

**Civilian Review Authority Redesign
Action Group Recommendations**

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**Prepared for:
City Council**

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Executive Summary

The City Council directed the City Coordinator to “convene a work group to develop recommendations to redesign the Civilian Police Review Authority so that it is more effective and responsive to the community and to include community representatives in developing these recommendations”. The City Coordinator selected community representatives and staff representatives for participation on a 24-member Action Group. The Action Group was charged with developing recommendations on outcomes that they would like to see from a new civilian review process.

The Action Group met ten times on a weekly basis and also held subcommittee meetings. In addition, 3 community meetings and 7 focus groups were held to allow for wider community input.

The Action Group examined both structural models and outcome recommendations.

Three structural models were moved forward and are listed in priority order. Any of the structures could accomplish the desired outcomes. The structural model options are:

1. Housed in the Civil Rights Department (6.5 staff with a budget of \$460,375¹)
2. Ombudsman’s model AA (7 staff with a budget of \$534,500²)
3. Ombudsman’s model A (7 staff with a budget of \$534,500)

Regarding outcome recommendations, the Action Group felt that it was not enough to make recommendations that were focused solely on a new civilian review process. Civilian review is only one piece of the larger set of efforts that are needed in order to change police behavior and culture. To that end, the Action Group approved Community Outcome Recommendations which address major policing issues that were identified by the community and Civilian Review Authority Outcome Recommendations which address issues more specific to the outcomes desired in a new civilian review process.

¹ This figure includes benefits for investigators that were not included at the Budget Subcommittee meeting of 7/10/02.

² This figure corrects benefits that were overestimated at the Budget Subcommittee meeting of 7/10/02.

Community Outcome Recommendations

1. Residency: Consider a residency requirement for Minneapolis police.
2. Training: Train police to appreciate cultures of the people of the city.
3. Conduct Standards: Form standards of police conduct consistent with community expectations.
4. Recruitment and Retention: Develop a stronger program for recruiting and retaining female police officers and police officers of color.
5. Psychological Screening: Examine the way in which potential candidates for police officer positions are psychologically screened.

Civilian Review Authority Outcome Recommendations

6. Independence: Operate autonomously from the police.
7. Accessibility: Accept complaints in various ways and at various locations. Raise awareness of the filing process.
8. Powers: Have subpoena power and determine discipline. (Alternative: Track and report on Chief's discipline.)
9. Standard of Proof: Use the preponderance of the evidence standard.
10. Openness/Transparency of Process: Allow complainant to be present at the hearing and report results to the community.
11. Graduated Means of Handling Complaints: Vary procedures depending on the elements of the complaint.
12. Tracking and Discipline: Assign points for a progressive discipline process.
13. Reducing Incidents of Police Brutality, Misconduct and Abuse of Authority: Provide incentives for professional behavior, track and analyze complaints, and recommend changes in policy and procedure.
14. Accountability and Ongoing Process Review: Evaluate routinely and tie the results to budget. Contract for periodic outside audits of CRA.
15. Timeliness: Investigate and resolve cases in 90 days from when the complaint was filed.

Background

The Minneapolis Civilian Review Authority (CRA) was created by city ordinance on January 26, 1990. The CRA was formed for the purpose of "investigating allegations of misconduct on the part of officers of the Minneapolis Police Department and making findings of fact and conclusions based upon those findings of fact." Examples of misconduct include excessive force, inappropriate language, failing to provide adequate or timely police service or discrimination on the basis of protected class status (race, gender, age, etc.).

An independent board of directors was appointed by the Mayor (three appointments) and by the City Council (four appointments). The board was independent in that it was not directly governed by the City of Minneapolis or the Minneapolis Police Department. The board was comprised of community representatives.

The elected officials had been hearing from the community that the current civilian review process was perceived to be ineffective. Based on that community concern in combination with the city's financial position, the elected officials took action to redesign the civilian review process.

Council Action

As part of the \$5.2 million budget cut on February 15, 2002, the City Council passed the following resolution that reduced the Civilian Review Authority budget to \$200,000 and called for the development of a new authority.

5) Civilian Review Authority Section – Provide an additional \$100,000 for continuation of the civilian review function – for an amended total of \$200,000; and change the remaining language in that section to read "Phase out existing internal Civilian Review Authority, keeping current processes in place until new authority is developed and implemented. Develop RFP for external civilian review services in conjunction with City Attorney, Civil Rights, City Coordinator, Civilian Review Board, Police Department and interested citizens. Refer subject matter to Public Safety & Regulatory Services and Health & Human Services Committee."

*February 15, 2002 Ways and Means Item 5, page 91.
<http://www.ci.minneapolis.mn.us/citywork/clerk/actions/2002-02-15.pdf>*

As directed the council committees considered the aforementioned council direction and each brought back a recommendation. The language of the Health & Human services committee was adopted by council and that resolution directed the City Coordinator to establish a work group.

that the City Coordinator be directed to convene a work group comprised of the City Attorney, Civil Rights, Civilian Review Board, Council staff, the

Police Federation, the Police Administration and interested citizens, with a report back at the next meeting of Health & Human Services and Public Safety & Regulatory Services with a proposed schedule for the work group.

*March 1, 2002 Health and Human Services and Public Safety and Regulatory Services, page 111
<http://www.ci.minneapolis.mn.us/citywork/clerk/actions/2002-03-01.pdf>*

Finally, City Council directed the City Coordinator to present recommendations for action at the June 7, 2002 Council meeting.

Your committee, having under consideration the redesign of the Civilian Police Review Authority, now recommends that the City Council reaffirms its action of March 1, 2002 directing the City Coordinator to convene a work group to develop recommendations to redesign the Civilian Police Review Authority so that it is more effective and responsive to the community and to include community representatives in developing these recommendations. Your committee further recommends that the City Coordinator be directed to present his recommendations in sufficient time so that Council action may occur at the June 7, 2002 Council meeting.

*April 5, 2002 Health & Human Services and Public Safety & Regulatory Services, Page 221
<http://www.ci.minneapolis.mn.us/citywork/clerk/actions/2002-04-05.pdf>*

Action Group Process

As directed by City Council, the City Coordinator established the membership for the Action Group with input from representatives from the Mayor's Office, the Health & Human Services Committee and the Public Safety & Regulatory Services Committee. The following people, representing both city departments and the community, accepted membership on the Action Group. The Mayor appointed Dave Ellis as the Chair.

