation, clear policies should have been established and communicated to guide MPD personnel in determining the conditions for arrest and the use of force in order to effectively maintain public safety and prevent escalation of the occupation; clear and accurate reporting mechanisms for uses of force and citizen complaints should have been established or clearly communicated to ensure accountability and transparency; and a clear strategy and mission should have been communicated regularly to officers. Without these clear policies and accurate reporting mechanisms, disparities arose in some of MPD's data—there were 19 arrests; 10 uses of force documented in the MPD Computer-Assisted Police Records System (CAPRS), though with only three associated incident numbers; and no documented demonstrator or officer injuries other than the 5 shooting victims.[192] According to a report by the Police Executive Research Forum (PERF), leadership must "decide ahead of time which behaviors will or will not be tolerated" and "allow officers to exercise discretion in regard to arrest."[193] In that regard, leaders should "clearly convey factors that officers should consider when exercising their authoritative discretion to arrest."[194]

MPD National Initiative for Building Community Trust and Justice Site

Minneapolis is one of six pilot sites for the National Initiative for Building Community Trust and Justice (National Initiative). The National Initiative centers on building trust between police departments and communities based on three pillars: enhancing procedural justice, reducing the impact of implicit bias, and fostering reconciliation. For more information about Minneapolis's participation and progress in the National Initiative, visit https://trustandjustice.org/pilot-sites/info/minneapolis-minnesota.

Communication[195]

MPD officers in the Fourth Precinct did not receive clear vertical communication from their precinct commander or command and executive leadership regarding the strategy of negotiated management, nor did they receive clear orders regarding the factors to consider in using force or making arrests. In part, that lack of clarity may have derived from inconsistent horizontal coordination and communication among elected officials, between civic and police leadership, and within MPD's executive and command structure regarding the strategy and process to resolve the occupation. As detailed in the timeline (chapter 3), Fourth Precinct officers told the assessment team in interviews that there were several times they received a message to prepare to remove occupiers from the vestibule, but then just minutes later were ordered to refrain from doing so until further notice. It is difficult to determine the exact content and context of these directives from leadership because they were purposely not put in writing, but instead communicated verbally through the chain of command.

The role Chief Harteau played was inconsistent over the course of the occupation, in part because Mayor Hodges led the decision-making and operational processes at different points, which is legally within her authority based on the City Charter. The apparent strained relationship between Mayor Hodges and Chief Harteau, and the mayor's unfamiliarity with the implications of the terminology she used when in charge, likely contributed to the inconsistent direction given to MPD personnel and the resulting frustration among officers over poor communication and inconsistent, uncoordinated leadership.

Incident Command System

The MPD's own *After Action Report* indicates that on November 18, three days after the Jamar Clark shooting and the beginning of the occupation, the city's emergency operations center (EOC) was activated and the MPD established a command center adjacent to it and implemented the Incident Command System (ICS).[196]

Within this same timeframe, a work group was established to manage the city's response to the occupation, consisting of representatives from the Mayor's Office, the City Communications Office, the City Coordinator's Office, the City Attorney's Office, and representatives from Governor Dayton's staff, as well as federal representatives. This work group, sometimes referred to as a Joint Information Center (JIC), was based out of the mayor's conference room and worked to resolve the incident through negotiations with occupation leaders. The JIC also sought to direct the strategies, operations and tactics employed by the MPD. While this would typically be the function of the incident command structure, led by the chief of police, the JIC by some accounts was making operational decisions for the MPD, and was not well coordinated with the MPD ICS. The lack of coordination between the JIC and the MPD was exacerbated by other officials who worked to end the occupation outside the city's efforts.

The *After Action Report* identifies the disconnect that developed between MPD's incident command structure and political leaders:

> ***"Beginning on the morning of Thursday, November 19, city representatives outside of the MPD began meetings via conference calls to discuss the situation which had escalated the night before. Initially, this group established a "JIC" (joint information center). When initially established, MPD incident command was not notified, nor was the IC (incident commander) aware of its existence. . . . The stated primary purpose of these conference calls and purpose of this group was to document and review issues, community flashpoints, and resource needs.***
>
> ***"This JIC however became involved into operational issues, discussions, and resource needs. Further, [neither] the City's Emergency Operations Center nor MPD incident command were involved. . . .***
>
> ***"Due to concerns over operational security and role of this group [the JIC], the MPD representatives of the group typically would provide only limited information of crowd estimates, number of temporary structures in place, as well as dispel any rumors that might be coming from protestors or others. . . .***

> ***"The tenor of the group was that [it] should be consulted prior to the MPD taking any significant actions and that any such actions should be cleared through this group. While MPD was working within an established incident command structure and in communication with the City's EOC on the public safety operations, the joint information system seemed to be working in a parallel direction on more of a political level."***[197]

The *After Action Report* and interviews conducted by the assessment team also identified inconsistent, disconnected, and conflicting leadership within the MPD. For example, according to one interview,

> ***"The Fourth Precinct established its own command structure during the three weeks of protests. . . . One of the issues identified was that although an IC was established (in the precinct), there were no other specific support roles established nor was a more formal ICS structure established at the precinct level which would include Operations, Logistics, Planning (Staffing) positions. . . [.]"***

One Fourth Precinct official who had recently attended ICS training attempted to follow the ICS structure but received little support, meaning many areas were left unattended when he was off duty.

> ***"The lack of a clearly identified ICS structure at the precinct level complicated the process and created some level of confusion. It also contributed to delays in communication between the MPD Command Post and the precinct IC[,] particularly relating to staffing and logistical issues. Further, Fourth Precinct supervisory staff did not believe they had decision-making authority on matters and [believed] that all operational decisions were being made by the offsite command post."***[198]

ICS emphasizes the importance of a single, unambiguous incident commander who has the authority to manage the incident and to delegate authority to personnel within the ICS structure to perform their roles. Knowing who is in command during an incident is of the utmost importance to the execution of clear and consistent operational tactics.

Many of the issues that arose during the occupation pertained to an inadequate incident command structure. While there are unique circumstances in every response to a critical incident, ICS is a key component of the response to any critical incident or emergency situation. The ICS does not negate the role of elected officials or collaborative leadership, but provides a framework to enable smooth cooperation between all leaders and responders. For example, in response to the Boston Marathon bombing, Boston elected and law enforcement officials developed a collaborative and coordinated response to the bombing and investigation as well as as a unified communications strategy.

The Boston Marathon bombing required political and public safety leaders, in numerous jurisdictions and with different authorities and priorities, to respond rapidly to the terrorist attack, search for the terrorists, and direct the city's recovery from the attack. According to a report prepared by the National Preparedness Leadership Initative, city, state and federal leaders "set a tone of remarkable collaboration and interagency leveraging among one another."[199]

Swarm Intelligence

Boston's multiagency response was based on the principles of *swarm intelligence*:

1. "Unity of mission and connectivity of action;
2. A spirit of generosity that rallied groups and individuals to assist one another;
3. Respect for the responsibilities and authorities of others, described as 'staying in one's lane,' while assisting others to succeed in their lane to accomplish mission critical duties and tasks;
4. Neither taking undue credit nor pointing blame among key players, oftentimes portrayed as 'checking your ego at the door';
5. Genuine interpersonal trust and respect developed well before the event so that existing and dependable leadership relationships, integrity, and camaraderie can be leveraged during the event. . ." *

*Leonard Marcus et al., *Crisis Meta-Leadership Lessons From The Boston Marathon Bombings Response: The Ingenuity of Swarm Intelligence* (Cambridge, MA: The President and Fellows of Harvard University, 2014) 11, https://cdn2.sph.harvard.edu/wp-content/uploads/sites/8/2014/04/April-2014-Prelim-Report-Dist1.pdf.

The critical feature of leadership in the Boston Marathon bombing response, which is applicable to the occupation and critical issues more generally, was the dedicated coordination of decision making, action and communication among city, state, and federal government leaders; elected officials; and law enforcement agencies. By effectively linking and leveraging their collective knowledge, assets, resources, and operations, officials in Boston quickly and efficiently met the unique challenges posed by the bombing, investigation and recovery.[200] Similar collaboration and coordination can be seen in San Bernadino's response to the terrorist attack among federal, state, county and local law enforcement officials, despite changes in jurisdiction as the investigation progressed.[201]

The City of Minneapolis, Hennepin County, and state and federal partners demonstrated the strength and efficiency of collaborative leadership in response to the I-35W Mississippi River Bridge collapse on August 1, 2007. The bridge fell into the river and onto the river banks below, killing 13 people and injuring more than 90 others. The U.S. Fire Administration's Technical Report explains, "strong working relationships and knowledge of roles and procedures were arguably the greatest strengths of the Minneapolis emergency services community's response. The city had invested heavily in the development of those relationships, which were built through plan development, universal National Incident Management System (NIMS) training, appropriate use of exercises, and strategic planning over several years. These factors contributed heavily to creating an environment in which key players not only knew each other, but were familiar with the operations and disaster assignments of others. When it came time to pull together efficiently as a team—they did. One example of how relationships made a difference can be found in the request that the governor and the mayor speak with one voice from the EOC to avoid the potential for releasing different information during the response to the bridge collapse."[202]

Minneapolis should build on the leadership lessons from its response to the bridge collapse, the lessons learned from the Boston Marathon bombing response, and other crisis events, as well as on recommendations from the Task Force on 21st Century Policing, to develop and implement a coordinated and scalable interagency response to critical events based on the principles of the ICS.

Findings and recommendations

Leadership

Finding 4.1

The City of Minneapolis lacked a coordinated political, tactical, and operational response to the protests, demonstrations, and occupation of the Fourth Precinct police station.

Recommendation 4.1.1

City officials and MPD command personnel should discuss, plan, and practice a coordinated response to critical incidents, to include the level of tactical engagement as well as negotiation and other strategies.[203]

Recommendation 4.1.2

Planning and training for responses to civil disturbances and critical incidents should include elected and appointed officials, law enforcement, other public safety agencies (fire, EMS, emergency management), other relevant government agencies (e.g., Corporation counsel, finance, public works), and non-government and private sector organizations (Red Cross, utility companies, business improvement districts, neighborhood councils, etc.) as appropriate. Annual tabletop exercises and biennial full-scale exercises (FSE) should focus on coordinated planning, implementation, and follow-up across all city agencies. The tabletop exercises and FSEs should be observed by and include appropriate roles for elected officials.

Finding 4.2

City officials and the MPD did not have a process to change its strategy for managing civil disturbances as they develop from short-term into protracted events.

At the beginning, elected officials and the MPD focused primarily on immediate political and tactical responses and did not entirely anticipate that the demonstrations would be long term, or that the occupation of the Fourth Precinct station would occur. As the occupation continued, they did not recognize the changing dynamics and plan for a long-term operation.

Recommendation 4.2.1

Agencies should develop strategies, based on timely and accurate intelligence and assessments, to identify the shift from routine events to protracted complex events that demand significant human and material resources as well as a well-coordinated and collaborative response from elected officials and law enforcement leaders.

Recommendation 4.2.2

City agencies should develop comprehensive plans that recognize that a negotiated management response to a civil disturbance, such as the Fourth Precinct occupation, will require the careful and intentional coordination of the response by elected and law enforcement officials, taking into account the human and resource challenges that develop during a protracted event.

Recommendation 4.2.3

The City of Minneapolis and the MPD should review lessons learned from other large-scale civil disturbances across the country—and previous MPD critical incident after-action assessments—to improve citywide and police department planning, preparedness, and response to unique critical events.

Recommendation 4.2.4

The City of Minneapolis should have a crowd control plan in place that clearly defines the city's overall political, strategic, and tactical response framework for reacting to protests that develop beyond 'routine' events.

According to Howard Rahtz, "a review of previous riots reveals . . . [that a] major lesson is that the lack of planning and leadership in the early stages of [civil] disorder is a recipe for disaster."[204]

Recommendation 4.2.5

The MPD must assume a lead role, or be provided frequent updates by elected officials, during protracted negotiations so that appropriate operational strategies and tactics can be developed and implemented consistent with the actions being taken by elected officials and others outside the police department.

Finding 4.3

Disagreements between City of Minneapolis, MPD, and Fourth Precinct leadership resulted in inconsistent messaging, unnecessary confusion, and poor communication that significantly and negatively affected the response.[205]

Inconsistent, and at times contradictory, public comments by the mayor and city council, as well as public arguing between the chief of police and the Federation president, created clear divisions which hampered the ability to find a unified resolution to the conflict and which continue to inhibit department and community healing.

Recommendation 4.3.1

All leaders, elected and appointed, should recognize the impact that their messaging, both formal and informal, and their actions contributed to the management and operational difficulties of MPD and its ability to effectively resolve the 18-day occupation.

Recommendation 4.3.2

All leaders, elected and appointed, should avoid engaging in public arguments and rhetoric that detract from the goals of keeping the community and police officers safe and resolving civil disturbances.

Finding 4.4

Elected officials, the chief, and the Fourth Precinct inspector failed to define and implement a clear, unified response to the occupation.

Recommendation 4.4.1

Messaging from the city as a whole must be unified and delivered in a manner that shows the city leadership is not divided in any fashion. Therefore, it is important to ensure that messages from city and police department leadership are clear, consistent, and coordinated to provide appropriate direction and support for all personnel involved in the response to civil disturbance or critical events.

Finding 4.5

Efforts to resolve the occupation lacked consistent coordination and collaboration among elected officials and operations personnel.

A number of officials—including city and state elected officials and the USDOJ CRS—engaged in negotiations with leaders from Black Lives Matter, Neighborhoods Organized for Change (NOC), and the National Association for the Advancement of Colored People (NAACP) and did not coordinate their efforts among themselves or with the MPD.

Recommendation 4.5.1

Federal, state, and city elected officials should plan and practice a coordinated response to civil disturbance and critical incidents on a regular basis. For example, in their review of the Boston Marathon bombing, the National Preparedness Leadership Initiative (a joint program of the Harvard School of Public Health and Harvard's Kennedy School of Government, Center for Public Leadership) found that "leaders set a tone of remarkable collaboration and interagency leveraging among one another." Leaders operated in concert and achieved something together—both order and outcome—which they never would have been able to accomplish on their own.[206] *Similar observations were made in the assessment of the response to the San Bernardino terrorist attack, and about the Minneapolis region's response to the bridge collapse.*

Recommendation 4.5.2

Responses to civil disturbance events that originate and occur entirely within the city limits should be led by the City of Minneapolis, with the MPD assuming the lead role in coordinating planning, operations, negotiations, and messaging in concert with elected officials.

Incident Command System

Finding 4.6

The City of Minneapolis did not fully implement NIMS or ICS, which would have provided a structure to organize and coordinate the city's response to the occupation.

Although the Emergency Operations Center was activated and MPD established incident command, a JIC was established that operated separate and apart from the EOC and MPD ICS, leading to inconsistent communication, uncoordinated operations, and disconnected negotiations with protestors.

Recommendation 4.6.1

All City of Minneapolis personnel, including elected officials, should complete ICS training.

A U.S. Department of Justice, Bureau of Justice Assistance report advised, "Incident management organizations and personnel at all levels of government and within the private sector and nongovernmental organizations must be appropriately trained to improve all-hazards incident management capability. . . . Training involving standard courses on incident command and management, incident management structure, operational coordination processes and systems—together with courses focused on discipline and agency-specific subject matter expertise—helps ensure that personnel at all jurisdictional levels and across disciplines can function effectively together during an incident."[207]

Recommendation 4.6.2

Minneapolis should establish one citywide incident management team (IMT) to lead its response to future large-scale incidents that involve a multiagency, multijurisdiction response. The IMT should include operational personnel as well as representatives from the mayor's staff to ensure collaboration, coordination, and unity of command. The IMT should also train through tabletop exercises and FSEs.

Recommendation 4.6.3

The City of Minneapolis and MPD should use ICS principles to manage everyday situations, as a way to practice established protocols and training.

Finding 4.7

Fourth Precinct supervisors and line officers did not receive consistent communication regarding strategies and tactics to be employed.

The lack of consistent communication from the precinct commander and senior and executive MPD leadership regarding strategies and tactics left many officers in the Fourth Precinct feeling as if they were left to deal with the occupation on their own, and in many cases unable to use the authority vested in them to enforce laws and ordinances to protect their community and their property.

Recommendation 4.7.1

MPD Policy 5-312 "Civil Disturbances" should be expanded to clearly define Minneapolis leadership structure, roles, responsibilities, strategies, goals, and objectives for resolving civil disturbances.

Recommendation 4.7.2

Agency supervisors must ensure that first responders trust that leadership is supporting efforts to resolve critical incidents, even if they are not heard or seen.[208]

Recommendation 4.7.3

Managers and supervisors, responsible for carrying out day-to-day operations, must be included in daily briefings and operational planning. This will help to ensure their complete understanding of operational strategies and what messages should be relayed to their subordinates, and give them the opportunity to communicate their observations and understanding.

CHAPTER 5. OPERATIONS

Internal communications

"The single biggest problem in communication is the illusion that it has taken place."

– George Bernard Shaw

The Minneapolis Police Department (MPD) experienced multiple breakdowns in internal communication and messaging over the course of the occupation. Communication between the MPD executive staff and the precinct commander was strained and affected how information was given to line officers at the Fourth Precinct. Communication within the Fourth Precinct took place informally between supervisors and officers, sometimes without the knowledge of precinct or department leadership. This created confusion regarding who the Incident Commander (IC) was, which officers were working different shifts, and what the overall strategy was for the law enforcement response. Additionally, the roles and responsibilities of those at the Fourth Precinct were not clearly defined or communicated, creating confusion in the response to certain events and uncertainty regarding decision-making authority.

On top of the communication challenges within the precinct, communication failures between the Fourth Precinct and MPD command staff complicated the response. For example, while MPD's Strategic Information Center (SIC) produced daily intelligence briefs which included overviews of the previous day's activities, lists of upcoming events, officer safety information, and other useful information, the briefs were only sent to MPD command staff and did not make it down to line officers in the precinct who stood to benefit the most from having that information. This furthered the perception among Fourth Precinct officers that they were isolated and uncared for by their leadership.

Other unintended consequences of the MPD's communications breakdowns included officers frustrated over the tone and message conveyed publicly by command staff and city leadership, missing and mixed internal messages within the department, and divisiveness in the department.

The Incident Command System (ICS)[209] establishes basic principles and a definitive communications structure to be implemented during the response to an emergency or critical incident. Under the ICS, communications and information management are interwoven throughout the response; this is imperative to establishing and maintaining a common operating picture and ensuring the accessibility of all stakeholders. Having a common operating picture provides on-scene and off-scene personnel the same information about the incident, including availability of additional resources if needed, and gives them an incident overview that enables all of the relevant agencies and individuals to make effective, consistent, and timely decisions.[210] In order for this to occur, ICS emphasizes common terminology, clear determination of roles and responsibilities, and a clear chain and unity of command.

Using common terminology is identified as an essential feature to avoid misunderstandings in relaying commands across personnel and disciplines. Over the course of the occupation, differences in terminology being used by the Mayor's Office, the Joint Information Center (JIC), and the rank and file in the Fourth Precinct led to misunderstandings and inaction. For example, MPD officers advised the assessment team that they understood that their instructions were to "stand down" and "move back," but interviews with the executive staff, including the chief and her deputies, indicated that no such commands were given. While some MPD leaders took the phrases figuratively and directed the rank and file to delay conducting certain operations, others interpreted them as literal commands and entirely disengaged. The lack of common terminology used by those making and relaying the decisions led to the clearing of the vestibule taking much longer than expected and ultimately delaying it until more demonstrators were present

outside—inflaming an already tense situation—and to demonstrators freely walking up an exit ramp onto the interstate. Even during some of the more violent nights of the occupation, varying definitions affected operations and led to the operating picture being seen differently by the rank and file and off-site leadership.

