



Minneapolis
City of Lakes

CIVILIAN POLICE REVIEW AUTHORITY

FIRST QUARTER REPORT

2010

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Introduction

The Minneapolis Civilian Police Review Authority (CRA) is responsible for receiving, investigating, mediating, and adjudicating civilian complaints against Minneapolis Police Department (MPD) officers. This report will provide information about citizen complaints involving the actions of MPD officers. This report will present data from the first quarter, the Chief's disciplinary actions, and the CRA's hot topics. It should be noted that the data contained in this report is a "snapshot" of the data at the end of the quarter. Some categories will be updated in future reports. This report does not include data from the MPD Internal Affairs Unit or the lawsuits filed against MPD officers.

The report is divided into four sections. Section I will provide CRA data collected from January through March 2010. Section II will discuss select complaint data for closer examination. Section III will discuss Chief's Discipline in the first quarter. Section IV will discuss the highlights of the CRA's hot topics.

Section I First Quarter 2010 Statistics

The table below provides CRA data related to the number of civilian contacts, the demographics of the civilian contacts, and the allegations contained in complaints during the first quarter of 2010.

Table 1 Complaint Data

Minneapolis Civilian Police Review Authority		
January 1 through March 31, 2010 statistics		
1.	Number of initial complaints received	77
2.	Number of complaints sent for signature	23
3.	Number of signed complaints received	13
4.	Number of complaints withdrawn	2
5.	Percentage of complaints containing multiple allegations	69%
6.	Total number of allegations by type	37
	• Inappropriate Conduct	12
	• Inappropriate Language	7
	• Harassment	1
	• Excessive Force	5
	• Failure to Provide Adequate or Timely Police Protection	6
	• Discrimination	4
	• Failure to Report Use of Force	2
	• Retaliation	0
	• Theft	0
7.	Location of complaints by precinct	
	• Precinct 1	5
	• Precinct 2	1
	• Precinct 3	1
	• Precinct 4	5
	• Precinct 5	1
	• Outside City	0

8.	Location of complaint by ward	
	• Ward 1	0
	• Ward 2	0
	• Ward 3	1
	• Ward 4	2
	• Ward 5	3
	• Ward 6	1
	• Ward 7	5
	• Ward 8	0
	• Ward 9	1
	• Ward 10	0
	• Ward 11	0
	• Ward 12	0
	• Ward 13	0
	• Outside City	0
9.	Race of Complainants (includes victims) ¹	
	• Asian	0
	• Black	10
	• Latino	1
	• American Indian	0
	• Unknown	1
	• White	6
10.	Age of Complainants	
	• Under 21	4
	• 21 – 40	8
	• Over 40	5
	• Unknown	1
11.	Gender of Complainants	
	• Female	6
	• Male	12

¹ Because the CRA ordinance allows any person with personal knowledge to file a complaint, the term “victim” is used to describe the individual who experienced the police action contained in the complaint.

12.	Race of Officer	
	• Asian	0
	• Black	1
	• Latino	0
	• American Indian	1
	• White	13
13.	Officers time on force	
	• Less than 5 years	5
	• 5 or more years	10

Section II Complaint Data Break Out

Complaints

Staff closed 54% of the initial complaints received during intake in the first quarter. Thirty percent of the initial complaints filed warranted a complaint for signature. Those complaints contained allegations that the staff believed may be violations of MPD policy and procedure. Investigative time was occupied closing pending initial complaints that carried over from 2009.

The CRA received fewer signed complaints than expected. The CRA received 13 signed complaints. It should be noted that the 13 complaints received included complaints sent for a signature during 2009.

Allegations

Inappropriate conduct and inappropriate language represented 51% of the allegations filed against MPD officers during the first quarter of 2010, which is consistent with past quarters. There were increased filings of failure to provide adequate or timely police protection as compared to the frequency of past filings in this category. During the first quarter, MPD officers had nearly half of the 2009 total number of failure to provide adequate of timely police protection and service filed.