Action Group Members

1. Augustine Willie Dominguez, Latino Advisory Council
2. Ron Edwards, PAC MN Dakota Conference NAACP
3. Dave Ellis, Initiatives on Racial Disparities
4. James Everett, SubZero Collective
5. Michelle Gross, Communities United Against Police Brutality
6. Mohamud Hashi, Confederation of Somali Communities of MN
7. Vanne Owens-Hayes, Civil Rights
8. Jay Heffern, City Attorney
9. Deputy Chief Greg Hestness/Deputy Chief Rick Shultz/Chief Robert Olson, MPD
10. Natonia Johnson, Genesis 2 for Women

11. Kinshasha Kambui, Mayor's Office
12. Robert Lilligren, City Council Vice President (Ward 8)
13. Daryl E. Lynn, CRA Board Chair
14. Jim Michels, Police Federation
15. Lyle H. Iron Moccasin, American Indian OIC
16. John Moir, City Coordinator
17. Beverly Propes
18. R.T. Rybak, Mayor
19. Lt. Carol Serafin, IAU, MPD
20. Rev. William Smith, MPLS Interdenominational Ministerial Alliance
21. Pablo Tapia
22. John Trepp, Friends of Barbara Schneider Foundation
23. Lee Pao Xiong, The Urban Coalition
24. Paul Zerby, City Council Member (Ward 2)

Action Group Alternates were Maria Zavala, Malcolm Bison, Daud Avi and Joy Palmer.

The Action Group held its first meeting on April 17, 2002 and agreed to meet weekly for eight weeks in order to meet the June 7 deadline for the City Coordinator to report back to the City Council. Ultimately, the Action Group held its last meeting on June 25, which still allowed their recommendations to enter into the Mayor's budget process.

To carry out the redesign process with a large group and a short timeline, the Action Group decided to split into subcommittees. Each subcommittee was responsible for meeting between each Action Group meeting and reporting back on progress. The established subcommittees are:

Outreach: The outreach subcommittee was charged with gathering input from the larger community.

Outcomes: The outcomes subcommittee was charged with taking the information from the community meetings and adding any additional information in order to develop recommendations.

Legal/Policy: The legal/policy subcommittee was charged with understanding and documenting the legal issues relating to civilian review. The legal subcommittee also reviewed the legal issues relating to the recommendations of the outcomes subcommittee.

Budget: The budget subcommittee was charged with estimating the cost of the recommendations.

Case Studies: The case studies subcommittee was charged with reviewing Civilian Review Authority cases and to make recommendations on how the process could be improved.

The Action Group defined a Civilian Review Authority to be an independent way for trained community representatives to receive and investigate complaints of police misconduct, to make recommendations on corrective actions, and to provide oversight and policy input to improve police culture and practices.

Outreach

To gather information from the larger community, three public meeting and seven focus groups were held between May 14, 2002 and June 7, 2002. Notes from each meeting are attached in the appendix.

The three public meetings were held at the following locations:

- Urban League
- American Indian Center
- Brian Coyle Center

The focus group communities and their locations are as follows:

- Homeless Singles, Simpson Shelter
- Homeless Families, Plymouth Congregational Church
- Mental Health, American Indian Center
- Latino, San Cyril Church
- South High and We Win Institute Students, South High School
- Lincoln Students, Abraham Lincoln High School
- GLBT, Family and Children's Services

Members of the community provided examples of their experiences with the police and gave suggestions for what they would like to see from a redesigned civilian review process and what it would take to improve police behavior. The input from the meetings is summarized in the table below and listed in its entirety in Appendix C.

Table 1. —Community Meeting Summary
(Complete Notes are in Appendix C)

<i>Group/Location/Date</i>	<i>Common Experiences</i>	<i>Recurring Opinions</i>	<i>Suggestions</i>
<p>Community Urban League May 14, 2002</p>	<ul style="list-style-type: none"> • Humiliating and demeaning harassment in front of families, especially children. • Loss of files/evidence • Racial profiling • Stops for no reason 	<ul style="list-style-type: none"> • Community needs the police • Trust – need to bridge the gap so we can trust each other • Tax payers abused by the people that pay police salaries. • Lack of credibility. • Internal Affairs has too much authority. • Concerns about quality, availability and accuracy of evidence. 	<ul style="list-style-type: none"> • Hotline • Report a complaint, see a clear outcome – transparency • Subpoena power • Mechanism to hold officer's accountable • Protect complainant's identity • Give new CRA equal/more authority than Internal Affairs – INDEPENDENT • Rules for video cameras – police cannot have access to tapes in their car (for fear of erasing, losing evidence) • City Council set up guidelines for police evidence policies.
<p>Homeless Singles Simpson Shelter May 14, 2002</p>	<ul style="list-style-type: none"> • We get profiled when we show our ID that has the Simpson shelter address • Police didn't respond to 3 calls of an assault in progress at a shelter. • Police stop you for no reason, and then make up a reason. 	<ul style="list-style-type: none"> • We don't know where to call or what to do. • Our word against theirs. • Police don't know that shelters aren't open during the day, so they expect that we have some place to go. 	<ul style="list-style-type: none"> • Would benefit from having police come in and talk to residents – ongoing two-way communication. • We need to know who to call to complain. • We want to know the results of CRA. • Independent from City Government.

Group/Location/Date	Common Experiences	Recurring Opinions	Suggestions
<p>Community American Indian Center May 23, 2002</p>	<ul style="list-style-type: none"> Not reporting because afraid of retaliation and because nothing happens. 	<ul style="list-style-type: none"> Need to give police consequences for their actions- consequences rule behavior Cops don't need "diversity training"—they know what they are doing is wrong. Policies don't filter down to the street cops. 	<ul style="list-style-type: none"> Pattern reports – look at volume of complaints against an officer and/or precinct to detect patterns. Change CRA standard of proof to Preponderance of evidence Use flyers to communicate with people Outcome should read: "Reduction in Brutality and Misconduct" instead of reduction in complaints Reward and reinforce positive behavior
<p>Mental Health American Indian Center May 23, 2002</p>	<ul style="list-style-type: none"> None listed. 	<ul style="list-style-type: none"> "Us versus them" police culture needs to change. 	<ul style="list-style-type: none"> Mirror the community; enlist black cops for black neighborhoods, etc. Look into other methods of de-escalation: foam, bean bags, tranquilizers, shoot to stop, not to kill. Better training of police specifically to deal with disabilities and mental illness. Independent from Police Department. 9-1-1 flagging and screening needed Change state law re: who is allowed to investigate

Group/Location/Date	Common Experiences	Recurring Opinions	Suggestions
<p>Homeless Families Plymouth Congregational Church May 21, 2002</p>	<ul style="list-style-type: none"> • Police engage in verbal, emotional, and physical abuse. • They talk down to us. • IAU delayed taking my complaint. • Police don't understand domestic abuse cases. 	<ul style="list-style-type: none"> • We are profiled. • We fear retaliation. • We need to prevent police abuse. 	<ul style="list-style-type: none"> • Police are public servants and should have a service attitude. • We need to know the outcome of a complaint. • Run a campaign to tell the community what to say/do to ensure they are heard. • Police need training for sensitivity, immigrants, and domestics. • We need a combination of training, tracking, discipline, and legal process and progressive discipline. • Independent intake.
<p>Students (South High and We Win Institute) South High School May 24, 2002</p>	<ul style="list-style-type: none"> • Lack of trust of police. 	<ul style="list-style-type: none"> • Former CRA not visible enough; needs stronger presence in community. • Former CRA had no power; it's not worth telling anyone. • It's our word against the police. 	<ul style="list-style-type: none"> • Make CRA more visible. • Hold police accountable with a 3-strikes-and-you're-out policy. • Make the final results available to the public. • Diversify the board according to race, economics, age, etc. • Split power as to who disciplines officers. • Lower the burden of proof.
<p>Community (mostly Somali) Brian Coyle Center May 25, 2002</p>	<ul style="list-style-type: none"> • Squad Car 720 • Search without warrant • Racial profiling • Don't know how to file complaint 	<ul style="list-style-type: none"> • Left a country where police intimidation was normal, thought coming to a just and fair country • Fear of Retaliation • Want to work with the police, not against them 	<ul style="list-style-type: none"> • Small representation on the police force • Outreach to new arrivals • Local people on complaint review board • Be able to report and punish based on patterns • Open system • Independent from Police Department