Confusion and inaction also resulted from the lack of clearly defined and communicated roles and responsibilities. Initially, the protests were handled entirely at the Fourth Precinct. However, after the first night, and the escalation of violence and the increasing number of demonstrators, the city's Emergency Operations Center (EOC) was activated and run by the Office of Emergency Management staff. The MPD also opened and staffed its own command center and set up its version of an incident command structure. Meanwhile, city representatives outside of the MPD, including the Mayor's Office, the City Communications Office, the City Coordinator's Office, the City Attorney's Office, and representatives from the governor's staff, established a virtual JIC, holding regular conference calls and formulating both internal and external messaging. According to the ICS, a JIC is, "a facility established to coordinate all incident-related public information activities. It is the central point of contact for all news media at the scene of the incident."[211] However, when an MPD deputy chief and public information officer were finally invited to participate, the focus of the JIC shifted from coordination and dissemination of information to involvement in operational decisions and resource needs. This created a parallel structure in which the MPD was working with the EOC on public safety operations, and personnel in the JIC were making operational and political decisions. Ultimately, the parallel processes slowed the timeframe for decision making, communication to the Fourth Precinct, and implementation of policies and practices to manage the occupation.

Establishing and communicating the chain of command and unity of command are essential features of ICS. These two features clarify reporting relationships, eliminate confusion caused by multiple or conflicting directives, and provide incident managers at all levels a clear picture of personnel under their supervision. Both during the initial phase of the response, where information is still being gathered and the full scope of the problem and necessary response has not yet been determined, and as the size and complexity of the situation evolves, there should be a clear understanding of who is responsible for various aspects and decisions and who any individual officer should be taking commands from.

Over the course of the 18 days there were instances where specialized teams deployed to the Fourth Precinct in an uncoordinated fashion and had to rely on other specialized teams to extract them. For example, on multiple occasions the Special Weapons and Tactics (SWAT) Team was deployed to the Fourth Precinct without specific directions or full knowledge of what the situation was. This created situations where the SWAT van was quickly surrounded by demonstrators and the Bicycle Rapid Response Team (BRRT) had to be deployed to escort the SWAT Team to safety. Also, officers inside the precinct station gates deployed marking rounds without communicating with officers outside the gate to ensure that they were available to detain the marked individuals. Even within the station itself, decisions being made on one side of the building were not being communicated to teams on other sides, leading to situations where officers responsible for maintaining the security of the east gate were pushing demonstrators to the west gate and vice versa. Officers also indicated they received conflicting directives from multiple personnel and were unsure which command they were to follow. Likewise, they were unsure with whom to share their concerns regarding officer and precinct safety.

Incident Action Plans

Another key feature of the ICS structure regarding communication is the formation and dissemination of an Incident Action Plan (IAP). An IAP "is a written plan that defines the incident objectives and reflects the tactics necessary to manage an incident during an operational period."[212] While there are five phases of an IAP, the final two—"Prepare and disseminate the plan" and "Execute, evaluate, and revise the plan"—involve significant amounts of communication. Ideally, IAPs should be updated daily, but at a minimum they should be updated based on new intelligence and additional information, and each update should include assessments of what was accomplished during the previous operational period. Each IAP should be distributed via email and posted to intranets and other internal message boards so that all task force leaders, team and field leaders, and incident support leaders can easily access them and further disseminate them to their staffs. While the MPD drafted IAPs daily from November 19 through 26 (eight days), the practice was stopped after Thanksgiving weekend and only resumed on the final day of the occupation.

Public information and media

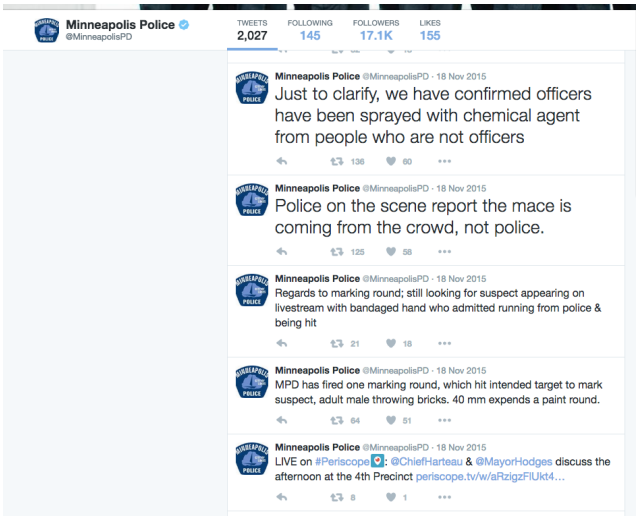
The MPD Public Information Office (PIO) is a three-person team comprising a former police officer and two former members of the media. Together, the team is responsible for managing relationships with the news media, posting on the MPD's social media accounts and website, and managing relationships with the public. One team member is responsible for handling media inquiries and records requests, responding to the scene of every fatality in the city, and contributing to the department's social media presence. Another team member has trained a cadre of MPD officers in every unit and precinct on how to use social media to communicate with the public. The third team member creates, captures, and produces pictures and videos to share with the public and the media.

Between the PIO and the MPD command staff, the department leveraged both news media and social media during the occupation to share updates and messages. The chief made the significant decision—learned from previous critical incidents—to include the PIO in all command-level briefing and strategy sessions. With unfiltered access to the discussions being had at the highest levels of the city, regarding both the physical response and the overall messaging response to the occupation, the PIO was able to determine the appropriate media strategy.

The MPD also leveraged its social media platforms—including Facebook, Twitter, YouTube, and Periscope—to share information and updates during developing incidents. On one of the most volatile nights of the occupation, the MPD employed its Twitter account to clarify its use of force, acknowledging that one marking round was deployed and that officers were being sprayed with mace by demonstrators. MPD even retweeted an individual who confirmed that mace was being used by both sides. MPD also tweeted pictures of the Molotov cocktails that were recovered near the Fourth Precinct station and provided information about the demonstrators who were shot and the subsequent arrests made.

The department also used Periscope to livestream entire press conferences so that clips could not be taken out of context and later posted them on YouTube for those who were unable to watch the press conferences live. At the height of the occupation, departmental Facebook posts were reaching more than 100,000 people and the department's tweets were generating over 1 million impressions.

Figure 6. Screenshot of MPD Twitter timeline from November 18, 2015



Source: Minneapolis Police Department Twitter, accessed December 7, 2016, https://twitter.com/minneapolispd.

In addition to the MPD's press conferences and use of social media, more than 400 news stories were produced, predominately by local media outlets including four television channels, two radio channels, and two newspapers. The MPD responded to most of the media inquiries and, as a result of the preexisting relationships between the PIO and the media, was afforded an opportunity to provide a quote or respond to each of the stories produced. The MPD was given the opportunity to provide updates about the status of the occupation, details of any arrests made, the accessibility of the precinct to citizens, and notable events during the occupation. On Tuesday, November 24 alone—the day immediately following the shooting of five demonstrators—the MPD received and answered 179 media inquiries. MPD also disseminated information about officer and precinct safety, the destruction of property at the Fourth Precinct station, and the difference between exercising First Amendment rights and engaging in illegal activities.

Over the course of the 18 days, MPD leadership participated in seven press conferences and issued three press releases. During each of the press conferences, emphasis was placed on projecting citywide calm and control, speaking with a unified voice, and highlighting the fact that there were no large scale riots like those seen in other cities. The chief was accompanied at these conferences by the command staff on the ground, the mayor, and members of the city council. Some of the press conferences also included community leaders encouraging demonstrators to remain peaceful.

The city's and MPD's public information and media strategy—including holding multiple press conferences, leveraging both news media and multiple social media platforms, and acknowledging the peacefulness of the demonstrators—provided important information to the community throughout the occupation. Despite these efforts and accomplishments, some community leaders criticized the MPD for their lack of transparency regarding the shooting and investigation, as well as their defense of the involved police officers.

Use of force

According to the Minneapolis Police Department Policy and Procedure Manual, which was in place at the time of the occupation, *use of force* is defined as "Any intentional police contact involving: the use of any weapon, substance, vehicle, equipment, tool, device, or animal that inflicts pain or produces injury to another; or any physical strike to any part of the body of another; any physical contact with a person that inflicts pain or produces injury to another; or any restraint of the physical movement of another that is applied in a manner or under circumstances likely to produce injury."[213]

During a critical incident, the on-scene Incident Commander (IC) is responsible for evaluating and determining whether it is reasonable and appropriate to use less-lethal weapons to address the threat. Until the IC completes this evaluation and officially authorizes the deployment of less-lethal weapons, officers must refrain from deploying the systems "[u]nless there is an immediate need to protect oneself or another from apparent physical harm[.]"[214]

Over the course of the occupation, officers used force on multiple occasions. These uses of force in response to the demonstrators' actions ran the gamut from "necessary" to "unnecessary but legally justified" according to MPD's executive staff. For example, during the first two nights of the occupation, when demonstrators were their most aggressive, officers used a marking round to target an individual who was allegedly throwing bricks.[215] Chemical irritants were used multiple times, and some demonstrators alleged that they were hit and poked with batons by officers inside the station fence while they were holding up tarps to prevent mace getting in their eyes. In another incident, officers used a joint lock and a takedown to arrest a demonstrator who jumped over a police barricade and exposed him or herself to officers.

Depending on the level of force used, officers are required to complete a Computer Assisted Police Records System (CAPRS) report no later than the end of the shift during which the force was used. Based on the type of force, supervisor notification may be required to determine whether or not the use of force was necessary.[216] For the most part, all of the uses of force that occurred during the occupation required a CAPRS report. According to an MPD commander and a review of Internal Affairs documents, there were only three force reports filed during the occupation over the 18 days. This was, in part, because of a command staff decision made on the first or second night of the occupation to open only one CAPRS incident per day. As a result, individual uses of force that occurred on a given day were recorded as one incident, when they should have been recorded under individual incident numbers.[217]

Accountability and transparency

According to Walter Katz, Deputy Inspector General, Los Angeles County Office of Inspector General, "[T]here are few acts committed by local government that draw more controversy than a police department's use of lethal force."[218] Mr. Katz continues, "broad cross-sections of the public have lost trust in local law enforcement agencies due to their perception of biased investigations of such deadly force incidents. This loss of trust can threaten the legitimacy of local law enforcement institutions."[219]

The 2015 report of the Task Force on 21st Century Policing notes that "the public confers legitimacy only on those whom they believe are acting in procedurally just ways . . . [and] law enforcement agencies should establish a culture of transparency and accountability

to build public trust and legitimacy."[220] The Task Force encourages departments to adopt policies that mandate the use of external and independent investigations and prosecutions of officer-involved shootings and use of force situations.[221]

Legislators/elected officials across the nation are striving to regain the public's trust and confidence in their police departments by increasing accountability and transparency, particularly in instances of officer-involved shootings and use of force incidents. For example, Colorado, Wisconsin, and Utah have passed legislation mandating that outside agencies either conduct or lead investigations of officer-involved deaths.[222] Along the same lines, many local departments have partnered with county, state, and other police agencies to form officer-involved shooting task forces. Other agencies are entering into memoranda of understanding (MOU) or other contracts to have impartial investigators conduct officer-involved shooting investigations. "Including outside agencies in an investigation promotes and encourages a level of transparency and objectivity that provides increased credibility to the final outcome. . . . [I]ncluding outside agencies eliminates biases, whether real or perceived, which in turn strengthens public confidence in the outcomes of such investigations."[223]

Request for independent investigations of the Jamar Clark officer-involved shooting

Police-involved deaths are typically investigated on two tracks—the first to determine whether the officer(s) committed a crime, and the second to determine whether the officer(s) violated department policies or tactics.

In the immediate aftermath of the Jamar Clark shooting, Mayor Hodges and Police Chief Harteau requested that the Minnesota Bureau of Criminal Apprehension (BCA) investigate the incident. Mayor Hodges also requested a separate investigation by the U.S. Department of Justice (USDOJ). The BCA agreed to conduct the independent investigation and presented its findings to Hennepin County Prosecutor Michael Freeman.[224] Taking into account the popular public sentiment, and understanding the importance of the result, Prosecutor Freeman determined that he would not present the findings to a grand jury, but would make the final determination himself. After reviewing the case, he declined to bring charges against the two officers involved in the incident.[225] Following his own independent review of the case, United States Attorney Andrew Luger also declined to pursue civil rights charges against the officers.[226] As noted, two separate criminal investigations, one by the county prosecutor and the second by the USDOJ, have been completed and prosecution has been declined in both instances.

Findings and recommendations

Internal Communications

Finding 5.1

Neither MPD nor the City of Minneapolis leadership ensured that appropriate strategies, directives and rationales were adequately communicated to line officers.

For example, once the decision to end the occupation through negotiations rather than direct police action was made, the decision was not clearly communicated to the Fourth Precinct.

Recommendation 5.1.1

Once decisions are made that result in operational directives, those decisions, directives, and instructions should be clearly communicated to all relevant personnel (the MPD Fourth Precinct in this case) through the chain of command, using clearly defined communication protocol to ensure personnel are fully aware and to avoid distortion or lack of clarity.

Finding 5.2

Breakdowns in communication within MPD—among the chief of police, command staff, Fourth Precinct command, and Fourth Precinct rank and file—compounded communication issues between city and MPD officials and impacted the ability of line officers to carry out the response.

While Fourth Precinct leadership participated in daily conference calls to discuss the activities of the previous day and determine strategies for the upcoming day, they sometimes transmitted those strategies and other messages inaccurately in roll calls with

the line officers, according to Fourth Precinct staff interviewed. Although daily written IAPs and intelligence briefings were distributed to precinct-level commanders, they were not routinely disseminated to Fourth Precinct line officers.[227]

Recommendation 5.2.1

MPD leaders should establish a clear and concise messaging strategy so that officers know from whom and how they are to receive directives. As addressed in a previous critical incident review,

> ***"Agency leadership must take significant, affirmative steps to communicate frequently with their line personnel about the current status of the situation, what is being done to protect their safety, and to offer an avenue to dispel rumors. Regularly scheduled information briefings, even if done over email or Twitter, are better than leaving an information vacuum that will predictably be filled with negative, speculative information."***[228]

Recommendation 5.2.2

Precinct leadership must provide consistent, timely, and accurate information regarding the strategies and tactics to be employed in response to mass demonstrations and held accountable for delivering accurate information and directives to their subordinates.

Recommendation 5.2.3

Genuine concern for officer safety and support should be communicated and demonstrated by the executive staff and through the chain of command to ensure the well-being of officers responding to mass demonstrations.

Recommendation 5.2.4

The MPD should provide strategies to ensure two-way communication so that frontline officers are able to input information about what they are experiencing on the line to members of their command staff through email, a dedicated Twitter account, etc. This would provide an opportunity for line officers to convey feedback regarding operations, intelligence, and officer safety to department leadership.

Finding 5.3

The lack of consistent strategy and the unclear communication of policy by MPD leadership inhibited effective crowd management and negatively impacted the morale of Fourth Precinct and other officers assigned to the occupation.

Clear and consistent communication of the city's response strategy to the occupation would have eliminated confusion and helped to alleviate frustration on the part of supervisors and the rank and file in the Fourth Precinct, who were often left wondering as to the proper response to incidents.

Recommendation 5.3.1

City and MPD leaders should ensure a clear communication strategy exists to avoid frustration and misunderstanding, in particular on the part of supervisors and line personnel responsible for operational implementation of the approved response strategy.

Finding 5.4

Leadership decided to use verbal communications instead of issuing written directives, in order to prevent compromise or leaks of operational information. This contributed to confusion and the dissemination of inaccurate or incomplete information to rank-and-file officers.

Recommendation 5.4.1

Invest in a secure, encrypted Incident Management System to support ICS communications by facilitating two-way information-sharing; tracking multiple incidents and events; providing real-time mission updates, direction, and safety messages; and coordinating tasks, goals, and actions. The ability to communicate using encrypted channels improves communication without jeopardizing officer and community safety.[229]

Public information and media

Finding 5.5

Preexisting relationships with local media afforded MPD the opportunity to respond to many of the stories produced during the protests, which led to increased accuracy in reporting.

Recommendation 5.5.1

Build and maintain relationships with local media prior to a major event, and prioritize those relationships during events that draw national and international media attention.

Finding 5.6

Although a JIC was established, the public information process between city agencies and officials was uncoordinated.

In addition, information sharing with the Governor's Office was inconsistent and at times uncoordinated. In fact, it was reported during interviews that some in the ICS began purposefully keeping information from the JIC in an effort to keep the information 'safe' from public release.[230]

Recommendation 5.6.1

Include PIOs from all city and state stakeholders in command-level briefings and strategy sessions to increase coordination and project one voice. Lessons learned from previous critical incident reviews highlight the importance of including the PIOs in all political, command-level briefings and strategy sessions to help determine the appropriate media strategy.[231]

Recommendation 5.6.2

Develop plans for coordinating public information efforts among multiple participating agencies through the ICS and the creation of a JIC.

Finding 5.7

The MPD's extensive use of social media during the occupation itself helped keep the public informed as individual incidents occurred.

Recommendation 5.7.1

Continue and expand the use of various social media platforms to inform the public and traditional media about unfolding events and provide information regarding specific incidents to facilitate transparency and build trust.

Use of force

Interviews and a review of documents provided by the MPD indicate that 10 citizen complaints were received during the 18-day occupation. However, during interviews conducted by the assessment team, protestors enumerated many use of force incidents and inappropriate police-citizen interactions that went unreported. Because protestors did not report these incidents, the assessment team could not determine the veracity of their complaints. The 10 citizen complaints have been or continued to be investigated by the MPD and the Office of Police Conduct Review.

Finding 5.8

During the occupation at the Fourth Precinct, MPD employees deployed less-lethal and non-lethal weapons without clear authorization from the incident commander, in violation of policy 5-312.

MPD policy 5-312 "Civil Disturbances" states in part, "Unless there is an immediate need to protect oneself or another from apparent physical harm, sworn MPD employees shall refrain from deploying any less-lethal or non-lethal weapons upon any individuals involved in a civil disturbance until it has been authorized by the on-scene incident commander."[232] During interviews, some demonstrators claimed they were hit with nightsticks while holding up tarps to protect themselves from chemical irritants. Multiple officers expressed confusion regarding who the on-scene incident commander was and indicated that authorizations regarding use of force were coming from various MPD command staff, making it difficult to verify who specifically authorized particular uses of force.

Recommendation 5.8.1

The MPD should establish a clear incident commander and strengthen, train on, adhere to, and enforce the use of force policy—especially as it relates to civil disturbances (MPD Policy 5-312).

Recommendation 5.8.2

MPD use of force policy 5-312 "Civil Disturbances" should clearly delineate levels of approval to be obtained—and a specific individual to seek that approval from—prior to the donning of personal protective equipment or equipment which may intimidate or threaten protestors (typically characterized as "military-style equipment"), the use of marking rounds, and additional uses of force.

Finding 5.9

MPD deployed chemical agents without prior authorization, in violation of policy 5-313.

MPD policy 5-313 "Use of Chemical Agents – Policy" states in part, "Sworn MPD employees shall exercise due care to ensure that only intended persons are exposed to the chemical agents."[233] In interviews, demonstrators claimed that chemical irritants were deployed by MPD officers, including against demonstrators who were trying to administer first aid to the five shooting victims the night of November 23. It should be noted that no official complaints were filed by the demonstrators regarding the indiscriminate deployment of chemical agents.

Recommendation 5.9.1

The MPD should strengthen, train on, adhere to and enforce the use of force policy—especially as it relates to the use of chemical agents (MPD Policy 5-313).