Location of Complaints

The First and Fourth Precincts received the most complaints. There has been no change in the distribution of the location of complaints.

Complainants

During the first quarter, blacks filed the most complaints. There has been no change in the distribution of “who” files the majority of complaints against Minneapolis police officers.

Mediation

During the first quarter, the CRA held six mediations. Three complaints were successfully mediated.

Four complaints were referred to mediation (2 complaints from 2009 and 2 complaints from the first quarter of 2010). Two of the four complaints were successfully mediated; one complaint was dismissed for failing to cooperate with mediation, and one complaint was unsuccessful.

Board Activity

The board heard 12 complaints during the first quarter of 2010. The board fully sustained or partially sustained six complaints. Those six complaints contained 17 excessive force allegations. Hearing panels averaged 164 days to deliver disciplinary decisions. This average is skewed because two complaints were remanded for additional investigation. The hearing panels sustained 28 percent of the allegations heard during the first quarter of 2010, as shown in Table 2.

Table 2 Board Data

Disposition of Complaints	2010
○ Number of complaints heard by panel	12
○ Number of complaints fully sustained	2
○ Number of complaints partially sustained	4

Disposition of Complaints	2010
○ Number of complaints not sustained	5
○ Number of complaints dismissed ²	1
○ Number of complaints determination pending	1
• Number of allegations contained in complaints heard	101
○ Number of allegations sustained	23
○ Number of allegations not sustained	59
○ Number of allegations dismissed ³	17
• Types of allegations sustained	
○ Inappropriate conduct	5
○ Inappropriate language	1
○ Harassment	0
○ Excessive force	17
○ Failure to provide adequate or timely police protection	0
○ Discrimination	0
○ Failure to report use of force	0
○ Retaliation	0

Section III Chief's Discipline

The Chief delivered four disciplinary decisions involving five officers. The CRA board heard the complaints of those decisions between 2007 and 2009.

Table 3 Disciplinary Decisions by Complainants (Jan. – Mar. 2010)

Quarter Decision Rendered	Total Decisions	No Discipline	Discipline	% Discipline
1st	4	2	2	50%

As the table above shows, the Chief imposed discipline on two of the four sustained complaints. Table 4 shows that two of the five officers who received sustained complaints received discipline.

² Includes complaints dismissed by CRA manager 172.85.(b)

³ Id.

Table 4 Disciplinary Decisions by Officers (Jan. – Mar. 2010)

Quarter Decision Rendered	Total Officers	No Discipline	Discipline	% Discipline
1st	5	3	2	40%

First Quarter Disciplinary Decisions

The following tables show the Chief’s disciplinary actions on the sustained CRA complaints. Table 5 shows that the level of discipline imposed on individual officers during the first quarter.

Table 5 First Quarter Discipline Decisions Received from Chief of Police

Discipline Imposed	Number of Officers
20 hours suspension without pay	1
Letter of Reprimand	1
No discipline	3

Table 6 provides the CRA sustained violations, the MPD policy and procedure violations, the Chief’s reasoning for the disciplinary decisions, and the facts as determined by the CRA board. It should be noted that the CRA places the civilian allegations in the CRA allegation categories, while the MPD aligns the MPD policy to the CRA allegation after the file is forwarded to the MPD.

Table 6 Disciplinary Decisions

CRA File	CRA Sustained Violations	MPD Policy and Procedure Violations	Sent to Chief & Chief Decision	Chief’s Disciplinary Decision
1	Excessive Force Harassment	Use of Force MPD P/P5-105.3 Use of Discretion MPD P/P 5-103	Sent to Chief 6/16/06 Chief Decision 5/11/2010	Original Discipline – 30 hours of suspension Settled – Letter of Reprimand

Facts	Officer demanded the complainant to come out of his house. When the complainant came out, the officer grabbed the complainant by the neck and slammed him to the ground. The officer put his knee in the complainant's chest. The officer accused the complainant of threatening a neighbor and asked the complainant if he had a problem with people who voted for President Bush.
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2	Inappropriate Conduct	Strip Searches and Body Cavity Searches MPD P/P 9-203	Sent to Chief 12/9/09	No Discipline – Expiration of the Reckoning Period (complaint too old)
	Inappropriate Language	Professional Code of Conduct MPD P/P 5-105(10)(14)	Chief Decision 2/3/10	
Facts	Officer conducted a strip search of the complainant in the public and in front of female officers. Officer used inappropriate language by cursing at the complainant during the incident.			