Group/Location/Date	Common Experiences	Recurring Opinions	Suggestions
<p>Latino Community San Cyril and Methodiuf Church May 26, 2002</p>	<ul style="list-style-type: none"> • Officers assumed I had a fake resident alien card. • Immigration took people because they were playing in the park. • Hispanics are profiled. 	<ul style="list-style-type: none"> • Police stop us because we are Hispanic. • Police might treat us better if we had IDs. • Need to recognize how hard it is to get a passport and accept that as ID. 	<ul style="list-style-type: none"> • 2 IDs for police force should be enough. • Pass a state law to hold police accountable. • Police don't need to call INS.
<p>GLBT Family and Children's Services June 6, 2002</p>	<ul style="list-style-type: none"> • Some police use indecent language and some are excellent. • Failure to respond to a lesbian domestic call. 	<ul style="list-style-type: none"> • Out officers in command does not mean that all police are sensitive. • Some officers don't know how to handle an Order for Protection. 	<ul style="list-style-type: none"> • Require police to live in the community and take an interest. • Officer training, including being placed in community agencies. • Cultural training, including transgender issues. • Inform agencies about CRA • CRA needs teeth • Require officer community service instead of docking pay. • Assign officer to a desk job if they have 6 complaints. • Interview complainant on neutral territory. • Complainant should be allowed to have an advocate.
<p>Students Abraham Lincoln High School June 7, 2002</p>	<ul style="list-style-type: none"> • I was stopped for no reason. • Police threaten and use profanity. • Squad 720 is a problem. 	<ul style="list-style-type: none"> • Can they take you in for no ID? • Are there interpreters available? • Why is it that mostly people of color are ticketed? 	<ul style="list-style-type: none"> • Officers could meet with the community • Officers could match the community • Need police force diversity • Discipline for unreasonable stops

Outcome Recommendations

The Action Group felt that it was not enough to make recommendations that were focused solely on a new civilian review process. Civilian review is only one piece of the larger set of efforts that are needed in order to change police behavior and culture. To that end, the Action Group approved Community Recommendations which address major policing issues that were identified by the community and Civilian Review Authority Recommendations which address issues more specific to the outcomes desired in a new civilian review process.

The recommendations include the main topic and a list of outcomes that are specific to that topic. Following each recommendation is a brief discussion about the recommendations.

Community Recommendations

Recommendation 1: Residency

- a) Consider a residency requirement for Minneapolis police.

The purpose of this recommendation is to ensure that police officers have a commitment to the area in which they are policing and a knowledge of the people and cultures who live in that area. Part of the result from a residency requirement would be to eliminate the "us-versus-them" perception from members of the community.

Recommendation 2: Training For Police

- a) Training for police that includes elements of appreciation for cultures of the people of the city.

At the community meetings, there was a repeated request that police have more cultural training. Training requests included: understanding immigrant cultures, understanding domestic violence, understanding transgender issues, understanding homeless issues, and understanding mental illness issues. There was a concern about the number of hours of training and who would be conducting the training.

Recommendation 3: Community Standards for Police Conduct

- a) Formation of standards of police conduct consistent with community expectations.

Members of the community may have different expectations from each other and from the police. There needs to be a process through which the community and the police can reach agreement on standards of conduct. The current standards are not acceptable to some community members. There must also be a process through which the community can be educated about what standards the police use.

Recommendation 4: Recruitment and Retention

- a) A stronger program for recruiting and retaining female police officers and police officers of color, with measurable results.

There was the stated concern that the police force should mirror the communities that it serves. A more diverse workforce would improve cultural awareness and understanding.

Recommendation 5: Psychological Screening

- a) An examination of the way in which potential candidates for police officer positions are psychologically screened, including a provision for second opinion screening and for culturally appropriate screening.

The examination would need to address complaints regarding the way screening is currently done, especially screening of potential officers of color. Because the work of a police officer involves dangerous and stressful situations, the psychological screening needs to ensure that the department hire people who have the temperament to provide good customer service at all times. There was a concern that police officers need to exhibit common courtesy, respectful behavior and appropriate language before entering the police force because it is hard to correct those behaviors if they have not already internalized them.

Civilian Review Authority Recommendations

Recommendation 6: Independence

- a) The body should operate autonomously from police.
- b) The body should perform its duties from a neutral standpoint, representing the interests of neither "side" but seeking truth and solutions.
- c) Training for investigators should be conducted by the U.S. Department of Justice, Community Relations Division.
- d) Initial term of the head of the oversight body should be for six years.

The community said that they wanted to make complaints to some body that is outside of the Police Department that can be viewed as objective and neutral by

all parties. Training needs to be provided by a body outside of the Police Department that is a recognized authority and that is trusted by both the police and the community. To keep the oversight body independent, it should have a cycle that does not coincide with the mayoral term of office.

Recommendation 7: Accessibility

- a) Individuals should be empowered to accept complaints in a number of locations including homeless shelters, community centers, etc.
- b) Complaints should be accepted via the internet.
- c) Complaints should be accepted via a hotline.
- d) Complaints should continue to be accepted from witnesses of incidents.
- e) Interpreters need to be available to assist with the complaint process.
- f) All materials should be available in multiple languages.
- g) Community forums, media work and other forms of outreach should be undertaken to raise awareness of availability and process for filing complaints.

In numerous community meetings, the participants said that they were unaware of the existence of the previous Civilian Review Authority. Multiple avenues to learn about the civilian review process and file a complaint need to be made available. In particular a focus on new arrivals and immigrants would be helpful.

Recommendation 8: Powers

- a) Power to investigate complaints independent of Internal Affairs Unit.
- b) Subpoena power to enable the body to secure information from sources other than the police.
- c) Police officers should continue to be required to fully cooperate with the process under Garrity. Non-cooperation would be reported to the Chief. Possible perjury would be reported to the County attorney.
- d) The body should have access to all personnel records of the officers involved in a complaint, including disciplinary documents and information on complaints, both sustained and unsustained.
- e) After initial investigation, the body would conduct hearings as appropriate.
- f) Upon conclusion of the hearing, the body would determine discipline, based on the severity of the infraction and the past history of the officer involved. Discipline would include points being assigned to the officer (see Recommendation 12 on Tracking).