Recommendation 5.9.2

MPD use of force policy 5-313 "Use of Chemical Agents – Policy" should clearly delineate levels of approval—and a specific individual to seek approval from—to be obtained prior to the donning of personal protective equipment and equipment which may intimidate or threaten protestors (typically characterized as "military-style equipment") and additional uses of force.

Finding 5.10

The policy on documenting uses of force, as laid out in the MPD Policy and Procedure Manual, may not have been followed.

Demonstrators claimed that officers used chemical irritants the night five demonstrators were shot (November 23), but there is no official MPD record of chemical irritants being used nor were any pertinent complaints filed by the demonstrators. Because of the inconsistent way uses of force were documented, the veracity of the demonstrators' claims could not be confirmed or disproved by the assessment team.

Recommendation 5.10.1

The MPD Use of Force Policy (5-306)—especially as it relates to CAPRS reports—needs to be strengthened, trained on, adhered to, and enforced.

Recommendation 5.10.2

Supervisor notification should be required for chemical agent exposures, especially during civil disturbances and crowd control, to ensure that these uses of force comply with overall strategies and best practices. While supervisor notification is not required for chemical agent exposures according to MPD Policy 5-306, it is contradictory to policy 5-312, which states in part, "The on-scene incident commander shall evaluate the overall situation and determine if it would be a reasonable force option to use less-lethal or non-lethal weapons to best accomplish that objective."

Recommendation 5.10.3

The MPD should document each use of force case separately.

Accountability and transparency

Finding 5.11

The decision to document multiple uses of force under a single case number led to failure to accurately account for and track uses of force.

According the MPD Policy & Procedures Manual policy 5-306 "Use of Force – Reporting and Post Incident Requirements," CAPRS Reports are required for each use of force incident.[234] During the 18 days, the MPD categorized and recorded all uses of force under one case number per day. In total, MPD collected three force reports for the 18-day occupation, but they account for nine uses of force. For example, on November 19, 2016, there is only one force report (FR), but six separate uses of force were reported by officers and supervisors.[235] While there is no evidence that the MPD deliberately attempted to underreport the use of force, the decision to capture incidents by assigning one incident case number per day caused confusion as to the actual number of incidents reported by officers and supervisors. The information below was provided by the MPD[236] and indicates the official number of uses of force reported:

Incident #1 (11/19/2015)

FR #1: 40MM [marking round] less lethal round (Torso)

FR #2: MACE – crowd control

FR #3: Improvised Weapon – (Firearm as striking tool) – (Torso)

FR #4: 40MM [marking round]less lethal round (Legs)

FR #5: 40MM [marking round]less lethal round (Legs)

FR #6: 40MM [marking round]less lethal round (Torso)

Incident #2 (11/25/2015)

FR #1: Body Weight to pin (Torso)

FR #2: Joint Lock and Body Weight to pin (arms/hands) & (Torso)

Incident #3 (12/11/15)

FR #1: Body Weight to pin (Torso)

Recommendation 5.11.1

MPD should require that officers and supervisors complete a use of force report for each incident and assign unique case numbers to each incident to increase accuracy and transparency.

Recommendation 5.11.2

Policy 5-306 "Use of Force – Reporting and Post Incident Requirements" should be enhanced to officially codify that each use of force report require the officer to submit a narrative surrounding the use of force, who authorized it (if necessary), and if there were witnesses present that can be interviewed.

Recommendation 5.11.3

All commanders and supervisors should ensure the thorough and accurate documentation of all events, facts, and uses of force as soon as practicable after an event or decision.

Recommendation 5.11.4

To promote transparency, use of force data should be reported to the public in a timely and accurate manner via the MPD website, the Office of Police Conduct Review's website, and other state or federal databases.

Finding 5.12

All citizen-initiated complaints may not have been formally reported, recorded, or investigated.

The assessment team was unable to determine if all complaints were captured and investigated due to inconsistent record keeping.

Recommendation 5.12.1

All citizen complaints should be individually recorded to ensure that they are investigated and adjudicated in a manner consistent with MPD policies, Office of Police Conduct Review policies, and law enforcement best practices.

CHAPTER 6. PLANNING AND PREPARATION

Training in civil disturbances and crowd management

Minnesota POST requirements

The Minnesota Board of Peace Officer Standards and Training (MN POST) is the governing and licensing body of all peace officers, has the authority to establish policies and standards for peace officers, and develops and approves continuing education for peace officers in Minnesota. While MN POST oversees the certification and recertification of officers statewide, it does not mandate what courses a prospective or current officer must take, nor how long each subject should be. In fact, pursuant to state statute, the only MN POST requirement is that every active and part-time peace officer in the state be trained annually on use of force. Peace officer instruction must be based on learning objectives developed by MN POST and must be consistent with the individual agency's policy; however, MN POST does not require a specific number of hours of training for each officer.[237] Additionally, MN POST requires agencies to have 10 policies and learning objectives, covering such topics as allegations of misconduct, professional conduct and conduct unbecoming, and avoiding racial profiling. It also requires five other standards—including reporting bias-motivated crimes and reporting the circumstances of discharging a firearm during the course of duty—that agencies must fulfill in order to be state-certified.[238]

Minneapolis Police Department training

The Minneapolis Police Department (MPD) meets all required MN POST standards for training and required policies. MPD also provides training on a variety of topics for recruits, cadets, lateral hires, and for current employees as part of its in-service training program. All recruitment and training is conducted in accordance with MPD Policy 2-500 "Training and Recruitment."[239]

All newly-hired officers must attend the Minneapolis Police Academy before entering the additional five-month Field Training Program.[240] At the academy, recruits receive approximately 14 to 16 weeks of classroom instruction and practice in a number of topics. The recruit class that graduated in December 2015 received a total of 89.5 hours of training and practice in defensive tactics, by far the largest amount of time on an individual subject. They also received a total of 19 hours of community policing–related instruction, with 13 hours dedicated to cultural communications and foreign cultures (including training blocks dedicated to individual cultures prominent in the city), four hours dedicated to Fair And Impartial Policing, and two hours of de-escalation training. Recruits also received 6.5 hours of Mobile Field Force (MFF) instruction, three hours of use of force training and instruction, and two hours of officer-involved shooting instruction. They also received one hour of National Incident Management System (NIMS) training.[241]

Meanwhile, the Field Training Program cadet class that graduated in October 2015 received 30 weeks of classroom instruction and training on many of the same topics as the recruits. However, they received a total of 134.5 hours of training and practice in defensive tactics—again, by far the largest amount of time on an individual subject. They also received a total of 46 hours of community policing–related instruction, with 22 hours dedicated to cultural communications and foreign cultures, 12 hours to communications, six hours to general community policing instruction, four hours to Fair And Impartial Policing, and two hours to de-escalation. The cadets also received 9.5 hours of MFF instruction, three hours of use of force training and instruction, four hours of officer-involved shooting instruction, and nine hours of NIMS training.[242]

In-service and specialized training courses on a number of emerging and relevant issues are also offered and taught by MPD instructors on an annual basis. All employees are required to meet or exceed continuing education requirements of POST, the department,

and the City of Minneapolis and to attend and participate in other training as assigned. By policy, MPD requires all sworn employees to complete 48 hours of POST-approved training every three years to be eligible for re-licensing.[243]

MPD specialized training

In addition to its normal training regimen, the MPD has also provided specialized training in preparation for large events hosted in the Twin Cities area, including the 2008 Republican National Convention (RNC) and the 2014 Major League Baseball All Star Game. The department also provides specialized training and instruction for specific units, including the Bicycle Rapid Response Team (BRRT) and Special Weapons and Tactics (SWAT) Team.

In 2008, the MPD invested heavily in equipment and training to prepare its members for the RNC. The majority of MPD personnel received special crowd management equipment, provided by the U.S. Department of Homeland Security (DHS) primarily through the Federal Emergency Management Agency (FEMA), and trained in topics associated with managing such an event.[244] Several MPD officers also received extensive Civil Disturbance training from DHS in preparation for the RNC, focusing on MFF training, First and Fourth Amendment Rights, and chemical agents. The MPD also received legal training from the Minneapolis City Attorney's Office, which included information on state and local laws, incident report writing, elements of riots, and Fourth Amendment rights.[245]

In advance of the RNC, MPD also established a bicycle team, known as the BRRT, which remains an active unit today.[246] BRRT officers receive specialized training as part of their duties. According to one of the BRRT team leaders, who is also a certified bicycle instructor, approximately 175 to 200 MPD officers have completed the five-day International Police Mountain Bike Association (IPMBA) training program.[247] Of those officers, approximately 50 received an additional three-day training that covers topics such as crowd dynamics and management, formations, transitions, escorts, target hardening, and arrest dynamics and arrests.[248]

At the time of the RNC, the SWAT Team was a full-time engagement for a subset of MPD officers, though it has since been downgraded to a part-time team of officers drawn from each precinct. The SWAT team "is available as a resource to assist with or assume control of large civil disturbances and other events at the discretion of the Chief of Police or his/her designee."[249] The unit is overseen by a commander—normally the Emergency Services Unit (ESU) lieutenant—who is responsible for setting performance standards, and by a SWAT Coordinator who is in charge of SWAT equipment, training, schedules, and other tasks.[250] In an interview with an MPD lieutenant and SWAT Team member, he indicated that SWAT gets one day per month for the specialty units—entry, rifle, chemicals, and logistics—to train separately, and that they try to get together as a whole team when possible. While MPD SWAT attempts to adhere to National Tactical Officers Association (NTOA) standards, they are not able to do so because of limitations on training time and resources; neither do they receive any additional specialized crowd management training.[251]

Training on specific policies and procedures for personal protective gear, less-lethal instruments, and arrest protocol is imperative for fundamental law enforcement operations and maintenance of public safety during civil disturbances and beyond.[252] Inadequate training on use of force, less-lethal weapon deployment, proper use of personal protective gear, and arrest procedures leaves personnel unprepared for the requirements of their roles, puts undue judgement stress on personnel in the line of duty, and results in unpredictable individualized decisions; most significantly, it increases the risk of inappropriate use of force and the associated risk to the safety of both the public and police personnel.

Civil disturbance training

Uniform and consistent training of law enforcement personnel is the foundation of successful agencies. Training prepares officers for the various situations they may encounter on a daily basis and prepares them to address circumstances—such as civil disturbances—that occur infrequently but have lasting implications. In today's environment, officers, supervisors, and senior and executive staff members must be prepared to manage crowd control at events where community members seek to express their Constitutional rights to free speech and assembly.

Police leaders and officers should be well trained in NIMS and ICS, crowd management, MFF, authorized use of force, constitutionally protected behaviors, communication and de-escalation, bias awareness, procedural and impartial policing, cultural responsiveness, and community policing.[253] The MPD's training in these areas—or in some cases, lack thereof—played a significant role in its response to the Jamar Clark protests, particularly in the early days.

"Training for managing a mass demonstration," according to a report by the Police Executive Research Forum (PERF), "is essential to success."[254] Training must begin with incident command for elected officials, department heads, police department leadership, and the rank and file. The management of civil disturbances must be grounded in the MPD's core values, a commitment to protecting the First Amendment rights and civil liberties of all members of the community, de-escalation, the appropriate use of force, less-lethal weapons, and the proper use of personal protective equipment.

Elected officials, department heads, and police leaders should recognize the complexity of civil disturbances and develop and practice the skills and tactics necessary to respond to them, using not only online and classroom training but also tabletop and other reality-based exercises.

Effective and appropriate training, based on the best practices of policing, is essential to keeping community members and police officers safe during both routine operations and critical incidents. A review of after-action reports following civil disturbances in Ferguson, Baltimore, and other cities highlights the importance of training in police agencies' response to civil disturbances.[255]

Equipment and tools for managing civil disturbances

Civil disturbance equipment in Minneapolis

During the 2008 RNC, the MPD purchased helmets, batons, shields, and gas masks for the majority of its officers and established an MFF unit. According to some MPD employees, since then, the MFF Unit has been disbanded. The gas masks are still accounted for on a yearly basis (during firearms training) and tested to ensure proper fit. However, based on interviews, the rest of the equipment has gone unaccounted for over the years, with no current inventory or maintenance record available. During the occupation, the MPD's leadership followed best practices and deployed officers in their normal duty uniforms; however, when tension and violence escalated, many of the officers responding to the Fourth Precinct protests lacked personal protective equipment and some lost time to locating or repairing appropriate gear.

During the Fourth Precinct station occupation, the MPD's Chemical Agent Response Teams (CART) were responsible for the deployment of chemical and non-lethal munitions. These teams are currently equipped with various chemical agents and marking rounds. Several members of the CART Team are also members of the SWAT team. It was noted in the MPD *After Action Report* and in several interviews that members of the CART did not have clear written rules of engagement. It should also be noted that, according to an Internal Affairs report, non-lethal marking rounds were deployed in a total of four instances during the occupation.[256] It is unclear, based on interviews and the documents reviewed, who authorized the firing of the marking rounds. It also does not appear that any arrests were made of individuals hit by marking rounds.

Since the RNC, the MPD has used the BRRT to control crowds during most major events, including the occupation of the Fourth Precinct station. The BRRT is frequently the first specialty unit to be deployed because officers' bicycles provide a natural barrier and do not present a negative appearance to the crowds or demonstrators. BRRT officers are equipped with collapsible batons, pepper spray, and Tasers, to be deployed in response to behavior by demonstrators that threatens community or police officer safety. Bicycle helmets are part of their issued equipment but do not provide ballistic protection, nor do they have face shields. During the occupation, the MPD relied on the BRRT to provide barriers between officers and the community members during tense moments and to protect groups during demonstrations at facilities beyond the Fourth Precinct and during marches. The use of BRRT officers is consistent with emerging best practices in crowd management; however, the MPD should establish and consistently train a mobile field force to respond to large crowds, protracted events, property destruction, and violence.

During the occupation, the MPD also purchased/leased several barricades and fencing and deployed them around the station.

Use of equipment

In addition to adequate intelligence gathering and training, effective and safe management of demonstrations relies heavily on acquiring and maintaining the necessary civil disturbance equipment. Equipment can be divided into three categories: protective equipment, less-lethal devices, and crowd barriers.[257]

Each type of equipment serves the distinct purpose of not only effectively managing the event, but also ensuring the safety of officers and demonstrators, protecting property, affording individual rights under the First Amendment, and establishing the image of the department.

Equipment considerations

Along with the equipment itself, departments must have comprehensive policies and directives that guide its purpose and deployment. Equipment deployment must take into consideration how, when, and why to use it to ensure its effectiveness. Equipment must be well maintained and not stagnate on a shelf or in the trunk of a police vehicle where it will deteriorate. According to a recent PERF report on managing mass demonstrations, all civil disturbance equipment should be "reviewed for applicability, proper utilization, and officer proficiency."[258] Departments must train periodically to ensure officer familiarity and proficiency with its equipment, as well as to review use of force procedures. Proper equipment deployment should reduce the negative effect of a crowd without jeopardizing the department's ability to manage the event peacefully or demonstrators' ability to exercise their First Amendment rights.

Protective equipment

Police departments, while prioritizing officer safety, must carefully consider the balance between the need for protection and the image presented by a frontline clad in protective gear. Historically, protective gear has been thought to have a deterrent effect on violent protest behavior; however, in recent events, police departments equipped with protective gear have been perceived as contributing to the escalation of civil disturbances—for example, the media has shown police officers in full protective gear facing demonstrators, portraying police officers in a heavy-handed or militaristic light.

Nonetheless, protective equipment may be essential to officer safety during civil disturbances. Its deployment should be a thoughtful, well-timed and well-planned decision on the part of commanders—part of a tiered approach to managing civil disturbances. All deployment of protective gear should be recorded in an event log for reference during after-action reviews.

Less-lethal devices

Deployment of less-lethal devices is usually a response to escalating violence and disorder in civil disturbances. However, departments must balance the need for deployment of such devices against the consequences of employing any level of force against demonstrators. A thoughtful, measured approach must be taken to their use. According the PERF report on managing mass demonstrations,

> ***"Use [of less lethal devices] must be balanced against the threat faced by frontline officers, as well as the goals officers are attempting to accomplish (e.g., contain, make arrests, quell disorder). The option should be used only until the desired effect is achieved. Use should be frequently reassessed to ensure continued need for deployment. Deployment and use should be authorized at the agreed supervisory/command level. The decision and the circumstances leading to the use should be documented to support after-action reporting and any subsequent inquiry or litigation. The incident commander, operational commander, tactical commander, and public information officer must be kept accurately informed on use to allow them to update media spokespersons and to maintain the media initiative. The incident commander, operational commander, tactical commander, field officers and supervisors must have detailed knowledge of the effect and limitations of each option to assist in authorizing use."***[259]

PERF recommends that officers deployed in the field with less-lethal devices must be fully trained, aware of the devices' capabilities and limitations, and empowered to make the final decision to use or not use the device based on the circumstances.[260] Many police department officals believe that a command-level officer should not authorize the deployment of less-lethal options unless there is an immediate and direct threat

to community or officer safety. While individual officers may have the final decision regarding the deployment of less-lethal options, the PERF report recognizes that their deployment and use should be authorized at the agreed supervisory or command level. The Seattle Police Department, for example, requires an order from the incident commander to use chemical agents and other less-lethal systems to disperse crowds.[261] Additionally, the decision and circumstances leading to the use should be documented to support after-action reporting and any subsequent inquiry or litigation. [262]

Barriers

Use of barriers during civil disturbances can provide much needed supplementation to personnel during civil disturbances. Barriers can control crowd management, prevent access to restricted or vulnerable areas, and guide demonstrators down a particular route. Use of barriers should be guided by policies and scaled to circumstances, and officers should be trained on their use. Perimeter fencing, cement walls, and bicycle teams are all types of barriers that can be deployed by police departments during civil disturbances.

Findings and recommendations

Training in civil unrest and crowd management

Finding 6.1

The Minneapolis Police Department did not have adequate department-wide training on crowd management, negotiated resolution, de-escalation, the use of personal protective equipment, or the use of less-lethal instruments prior to the occupation.

The last documented department-wide training regarding crowd management strategies and tactics was conducted in preparation for the 2008 RNC.

Recommendation 6.1.1

Curricula to train all MPD personnel on crowd management strategies and tactics should be developed from current best practices, policy recommendations, and lessons learned from after-action reviews of similar events, and implemented in the Minneapolis Police Academy to reflect the core values of the MPD.

At a minimum, future department-wide training should include the following:

- First Amendment rights and protections, legitimacy, and procedural justice
- Crowd management, MFF operations, de-escalation, negotiated management, and problem solving;
- ICS training that builds on the FEMA curricula as a foundation for the MPD, its regional public safety partners, and elected officials
- Use of force and less-lethal instrument deployment in accordance with MPD's recently released use of force policy[263] and best practices
- Hands-on personal protective equipment training

Recommendation 6.1.2

The MPD should return to the pre-RNC practice of sending personnel to the FEMA Center for Domestic Preparedness in Anniston, Alabama or to another similar-quality provider to ensure that MPD crowd management training is consistent with national best practices. All MPD personnel should understand the rules of engagement, how to evaluate and de-escalate police-citizen encounters, use of force policies, and arrest procedures.

Recommendation 6.1.3

The MPD should provide annual training and updates to all members of the department regarding its policies and procedures regarding civil disturbances.

Equipment and tools for managing demonstrations

Finding 6.2

The MPD effectively deployed bicycle unit officers during the occupation as barriers to mitigate aggressive actions by the demonstrators, gather intelligence, and protect moving demonstrations.