3	Excessive Force	Use of Force MPD P/P5-105.3	Sent to Chief 12/30/09	No Discipline – Training Issue
	Inappropriate Language/Conduct	Professional Code of Conduct MPD P/P 5-105	Chief Decision 2/26/10	
Facts	Officer kicked complainant in the face. Officer used profanity and a demeaning tone toward the complainant's elderly parents.			

4	Inappropriate Conduct	Use of Discretion MPD P/P 5-103	Sent to Chief 9/28/09	Discipline – 20 hours of suspension
		Procedural Code of Conduct MPD P/P 5-107(4)	Chief Decision 3/30/2010	
Facts	Officer used his position as a MPD officer to render aid or assistance in civil case by telephoning the complainant and ordering the complainant to hand over property that was the subject of a civil action pending in court.			

As Table 6 shows, the Chief declined to discipline on one complaint because the complaint was viewed as too old. The MPD asserts that the corrective intent that would have been associated with discipline on the complaint would have been minimal or possibly nonexistent. Essentially, the MPD views any disciplinary (including non-disciplinary, coaching) action against the officer or officers on old a complaint considered to be too old as punitive and, therefore, unfair to the officers. The Chief's rationale for no discipline because of the age of the complaints clearly highlights the need for an additional CRA investigator.

The average length of time for the Chief to deliver the four disciplinary decisions was 284 days. The average is skewed because the MPD did not make a decision on one complaint for over three and half years.

Section IV Hot Topic

Debate over notification to the Minneapolis City Council Executive Committee concerning the Chief's level of discipline on sustained CRA complaints.

In December 2009, the CRA completed a performance evaluation of the Minneapolis Police Chief's activities as they related to the CRA, particularly, the level of discipline on sustained CRA complaints. The board forwarded the report and a cover letter to the Mayor and the City Council.

During the first quarter of 2010, the board had considerable debate as to whether the board had sufficiently notified the City Council Executive Committee, according to the CRA ordinance, that the Board believed the Chief was violating the CRA ordinance with his disciplinary practices. The CRA ordinance provides the following:

172.130(d) The civilian police review authority chairperson shall notify the executive committee of the chief's failure to comply with the requirements of this section, and such failure may subject the chief to disciplinary action.

The debate concerning the notification of the City Council Executive Committee continued for several months. For more information, please see the 2010 February and April CRA minutes.

Because of the board debate, Communities United Against Police Brutality (CUAPB) and a former board member filed a legal action to determine the sufficiency of the notification.

CRA Board Member Openings

The CRA ordinance authorizes the CRA to have an 11-member board. The CRA has not had 11 members since 2003. The CRA began soliciting for board members at the end of 2009 and continued to solicit during the first quarter of 2010.

CRA board work is not for everybody. The CRA board is meant to be an active board. The board requires individuals to be proactive in carrying out the board's duties and responsibilities. Board members are expected to spend at least 15 hours a month on board business. Individuals are expected to control their personal biases and commit to the vision and principles of civilian oversight.

The CRA received 15 applications for board openings.

Section V Conclusion

This snapshot of CRA data and the related discussions highlighted issues that confronted the CRA and its ability to provide the citizens and officers with effective civilian oversight of the MPD. The success of the CRA is dependent on capable board members, trained staff, proper resources, cooperation from the MPD, and the stakeholders' adherence to the principles and vision of civilian oversight and the enforcement of the CRA ordinance.