Alternate proposal: In sustained complaints, the body would recommend discipline to the Chief. In cases in which the Chief chose not to follow the recommendation, the Chief would submit a report on his/her disciplinary determination to the Mayor and to the body. The body would track

recommendations that were not followed and provide reports the general public.

- g) If hearing results warrant it, the body would refer the case to the County Attorney for possible prosecution.

These recommendations allow the civilian review process to have access to the maximum amount of information needed to make an informed decision. A point system would ensure fair and predictable treatment for officers.

Recommendation 9: Standard of Proof

- a) The body should use the preponderance of the evidence standard.

The "preponderance" of the evidence is a lower burden of proof than the "clear and convincing" evidence standard that was used by the previous Civilian Review Authority. This lowered standard makes the burden of proof in civilian review cases consistent with the burden of proof in civil cases. A preponderance of evidence means it is more likely than not.

Recommendation 10: Openness/Transparency of Process

- a) Open all processes to public scrutiny to the extent allowed under Data Practices act.
- b) Complainant and witnesses should be allowed to be present during the hearing.
- c) Allow for easy appeals if a complaint is found to be without merit or is not sustained.
- d) In cases in which the complaint is sustained, allow public access to hearing transcripts, investigation reports and disciplinary determinations.
- e) Follow up with complainants and witnesses to determine if retaliation/retribution has occurred as a result of the complaint. If complainants or witnesses believe it has occurred, investigate in the same manner as an original complaint.
- f) Report regularly to the community on the work of the oversight body. Send email newsletters, regular newsletters, press releases and other communications regularly. Report on the status of cases in a way that respects the confidentiality of the complainant but that allows the public to understand what has happened in the case.
- g) Develop an overall communications strategy.

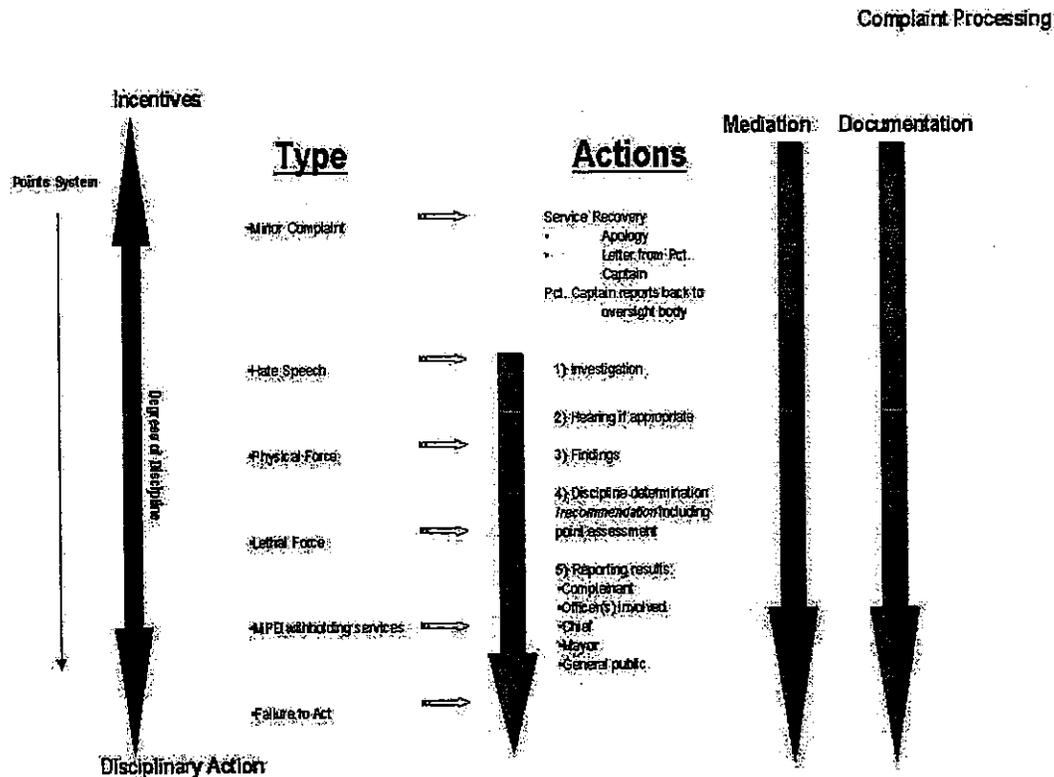
Two common issues that were raised by the community is that a complainant does not know what is happening or happened with their case and that the larger community does not know what has happened and therefore has little information about the effectiveness of the process. Retaliation against complainants by police officers has also been cited as a problem that needs to be monitored and corrected.

Recommendation 11: Graduated Means of Handling Complaints

- See attachment 1 (shown below).
- Complaint processing procedure varies depending on elements of complaint.
- Provides for "on the spot" service recovery for minor complaints.
- Develop deadlines for timely completion of various steps of the complaint processing procedure.
- Mediation available throughout process, but not to usurp investigations and other parts of the process.
- Documentation kept on all levels of complaint and throughout all parts of the process, to facilitate trending and reporting as well as public disclosure of sustained complaints.

Improving internal business processes will help in reducing turn-around time for simple complaints and performance of various steps should be measured and monitored to allow for trending, learning, policy formation and reporting.

Attachment 1:



Recommendation 12: Tracking and Discipline

- a) If a complaint is sustained, the officer(s) involved would be assigned points based on the severity of the complaint. Additional points would be assessed for failing to cooperate with the complaint process.
- b) Points are cumulative and reaching a certain number of points would result in termination.
- c) Points are tracked by the oversight body and reported regularly to the Chief of Police.
- d) Restorative justice is available as disciplinary option. If police officer agrees, fewer points are assessed.

A clearly defined point system would provide fairness and predictability for police officers and for the community.

Recommendation 13: Reducing Incidents of Police Brutality, Misconduct and Abuse of Authority

- a) Reward police officers who act professionally by developing a structure of incentives. Incentives would be rewarded to officers not accumulating points during the year. Incentives could be funded from the pool of money budgeted for settlements and judgements related to police brutality/ misconduct incidents. If money is left at the end of the fiscal year, officers with no points that year could receive a monetary bonus, time off or other incentives as negotiated by their union.
- b) The oversight body should track the nature and types of complaints received, the officers/precincts on whom these complaints are received, the locations of incidents, and the ethnicity of people making the complaints. This information should be analyzed and compiled into reports that are given to the Chief of Police and each precinct Captain.
- c) The oversight body should regularly examine police policies and procedures that contribute to incidents of brutality and misconduct and make recommendations for changes in policies or procedures or for new policies to the Mayor and City Council for consideration.
- d) The oversight body should freely make recommendations for changes in hiring, training and other areas that would have an impact on preventing future incidents.

Developing incentives would positively impact department culture. Rather than the focus being only on discipline, officers who act professionally would be recognized and rewarded.