Bicycle officers are more able than squad cars to maneuver quickly through large crowds and are often seen by demonstrators as less intimidating and more approachable. For these reasons, the use of bicycle officers is consistent with best practices for police crowd management. [264]

Recommendation 6.2.1

The MPD should continue the practice of deploying well-trained and well-equipped bicycle officers during protests and demonstrations. Bicycle officers were thanked by demonstrators who marched from the Fourth Precinct station to City Hall for their professionalism and protection.[265] Some demonstrators and officers interviewed by the assessment team report that at one point, when the BRRT formed a line at the Fourth Precinct, one officer shared food with demonstrators, successfully defusing a volatile confrontation.

Finding 6.3

No recent inventory of civil disturbance equipment has been conducted within the department, nor is anyone responsible for inventory, maintenance, or disbursement of MFF equipment.

Recommendation 6.3.1

All previously issued equipment should be turned in and the MPD should purchase new protective gear, to ensure that everyone is operating with the same modern, functional, approved, fit-tested gear. This will also aid administrative staff in keeping track of the equipment's distribution.

Recommendation 6.3.2

Establish a quartermaster system within the Special Operations Division for the accounting, inventory, purchase, and deployment of all MFF equipment. The commander of the Special Operations Division or their designee should also be responsible for ensuring that inventory is managed and inspected regularly. Any worn or outdated equipment should be identified and replaced on a biannual basis.

Finding 6.4

The Minneapolis Police Department had inadequate policy, guidelines, training, and equipment for crowd management.

Recommendation 6.4.1

The MPD should develop written policies, guidelines, training, and exercises regarding crowd management. These should define the department's overall strategic approach as well as its tactical response framework. These policies, guidelines, and training should build on police best practices for crowd management, negotiated resolution, de-escalation, problem-solving, and force restraint.

Recommendation 6.4.2

The MPD should employ tiered intervention and response strategies consistent with the challenges posed by demonstrators, recognizing the department's priority is to value and preserve human life, with a strategic goal of de-escalation, containment, prevention of further escalation, and officer safety. This strategy should be codified in policy.

Recommendation 6.4.3

The MPD should train all personnel in crowd management operations in order to strengthen the capacity for a coordinated response to civil disturbances. Particular attention should be given to the role of patrol officers, who may be the first on the scene of an escalating event. Such officers and their supervisors will need to be trained to make an initial assessment and to provide the information that will inform incident management decisions and, ultimately, ensure an appropriate response at the precinct and department level.[266]

Finding 6.5

No departmental policy currently exists on MFF equipment type, use, or training. Also, no policy exists to define who receives equipment, training on equipment, or the inspection and deployment of equipment.

Recommendation 6.5.1

Develop policy that directs the purpose of MFF equipment, ensuring its proper training and issuance. The policy should address the deployment of MFF equipment and its capabilities and limitations, based on a continuum of use and deployment. Finally, the policy should address who is authorized to deploy protective equipment and chemical agents and establish barriers when managing demonstrations.

Finding 6.6

Currently, no unified training of MFF units accompanies identified MFF equipment.

Recommendation 6.6.1

Establish a team to help identify and recommend the types of MFF equipment needed within MPD to effectively manage major events and demonstrations. Develop regular training on the various types of equipment, whereby officers can demonstrate proficiency in their purpose, use, and effects.

Finding 6.7

The deployment of less-lethal weapons during the 18-day occupation of the Fourth Precinct station was not centralized or tracked.

The unprecedented nature of this event does not justify the lack of documentation and need to track the use of less-lethal responses.

Recommendation 6.7.1

The MPD should establish a system to accurately record and document the deployment of less-lethal weapons. The system should include the date, time, and circumstance for each deployment.

Finding 6.8

Marking rounds were deployed without plans for the subsequent extraction and arrests of the individuals who were marked.

Recommendation 6.8.1

The MPD should direct by policy and training that marking rounds only be used when specific protocols for safe extraction and arrest of individuals are in place.

Finding 6.9

The MPD does not have policy, procedures, or training regarding the deployment of marking rounds.

Civil disturbance best practices recommend that marking rounds be used under strict policy guidelines only, to assist in identifying and arresting individuals exhibiting dangerous behavior in a crowd during civil disturbances.

Recommendation 6.9.1

The department must develop policies, procedures, and training before marking rounds are deployed.

Recommendation 6.9.2

The MPD should consistently record uses of marking rounds or any other less-lethal technology to avoid claims of harassment or inappropriate use of force.

CHAPTER 7. OFFICER WELLNESS AND RESILIENCE

Officer wellness and resilience

"In addition to working with difficult—even hostile—individuals, responding to tragic events, and sometimes coming under fire themselves, they suffer from the effects of everyday stressors—the most acute of which often come from their agencies, because of confusing messages or non-supportive management; and their families, who do not fully understand the pressures the officers face on the job." – Final Report of the President's Task Force on 21st Century Policing

Officer mental health and wellness

The prioritization of officer resilience and mental health and wellness is critical to the success of individual police officers, their families and departments, and the communities they serve. According to the COPS Office's *After-Action Assessment of the Police Response to the August 2014 Demonstration in Ferguson, Missouri*, mass demonstrations pose a unique risk to officer wellness:

> ***"While research shows that officers' work exposure has a cumulative effect on stress, being deployed in a critical situation . . . can significantly increase the stressors and their effects. . . . A prolonged situation . . . can be stressful and fatiguing for various personnel, from the incident commander to the officer. . . . In times of prolonged and stressful duty, law enforcement agencies should closely monitor officers' emotional and physical well-being and develop a resilience support program that includes peer support. . . . In prolonged stressful situations, agencies should consider deploying a trained police counselor or psychologist who can discuss stress issues with individual officers and offer some stress management or reduction strategies or advice, as well as provide crisis intervention or make appropriate referrals for officers and their family members."*** [267]

Officer morale

Within hours of the officer-involved shooting, protests began in the area surrounding the Fourth Precinct station. That evening, the number of demonstrators in front of the precinct swelled into the hundreds. Some demonstrators threw bottles, rocks, and food at officers and the precinct building, while other demonstrators blocked exits for police vehicles. In addition, six to twelve demonstrators entered and took over the precinct's front vestibule and refused to leave. Police vehicles were damaged and at least one window in the precinct was damaged. The costs of repairs—including replacing windows, tires, fences, cruisers, and cameras that had been damaged or destroyed—totaled more than $50,000, which was slightly higher than the figure the chief mentioned in a November 19 press conference while the occupation was still ongoing.[268]

Throughout the 18-day occupation, Minneapolis Police Department (MPD) officers—especially minority officers—were subjected to significant amounts of verbal abuse, and the precinct, police vehicles, and cameras were damaged by demonstrators. At various times, unknown individuals fired weapons in the vicinity of the precinct, attempted to breach the precinct's security fence, threw Molotov cocktails into the precinct's parking lot, and attempted to block ingress and egress from the station. Individuals also threw rocks, bricks, and Molotov cocktails at officers and squad cars.

Police officers assigned to the Fourth Precinct were ordered by their superiors to remain at the precinct station and precluded from responding to calls for service during the occupation. While at the station, they provided perimeter security or remained inside the building. Officers from other MPD precincts were assigned to respond to calls for service in North Minneapolis. As mentioned above, officers assigned to perimeter security were subjected to significant verbal abuse, particularly officers of color. Despite the verbal abuse and assaults on the precinct, by many accounts Fourth Precinct officers

demonstrated professionalism and restraint in their use of force throughout the occupation. It should be noted, however, that some protesters did describe instances in which they believed officers to have acted inappropriately during the response.

Several issues emerged during interviews of Fourth Precinct and other officers involved in the department's response to the occupation.

Officers, including some command level personnel, were angry and frustrated for the following reasons:

- They were not authorized to take or direct actions that they believed would have ended or controlled the protest before it became an occupation.
- They were confined to the precinct and not allowed to respond to calls from "their" residents asking for assistance.
- They were assigned to perimeter security without personal protective equipment. In some cases, officers were not allowed to wear the protective equipment they had because it appeared too militaristic.
- They lacked information and received inconsistent orders from command personnel.
  - » Several officers noted the significant disconnect between precinct commanders, the chief, and the MPD's leadership team.
  - » Officers felt unsupported by the mayor, chief, and MPD's leadership team during and after the occupation. It was not until the occupation had ended that the chief sent an email to the entire department stating "You have my gratitude, my respect and my unwavering support."[269]
  - » Officers, some of whom had served in combat tours in Iraq and Afghanistan, described feeling "under siege" and in danger of injury, as shots were directed at the precinct station; gas-filled bottles, lit "sterno canisters," Molotov cocktails, and other objects were thrown at them and the station; and smoke from fires in the neighborhood entered the building. These feelings were exacerbated by their inability to take actions to end the occupation or even the specific activities that posed security threats.
  - » Officers advised the assessment team that they are frequently asked by Fourth Precinct residents why they didn't end the occupation and assist them when they called the precinct asking for assistance. Some officers even commented that residents told them the department lost a certain amount of legitimacy because they allowed demonstrators to openly break laws and do drugs in the vestibule in order to maintain the optics of protecting the First Amendment.

Many officers advised that they no longer engage in proactive policing activities and are reluctant to write traffic and quality-of-life violations because they feel unsupported by the department.[270]

The MPD command staff and the Mayor's Office advised that debriefing sessions were held at the Fourth Precinct station following the occupation by a mental health practitioner/facilitator with funding from either Target or the Minneapolis Foundation. It should be noted that none of the officers interviewed discussed the debriefing sessions.

Negotiated management, led by police officials, is the current best practice in police response to civil disturbances. Because the practice differs from traditional approaches to protest response that were based on the philosophy of escalated force, in which increasing disruption and violence on the part of demonstrators would be met with increasing force on the part of the police, it is imperative to conceptually connect these policies with traditional law enforcement culture and the mission of protecting the public. Reinforcement should occur throughout the organization, including via training on policy rationale, verbally in roll calls, during Mobile Field Force (MFF) training, in written communications, and structurally with related commendations and incentives.[271]

Findings and recommendations

Officer resilience

Finding 7.1

MPD officers and supervisors maintained perimeter security at the Fourth Precinct to the best of their ability, while protecting the First Amendment rights of the civil protesters.

By all indications, MPD officers acted in a professional manner and demonstrated great restraint while holding the line, even as they encountered verbal abuse (especially toward African-American officers), threats, and risks to their safety from some elements within the protest gathering. Videos and social media posts of the protests and occupation showed incidents of protestors verbally abusing officers and throwing Molotov cocktails, bottles filled with gasoline, bricks, rocks, and other objects at officers, vehicles, mounted cameras, and the precinct station.

Recommendation: 7.1.1

Support for wellness and safety should permeate all police practices and be expressed through changes in procedures, requirements, attitudes and behaviors. Special attention should be paid to frontline officers who may be subjected to abuse based on their race, ethnicity, or religious affiliation.The physical and mental health of officers is critical to their safety, their families, the department, and the community they serve. An officer whose capabilities, judgement, and behavior is adversely affected by poor physical or psychological health may not only be a danger to her or himself, but also to other officers and to the community she or he serves.

Finding 7.2

City officials and the MPD did not sufficiently plan for a protracted deployment.

They did not anticipate that the occupation of the Fourth Precinct would last for 18 days, and thus did not adjust the operational strategy, including wellness and support of officers, accordingly. For example, MPD did not take into account the impact of extended shifts, overtime, and the physical and mental stress associated with maintaining perimeter security as protestors verbally abused officers and threatened their physical safety by throwing Molotov cocktails, bottles filled with gasoline, bricks, rocks and other objects at officers, vehicles, and the precinct station.

Recommendation 7.2.1

Agencies should transition from a short-term response plan to an operational strategy that provides assistance and support to officers and their families during multi-day events. Having enough staff that officers have opportunities to get off of the line and rest—even if that involves requesting mutual aid—is important for ensuring officer well-being.[272]

Finding 7.3

Fourth precinct officers continue to express frustration and anger with the occupation more than six months after the incident, suggesting that many issues remain unresolved.

Recommendation 7.3.1

The MPD should assign the duty of a wellness coordinator to an existing Incident Command System (ICS) position during all critical events to ensure physical and mental health issues are addressed.

Recommendation 7.3.2

The MPD should develop guidelines regarding the provision of mental health and other services to the officers assigned to critical incidents and civil disturbances, and to their families, particularly if the events are prolonged or violent.

Recommendation 7.3.3

The MPD should continue to conduct debriefings and engage officers in discussions regarding the occupation at, or in close proximity to, the one-year anniversary of the officer-involved shooting and occupation.

Finding 7.4

Fourth precinct officers felt unsupported and undervalued before, during and after the occupation.

Recommendation 7.4.1

Organizational leadership should ensure that all involved in the response feel valued through open communication and the provision of mental health and other services to the officers and their families.[273]

Recommendation 7.4.2

The department should also consider greater use of chaplains or other professionals trained in psychological first aid or critical incident stress management (CISM) to provide assistance to personnel during and following a critical incident.

Officer safety and wellness

Finding 7.5

MPD Officers expressed concern regarding their physical safety when deployed to provide perimeter security at the Fourth Precinct station during the occupation.

Recommendation 7.5.1

The MPD should purchase, issue, and familiarize its officers with personal protective gear. Officers should be required to conduct formal training and routine exercises with their personal protective equipment to ensure the ability to function effectively under the different dynamics of wearing such equipment.

Recommendation 7.5.2

The MPD should have a clearly defined and communicated tiered strategy for deployment of personal protective gear.

CHAPTER 8. COMMUNITY PERSPECTIVE AND ENGAGEMENT

Community response

For some in the North Minneapolis community, the shooting of Jamar Clark further exposed two key fissures in North Minneapolis: one between the community and the Fourth Precinct officers, and one between community organizations.

Police-community relations

Relationships between the Minneapolis Police Department (MPD) and the North Minneapolis community had long been strained, and the occupation was another event in a long chain that intensified the tension.[274] As a result of previous officer-involved shootings and encounters, some community leaders had previously called for a U.S. Department of Justice investigation to mandate changes. Although there had been some recent attempts on the part of MPD leaders to engage the community through meetings and listening sessions, from the community perspective, significant change was not occurring. According to one community member who participated in the listening sessions, the police largely ignored relationships with committee members in the days after the shooting—with the single exception of the Fourth Precinct inspector, whom many local residents said made tremendous efforts to continue to be present in the community, engage community members, and be responsive to their needs.[275] However, the behaviors of the responding MPD officers during the initial days were interpreted by all leaders of the community as overly aggressive.

Intracommunity relations

Additionally, within the Black community of North Minneapolis, leadership tensions between different generations impacted the occupation. The continued occupation exposed a fractured relationship within the community of color, one which continues to deepen. For the younger, newer leaders, the occupation was a demonstration affirming their larger understanding of how society should change. For the older, traditional leadership, the occupation went entirely too long, disrupted day-to-day community life, and became a platform for fringe political groups and immature leadership from within the community.

Findings and recommendations

Finding 8.1

Historical and contemporary tensions between the community and the MPD in North Minneapolis continue to inform perceptions of the police.

Recommendation 8.1.1

The MPD should continue to invest in community policing efforts, particularly in North Minneapolis, to include acknowledging the history of race relations in the community and develop a process and programs to move the community and the MPD toward reconciliation.[276]

Recommendation 8.1.2

The MPD's training programs on positive community-police interactions, implicit bias, and building and maintaining trust should continue and build on lessons learned during the 18-day occupation.

Finding 8.2

Tensions within the North Minneapolis community complicated the law enforcement and city response to the occupation.

Recommendation 8.2.1

The MPD should identify and work closely with emerging and traditional community leaders to ensure inclusion and representation from all members of the Minneapolis community.

Recommendation 8.2.2

The MPD should discuss its strategy and equipment for responding to civil disturbance with community members to increase transparency and to solicit ideas to prevent and resolve incidents without injury or property damage.

Finding 8.3

Relationships between the North Minneapolis Community and the MPD remain challenged; this continues to leave the community, and the officers serving them, vulnerable to increased crime and violence in the area.

Recommendation 8.3.1

The MPD should more fully engage the Chief's Citizens Advisory Council, the Chief's Youth Advisory Council, and the MPD Chaplains and increase its access to community boards and groups to help facilitate communication, build trust, and enhance police-community relations. The MPD's Police Community Support Team (PCST), an all-volunteer group of civilians, responds to all critical incidents in Minneapolis and provides timely and accurate information to residents.

Recommendation 8.3.2

The MPD should more fully engage community members in strategic planning, hiring, promotion, training, and other activities to improve community-police relations and build trust and legitimacy. This type of community input into actual policing decisions also provides the community a voice and meaningful involvement in how its police department operates and polices the community.

PART V: CONCLUSION

CHAPTER 9. CONCLUSION

The 18-day occupation of the front lawn and street of the Fourth Precinct station—including three days in which demonstrators occupied the front vestibule—of the Minneapolis Police Department (MPD) by community members and activists in North Minneapolis was undeniably an unprecedented event. While the MPD frequently manages peaceful protests and demonstrations in Minneapolis, the MPD and the City of Minneapolis were unprepared for the level of complexity that this protracted event would bring. The city's unconventional governance structure, as well as the often public political discord between city, police, and union leadership, added to this complexity and detracted from identifying and working toward a unified goal reaching a peaceful resolution to the occupation.

The city and the police department endeavored to provide community members the opportunity to exercise their First Amendment freedoms and to avoid violent confrontations. The City of Minneapolis and the Minneapolis Police Department resolved the occupation without any significant injuries and/or property damage, and prevented the violence and riots seen in other cities following officer-involved shootings. The decisions made by city and police leaders were set within the context of the national conversation regarding police legitimacy and the relationship between the police and the communities they serve. However, the extended incident took a toll on the city, the police department, and the North Minneapolis Community. Damage caused to city and police property, as well as the cost of extended overtime and additional personnel was significant. In addition, community residents suffered consequences of the 18-day occupation. They struggled with the smoke from fires and increased response time from emergency medical services when needed. Neighbors around the Fourth Precinct complained about helicopters overhead all night; bottles, food, garbage, and human waste in their yards; cars damaged; and feeling unsafe in their own houses. Additionally, neighborhood businesses suffered lost sales and revenues. Finally, Fourth Precinct MPD officers continue to struggle with low morale, frustration, and anger stemming, at least in part, from the way the 18-day occupation happened, and was handled by city and MPD leadership.

This review, and the lessons learned within, are designed to assist the City of Minneapolis and the MPD analyze and reflect on the decisions made in response to the 18-day occupation. Key lessons focused on leadership, operations, planning and preparation, officer wellness and community impact can be gained by studying the response to this incident.

While the occupation of the Fourth Precinct police station was an unprecedented event, many of the lessons learned throughout the 18 days, and in the reflection that has happened since, are applicable to police response to incidents that have occurred or may occur in U.S. cities in the future. These lessons continue to build on the body of knowledge that assists law enforcement agencies in their ability to respond to civil disturbances. The findings and recommendations in this report, and throughout the COPS Office CRI-TA program, add to the growing body of literature that public safety agencies can use to enhance their preparation for, and response to, mass demonstrations, civil disturbances, and other critical incidents.

APPENDIX A. FINDINGS AND RECOMMENDATIONS

Finding 4.1

The City of Minneapolis lacked a coordinated political, tactical, and operational response to the protests, demonstrations, and occupation of the Fourth Precinct police station.

Recommendation 4.1.1

City officials and MPD command personnel should discuss, plan, and practice a coordinated response to critical incidents, to include the level of tactical engagement as well as negotiation and other strategies.

Recommendation 4.1.2

Planning and training for responses to civil disturbances and critical incidents should include elected and appointed officials, law enforcement, other public safety agencies (fire, EMS, emergency management), other relevant government agencies (e.g., Corporation counsel, finance, public works), and non-government and private sector organizations (Red Cross, utility companies, business improvement districts, neighborhood councils, etc.) as appropriate. Annual tabletop exercises and biennial full-scale exercises (FSE) should focus on coordinated planning, implementation, and follow-up across all city agencies. The tabletop exercises and FSEs should be observed by and include appropriate roles for elected officials.

