

## **Addendum – Update – October 17, 2014**

The US Department of Justice (USDOJ) continues to miss golden opportunities to “ensure that reports of brutality and ill-treatment of members of vulnerable groups by its law -enforcement personnel are independently, promptly and thoroughly investigated and that perpetrators are prosecuted and appropriately punished”, as recommended in the Committee’s 2006 Concluding Observation., Paragraph 37 and by other UN review bodies cited in the text of our Shadow Report

Subsequent to filing this Shadow Report from Minnesota, which focuses specifically on the ongoing failures of US governments at all levels to provide prompt, independent and thorough investigation of reports of police misconduct as required by the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (CAT), we have learned that the US Department of Justice (USDOJ) has just concluded a nine-month review of the Minneapolis Police Department’s oversight and discipline process, has presented its draft findings and recommendations to City officials, and will be presenting its final report within 3-5 weeks.

Based on the USDOJ’s draft findings and recommendations (USDOJ Report), it is clear that the USDOJ continues its history of failing to take reasonable steps to “ensure that reports of brutality and ill-treatment of members of vulnerable groups by its law -enforcement personnel are independently, promptly and thoroughly investigated and that perpetrators are prosecuted and appropriately punished”, as recommended in the Committee’s 2006 Concluding Observation., Paragraph 37.

In an October 8, 2014 Open Letter to the Communities of Minneapolis<sup>1</sup>, Minneapolis Mayor Betsy Hodges extensively described the USDOJ’s review and listed its draft findings and recommendations as follows:

Following a 9-month-long review process [requested by the Minneapolis Chief of Police], the Department of Justice previewed their draft findings to City leaders and community stakeholders earlier today [October 8, 2014].

OJP [Office of Justice Programs (OJP) of the U.S. Department of Justice] noted several strengths in our police department:

- Chief Harteau’s realigning and reorganizing the department is moving in the right direction, and is shifting department culture toward accountability and transparency.
- Increased collaboration between residents and police is improving the police conduct review process, and bringing more accountability and transparency to it.
- The department’s new community-outreach strategies are starting to prove effective.
- There is alignment around these goals between elected leaders and department leadership that is unique among cities of our size.

OJP stressed that it takes time in any police department for changes like these to take root in the department and be felt in community.

At the same time, OJP found that the most commonly reported types of officer misconduct are lack of respect, unprofessional language or tone, and lack of cultural competence and sensitivity.

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<sup>1</sup> The Open Letter is available at <http://mayorhodges.com/2014/10/08/an-open-letter-from-mayor-betsy-hodges-to-the-communities-of-minneapolis>.

The draft recommendations are that MPD should:

- Develop a new, prevention-oriented Early Intervention System, in partnership with community, for officers who show signs of going down the wrong path, and provide a broad range of interventions.
- Strengthen coaching for officers about their behavior and integrate it with the new Early Intervention System.
- Heighten transparency in the complaint process, and make more data about it available to community.
- Improve community relations by integrating model practices into community policing and expanding community engagement.
- Improve communications about the police conduct and oversight process.

The next step is that the Department of Justice will take the feedback that they heard from community stakeholders earlier today and will return with final recommendations in 4-6 weeks. Once we have received those final recommendations, we will begin the process of working with stakeholders to implement them.

Assuming that the Mayor's public presentation of the draft DOJ Report is accurate, two things are apparent:

First: The DOJ did not take this golden opportunity [an invitation from the Minneapolis Chief of Police] to educate local officials in Minneapolis by placing their obligations regarding police misconduct in the context of their obligations under the ratified human right treaties, including the CAT.<sup>2</sup>

Second: with specific reference to local officials' obligation under the CAT and other ratified human rights treaties to provide independent, prompt and thorough investigation of police misconduct and to ensure that perpetrators are prosecuted and appropriately punished, the final DOJ Report is on track to have nothing to say. The draft DOJ report does not even make clear that such an obligation exists and also fails to assess Minneapolis performance of this obligation, a fundamental component of accountability and preventing police misconduct.

As long as municipalities such as Minneapolis can continue to view the integrity of its investigation of police misconduct via truly independent, prompt and thorough investigations as a "frill" or "optional" and as long as municipalities such as Minneapolis can skate through a DOJ review without being held to account for failure to fulfill this basic human rights obligation, police impunity will flourish and more Michael Browns will die.

We ask that the Committee take this concrete example of US failure to take *bona fide* steps to implement the CAT into consideration when it reviews US compliance and in shaping its Concluding Observations.

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<sup>2</sup> As cited in the main text of the Shadow Report, the other ratified human rights treaties that require prompt and independent investigation of police misconduct are the International Convention on Civil and Political Rights (ICCPR) and the International Convention for the Elimination of All Forms of Racial Discrimination (ICERD). UN monitoring committees for these treaties have also previously issued recommendations reminding the US to step up implementation of its obligation to ensure prompt and independent investigations of police misconduct. US officials have routinely failed to publicize these obligations and recommendations back home and to involve local officials (who are responsible for most of the police work in the US) in the UN's human rights review processes.