Even when a complaint does not have sufficient information to be sustained, it can be a valuable learning tool.

Certain policies have contributed to people's concerns with the police. These policies need to be examined by a body outside of the police administration in order to balance police and community interests. In addition, the examination of police policies and procedures provides a way to incorporate what is learned through handling complaints, as a way to decrease future incidents leading to complaints.

Recommendation 14: Accountability and Ongoing Process Review

- a) Ongoing evaluation, with results tied to budget.
- b) Surveys of complainants, witnesses and police officers
- c) Other evaluatory instruments.
- d) Periodic audit by an outside agency to determine timeliness, effectiveness and appropriate handling of complaints as well as carrying out of other duties and responsibilities.

All of these measures are designed to make the body itself more accountable to its mission and to the people it serves.

Recommendation 15: Timeliness

- a) Complaints need to be investigated and all hearings and/or mediation must occur within 90 days from when the complaint was filed.
- b) The 90-day time limit can be extended by City Council for extenuating circumstances.
- c) If both parties agree, the time limit may be extended.

Complainants were concerned about the length of time it takes to process a complaint. In some cases, the longer the investigation takes, the harder it becomes to gather evidence or contact people. Staff size should be set at a level that allows for a timely investigation and resolution.

Summary of Legal Actions Required for Implementation

It is assumed that the City of Minneapolis will have to change its Code of Ordinances, which City Council has the authority to do. The City Council also has the ability to change its Charter by a unanimous decision. However, to fully implement the recommendations, there are some changes that need to be made at the legislature, some changes that need to be made in collective bargaining agreements, a change in civil service rules and possibly a constitutional change. The changes that are by Charter or beyond City Council direct control are identified below.

Each recommendation is restated in its entirety and is followed by a legal opinion, which is shown in italics. The legal interpretations are the result of deliberation by the Legal/Policy subcommittee that was comprised of mostly people with law degrees. They did not always share the same opinion. Where legal opinions varied, the differences are noted.

Finally, the Legal Subcommittee thought it would be important to also provide some explanation of the current status of the governing laws referenced.

Legislative Issues

a) Residency

Recommendation 1a Residency: Consider a residency requirement for Minneapolis police.
Requires legislative action.

b) Subpoena Power

Recommendation 8b Powers: Subpoena power to enable the body to secure information from sources other than the police.
The majority opinion is that giving subpoena power to the civilian review body requires authorization by the Legislature or by Charter Amendment. The minority view is that this can be accomplished by amending the existing ordinance.

c) Minnesota Government Data Practices Act (MGDPA)

Recommendation 8d Powers: The body should have access to all personnel records of the officers involved in a complaint, including disciplinary documents and information on complaints, both sustained and unsustained.
May require an amendment to the MGDPA.

Recommendation 8f Alternate proposal: In sustained complaints, the body would recommend discipline to the Chief. In cases in which the Chief chose not to follow the recommendation, the Chief would submit a report on his/her disciplinary determination to the Mayor and to the body. The body would track recommendations that were not followed and provide reports the general public.
Depending on the intent of the proposal as to the use and dissemination of the data, this could require an amendment to the MGDPA.

Recommendation 10b Openness/Transparency of Process: Complainant and witnesses should be allowed to be present during the hearing.
Requires amendment to MGDPA.

Recommendation 10d Openness/Transparency of Process: In cases in which the complaint is sustained, allow public access to hearing transcripts, investigation reports and disciplinary determinations. *See memo from committee. Investigation summaries and disciplinary notices are most likely public following final disposition of discipline. Hearing transcripts are most likely not public. Proposal may require some amendment to MGDPA.*

d) Minnesota Public Employee Labor Relations Act (PELRA)

Recommendation 8f Powers: Upon conclusion of the hearing, the body would determine discipline, based on the severity of the infraction and the past history of the officer involved. Discipline would include points being assigned to the officer.

If intended to be the final discipline, the recommendation would require an amendment to the PELRA. Also, it is most likely that this is a collective bargaining issue. This requires a Charter amendment.

Collective Bargaining Issues

Recommendation 4a Recruitment and Retention: A stronger program for recruiting and retaining female police officers and police officers of color, with measurable results.

May raise constitutional, civil service and collective bargaining issues.

Recommendation 8f Powers: Upon conclusion of the hearing, the body would determine discipline, based on the severity of the infraction and the past history of the officer involved. Discipline would include points being assigned to the officer.

If intended to be the final discipline, the recommendation would require an amendment to the PELRA. Also, it is most likely that this is a collective bargaining issue. This requires a Charter amendment.

Recommendation 11a Graduated Means of Handling Complaints: See attachment 1.

Some aspects may be collective bargaining issues.

Recommendation 12a Tracking and Discipline: If a complaint is sustained, the officer(s) involved would be assigned points based on the severity of the complaint. Additional points would be assessed for failing to cooperate with the complaint process.

Collective bargaining issue.

Recommendation 12b Tracking and Discipline: Points are cumulative and reaching a certain number of points would result in termination.

Collective bargaining issue.

Recommendation 12c Tracking and Discipline: Points are tracked by the oversight body and reported regularly to the Chief of Police.
May require a Charter amendment and may be a collective bargaining issue.

Recommendation 13a Reducing Incidents of Police Brutality, Misconduct and Abuse of Authority: Reward police officers who act professionally by developing a structure of incentives. Incentives would be rewarded to officers not accumulating points during the year. Incentives could be funded from the pool of money budgeted for settlements and judgments related to police brutality/ misconduct incidents. If money is left at the end of the fiscal year, officers with no points that year could receive a monetary bonus, time off or other incentives as negotiated by their union.
Collective bargaining issue. Bonuses are prohibited by law, but merit or incentive pay is permitted under defined parameters.

City Charter Issues

Recommendation 8b Powers: Subpoena power to enable the body to secure information from sources other than the police.
The majority opinion is that giving subpoena power to the civilian review body requires authorization by the Legislature or by Charter Amendment. The minority view is that this can be accomplished by amending the existing ordinance.

Recommendation 8f Powers: Upon conclusion of the hearing, the body would determine discipline, based on the severity of the infraction and the past history of the officer involved. Discipline would include points being assigned to the officer.
If intended to be the final discipline, the recommendation would require an amendment to the PELRA. Also, it is most likely that this is a collective bargaining issue. This requires a Charter amendment.

Recommendation 12c Tracking and Discipline: Points are tracked by the oversight body and reported regularly to the Chief of Police.
May require a Charter amendment and may be a collective bargaining issue.

Civil Service

Recommendation 4a Recruitment and Retention: A stronger program for recruiting and retaining female police officers and police officers of color, with measurable results.
May raise constitutional, civil service and collective bargaining issues.

Constitutional

Recommendation 4a Recruitment and Retention: A stronger program for recruiting and retaining female police officers and police officers of color, with measurable results.

May raise constitutional, civil service and collective bargaining issues.