Finding 4.2

City officials and the MPD did not have a process to change its strategy for managing civil disturbances as they develop from short-term into protracted events.

At the beginning, elected officials and the MPD focused primarily on immediate political and tactical responses and did not entirely anticipate that the demonstrations would be long term, or that the occupation of the Fourth Precinct station would occur. As the occupation continued, they did not recognize the changing dynamics and plan for a long-term operation.

Recommendation 4.2.1

Agencies should develop strategies, based on timely and accurate intelligence and assessments, to identify the shift from routine events to protracted complex events that demand significant human and material resources as well as a well-coordinated and collaborative response from elected officials and law enforcement leaders.

Recommendation 4.2.2

City agencies should develop comprehensive plans that recognize that a negotiated management response to a civil disturbance, such as the Fourth Precinct occupation, will require the careful and intentional coordination of the response by elected and law enforcement officials, taking into account the human and resource challenges that develop during a protracted event.

Recommendation 4.2.3

The City of Minneapolis and the MPD should review lessons learned from other large-scale civil disturbances across the country—and previous MPD critical incident after-action assessments—to improve citywide and police department planning, preparedness, and response to unique critical events.

Recommendation 4.2.4

The City of Minneapolis should have a crowd control plan in place that clearly defines the city's overall political, strategic, and tactical response framework for reacting to protests that develop beyond 'routine' events.

According to Howard Rahtz, "a review of previous riots reveals . . . [that a] major lesson is that the lack of planning and leadership in the early stages of [civil] disorder is a recipe for disaster."

Recommendation 4.2.5

The MPD must assume a lead role, or be provided frequent updates by elected officials, during protracted negotiations so that appropriate operational strategies and tactics can be developed and implemented consistent with the actions being taken by elected officials and others outside the police department.

Finding 4.3

Disagreements between City of Minneapolis, MPD, and Fourth Precinct leadership resulted in inconsistent messaging, unnecessary confusion, and poor communication that significantly and negatively affected the response.

Inconsistent, and at times contradictory, public comments by the mayor and city council, as well as public arguing between the chief of police and the Federation president, created clear divisions which hampered the ability to find a unified resolution to the conflict and which continue to inhibit department and community healing.

Recommendation 4.3.1

All leaders, elected and appointed, should recognize the impact that their messaging, both formal and informal, and their actions contributed to the management and operational difficulties of MPD and its ability to effectively resolve the 18-day occupation.

Recommendation 4.3.2

All leaders, elected and appointed, should avoid engaging in public arguments and rhetoric that detract from the goals of keeping the community and police officers safe and resolving civil disturbances.

Finding 4.4

Elected officials, the chief, and the Fourth Precinct inspector failed to define and implement a clear, unified response to the occupation.

Recommendation 4.4.1

Messaging from the city as a whole must be unified and delivered in a manner that shows the city leadership is not divided in any fashion. Therefore, it is important to ensure that messages from city and police department leadership are clear, consistent, and coordinated to provide appropriate direction and support for all personnel involved in the response to civil disturbance or critical events.

Finding 4.5

Efforts to resolve the occupation lacked consistent coordination and collaboration among elected officials and operations personnel.

A number of officials—including city and state elected officials and the USDOJ CRS—engaged in negotiations with leaders from Black Lives Matter, Neighborhoods Organized for Change (NOC), and the National Association for the Advancement of Colored People (NAACP) and did not coordinate their efforts among themselves or with the MPD.

Recommendation 4.5.1

Federal, state, and city elected officials should plan and practice a coordinated response to civil disturbance and critical incidents on a regular basis. For example, in their review of the Boston Marathon bombing, the National Preparedness Leadership Initiative (a joint program of the Harvard School of Public Health and Harvard's Kennedy School of Government, Center for Public Leadership) found that "leaders set a tone of remarkable collaboration and interagency leveraging among one another." Leaders operated in concert and achieved something together—both order and outcome—which they never would have been able to accomplish on their own. Similar observations were made in the assessment of the response to the San Bernardino terrorist attack, and about the Minneapolis region's response to the bridge collapse.

Recommendation 4.5.2

Responses to civil disturbance events that originate and occur entirely within the city limits should be led by the City of Minneapolis, with the MPD assuming the lead role in coordinating planning, operations, negotiations, and messaging in concert with elected officials.

Finding 4.6

The City of Minneapolis did not fully implement NIMS or ICS, which would have provided a structure to organize and coordinate the city's response to the occupation.

Although the Emergency Operations Center was activated and MPD established incident command, a JIC was established that operated separate and apart from the EOC and MPD ICS, leading to inconsistent communication, uncoordinated operations, and disconnected negotiations with protestors.

Recommendation 4.6.1

All City of Minneapolis personnel, including elected officials, should complete ICS training.

A U.S. Department of Justice, Bureau of Justice Assistance report advised, "Incident management organizations and personnel at all levels of government and within the private sector and nongovernmental organizations must be appropriately trained to improve all-hazards incident management capability. . . . Training involving standard courses on incident command and management, incident management structure, operational coordination processes and systems—together with courses focused on discipline and agency-specific subject matter expertise—helps ensure that personnel at all jurisdictional levels and across disciplines can function effectively together during an incident."

Recommendation 4.6.2

Minneapolis should establish one citywide incident management team (IMT) to lead its response to future large-scale incidents that involve a multiagency, multijurisdiction response. The IMT should include operational personnel as well as representatives from the mayor's staff to ensure collaboration, coordination, and unity of command. The IMT should also train through tabletop exercises and FSEs.

Recommendation 4.6.3

The City of Minneapolis and MPD should use ICS principles to manage everyday situations, as a way to practice established protocols and training.

Finding 4.7

Fourth Precinct supervisors and line officers did not receive consistent communication regarding strategies and tactics to be employed.

The lack of consistent communication from the precinct commander and senior and executive MPD leadership regarding strategies and tactics left many officers in the Fourth Precinct feeling as if they were left to deal with the occupation on their own, and in many cases unable to use the authority vested in them to enforce laws and ordinances to protect their community and their property.

Recommendation 4.7.1

MPD Policy 5-312 "Civil Disturbances" should be expanded to clearly define Minneapolis leadership structure, roles, responsibilities, strategies, goals, and objectives for resolving civil disturbances.

Recommendation 4.7.2

Agency supervisors must ensure that first responders trust that leadership is supporting efforts to resolve critical incidents, even if they are not heard or seen.

Recommendation 4.7.3

Managers and supervisors, responsible for carrying out day-to-day operations, must be included in daily briefings and operational planning. This will help to ensure their complete understanding of operational strategies and what messages should be relayed to their subordinates, and give them the opportunity to communicate their observations and understanding.

Finding 5.1

Neither MPD nor the City of Minneapolis leadership ensured that appropriate strategies, directives and rationales were adequately communicated to line officers.

For example, once the decision to end the occupation through negotiations rather than direct police action was made, the decision was not clearly communicated to the Fourth Precinct.

Recommendation 5.1.1

Once decisions are made that result in operational directives, those decisions, directives, and instructions should be clearly communicated to all relevant personnel (the MPD Fourth Precinct in this case) through the chain of command, using clearly defined communication protocol to ensure personnel are fully aware and to avoid distortion or lack of clarity.

Finding 5.2

Breakdowns in communication within MPD—among the chief of police, command staff, Fourth Precinct command, and Fourth Precinct rank and file—compounded communication issues between city and MPD officials and impacted the ability of line officers to carry out the response.

While Fourth Precinct leadership participated in daily conference calls to discuss the activities of the previous day and determine strategies for the upcoming day, they sometimes transmitted those strategies and other messages inaccurately in roll calls with the line officers, according to Fourth Precinct staff interviewed. Although daily written IAPs and intelligence briefings were distributed to precinct-level commanders, they were not routinely disseminated to Fourth Precinct line officers.

Recommendation 5.2.1

MPD leaders should establish a clear and concise messaging strategy so that officers know from whom and how they are to receive directives.

Recommendation 5.2.2

Precinct leadership must provide consistent, timely, and accurate information regarding the strategies and tactics to be employed in response to mass demonstrations and held accountable for delivering accurate information and directives to their subordinates.

Recommendation 5.2.3

Genuine concern for officer safety and support should be communicated and demonstrated by the executive staff and through the chain of command to ensure the well-being of officers responding to mass demonstrations.

Recommendation 5.2.4

The MPD should provide strategies to ensure two-way communication so that frontline officers are able to input information about what they are experiencing on the line to members of their command staff through email, a dedicated Twitter account, etc. This would provide an opportunity for line officers to convey feedback regarding operations, intelligence, and officer safety to department leadership.

Finding 5.3

The lack of consistent strategy and the unclear communication of policy by MPD leadership inhibited effective crowd management and negatively impacted the morale of Fourth Precinct and other officers assigned to the occupation.

Clear and consistent communication of the city's response strategy to the occupation would have eliminated confusion and helped to alleviate frustration on the part of supervisors and the rank and file in the Fourth Precinct, who were often left wondering as to the proper response to incidents.

Recommendation 5.3.1

City and MPD leaders should ensure a clear communication strategy exists to avoid frustration and misunderstanding, in particular on the part of supervisors and line personnel responsible for operational implementation of the approved response strategy.

Finding 5.4

Leadership decided to use verbal communications instead of issuing written directives, in order to prevent compromise or leaks of operational information. This contributed to confusion and the dissemination of inaccurate or incomplete information to rank-and-file officers.

Recommendation 5.4.1

Invest in a secure, encrypted Incident Management System to support ICS communications by facilitating two-way information-sharing; tracking multiple incidents and events; providing real-time mission updates, direction, and safety messages; and coordinating

tasks, goals, and actions. The ability to communicate using encrypted channels improves communication without jeopardizing officer and community safety.

Finding 5.5

Preexisting relationships with local media afforded MPD the opportunity to respond to many of the stories produced during the protests, which led to increased accuracy in reporting.

Recommendation 5.5.1

Build and maintain relationships with local media prior to a major event, and prioritize those relationships during events that draw national and international media attention.

Finding 5.6

Although a JIC was established, the public information process between city agencies and officials was uncoordinated.

In addition, information sharing with the Governor's Office was inconsistent and at times uncoordinated. In fact, it was reported during interviews that some in the ICS began purposefully keeping information from the JIC in an effort to keep the information 'safe' from public release.

Recommendation 5.6.1

Include PIOs from all city and state stakeholders in command-level briefings and strategy sessions to increase coordination and project one voice. Lessons learned from previous critical incident reviews highlight the importance of including the PIOs in all political, command-level briefings and strategy sessions to help determine the appropriate media strategy.

Recommendation 5.6.2

Develop plans for coordinating public information efforts among multiple participating agencies through the ICS and the creation of a JIC.

Finding 5.7

The MPD's extensive use of social media during the occupation itself helped keep the public informed as individual incidents occurred.

Recommendation 5.7.1

Continue and expand the use of various social media platforms to inform the public and traditional media about unfolding events and provide information regarding specific incidents to facilitate transparency and build trust.

Finding 5.8

During the occupation at the Fourth Precinct, MPD employees deployed less-lethal and non-lethal weapons without clear authorization from the incident commander, in violation of policy 5-312.

MPD policy 5-312 "Civil Disturbances" states in part, "Unless there is an immediate need to protect oneself or another from apparent physical harm, sworn MPD employees shall refrain from deploying any less-lethal or non-lethal weapons upon any individuals involved in a civil disturbance until it has been authorized by the on-scene incident commander." During interviews, some demonstrators claimed they were hit with nightsticks while holding up tarps to protect themselves from chemical irritants. Multiple officers expressed confusion regarding who the on-scene incident commander was and indicated that authorizations regarding use of force were coming from various MPD command staff, making it difficult to verify who specifically authorized particular uses of force.

Recommendation 5.8.1

The MPD should establish a clear incident commander and strengthen, train on, adhere to, and enforce the use of force policy—especially as it relates to civil disturbances (MPD Policy 5-312).

Recommendation 5.8.2

MPD use of force policy 5-312 "Civil Disturbances" should clearly delineate levels of approval to be obtained—and a specific individual to seek that approval from—prior to the donning of personal protective equipment or equipment which may intimidate or threaten protestors (typically characterized as "military-style equipment"), the use of marking rounds, and additional uses of force.

Finding 5.9

MPD deployed chemical agents without prior authorization, in violation of policy 5-313.

MPD policy 5-313 "Use of Chemical Agents – Policy" states in part, "Sworn MPD employees shall exercise due care to ensure that only intended persons are exposed to the chemical agents." In interviews, demonstrators claimed that chemical irritants were deployed by MPD officers, including against demonstrators who were trying to administer first aid to the five shooting victims the night of November 23. It should be noted that no official complaints were filed by the demonstrators regarding the indiscriminate deployment of chemical agents.

Recommendation 5.9.1

The MPD should strengthen, train on, adhere to and enforce the use of force policy—especially as it relates to the use of chemical agents (MPD Policy 5-313).

Recommendation 5.9.2

MPD use of force policy 5-313 "Use of Chemical Agents – Policy" should clearly delineate levels of approval—and a specific individual to seek approval from—to be obtained prior to the donning of personal protective equipment and equipment which may intimidate or threaten protestors (typically characterized as "military-style equipment") and additional uses of force.

Finding 5.10

The policy on documenting uses of force, as laid out in the MPD Policy and Procedure Manual, may not have been followed.

Demonstrators claimed that officers used chemical irritants the night five demonstrators were shot (November 23), but there is no official MPD record of chemical irritants being used nor were any pertinent complaints filed by the demonstrators. Because of the inconsistent way uses of force were documented, the veracity of the demonstrators' claims could not be confirmed or disproved by the assessment team.

Recommendation 5.10.1

The MPD Use of Force Policy (5-306)—especially as it relates to CAPRS reports—needs to be strengthened, trained on, adhered to, and enforced.

Recommendation 5.10.2

Supervisor notification should be required for chemical agent exposures, especially during civil disturbances and crowd control, to ensure that these uses of force comply with overall strategies and best practices. While supervisor notification is not required for chemical agent exposures according to MPD Policy 5-306, it is contradictory to policy 5-312, which states in part, "The on-scene incident commander shall evaluate the overall situation and determine if it would be a reasonable force option to use less-lethal or non-lethal weapons to best accomplish that objective."

Recommendation 5.10.3

The MPD should document each use of force case separately.

Finding 5.11

The decision to document multiple uses of force under a single case number led to failure to accurately account for and track uses of force.

According the MPD Policy & Procedures Manual policy 5-306 "Use of Force – Reporting and Post Incident Requirements," CAPRS Reports are required for each use of force incident. During the 18 days, the MPD categorized and recorded all uses of force under one case number per day. In total, MPD collected three force reports for the 18-day occupation, but they account for nine uses of force. For example, on November 19, 2016, there is only one force report (FR), but six separate uses of force were reported by officers and supervisors. While there is no evidence that the MPD deliberately attempted to underreport the use of force, the decision to capture incidents by assigning one incident case number per day caused confusion as to the actual number of incidents reported by officers and supervisors. The information below was provided by the MPD and indicates the official number of uses of force reported:

Incident #1 (11/19/2015)

FR #1: 40MM [marking round] less lethal round (Torso)

FR #2: MACE – crowd control

FR #3: Improvised Weapon – (Firearm as striking tool) – (Torso)

FR #4: 40MM [marking round]less lethal round (Legs)

FR #5: 40MM [marking round]less lethal round (Legs)

FR #6: 40MM [marking round]less lethal round (Torso)

Incident #2 (11/25/2015)

FR #1: Body Weight to pin (Torso)

FR #2: Joint Lock and Body Weight to pin (arms/hands) & (Torso)

Incident #3 (12/11/15)

FR #1: Body Weight to pin (Torso)

Recommendation 5.11.1

MPD should require that officers and supervisors complete a use of force report for each incident and assign unique case numbers to each incident to increase accuracy and transparency.

Recommendation 5.11.2

Policy 5-306 "Use of Force – Reporting and Post Incident Requirements" should be enhanced to officially codify that each use of force report require the officer to submit a narrative surrounding the use of force, who authorized it (if necessary), and if there were witnesses present that can be interviewed.

Recommendation 5.11.3

All commanders and supervisors should ensure the thorough and accurate documentation of all events, facts, and uses of force as soon as practicable after an event or decision.

Recommendation 5.11.4

To promote transparency, use of force data should be reported to the public in a timely and accurate manner via the MPD website, the Office of Police Conduct Review's website, and other state or federal databases.

Finding 5.12

All citizen-initiated complaints may not have been formally reported, recorded, or investigated.

The assessment team was unable to determine if all complaints were captured and investigated due to inconsistent record keeping.

Recommendation 5.12.1

All citizen complaints should be individually recorded to ensure that they are investigated and adjudicated in a manner consistent with MPD policies, Office of Police Conduct Review policies, and law enforcement best practices.

Finding 6.1

The Minneapolis Police Department did not have adequate department-wide training on crowd management, negotiated resolution, de-escalation, the use of personal protective equipment, or the use of less-lethal instruments prior to the occupation.

The last documented department-wide training regarding crowd management strategies and tactics was conducted in preparation for the 2008 RNC.

Recommendation 6.1.1

Curricula to train all MPD personnel on crowd management strategies and tactics should be developed from current best practices, policy recommendations, and lessons learned from after-action reviews of similar events, and implemented in the Minneapolis Police Academy to reflect the core values of the MPD.

Recommendation 6.1.2

The MPD should return to the pre-RNC practice of sending personnel to the FEMA Center for Domestic Preparedness in Anniston, Alabama or to another similar-quality provider to ensure that MPD crowd management training is consistent with national best practices. All MPD personnel should understand the rules of engagement, how to evaluate and de-escalate police-citizen encounters, use of force policies, and arrest procedures.

Recommendation 6.1.3

The MPD should provide annual training and updates to all members of the department regarding its policies and procedures regarding civil disturbances.

Finding 6.2

The MPD effectively deployed bicycle unit officers during the occupation as barriers to mitigate aggressive actions by the demonstrators, gather intelligence, and protect moving demonstrations.

Bicycle officers are more able than squad cars to maneuver quickly through large crowds and are often seen by demonstrators as less intimidating and more approachable. For these reasons, the use of bicycle officers is consistent with best practices for police crowd management.

Recommendation 6.2.1

The MPD should continue the practice of deploying well-trained and well-equipped bicycle officers during protests and demonstrations. Bicycle officers were thanked by demonstrators who marched from the Fourth Precinct station to City Hall for their professionalism and protection. Some demonstrators and officers interviewed by the assessment team report that at one point, when the BRRT formed a line at the Fourth Precinct, one officer shared food with demonstrators, successfully defusing a volatile confrontation.

Finding 6.3

No recent inventory of civil disturbance equipment has been conducted within the department, nor is anyone responsible for inventory, maintenance, or disbursement of MFF equipment.

Recommendation 6.3.1

All previously issued equipment should be turned in and the MPD should purchase new protective gear, to ensure that everyone is operating with the same modern, functional, approved, fit-tested gear. This will also aid administrative staff in keeping track of the equipment's distribution.

Recommendation 6.3.2

Establish a quartermaster system within the Special Operations Division for the accounting, inventory, purchase, and deployment of all MFF equipment. The commander of the Special Operations Division or their designee should also be responsible for ensuring that inventory is managed and inspected regularly. Any worn or outdated equipment should be identified and replaced on a biannual basis.

Finding 6.4

The Minneapolis Police Department had inadequate policy, guidelines, training, and equipment for crowd management.

Recommendation 6.4.1

The MPD should develop written policies, guidelines, training, and exercises regarding crowd management. These should define the department's overall strategic approach as well as its tactical response framework. These policies, guidelines, and training should build on police best practices for crowd management, negotiated resolution, de-escalation, problem-solving, and force restraint.