MEMORANDUM

TO: Members, Civilian Review Authority Redesign Committee
FROM: Members, Legal Subcommittee
RE: Legal Issues
DATE: June 12, 2002

INTRODUCTION

At the joint meeting of the Outcomes, Budget and Legal Subcommittees, the Legal Subcommittee identified applicable governing laws that would have to be amended in order to fully implement the Proposal. Rather than limit our commentary to identifying necessary changes in the law, the Legal Subcommittee thought that it would be important to also provide some explanation of the current status of the governing laws referenced in our comments on the Proposal. Therefore, this memorandum was prepared by the Legal Subcommittee to complement our comments on the proposal by the Outcomes Subcommittee (the "Proposal").

I. Access to Government Data.

Introduction

The Minnesota Government Data Practices Act ("MGDPA"), Minn. Ch. 13, governs all "government data" collected, created, stored, maintained, and disseminated by any governmental body or agency. Thus, all data collected, created, stored, maintained and disseminated by the City of Minneapolis and any division thereof, including any citizen oversight agency (COA) is subject to provisions of the MGDPA.

The MGDPA classifies all government data as "public," "private," or "confidential" depending on the type of data at issue. Data which is collected, created, stored, maintained or disseminated because a person is an employee of the City of Minneapolis is considered "personnel data." Thus, *all data* collected, created, stored, maintained or disseminated by a COA with regard to any individual police officer would be classified under the MGDPA as "personnel data."

The extent to which personnel data relating to charges or complaints against a public employee is considered public or private depends on: whether discipline was imposed; and whether "final disposition" of the disciplinary action has occurred.

All Minneapolis employees represented by a labor union have a right to appeal any disciplinary action to a neutral arbitrator pursuant to their collective bargaining agreement. As discussed more fully below, this right is provided to all public employees under state law. "Final disposition" of a disciplinary sanction occurs when: the employee's time to appeal to arbitration has expired with no referral to arbitration; the disciplinary dispute is settled by the employer, the employee and the employee's union; or the arbitrator issues his/her decision after conducting the arbitration hearing.

1. *Personnel data regarding complaints which is "public" prior to final disposition of discipline.*

If no discipline is imposed, or if discipline is imposed but "final disposition" has not yet occurred, Minn. Stat. § 13.43 and case law interpreting the MGDPA provides that only the following data is public:

- Name of the complainant
- Name of the subject officer
- Existence and status of a complaint or charges

2. *Personnel data regarding complaints which is "public" after final disposition of discipline.*

When discipline is imposed, the following data becomes public data after final disposition of the discipline: the nature of the discipline; and "the specific reasons for the action and data documenting the basis of the action." The extent of the "data documenting the basis for the action" is not clearly defined under the MGDPA. However, based on opinions issued by the Minnesota Department of Administration, data documenting the basis for the action would include data such as the disciplinary letter provided to the employee by the employer, a summary of the findings from the investigation of the complaint and, if the case is arbitrated, the arbitrator's written decision; but not likely include the entire investigation file.

Under the MGDPA, the subject of private data on individuals (which includes personnel data) may authorize such data to be made public. Thus, the following discussion presumes that the officer(s) has declined to authorize private data to be made public.

Issues Raised by the Proposal

A. *Oversight of Disciplinary Actions.*

One proposed function of the COA is to review disciplinary decisions of the Department to determine whether police officers are disciplined when found guilty of misconduct and, if so, whether the discipline is considered to be appropriate. Clearly cases in which discipline is imposed can be reviewed since the nature of the discipline and the underlying factual basis is public once final disposition of the discipline occurs. However, it is more difficult to review the disciplinary process in cases where no discipline is imposed because the only public data is the existence of the complaint and the status of the complaint and because the investigative files remain classified as private data.

There are provisions in the MGPDA and the rules promulgated thereunder that address the sharing of private data between governmental agencies. Under these provisions, access to private data shall be available only to the following:

- the subject of such data, as limited by any applicable statute or federal law;
- individuals within the entity whose work assignments reasonably require access;
- entities and agencies who are authorized by statute or federal law to gain access to that specific data; and

- entities or individuals given access by the express written direction of the subject of the data.

Minnesota Rules, Part 1205.0400.

Pursuant to these rules, one governmental agency can share private data with another separate agency only if such sharing is expressly authorized by state or federal law. Conceivably, the City may determine that certain persons affiliated with a COA are "individuals within the entity whose work assignments reasonably require access." While the issue is not free from doubt, the "entity" is arguably the responsible authority for the data which, in the case of personnel data about Minneapolis police officers, is the Minneapolis Police Department. If such a designation were made as to a COA, the COA would be required to maintain the private classification of the data in the same manner as the City. However, designating a COA as "individuals within the entity" may raise questions as to the independence of the COA from the Police Department.

The aforementioned limitations apply with regard to data about specific employees. More latitude is given to consider public summary data regarding charges, complaints and discipline. Thus, the COA could obtain access to and make public certain summary data which would facilitate its oversight responsibilities.

B. Investigatory Functions.

It has been proposed that the COA investigators should review the prior record of complaints against an accused officer. The only public data would be that data relating to complaints resulting in a disciplinary action for which final disposition had occurred. As discussed above, the COA investigators could be designated as "individuals within the entity," but the same issues of independence remain.

C Evidentiary Hearings.

If the COA will conduct evidentiary hearings, many of the issues impacting the current CRA will exist. The most commonly raised problems are the inability of the complainant to sit in on the proceedings and the inability of the CRA to provide information to the complainant or the public to explain and justify its decision in cases where it determines that the charges are not sustained.

Since no disciplinary action is final until the right to arbitration is exhausted, all data discussed at an evidentiary hearing held for the purpose of determining whether or not the charges are to be sustained will *always* be private personnel data during the hearing process. Since all data discussed during a COA hearing is private personnel data, only the subject Officer, his/her representative(s), and those who "need to know," *i.e.* the fact finders and the CRA advocate, will be allowed to attend the entire hearing. Absent the consent of the officer, no other person, including the complainant, is allowed to attend any part of the hearing other than for his/her own testimony. Minn. Stat. § 13.43.

As discussed above, none of the underlying investigatory data is public when no discipline is imposed. Thus, there is no mechanism under current law for a COA to explain to the complainant or the public the reasons it concluded that charges should not be sustained.

To the extent that any changes to the statutory provisions regarding the classification of or access to personnel data are deemed desirable or even necessary, such changes can only be made by the Minnesota Legislature.

II. Subpoena Power

The current CRA ordinance, Mpls. Ord. § 172.110, provides that subpoena power via application by the CRA chair to the District Court becomes effective upon charter³ or legislative authorization. This language in the ordinance is derived from Minnesota court rulings that a municipality has no authority to grant itself subpoena power and that only the state legislature can grant, and expand, local government subpoena power. See, *State ex rel. Peers v. Fitzgerald*, 131 Minn. 116, 154 N.W. 750 (1915); *City of Minneapolis Commission on Civil Rights v. University of Minnesota*, 356 N.W.2d 841 (Minn. Ct. App. 1984). The majority of the Legal Subcommittee believes that the ruling in these cases requires that subpoena power be granted by the Legislature or by a Charter amendment. A minority view is that subpoena power can be granted merely by amending the ordinance to delete the sentence requiring that approval through legislation or charter amendment be obtained.