Recommendation 6.4.2

The MPD should employ tiered intervention and response strategies consistent with the challenges posed by demonstrators, recognizing the department's priority is to value and preserve human life, with a strategic goal of de-escalation, containment, prevention of further escalation, and officer safety. This strategy should be codified in policy.

Recommendation 6.4.3

The MPD should train all personnel in crowd management operations in order to strengthen the capacity for a coordinated response to civil disturbances. Particular attention should be given to the role of patrol officers, who may be the first on the scene of an escalating event. Such officers and their supervisors will need to be trained to make an initial assessment and to provide the information that will inform incident management decisions and, ultimately, ensure an appropriate response at the precinct and department level.

Finding 6.5

No departmental policy currently exists on MFF equipment type, use, or training. Also, no policy exists to define who receives equipment, training on equipment, or the inspection and deployment of equipment.

Recommendation 6.5.1

Develop policy that directs the purpose of MFF equipment, ensuring its proper training and issuance. The policy should address the deployment of MFF equipment and its capabilities and limitations, based on a continuum of use and deployment. Finally, the policy should address who is authorized to deploy protective equipment and chemical agents and establish barriers when managing demonstrations.

Finding 6.6

Currently, no unified training of MFF units accompanies identified MFF equipment.

Recommendation 6.6.1

Establish a team to help identify and recommend the types of MFF equipment needed within MPD to effectively manage major events and demonstrations. Develop regular training on the various types of equipment, whereby officers can demonstrate proficiency in their purpose, use, and effects.

Finding 6.7

The deployment of less-lethal weapons during the 18-day occupation of the Fourth Precinct station was not centralized or tracked.

The unprecedented nature of this event does not justify the lack of documentation and need to track the use of less-lethal responses.

Recommendation 6.7.1

The MPD should establish a system to accurately record and document the deployment of less-lethal weapons. The system should include the date, time, and circumstance for each deployment.

Finding 6.8

Marking rounds were deployed without plans for the subsequent extraction and arrests of the individuals who were marked.

Recommendation 6.8.1

The MPD should direct by policy and training that marking rounds only be used when specific protocols for safe extraction and arrest of individuals are in place.

Finding 6.9

The MPD does not have policy, procedures, or training regarding the deployment of marking rounds.

Civil disturbance best practices recommend that marking rounds be used under strict policy guidelines only, to assist in identifying and arresting individuals exhibiting dangerous behavior in a crowd during civil disturbances.

Recommendation 6.9.1

The department must develop policies, procedures, and training before marking rounds are deployed.

Recommendation 6.9.2

The MPD should consistently record uses of marking rounds or any other less-lethal technology to avoid claims of harassment or inappropriate use of force.

Finding 7.1

MPD officers and supervisors maintained perimeter security at the Fourth Precinct to the best of their ability, while protecting the First Amendment rights of the civil protesters.

By all indications, MPD officers acted in a professional manner and demonstrated great restraint while holding the line, even as they encountered verbal abuse (especially toward African-American officers), threats, and risks to their safety from some elements within the protest gathering. Videos and social media posts of the protests and occupation showed incidents of protestors verbally abusing officers and throwing Molotov cocktails, bottles filled with gasoline, bricks, rocks, and other objects at officers, vehicles, mounted cameras, and the precinct station.

Recommendation: 7.1.1

Support for wellness and safety should permeate all police practices and be expressed through changes in procedures, requirements, attitudes and behaviors. Special attention should be paid to frontline officers who may be subjected to abuse based on their race, ethnicity, or religious affiliation.The physical and mental health of officers is critical to their safety, their families, the department, and the community they serve. An officer whose capabilities, judgement, and behavior is adversely affected by poor physical or psychological health may not only be a danger to her or himself, but also to other officers and to the community she or he serves.

Finding 7.2

City officials and the MPD did not sufficiently plan for a protracted deployment.

They did not anticipate that the occupation of the Fourth Precinct would last for 18 days, and thus did not adjust the operational strategy, including wellness and support of officers, accordingly. For example, MPD did not take into account the impact of extended shifts, overtime, and the physical and mental stress associated with maintaining perimeter security as protestors verbally abused officers and threatened their physical safety by throwing Molotov cocktails, bottles filled with gasoline, bricks, rocks and other objects at officers, vehicles, and the precinct station.

Recommendation 7.2.1

Agencies should transition from a short-term response plan to an operational strategy that provides assistance and support to officers and their families during multi-day events. Having enough staff that officers have opportunities to get off of the line and rest—even if that involves requesting mutual aid—is important for ensuring officer well-being.

Finding 7.3

Fourth precinct officers continue to express frustration and anger with the occupation more than six months after the incident, suggesting that many issues remain unresolved.

Recommendation 7.3.1

The MPD should assign the duty of a wellness coordinator to an existing Incident Command System (ICS) position during all critical events to ensure physical and mental health issues are addressed.

Recommendation 7.3.2

The MPD should develop guidelines regarding the provision of mental health and other services to the officers assigned to critical incidents and civil disturbances, and to their families, particularly if the events are prolonged or violent.

Recommendation 7.3.3

The MPD should continue to conduct debriefings and engage officers in discussions regarding the occupation at, or in close proximity to, the one-year anniversary of the officer-involved shooting and occupation.

Finding 7.4

Fourth precinct officers felt unsupported and undervalued before, during and after the occupation.

Recommendation 7.4.1

Organizational leadership should ensure that all involved in the response feel valued through open communication and the provision of mental health and other services to the officers and their families.

Recommendation 7.4.2

The department should also consider greater use of chaplains or other professionals trained in psychological first aid or critical incident stress management (CISM) to provide assistance to personnel during and following a critical incident.

Finding 7.5

MPD Officers expressed concern regarding their physical safety when deployed to provide perimeter security at the Fourth Precinct station during the occupation.

Recommendation 7.5.1

The MPD should purchase, issue, and familiarize its officers with personal protective gear. Officers should be required to conduct formal training and routine exercises with their personal protective equipment to ensure the ability to function effectively under the different dynamics of wearing such equipment.

Recommendation 7.5.2

The MPD should have a clearly defined and communicated tiered strategy for deployment of personal protective gear.

Finding 8.1

Historical and contemporary tensions between the community and the MPD in North Minneapolis continue to inform perceptions of the police.

Recommendation 8.1.1

The MPD should continue to invest in community policing efforts, particularly in North Minneapolis, to include acknowledging the history of race relations in the community and develop a process and programs to move the community and the MPD toward reconciliation.

Recommendation 8.1.2

The MPD's training programs on positive community-police interactions, implicit bias, and building and maintaining trust should continue and build on lessons learned during the 18-day occupation.

Finding 8.2

Tensions within the North Minneapolis community complicated the law enforcement and city response to the occupation.

Recommendation 8.2.1

The MPD should identify and work closely with emerging and traditional community leaders to ensure inclusion and representation from all members of the Minneapolis community.

Recommendation 8.2.2

The MPD should discuss its strategy and equipment for responding to civil disturbance with community members to increase transparency and to solicit ideas to prevent and resolve incidents without injury or property damage.

Finding 8.3

Relationships between the North Minneapolis Community and the MPD remain challenged; this continues to leave the community, and the officers serving them, vulnerable to increased crime and violence in the area.

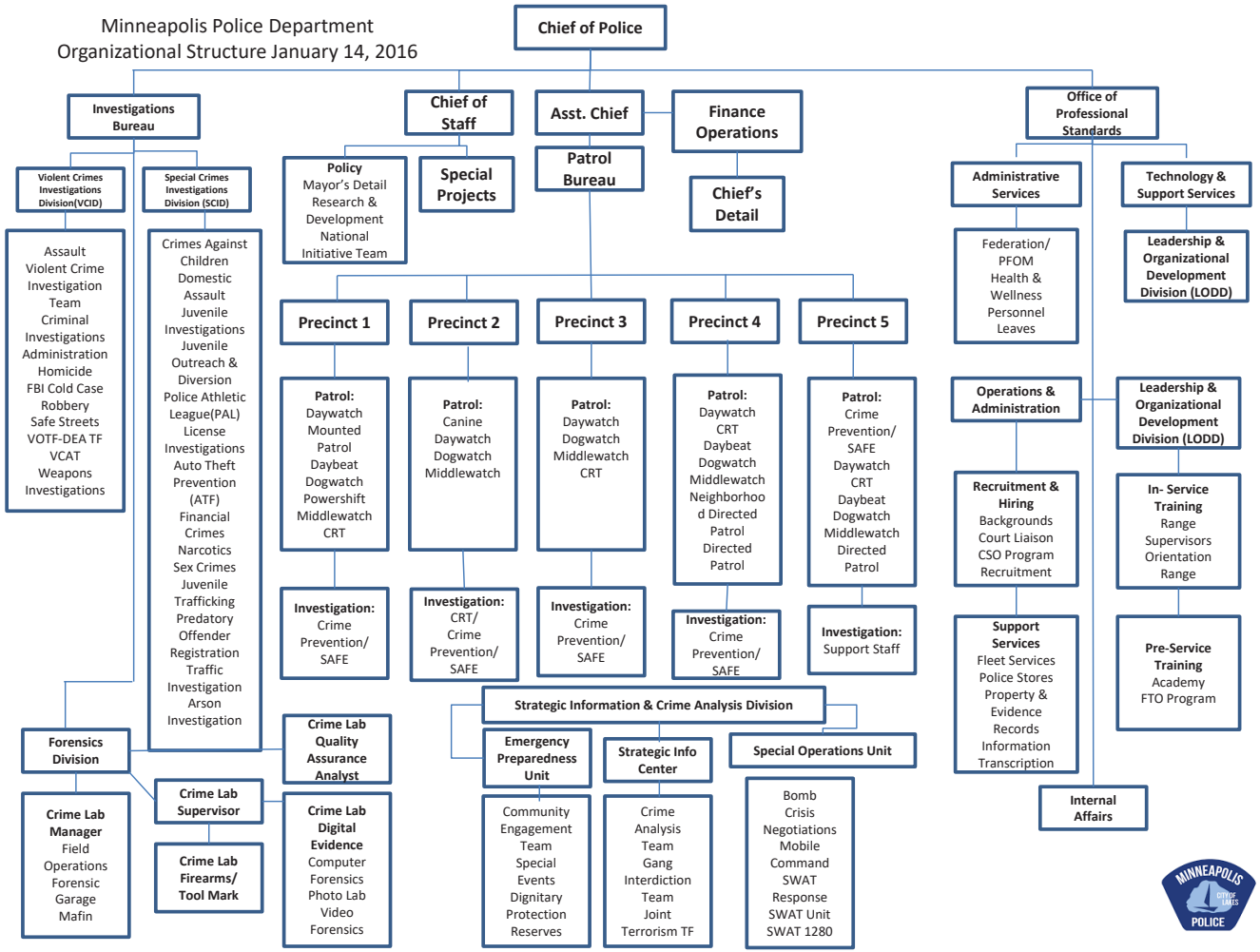
Recommendation 8.3.1

The MPD should more fully engage the Chief's Citizens Advisory Council, the Chief's Youth Advisory Council, and the MPD Chaplains and increase its access to community boards and groups to help facilitate communication, build trust, and enhance police-community relations. The MPD's Police Community Support Team (PCST), an all-volunteer group of civilians, responds to all critical incidents in Minneapolis and provides timely and accurate information to residents.

Recommendation 8.3.2

The MPD should more fully engage community members in strategic planning, hiring, promotion, training, and other activities to improve community-police relations and build trust and legitimacy. This type of community input into actual policing decisions also provides the community a voice and meaningful involvement in how its police department operates and polices the community.

APPENDIX B. MPD Organizational Chart



Source: Minneapolis Police Department

ACRONYMS

BCA	Bureau of Criminal Apprehension
BLM	Black Lives Matter
BRRT	Bicycle Rapid Response Team
CART	Chemical Agent Response Team
DHS	Department of Homeland Security
EOC	Emergency Operations Center
FEMA	Federal Emergency Management Agency
FSE	Full-Scale Exercises
CAPRS	Computer Assisted Police Records System
CIR	Critical Incident Review
COPS Office	Office of Community Oriented Policing Services
CRI-TA	Collaborative Reform Initiative for Technical Assistance
CRS	Community Relations Service
IAP	Incident Action Plan
IC	Incident Commander
ICS	Incident Command System
IMT	Incident Management Team
JIC	Joint Information Center
MFF	Mobile Field Force
MPD	Minneapolis Police Department
MSP	Minneapolis State Patrol
MN POST	Minnesota Peace Officer Standards and Training
NAACP	National Association for the Advancement of Colored People
NIMS	National Incident Management System
NOC	Neighborhoods Organizing for Change
PERF	Police Executive Research Forum
PF	Police Foundation
PIO	Public Information Officer
RNC	Republican National Convention
SIC	Strategic Information Center
SWAT	Special Weapons and Tactics
USDOJ	United States Department of Justice

ENDNOTES

1. *After Action Report: MPD Fourth Precinct Protests* (Minneapolis, Minnesota: Minneapolis Police Department, 2015).
2. According to the Hennepin County Chief Medical Examiner's autopsy, "there were 'no occult contusions (bruises), or other injuries suggestive of restraint.'" *Report of the Hennepin County Attorney's Office Regarding the Shooting Death of Jamar Clark on November 15, 2015* (Minneapolis, MN: Hennepin County Attorney's Office, 2016), http://www.hennepinattorney.org/~/media/Attorney/NEWS/2016/jamar-clark-case/report-of-hennepin-county-attorney-regarding-death-of-jamar-clark-3-30-16.pdf?la=en.
3. Team member biographies can be found at the end of this report.
4. *MPD 2.0: A New Policing Model 2013-2015* (Minneapolis, MN: Minneapolis Police Department, 2013), https://issuu.com/mpd2.0/docs/mpd_2.0_fdb7662b00bc77.
5. Office of the Mayor, Minneapolis, MN, personal communication, January 6, 2017.
6. Minneapolis Police Department, personal communication, January 7, 2017.
7. See figure 3 for an organizational chart.
8. Minneapolis, Minn., Code of Ordinances–Charter §7.3, "Police" (December 6, 2016), https://www.municode.com/library/mn/minneapolis/codes/code_of_ordinances?nodeId=CH_ARTVIIAD_S7.3PO.
9. Ibid.
10. Ibid., § 4.1.
11. "A History of Minneapolis: Central Business District," Hennepin County Library, last modified April 21, 2012, accessed November 10, 2016, http://web.archive.org/web/20120421141835/http://www.hclib.org/pub/search/specialcollections/mplshistory/?id=16.
12. A History of Minneapolis: 20th Century Growth and Diversity," Hennepin County Library, archive from April 21, 2012, accessed November 10, 2016, http://web.archive.org/web/20120421143305/http://www.hclib.org/pub/search/specialcollections/mplshistory/?id=26.
13. John Eligon, "Minneapolis's Less Visible, and More Troubled, Side," *The New York Times*, January 10, 2016, http://www.nytimes.com/2016/01/11/us/minneapoliss-less-visible-and-more-troubled-side.html.
14. Camille Venee Maddox, "'The Way Opportunities Unlimited, Inc.': A Movement for Black Equality in Minneapolis, MN 1966-1970" (honors thesis, Emory University, 2013), https://etd.library.emory.edu/view/record/pid/emory:d6v0d.
15. Ibid.
16. Jon Coifman, "North Minneapolis: Echoes of the Unrest in 1967," *StarTribune*, November 18, 2015, http://www.startribune.com/north-minneapolis-echoes-of-the-unrest-in-1967/351540861/.
17. Rolland Robinson, "According to Author," *For a Moment We Had The Way: The Story of The Way, 1966-1970: A Nearly Forgotten History of a Community Organization that Almost Turned Minneapolis Upside Down* (Andover, MN: Expert Pub., 2006) 65.
18. Camille Venee Maddox, "The Way Opportunities Unlimited" (see note 14).
19. Jessie Hausman, "The Faces of the Fourth Precinct Protest," *Twin Cities Daily Planet*, December 17, 2015, http://www.tcdailyplanet.net/fourth-precinct-protest-profiles/.
20. *Workforce Report* (Minneapolis, MN: Northside Funders, 2014), http://northsidefunders.org/wp-content/uploads/2014/03/5.3-NorthMpls-Workforce-Report-June-2014.pdf.
21. MPD Crime Analysis Team, *Minneapolis Police Department Uniform Crime Report Summary* (Minneapolis, MN: MPD, 2015), http://www.minneapolismn.gov/www/groups/public/@mpd/documents/webcontent/wcmsp-172138.pdf.
22. Joshua Larson, "What Happens in North Minneapolis Doesn't Stay in North Minneapolis: Arguing Credibility in a Criminal Trial, Rebutting Implicit Bias, and Taking a New Look at Why a Prosecutor Would Tell Jurors that Civilian Witnesses are from a 'Different World,'" *American University Criminal Law Brief* 4, no. 1 (2009): 59–75.

23. Greg Barnes, "Seeking Safety: With a History of Tensions Between Police and Minorities, Minneapolis is Building Community Trust," *WRAL*, October 26, 2014, http://www.wral.com/seeking-safety-with-a-history-of-tensions-between-police-and-minorities-minneapolis-is-building-community-trust-/14117478/.

24. The following day, November 16, Clark was removed from life support.

25. Janee Harteau, "18 Days Outside the Minneapolis Police Department's 4th Precinct," PowerPoint presentation to Major Cities Chiefs Association, May 25, 2016. Reviewed by assessment team May–November 2016.

26. "Officer-Involved Shooting in North Minneapolis Under Investigation," *WCCO News*, November 15, 2015, https://www.youtube.com/watch?v=oVJjovZGFeY.

27. "Timeline of Events" (Minneapolis, MN: Minneapolis Police Department, 2015). Reviewed by assessment team April–November 2016.

28. Minneapolis Police Department internal radio traffic, November 15, 2015. Reviewed by assessment team October–November 2016.

29. Minneapolis Police Department resources shown to assessment team during interview, August 10, 2016.

30. Betsy Hodges, interview with assessment team, April 12, 2016.

31. "BCA Called To Investigate Officer-Involved Shooting in North Mpls.," *CBS Minnesota*, November 15, 2015, http://minnesota.cbslocal.com/2015/11/15/mpls-officer-shoots-wounds-suspect-following-struggle/.

32. "Timeline of Mayor, Mayor's Staff, and Senior City Staff Contacts with Protestors, and Responses to Protestor Requests," (Minneapolis, MN: Office of the Mayor, 2015). Reviewed by assessment team April–November 2016.

33. "Minneapolis Mayor, Police, and Community Address Northside Shooting," *KFAI*, November 16, 2015, http://www.kfai.org/news/2015/11/51899.

34. "Timeline of Mayor's Staff" (see note 32).

35. Black Lives Matter Minneapolis, video posted to Facebook, November 21, 2015, https://www.facebook.com/blacklivesmatterminneapolis/videos/1011158522261274.

36. *Report of the Hennepin County Attorney's Office* (see note 2).

37. "Police Precinct Occupied after Jamar Clark is 'Executed' while Handcuffed," *Unicorn Riot*, November 15, 2016, http://www.unicornriot.ninja/?p=2747.

38. Ibid.

39. Patience Zalanga, "Tense Community Meeting After Police Kill Minneapolis Man," *The Uptake*, November 18, 2015, http://theuptake.org/2015/11/18/tense-community-meeting-in-wake-of-police-killing-minneapolis-man/.

40. Harteau, "18 Days" (see note 25).

41. MPD internal radio traffic, November 15 (see note 28).

42. MPD resources shown in interview, August 10 (see note 29).

43. Minneapolis Police Department officer forum with assessment team, August 9, 2016.

44. "Timeline of Events" (see note 27).

45. "Map of Shotspotter Activations, November 15, 16, and 23, 2015" (Minneapolis, MN: Minneapolis Police Department, 2016). Reviewed by assessment team October–November 2016.

46. Assessment team interview with MPD employee, August 9, 2016.

47. See Chapter 7, "Officer Safety, Resilience, and Wellness" beginning on page 115.

48. "Jamar Clark Shooting Update: Minneapolis Police Arrest 51 Protesters, Mayor Requests Federal Probe ," Vishakha Sonawane, *International Business Times*, November 17, 2015, http://www.ibtimes.com/jamar-clark-shooting-update-minneapolis-police-arrest-51-protesters-mayor-requests-2187736.

49. The full content of the mayor's letter can be viewed at "34 Adults, 8 Juveniles Arrested as Jamar Clark Protest Shuts Down I-94," *Fox 9*, last modified November 17, 2015, http://www.fox9.com/news/50123489-story.

50. *Report of the Hennepin County Attorney's Office* (see note 2).

51. "Timeline of Events" (see note 27).

52. "#Justice4Jamar Camp Expands; Minneapolis Residents Block I-94; Unicorn Riot Reporter & 40+ Others Arrested," *Unicorn Riot*, November 16, 2015, http://www.unicornriot.ninja/?p=2775.

53. Ibid.

54. "Dozens Arrested at Protest Over Minn. Police Shooting," *CBS News*, last updated November 17, 2015, http://www.cbsnews.com/news/hundreds-of-protesters-block-i-94-in-north-minneapolis-jamar-clark/.

55. Bill Sorem and Michael McIntee, "Barricaded Police Station Symbol of Separate but Unequal Minneapolis," *The Uptake*, December 9, 2015, http://theuptake.org/2015/12/09/barricaded-police-station-symbol-of-separate-but-unequal-minneapolis/.

56. "Chief Harteau Addresses Fourth Precinct Safety and Access," YouTube, last modified November 18, 2015, https://www.youtube.com/watch?v=pmGIUMUr4Bg.

57. Allie Johnson, "Why Minnesota BCA Isn't Releasing Jamar Clark Shooting Video," *Fox 9*, last modified November 19, 2015, http://www.fox9.com/news/50697210-story.

58. "Timeline Of The Jamar Clark Case," *CBS Minnesota*, March 29, 2016, http://minnesota.cbslocal.com/2016/03/29/jamar-clark-case-timeline/.

59. Ibid.

60. "Timeline of Events" (see note 27).

61. *Report of the Hennepin County Attorney* (see note 2).

62. "Timeline of Mayor's Staff (see note 32).

63. Ibid.

64. "Timeline of Events" (see note 27).

65. "Chief Harteau Addresses Safety and Access" (see note 56).

66. "Minneapolis Police Try to Crush #Justice4Jamar Camp; Community Resists," *Unicorn Riot*, November 18, 2015, http://www.unicornriot.ninja/?p=2814.

67. Ibid.

68. "Chief Harteau Addresses Safety and Access" (see note 56).

69. Ibid.

70. "Timeline of the Jamar Clark Case" (see note 58).

71. *After Action Report: MPD* (see note 1).

72. "Timeline of Events" (see note 27).

73. Minneapolis Police Department, Twitter post, November 18, 2015, 6:09 PM, https://twitter.com/minneapolispd/status/667162767636488193.

74. *After Action Report: MPD* (see note 1).

75. Minneapolis Police Department, Twitter post, November 18, 2015, 5:58 PM, https://twitter.com/minneapolispd/status/667160002449264642.

76. "Timeline of the Jamar Clark Case" (see note 58).

77. "Timeline of Mayor's Staff" (see note 32).

78. "Chief Harteau Addresses Safety and Access" (see note 56).

79. Mayor Betsy Hodges, "Tonight's Protests," press release, November 18, 2015, https://mayorhodges.com/2015/11/18/tonights-protests/.

80. "Ellison, Mpls. Councilmembers Stand With BLM In Quest For Video Release," *CBS Minnesota*, November 19, 2015, http://minnesota.cbslocal.com/2015/11/19/ellison-mpls-councilmembers-stand-with-blm-in-quest-for-video-release/.

81. Assessment team interview with City Council member, May 5, 2016.

82. Ibid.

83. "Timeline of Mayor's Staff" (see note 32).

84. Ibid.

85. Kate Raddatz, "Jamar Clark's Family Calls For Peaceful Protest, Justice," *CBS Minnesota*, November 18, 2015, http://minnesota.cbslocal.com/2015/11/18/jamar-clarks-family-calls-for-peaceful-protest-justice/.

86. Assessment team interview with community member, May 5, 2016.

87. "Minneapolis Police Try to Crush #Justice4Jamar Camp" (see note 66).

88. "Timeline of Events" (see note 27).

89. "Protestors: We Knocked On The Mayor's Door, Her Husband Let Us In," *CBS Minnesota*, November 19, 2015, http://minnesota.cbslocal.com/2015/11/19/protesters-we-knocked-on-the-mayors-door-her-husband-let-us-in/.

90. "Timeline Of The Jamar Clark Case" (see note 58).

91. "Chief Harteau and Mayor Hodges Media Briefing; Thursday, November 19," YouTube, published November 19, 2015, https://www.youtube.com/watch?v=wV22Mt1uyaA.

92. "MPD Union Head Speaks Out On Jamar Clark Case, Protests," CBS Minnesota, November 19, 2015, http://minnesota.cbslocal.com/2015/11/19/mpd-union-head-speaks-out-on-jamar-clark-case-protests/.

93. "Timeline of Events" (see note 27).

94. Minneapolis Police Department, Twitter post, November 20, 2016, 4:53 PM, https://twitter.com/minneapolispd/status/667868339851632645.

95. *After Action Report: MPD* (see note 1).

96. Ibid.

97. Ibid.

98. "Chief Harteau and Mayor Hodges Media Briefing" (see note 91).

99. "Ellison, Mpls. Councilmembers Stand With BLM" (see note 80).

100. "Timeline of Events" (see note 27).

101. Fourth Precinct officers resolved the problem by suggesting tactical placement of barricades in the street to secure the perimeter. That plan was quickly approved by a deputy chief who was at the precinct station and the plan was executed immediately.

102. MPD officer forum, August 9 (see note 43).

103. Harteau, "18 days" (see note 25).

104. Assessment team interview with local religious leader, May 3, 2016.

105. Officers' personal cars were moved to the city garage so that they would not get damaged. Additional officers were brought in to work the street, roll calls were held at the garage, and officers were assigned from there. Buses provided transport to the precinct for that reason.

106. Libor Jany, "Minneapolis' Black Police Officers Walk a Cultural Tightrope," *Star Tribune*, March 5, 2016, http://www.startribune.com/minneapolis-black-police-officers-walk-a-cultural-tightrope/371135461/.

107. "MPD Chief, Union Head Spar Over Fourth Precinct Protests On WCCO Radio," *CBS Minnesota*, November 20, 2015, http://minnesota.cbslocal.com/2015/11/20/mpd-chief-union-head-spar-over-fourth-precinct-protests-on-wcco-radio/.

108. "Minneapolis Police Share Warning," Minneapolis Police Department, posted November 20, 2015, http://www.insidempd.com/2015/11/20/minneapolis-police-share-warning/.

109. "Timeline of Mayor's Staff" (see note 32).

110. Andrew Lugar, Vanita Gupta, and Richard Thornton, "Joint Statement on the Release of Evidence," statement from the Office of the U.S. Attorney for the District of Minnesota, November 20, 2015, https://www.justice.gov/usao-mn/pr/joint-statement-release-evidence.

111. Bill Keller, "SUV Rams Fourth Precinct Gate, 2 Arrested for Jamar Clark Vandalism," *Fox 9*, November 20, 2015, http://www.fox9.com/news/51959667-story.

112. Ibid.

113. "Protestors Hold Candlelight Vigil For Jamar Clark At 4th Precinct," *CBS Minnesota*, November 20, 2015, http://minnesota.cbslocal.com/2015/11/20/police-on-alert-at-4th-precinct-candlelit-vigil-for-jamar-clark/.

114. Phil Helsel, "Minnesota Governor Calls for Federal Review of Police Actions," *NBC News*, November 22, 2015, http://www.nbcnews.com/news/us-news/minnesota-governor-calls-federal-review-police-actions-n467746.

115. "Timeline of Mayor's Staff" (see note 32).

116. Ibid.

117. "Timeline of Events" (see note 27).

118. "Timeline of Mayor's Staff" (see note 32).

119. "Timeline of the Jamar Clark Case" (see note 58).

120. "Timeline of Events" (see note 27).

121. Minneapolis Police Department internal radio traffic, November 23, 2015. Reviewed by assessment team October–November 2016.

122. Harteau, "18 Days" (see note 25).

123. MPD internal radio traffic, November 23 (see note 121).

124. Ibid.

125. Alex Baumhhardt et al., "Two Men Arrested in Shooting of Black Lives Matter Protestors in Minneapolis," *Washington Post*, November 24, 2015, https://www.washingtonpost.com/news/morning-mix/wp/2015/11/24/five-people-shot-near-minneapolis-protest-cops-searching-for-3-white-male-suspects/?utm_term=.a21d3ca14cc2.

126. Reg Chapman, "Gov. Dayton: Video Of Jamar Clark Shooting Is Inconclusive," *CBS Minneapolis*, November 23, 2015, http://minnesota.cbslocal.com/2015/11/23/gov-dayton-video-of-jamar-clark-shooting-is-inconclusive/.

127. "Timeline of Mayor's Staff" (see note 32).

128. "Civil Rights Groups Says It's Gathered 70,000 Signatures For The Release Of Video," *CBS Minneapolis*, November 23, 2015, http://minnesota.cbslocal.com/2015/11/23/civil-rights-groups-says-its-gathered-70000-signatures-for-the-release-of-video/.

129. Assessment team interview with community member, May 4, 2016.

130. Ibid.

131. "Timeline of Events" (see note 27). Four of the men connected to the shooting made their first court appearance on December 1, 2015 (see page 66 for more information).

132. Ibid.

133. "Timeline of Mayor's Staff" (see note 32).

134. Ibid.

135. Ibid.

136. "Prosecutor: Jamar Clark Case Will Go To Grand Jury," *CBS Minnesota*, November 24, 2015, http://minnesota.cbslocal.com/2015/11/24/prosecutor-jamar-clark-case-will-go-to-grand-jury/.

137. "Minnesota NAACP Leader 'Raeisha Williams' Claims Police Are Behind The Shootings Of Black! 2015," YouTube, published November 24, 2015, https://www.youtube.com/watch?v=pvzqKzKdn54.

138. "BLM: Fourth Precinct Occupation Will Continue Despite Shootings," *CBS Minnesota*, November 24, 2015, http://minnesota.cbslocal.com/2015/11/24/blm-fourth-precinct-occupation-will-continue-despite-shootings/.

139. Mary Lynn Smith and Claude Peck, "Five people were shot near Black Lives Matter protest site," *StarTribune*, November 24, 2015, http://www.startribune.com/several-people-were-shot-near-black-lives-matter-protest-site/353121881/.

140. "BLM: Fourth Precinct Occupation Will Continue" (see note 139).

141. "Timeline of Events" (see note 27).

142. Ibid.

143. "Rep. Ellison Calls for Protests To 'Evolve Beyond Encampment,'" *CBS Minnesota*, November 25, 2015, http://minnesota.cbslocal.com/2015/11/25/rep-ellison-calls-for-protests-to-evolve-beyond-encampment/.

144. "Funeral for Jamar Clark draws hundreds of Minneapolis mourners as protests against police continue," *New York Daily News*, November 25, 2015, http://www.nydailynews.com/news/national/jamar-clark-funeral-draws-hundreds-minneapolis-mourners-article-1.2447107.

145. Ibid.

146. "Timeline of Events" (see note 27).

147. "Funeral for Jamar Clark" (see note 144).

148. Assessment team interview with community member, May 4, 2016.

149. Assessment team interview with community member, May 4, 2016.

150. "Timeline of Mayor's Staff" (see note 32).

151. "#BlacksGiving," Facebook event hosted by Black Lives Matter Minneapolis, November 26, 2015, https://www.facebook.com/events/1506059879687832/.

152. Beatrice Dupuy and Liz Sawyer, "Black Lives Matter Protesters Gather for Thanksgiving Feast," *StarTribune*, November 27, 2015, http://www.startribune.com/black-lives-matter-protesters-prepare-for-thanksgiving-day-feast/354949271/#1.

153. *Incident Action Plan: 4th Precinct Security Detail 11/25/2015 1600 to 11/26/2015 1600* (Minneapolis, MN: Minneapolis Police Department, 2015). Reviewed by assessment team August–November 2016.

154. "Timeline of Mayor's Staff" (see note 32).

155. Ibid.

156. "Timeline of Events" (see note 27).

157. "Timeline of Mayor's Staff" (see note 32).

158. Ibid.

159. "Timeline of Events" (see note 27).

160. "Timeline of Mayor's Staff" (see note 32).

161. Ibid.

162. "The Working Families Agenda," Democrats' Committee on Education and the Workforce, last accessed November 9, 2015, http://democrats-edworkforce.house.gov/workingfamilies.

163. "Timeline of Mayor's Staff" (see note 32).

164. Mayor Betsy Hodges statement, "A Message from the Community to End the Occupation," posted November 30, 2015, https://mayorhodges.com/2015/11/30/a-message-from-the-community-to-end-the-occupation/.

165. Ibid.

166. *After Action Report: MPD* (see note 1).

167. "Timeline of Events" (see note 27).

168. "Timeline of the Jamar Clark Case" (see note 58). As of December 13, 2016, one of the men pleaded not guilty to assault and riot charges and the other three men have not yet entered pleas to their riot charges; see Associated Press, "Lakeville Man Pleads Not Guilty in Shooting of Jamar Clark Protesters," December 13, 2016, http://kstp.com/news/allen-scarsella-jamar-clark-protester-shooting/4170287/.

169. Harteau, "18 Days" (see note 25).

170. Ibid.

171. Pat Kessler, "Gov. Dayton Calls For Fourth Precinct Protesters To 'Move On,'" CBS Minnesota, December 1, 2015, http://minnesota.cbslocal.com/2015/12/01/dayton-proposes-15m-in-special-session-to-address-racial-disparities-in-mpls/.

172. "Timeline of Events" (see note 27).

173. Reg Chapman, "As 4th Precinct Protest Continues, Police Report Slower Emergency Response Times," *CBS Minneapolis*, December 2, 2015, http://minnesota.cbslocal.com/2015/12/02/as-4th-precinct-protest-continues-police-report-slower-emergency-response-times/.

174. "Staffing & Response Times for Priority 1, 2 and 3 Calls: 4th Quarter 2015," (Minneapolis, MN: Minneapolis Police Department, 2016). Reviewed by assessment team April–November 2016.

175. Chapman, "As 4th Precinct Protest Continues" (see note 173).

176. *After Action Report: MPD* (see note 1).

177. Chapman, "As 4th Precinct Protest Continues" (see note 173).

178. *After Action Report: MPD* (see note 1).

179. Harteau, "18 Days" (see note 25).

180. Minneapolis Police Department internal email, reviewed by assessment team August–November 2016.

181. Minneapolis Police Department internal video, reviewed by assessment team October–November 2016.

182. "December 3rd Press Conference Regarding the Fourth Precinct," YouTube, published December 3, 2015, https://www.youtube.com/watch?v=nWPE1zFZcac.

183. Ibid.

184. Douglas Fehlen, "Community and City Seek Correct Response After Jamar Clark's Death," *Camden Community News*, January 1, 2016, http://www.camdennews.org/2016/01/community-and-city-seek-correct-response-after-jamar-clarks-death/.

185. *After Action Report: MPD* (see note 1). Ultimately, the total cost to the city was approximately $1.15 million. The majority of the expenses were for MPD overtime; however, there were also expenses for replacing and repairing barriers and fencing, squad repairs, and hardware replacements. Approximately $50,000 of costs to the city were in property damage.

186. Ibid.

187. "7-800 Tactical Response," *Policy and Procedure Manual* (Minneapolis, MN: City of Minneapolis, July 21, 2016), http://www.minneapolismn.gov/police/policy/mpdpolicy_7-800_7-800.

188. "5-300 Use of Force," *Policy and Procedure Manual* (Minneapolis, MN: City of Minneapolis, September 14, 2016), http://www.minneapolismn.gov/police/policy/mpdpolicy_5-300_5-300.

189. Assessment team interview with MPD employee, October 14, 2016.

190. Alex S. Vitale, "From Negotiated Management to Command and Control: How the New York Police Department Policies Protests," *Policing and Society Journal* 15, no. 3 (2005): 283–304, DOI: 10.1080/10439460500168592.

191. President's Task Force on 21st Century Policing, *Final Report of The President's Task Force on 21st Century Policing* (Washington, DC: Office of Community Oriented Policing Services, 2015), https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

192. The assessment team's sources conflict as to the number of documented uses of force and complaints made against the MPD during the occupation: a September 13, 2016 email to the authors from MPD Strategic Operations Center reported only two complainants, a PDF of a communication from the assistant to the assistant chief reported six complaints, and the commander of the Internal Affairs Unit (IAU) in an August 9, 2016 interview with the assessment team reported three or four complaints. On top of these discrepancies in the MPD's own accounting, one demonstrator told the team in interviews that they filed a complaint, but their complaint was not found in the documents reviewed.

193. *Managing Major Events: Best Practices from the Field* (Washington, DC: Police Executive Research Forum, 2011), http://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf.

194. Institute for Intergovernmental Research, *After-Action Assessment of the Police Response to the August 2014 Demonstrations in Ferguson, Missouri* (Washington, DC: US Department of Justice, Office of Community Oriented Policing Services, 2015), https://ric-zai-inc.com/Publications/cops-p317-pub.pdf.

195. The first section of chapter 5 focuses in greater depth on internal communications.

196. *After Action Report: MPD* (see note 1).

197. Ibid.

198. Ibid.

199. Leonard Marcus et al., *Crisis Meta-Leadership Lessons From The Boston Marathon Bombings Response: The Ingenuity of Swarm Intelligence* (Cambridge, MA: The President and Fellows of Harvard University, 2014) 11, https://cdn2.sph.harvard.edu/wp-content/uploads/sites/8/2014/04/April-2014-Prelim-Report-Dist1.pdf.

200. Ibid.

201. Rick Braziel et al., *Bringing Calm to Chaos: A Critical Incident Review of the San Bernardino Public Safety Response to the December 2, 2015, Terrorist Shooting Incident at the Inland Regional Center (San Bernardino Safety Response)*, Critical Response Initiative, (Washington, DC: Office of Community Oriented Policing Services, 2016), https://www.policefoundation.org/bringing-calm-to-chaos-a-police-foundation-review-of-the-san-bernardino-terrorist-attacks-2/.

202. *I-35W Bridge Collapse and Response*: Minneapolis, Minnesota (U.S. Fire Administration Technical Report, 2007), 44-45, https://www.usfa.fema.gov/downloads/pdf/publications/tr_166.pdf.

203. Rick Braziel et al., *Bringing Calm to Chaos* (see note 201).

204. Howard Rahtz, *Race, Riots and the Police* (Boulder, CO: Lynne Rienner Publishers, 2016).

205. Rick Braziel, Devon Bell, and George Watson, *A Heist Gone Bad: A Police Foundation Critical Incident Review of the Stockton Police Response to the Bank of the West Robbery and Hostage Taking* (West Robbery Incident Review) (Washington, DC: Police Foundation, 2015), http://www.policefoundation.org/wp-content/uploads/2015/08/A-Heist-Gone-BadCritical-Incident-Review.pdf.