III. Disciplinary Authority.

One alternate proposed is that the COA have the authority to impose discipline and that discipline imposed by the COA should be final. There are numerous legal impediments to this proposal.

The Minneapolis City Charter vests in the Mayor the sole authority to appoint, remove, discipline and control Minneapolis Police Officers. City Charter, Ch. 6, § 1. City Ord. § 171.20 vests the Police Chief with the same authority under the direction (and discretion) of the Mayor. By ordinance, the Mayor's disciplinary authority has been delegated to the Chief of Police. Thus, a COA could not have the authority to impose discipline unless the City Charter was amended. The finality of discipline is governed by a number of authorities.

A. Public Employment Labor Relations Act.

The Public Employment Labor Relations Act ("PELRA") is codified at Minn. Ch. 179A and governs labor relations for all employees of the State of Minnesota and its political subdivisions. One of the requirements of PELRA is that public employers meet and negotiate with public employee representatives over "terms and conditions of employment." A term and condition of employment may not be unilaterally imposed by a Minnesota public employer. One such term and condition of employment is discipline and a process to resolve disputes over discipline. Thus, certain aspects of the proposal,

³ Amendment of the City Charter can occur in any of the following ways: 1) voter referendum following a proposal made by a) the Charter Commission; b) the city council after it is reviewed by the Charter Commission; or c) a petition from the citizens; or 2) a unanimous vote of the city council.

such as the creation of a "point system," cannot be imposed by the City and, therefore, could be implemented only upon agreement of the Police Federation.

Further, PELRA requires that *all* collective bargaining agreements must contain a grievance procedure which includes a right to submit to arbitration before a neutral arbitrator all disciplinary sanctions. Minn. Stat. § 179A.20, subd. 4. Therefore, the statutory right to submit disciplinary sanctions to arbitration precludes either the Police Chief or a COA from imposing final and binding discipline and such statutory right cannot be superseded or circumvented unless PELRA is amended.

B. Civil Service Rules.

The Minneapolis Civil Service Rules provide that discipline must be corrective, not punitive, and must be progressive. MCSR 11.01. The Rules further provide that all classified employees (all Minneapolis Police Officers up to the rank of Captain are classified) are entitled to appeal suspensions over 30 days; permanent demotions and discharges to the Civil Service Commission. MCSR 11.06. The Civil Service Commission hears the case *de novo*, meaning that the decision of a COA or the City is given no precedence. Thus, Civil Service Rule 11 also poses an impediment to allowing either the Police Chief or a COA to impose final discipline.

C. Veteran's Preference Act.

The Minnesota Veteran's Preference Act, codified at Minn. Stat. § 197.46, provides that all public employees who are honorably discharged veterans are entitled to a hearing before a veteran's preference board (in Minneapolis the Civil Service Commission sits as the veteran's preference board) before they can be discharged, permanently demoted or placed on indefinite leave. Veterans continue to be paid during the pendency of their appeal. The Veteran's Preference Board hearing, like that of the Civil Service Commission, is *de novo*. Therefore, the Veteran's Preference Act would also have to be amended in order to allow the Police Chief or a COA to impose final discipline against a veteran.

Structural Recommendations

Three structural models were moved forward and are listed in priority order. Any of the structures could accomplish the desired outcomes. The budgets are only estimates based on similar existing position classification salary schedules and previous expenditures of the Civilian Review Authority. The structural model options are:

1. Housed in the Civil Rights Department (6.5 staff with a budget of \$460,375⁴)
2. Ombudsman's model AA (7 staff with a budget of \$534,500⁵)
3. Ombudsman's model A (7 staff with a budget of \$534,500)

Best practices research shows that these models are slightly higher in number of staff and their budget (see Table 2).

Ombudsman Model A

Staffing:

Ombudsman (80,000 plus benefits)	\$	100,000
Investigators (4 @ 45,000 plus benefits)	\$	225,000
Admin Assistant/Research (35,000 plus benefits)	\$	43,750
Support Staff/Intake (30,000 plus benefits)	\$	37,500
Subtotal:	\$	406,250

Administrative Costs:

Rent (Building)	\$	45,000
Rent (Equipment)	\$	15,000
Training & Education	\$	12,000
Travel	\$	3,750
Community Outreach/Marketing	\$	10,000
Professional Services (Translators, Consultants, etc.)	\$	15,000
Office Expense (Postage, Phone, Printing, Copying)	\$	20,000
Misc. (Memberships, Food, etc.)	\$	7,500
Subtotal:	\$	128,250

Grand Total	\$	534,500
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⁴ This figure includes benefits for investigators that were not included at the Budget Subcommittee meeting of 7/10/02.

⁵ This figure corrects benefits that were overestimated at the Budget Subcommittee meeting of 7/10/02.

Ombudsman Model AA

Staffing:

Ombudsman (80,000 plus benefits)	\$	100,000
Investigators (4 @ 45,000 plus benefits)	\$	225,000
Admin Assistant (35,000 plus benefits)	\$	43,750
Clerk (30,000 plus benefits)	\$	37,500
Subtotal:		\$ 406,250

Administrative Costs:

Rent (Building)	\$	45,000
Rent (Equipment)	\$	15,000
Training & Education	\$	12,000
Travel	\$	3,750
Community Outreach/Marketing	\$	10,000
Professional Services (Translators, Consultants, etc.)	\$	15,000
Office Expense (Postage, Phone, Printing, Copying)	\$	20,000
Misc. (Memberships, Food, etc.)	\$	7,500
Subtotal:		\$ 128,250

Grand Total	\$	534,500
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Housed in Civil Rights Department

Staffing:

Ombudsman (60,000 plus benefits)	\$	100,000
Investigators (2 @ 45,000 plus benefits)	\$	112,500
Investigators (55,900 plus benefits)	\$	69,875
Investigators (49,000 plus benefits)	\$	61,250
Program Assistant (part-time)	\$	25,000
Clerk Typist (32,000 plus benefits)	\$	40,000
Subtotal:	\$	408,625

Administrative Costs:

Rent (Building)	\$	-
Rent (Equipment)	\$	4,000
Training & Education	\$	4,000
Travel	\$	3,750
Community Outreach/Marketing	\$	10,000
Legal Services (Mediation, Stipends, ALJ for hearings)	\$	11,000
Office Expense (Postage, Phone, Printing, Copying)	\$	16,000
Misc. (Memberships, Food, etc.)	\$	3,000
Subtotal:	\$	51,750

Grand Total	\$	460,375
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Table 2.—Selected Features of 10 Civilian Oversight Systems