206. Marcus et al., *Crisis Meta-Leadership*, 8-10 (see note 199).

207. *Mutual Aid: Multijurisdictional Partnerships for Meeting Regional Threats* (US Department of Justice, Bureau of Justice Assistance, 2005), NCJ 210679.

208. Braziel et al., *A Heist Gone Bad* (see note 205).

209. *ICS Review Material* (Washington, DC: Federal Emergency Management Agency (FEMA), 2008), 1, https://training.fema.gov/emiweb/is/icsresource/assets/reviewmaterials.pdf.

210. *National Incident Management System* (Washington, DC: FEMA, 2008), https://www.fema.gov/pdf/emergency/nims/NIMS_core.pdf.

211. "Glossary of Related Terms," ICS Resource Center, FEMA, accessed November 9, 2016, https://training.fema.gov/emiweb/is/icsresource/glossary.htm#J.

212. *FEMA Incident Action Planning Guide*, (Washington, DC: FEMA, 2012), https://www.uscg.mil/hq/cg5/cg534/nsarc/FEMA%20Incident%20Action%20Planning%20Guide%20(IAP).pdf.

213. "5-300 Use of Force" (see note 188).

214. "5-312 Civil Disturbances," *Policy and Procedure Manual* (Minneapolis, MN: City of Minneapolis, September 14, 2016), http://www.minneapolismn.gov/police/policy/mpdpolicy_5-300_5-300.

215. Minneapolis Police Department, Twitter post, November 18 (see note 75).

216. "5-306 Use of Force – Reporting and Post Incident Requirements," City of Minneapolis, last modified September 14, 2016, http://www.minneapolismn.gov/police/policy/mpdpolicy_5-300_5-300.

217. For more information about the total number of incidents of use of force reported, see Finding 5.11 on page 77.

218. Walter Katz, "Enhancing Accountability and Trust with Independent Investigations of Police Lethal Force," 128 *Harvard Law Review* F. 235, April 10, 2015.

219. Ibid.

220. President's Task Force, *Final Report* (see note 191).

221. Ibid.

222. Wisconsin Professional Police Association, "Wisconsin Bill Mandates Rules for Officer-Involved Deaths," accessed September 1, 2016, http://wppa.com. See also Nadia Crow, "New Law Mandates Outside Agencies Investigate Officer-Involved Shootings," March 27, 2015, accessed September 1, 2016, http://www.good4Utah.com.

223. State of Colorado, Senate Bill 15-219, Peace Officer Shooting Transparency Measures (May 20, 2015), 2, Coloradocapitolwatch.com.

224. Riham Feshir and Peter Cox, "BCA: Jamar Clark Shooting Probe Done; Findings Sent to Prosecutors," *Minnesota Public Radio*, February 10, 2016, https://www.mprnews.org.

225. Matt Furber and Mitch Smith, "Minneapolis Officers in Jamar Clark Shooting Will Not Face Charges," *The New York Times,* March 30, 2016, http://nytimes.com.

226. Libor Jany, "Feds Say No Civil Rights Prosecution in Jamar Clark's Death," *StarTribune*, June 1, 2016, accessed September 1, 2016, https://startribune.com.

227. *After Action Response: MPD* (see note 1).

228. *Police Under Attack: Southern California Law Enforcement Response to the Attacks by Christopher Dorner* (Washington, DC: Police Foundation, 2013), http://www.policefoundation.org/critical-incident-reviewlibrary/police-foundation-regional-review-of-police-response-to-the-attacks-by-christopher-dorner/.

229. Braziel et al., *Bringing Calm to Chaos* (see note 201).

230. According to the MPD *After Action Report* (see note 1), "operational security became a concern on several occasions with details of MPD plans leaked both intentionally as well as possibly unintentionally to the media and the protestors."

231. Braziel et al., *Bringing Calm to Chaos (see note 201).*

232. "5-312 Civil Disturbances" (see note 214).

233. Ibid.

234. "Escort holds, joint manipulations, nerve pressure points (touch pressure), handcuffing, and gun drawing or pointing" are the only uses of force that do not require a CAPRS Report unless injury or alleged injury occurred. "5-306 Use of Force – Reporting and Post Incident Requirements" (see note 216).

235. Email from MPD employee sent to assessment team member on August 9, 2016.

236. Minneapolis Police Department, Internal Affairs Division, personal communication, August 9, 2016.

237. The only other required training is that all non-exempt officers must complete an eight-hour course covering emergency vehicle operations and the conduct of police pursuits every five years. Both requirements are available at https://dps.mn.gov/entity/post/model-policies-learning-objectives/pages/default.aspx.

238. "Model Policies and Learning Objectives," Minnesota Board of Peace Officer Standards and Training (POST), accessed November 10, 2016, https://dps.mn.gov/entity/post/model-policies-learning-objectives/pages/default.aspx.

239. "2-500 Recruitment and Training," *Policy and Procedure Manual* (Minneapolis, MN: City of Minneapolis, October 31, 2013), http://www.ci.minneapolis.mn.us/police/policy/mpdpolicy_2-500_2-500.

240. "Minneapolis Police Academy," City of Minneapolis, last modified September 27, 2011, http://www.ci.minneapolis.mn.us/police/recruiting/reqs/police_recruiting_academy.

241. "Cadet and Recruit 2015 Training Calendars," (Minneapolis, MN: Minneapolis Police Department, 2015).

242. Ibid.

243. "2-500 Recruitment and Training," Policy and Procedure Manual (Minneapolis, MN: City of Minneapolis, October 31, 2013), http://www.ci.minneapolis.mn.us/police/policy/mpdpolicy_2-500_2-500.

244. Center for Domestic Preparedness, FEMA, accessed December 8, 2016, https://cdp.dhs.gov/.

245. "RNC Legal Training," presented to the Minneapolis Police Department by the Minneapolis City Attorney's Office, 2008.

246. Eric Roper, "Bike Cops Make Impact in Downtown Minneapolis," *StarTribune*, September 3, 2013, http://www.startribune.com/bike-cops-make-impact-in-downtown-minneapolis/221951111/.

247. Assessment team interview with community members, June 16, 2016.

248. Ibid.

249. "1-500 Department Organization and Functions," *Policy and Procedure Manual* (Minneapolis, MN: City of Minneapolis, July 21, 2016), http://www.ci.minneapolis.mn.us/police/policy/mpdpolicy_1-500_1-500.

250. Ibid.

251. Assessment team interview with MPD employee, August 9, 2016.

252. Jonathan Links, Katie O'Connor, and Lauren Sauer, *Recommendations for Enhancing Baltimore City's Preparedness and Response to Mass Demonstration Events* (Baltimore, MD: John Hopkins University, Office of Critical Event Preparedness and Response, 2015).

253. Police Executive Research Forum, *The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned* (Washington, DC: COPS Office, 2017).

254. *Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches* (Washington, DC: Police Executive Research Forum, 2014), http://www.policeforum.org/assets/docs/Critical_Issues_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf.

255. Institute for Intergovernmental Research, A*fter-Action Assessment of the Police Response to the August 2014 Demonstrations in Ferguson,* 68 (see note 194); Links et al., *Recommendations for Enhancing Baltimore City's Preparedness* (see note 252).

256. *After Action Report: MPD* (see note 1).

257. *Police Management of Mass Demonstrations* (see note 254).

258. Ibid.

259. Ibid.

260. Ibid.

261. "Seattle Police Department Manual, Title 14 – Emergency Operations/14.090 Crowd Management," City of Seattle, effective September 1, 2015, http://www.seattle.gov/police-manual/title-14---emergency-operations/14090---crowd-management.

262. *Police Management of Mass Demonstrations* (see note 254).

263. Libor Jany, "Minneapolis Police Reveal Changes to Use-of-Force Policy," *StarTribune*, August 9, 2016, http://www.startribune.com/minneapolis-police-reveal-changes-to-use-of-force-policy/389509371/.

264. *The Police Response to Mass Demonstrations* (see note 253).

265. Assessment team interview with community members, June 16, 2016.

266. Links et al., *Recommendations for Enhancing Baltimore City's Preparedness* (see note 252).

267. Institute for Intergovernmental Research, *After-Action Assessment of the Police Response to the August 2014 Demonstrations in Ferguson,* 68 (see note 194).

268. According to the Minneapolis Police Department *After Action Report* (see note 1), as of December 22, 2015, the total estimated costs were $1.155 million. The majority of the expenses were for MPD overtime; however, there were also expenses for replacing and repairing barriers and fencing, squad repairs, and hardware replacements.

269. Minneapolis Police Department internal email, reviewed by assessment team August–November 2016.

270. The MPD did several debriefings with Fourth Precinct officers so that they could share their thoughts and concerns about the occupation. Administrators also met with Fourth Precinct supervisors to conduct a debriefing and have launched a trauma campaign—working with a clinical psychologist who is a certified trauma expert—geared towards officer wellness and health.

271. Links et al., R*ecommendations for Enhancing Baltimore City's Preparedness* (see note 252).

272. *The Police Response to Mass Demonstrations* (see note 253).

273. Braziel et al., *Bringing Calm to Chaos* (see note 201).

274. Assessment team interview with Minneapolis Foundation executive, September 23, 2016.

275. Assessment team interview with community member, September 26, 2016.

276. President's Task Force, *Final Report* (see note 191).

ABOUT THE AUTHORS

Minneapolis After-Action Team

Chief Frank Straub (Ret.), PhD – Dr. Straub provided on-site project management, coordinating the work of subject matter experts and providing law enforcement guidance and expertise to the project. He managed the document review process and worked closely with Jennifer Zeunik to ensure that all on- and off-site decisions and activities met project goals. A 30-year veteran of law enforcement, Dr. Straub currently serves as the Director of Strategic Studies for the Police Foundation. He last served as the chief of the Spokane (Washington) Police Department, where he received national recognition for the major reforms and community policing programs he implemented and significant crime reductions achieved during his tenure. Dr. Straub also served as director of public safety for the City of Indianapolis, Indiana, during which time the Indianapolis Metropolitan Police Department reduced homicides to the lowest level in 20 years. Dr. Straub has also served as the public safety commissioner for the City of White Plains, New York, where his department reduced serious crime by 40 percent. He established the first police-community mental health response team in Westchester County to proactively assist persons challenged by mental illness, homelessness, and domestic violence. Dr. Straub previously served as the deputy commissioner of training for the New York City Police Department and as a federal agent. He holds a BA in Psychology from St. John's University, an MA in Forensic Psychology from John Jay College of Criminal Justice, and a PhD in Criminal Justice from the City University of New York's Graduate Center. He co-authored a book on performance-based police management and has published several articles regarding community policing, police reform, and jail management.

Chief Rodney Monroe (Ret.) – Chief Monroe has over 37 years of law enforcement experience serving in various positions and overseeing a vast array of specialized commands, including handling of large events and mass demonstrations. He has 12 years of senior executive level experience as the chief of police for the Cities of Macon, Georgia; Richmond, Virginia; and Charlotte, North Carolina. Chief Monroe has extensive experience in organizing communities and developing meaningful partnerships with youth, residents, businesses, and faith-based organizations with a common goal of reducing crime, improving the quality of life, and reducing citizens' fear level. Chief Monroe served 25 years as a seasoned manager with senior executive level experience for the Metropolitan Police Department in law enforcement, financial planning, personnel logistics, major criminal investigations, and has planned and managed initiatives to implement Community Policing strategies with emphasis on youth development and engagement and special events within three major police agencies. He also has experience in planning, organizing, and managing major special events and criminal investigations, involving multiple federal and local law enforcement agencies including the FBI, United States Secret Service, DEA, ATF, and United States Capitol Police. Chief Monroe has extensive experience in managing and assessing responses to mass demonstrations. During his time at the Metropolitan Police Department, he coordinated and managed the 1995 Million-Man March and the 1997 Presidential Inauguration. During his tenure with the Charlotte-Mecklenburg Police Department, Chief Monroe was responsible for the safety of the Democratic National Convention, as well as managing occupier groups throughout the city. In 2015, Chief Monroe testified in front of the President's Task Force on 21st Century Policing on the issue of Mass Demonstrations.

Reverend Jeffrey Brown – Rev. Brown is a nationally recognized leader and expert in coalition-building, gangs, youth, and urban violence reduction. He has over 20 years of experience of gang mediation and intervention and developing dialogues in police/community relations in the United States and around the world. He has developed expertise in helping faith-based organizations and law enforcement, among other key stakeholders, increase their capacity for solving gang violence in the community. His work builds on the idea that while community policing is an effective policing tool, in many urban areas, the relations between the urban, often minority community and law enforcement is poor, which inhibits effective policing and prevents the community from getting the quality of life it deserves. Rev. Brown's experience has led to his successful work nationally in cities like Boston, Massachusetts; Camden, New Jersey; and Salinas, California to help build a strong community component into any public safety crime reduction strategy. Rev. Brown is the founder of RECAP (Rebuilding Every Community Around Peace), a new national organization organized to assist cities build

better partnerships between community, government, and law enforcement agencies to reduce gang violence. He is also one of the co-founders of the Boston Ten Point Coalition, a faith-based group that was an integral part of the "Boston Miracle"—a process where the city experienced a 79 percent decline in violent crime in the 90s—and spawned countless urban collaborative efforts in subsequent years that followed the Boston Ceasefire model. Rev. Brown consults with municipalities and police departments on issues around youth violence and community mobilization and has provided expertise to Fortune 25 corporations and the World Bank for the past 14 years on Collaborative Leadership and Managing Change. In October of 2014, Rev. Brown traveled to Ferguson, Missouri to be a part of a national clergy group to support the efforts of Hands Up United and to participate in and serve as a buffer between residents and the police during protests, as well as to assist in moving forward.

Chief Hassan Aden (Ret.) – Chief Aden provided on-site project management, coordinating the work of the on-site team and providing law enforcement guidance and expertise for the project. He worked with Jennifer Zeunik to ensure that all on- and off-site decisions and activities fed project goals. After more than 28 years in law enforcement and executive leadership experience, Chief Aden currently serves as the Senior Advisor on Policing for the Police Foundation. Chief Aden's police experience includes serving as the Chief of Police with the Greenville (North Carolina) Police Department. He has extensive experience in the administrative, investigative, and operational aspects of policing, and has demonstrable success in working with questions such as crime control policies, community engagement, and strategic planning. While Chief of Police at the Greenville Police Department, he and all of the Greenville Police staff were deeply committed to community partnerships aimed at reducing crime and improving the quality of life in the City of Greenville. Prior to his appointment as Chief of Police for the Greenville Police Department, he served in the Alexandria (Virginia) Police Department for 26 years, rising to the rank of deputy chief of police. He also previously served as the Director of Research and Programs at the International Association of Chiefs of Police, overseeing a large portfolio of operational programs and research projects aimed at advancing professional police services and promoting enhanced administrative, technical, and operational police practices and policies.

Ben Gorban, Police Foundation Policy Analyst – Ben Gorban is a Policy Analyst with over eight years of experience supporting law-enforcement related projects, including the provision of technical assistance and policy analysis support on projects related to community policing and the role of social media in law enforcement. His areas of expertise include research, resource development, and information dissemination. Ben received his M.S. in Justice, Law and Society from American University in 2011 and received his BA in both Philosophy and Justice, Law and Society from American University in 2009.

Jennifer Zeunik, Director of Programs, provided overall project structure and oversight. She worked with project staff in driving toward goals and deliverables and coordinated activity of on- and off-site staff and SMEs. She also served as a writer, editor and quality control manager on the final report, ensuring report cohesion and clarity. Ms. Zeunik has twenty years of public sector and nonprofit project management experience, working closely with all levels of government. In her career, Ms. Zeunik has provided strategic management expertise to international, federal, state, and local criminal justice clients focused on justice policy research, business development activities, program management, strategic planning, training and technical assistance management, and development of strategic communications. She served as a lead writer on numerous published reports throughout her career, including the *IACP National Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion and Trust Report*, as well as the COPS Office–funded Police Foundation *Collaborative Reform Initiative: An Assessment of the St. Louis County Police Department* and the *San Bernardino Terrorist Shooting* critical incident report, Bringing Calm to Chaos.

Also on the Project Team

Jim Bueermann, President, provided organizational oversight for the Police Foundation.

Blake Norton, VP/COO, provided high-level strategy and coordination and served as one of the primary liaisons to the COPS Office throughout the project.

Joyce Iwashita, Project Assistant, provided project support; document writing, review, and editing; and technical and mapping support.

ABOUT THE POLICE FOUNDATION

The **Police Foundation** is a national nonmember, nonpartisan, nonprofit organization that has been providing technical assistance and conducting innovative research on policing for nearly 45 years. The professional staff at the Police Foundation works closely with law enforcement, community members, judges, prosecutors, defense attorneys, and victim advocates to develop research, comprehensive reports, policy briefs, model policies, and innovative programs. The organization's ability to connect client departments with subject matter expertise, supported by sound data analysis practices, makes us uniquely positioned to provide critical response and technical assistance (CRTA).

The Police Foundation has been on the forefront of researching and providing guidance on community policing practices since 1985. Acceptance of constructive change by police and the community is central to the purpose of the Police Foundation. From its inception, the Police Foundation has understood that in order to flourish, police innovation requires an atmosphere of trust; a willingness to experiment and exchange ideas both within and outside the police structure; and, perhaps most importantly, a recognition of the common stake of the entire community in better police services.

The Police Foundation prides itself in a number of core competencies that provide the foundation for CRTA, including a history of conducting rigorous research and strong data analysis, an Executive Fellows program that provides access to some of the strongest thought leaders and experienced law enforcement professionals in the field, and leadership with a history of exemplary technical assistance program management.

ABOUT THE COPS OFFICE

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem solving approaches based on collaboration. The COPS Office awards grants to hire community police and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Another source of COPS Office assistance is the Collaborative Reform Initiative for Technical Assistance (CRI-TA). Developed to advance community policing and ensure constitutional practices, CRI-TA is an independent, objective process for organizational transformation. It provides recommendations based on expert analysis of policies, practices, training, tactics, and accountability methods related to issues of concern.

Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.

- To date, the COPS Office has funded the hiring of approximately 129,000 additional officers by more than 13,000 of the nation's 18,000 law enforcement agencies in both small and large jurisdictions.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than eight million topic-specific publications, training curricula, white papers, and resource CDs.
- The COPS Office also sponsors conferences, roundtables, and other forums focused on issues critical to law enforcement.

The COPS Office information resources, covering a wide range of community policing topics—from school and campus safety to gang violence—can be downloaded at www.cops.usdoj.gov. This website is also the grant application portal, providing access to online application forms.

Following the fatal police shooting of a member of their North Minneapolis community in 2015, a group of residents demonstrated at the Minneapolis Police Department's (MPD) Fourth Precinct headquarters, blocking access to the building and occupying the area around it for 18 days. Though the incident was handled with restraint and did not escalate into significant violence and property damage, there were still a number of lessons learned in multiple areas. This COPS Office After-Action Assessment, completed in partnership with the Police Foundation, provides a comprehensive review of the response to the protests from the perspectives of the MPD, elected leaders, and demonstrators and community members. The report presents findings focused on leadership; command and control; response to civil disorder; accountability and transparency; internal communications; public information and media; use of force; intelligence gathering; training; technology; and officer morale. Though the protests and temporary occupation of the precinct headquarters was a unique incident, the lessons learned from it can be applied to mass demonstrations, civil disturbances, and similar critical incidents in other communities.

COPS
Community Oriented Policing Services
U.S. Department of Justice

U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details on COPS Office programs, call
the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at **www.cops.usdoj.gov**.

POLICE
FOUNDATION
1201 Connecticut Ave NW, Suite 200
Washington, DC 20036-2636

www.policefoundation.org

e111628798
Published 2017