Location	Name	Model	Principle Activities	Paid Staff	Budget
Berkley, CA	Police Review Commission	Investigative	Board hears complaints in public hearings and recommends findings to city manager Board and IA investigate many cases simultaneously Board recommends policy changes	Investigators: 1 Other Staff: 3	\$333,500
Denver, CO	Public Safety Review Commission	Investigative/ Monitoring Hybrid	Board receives citizen complaints Board reviews IA investigations when requested by complainant Board may conduct investigation when requested by complainant Board recommends corrective action and policy changes	Staff: 1 full time Others: 2-3 part time as needed	\$115,000
Miami-Dade County, FL	Independent Review Panel	Investigative/ Monitoring Hybrid	Board reviews completed cases Board conducts audits of IA investigations of citizen complaints Board intervenes in investigations when asked by the complainant to resolve disputes	Investigators: N/A Other Staff: N/A	\$404,000
Minneapolis, MN	Civilian Review Authority	Investigative	Board receives citizen complaints and conducts investigations accordingly Board makes policy recommendations	Investigators: 2 Other Staff: 3	\$436,113
Pittsburgh, PA	Civilian Police Review Board	Investigative	Board receives citizen complaints and conducts investigations accordingly Board may hear complaints in public hearings Board makes policy recommendations	Investigators: 1 Other Staff: 3	\$447,000
Portland, OR	Independent Police Review (Created 2001)	Investigative/ Monitoring Hybrid (Pre-2001, Auditor/ Ombudsman)	Board receives citizen complaints and conducts investigations accordingly Board monitors all IA investigations of citizen complaints Board coordinates appeals to IA findings Board makes policy recommendations	Investigators: 2 Other Staff: 4	\$435,051
St. Paul, MN	Police-Civilian Internal Affairs Review Commission	Monitoring	Staff unit reporting directly to chief of police Board composed of citizens and officers Board reviews police investigations and makes policy recommendations	1 Part time	\$45,000
San Francisco, CA	Office of Citizen Complaints	Investigative	Investigate all citizen complaints Makes policy recommendations	Investigators: 16 Other Staff: 13	\$2.8 Million
San Jose, CA	Office of the Independent Police Auditor	Auditor/ Ombudsman	Auditor conducts audits of IA investigations of citizen complaints Auditor conducts audits of deaths related to police actions	Auditor: 1 Full Time Other Staff: 5 Full Time	\$647,000
Tucson, AZ	Independent Police Auditor & Citizen Police Advisory Review Board	Investigative, Auditor/ Ombudsman Hybrid	Auditor reviews completed cases, sits in on ongoing cases, and questions process Board reviews completed cases and hears concerns about police Auditor and Board make policy recommendation	Auditor: 1 Full Time Board: 1 Full Time	\$143,000

Adapted from "Civilian Review of Police: Approaches & Implementation" best practices study of 1997 from the U.S. Department of Justice. Minneapolis data is from 2001. All other municipalities data is taken from the most recent year available on their web site, usually 2002.

Implementation Recommendations

Due to the importance of the civilian review process as part of a larger concern for human and civil rights, the committee further recommends a visible implementation with support from elected officials and staff in the following ways:

1. Mayor and City Council would issue a message to the city on the primacy of human and civil rights. This message would remind people that our community has a long history of leadership in this area. The message would serve as a call to action to renew/regenerate our community's work to address these issues. Included among the issues addressed would be: use of force, racial profiling, police training and community standards, a judicial commission on racism, and other civil and human rights issues.
2. The mayor would hold an assembly of leaders (similar to the housing summits) including communities of faith, communities of color, human rights groups, other concerned individuals and groups. This assembly would hammer out principles and a strategy for acting on the issues.
3. City representatives would host town hall meetings and community meetings would spread the message and draw in more people from the community.

Appendix A:
Action Group Meeting Notes

Meeting 4-17-02	A - 2
Meeting 4-24-02	A - 5
Meeting 5-01-02	A - 11
Meeting 5-08-02	A - 15
Meeting 5-15-02	A - 20
Meeting 5-22-02	A - 24
Meeting 5-29-02	A - 27
Meeting 6-12-02	A - 31
Meeting 6-25-02	A - 37
Meeting 7-22-02	A - 41

Civilian Review Authority Redesign

**Action Group Meeting
Council Chambers, City Hall
April 17, 2002
5:10 – 7:20 p.m.**

Attendees:

Augustine Willie Dominguez, Latino Advisory Council
Ron Edwards, PAC MN Dakota Conference NAACP
Dave Ellis, Racial Disparity Initiative
Michelle Gross, Communities United Against Police Brutality
Mohamud Hashi, Confederation of Somali Communities of MN
Vanne Owens Hayes, Civil Rights
Jay Heffern, City Attorney
Deputy Chief Hestness, MPD
Natonia Johnson, Genesis 2 for Women
Kinshasha Kambui, Mayor's Office
Robert Lilligren, City Council Vice President (Ward 8)
Daryl E. Lynn, CRA Board Chair
Jim Michaels, Police Federation
Lyle H. Iron Moccasin, American Indian OIC
John Moir, City Coordinator
Lt. Carol Serafin, MPD
Reverend William Smith, MPLS Interdenominational Ministerial Alliance
John Trepp, Friends of B. Schneider Foundation
Lee Pao Xiong, The Urban Coalition
Paul Zerby, City Council Member (Ward 2)

Absent:

Fatima Egal, Early Childhood Resource Center
James Everett, SubZero Collective

MEETING NOTES

I. Meeting Convened (5:10 p.m.)

Dave Ellis, the Action Group Chair, convened the meeting, and introductions of Action Group members were made.

II. Statement of Charge to the Action Group (5:12 p.m.)

John Moir, City Coordinator read the Charge of Action Group:

The Action Group is to recommend a civilian review process that is:

1. Accountable to community standards of conduct
2. Provides prompt, credible resolution of citizen complaints concerning police behavior
3. Respectful of the City's financial constraints

No discussion about the charge occurred at this time, although there was a request to place the review of this charge at the next Action Group meeting. Changing police behavior and culture was suggested for inclusion in the charge.

III. Existing Civilian Review Authority Process (5:15 p.m.)

Daryl E. Lynn, Chair of the current CRA Board, reviewed the current Minneapolis CRA model and process and answered questions from the group on CRA process.

Suggested action items:

- Review of the data on CRA activities
- Comparison of Minneapolis CRA operational costs compared to other jurisdictions

IV. Action Group Members Statements of Interest (5:45 p.m.)

Each member of the Action Group spoke briefly about why he/she is participating in the Action Group.

V. Mayor Rybak (5:47 p.m.)

Mayor Rybak stopped by the meeting to personally thank the members of the Action Group for participating in this important process.

VII. Continue Group Members Statements of Interest (5:49 p.m.)

VIII. Process Agreement and Ground Rules (6:25 p.m.)

Ellis offered the process agreement and ground rules for the Action Group. No discussion.

IX. Meeting Schedule (6:30 p.m.)

The Action Group agreed upon a regular meeting for every Wednesday until the process is complete from 5:30-7:30 p.m. in City Hall.

It was agreed that should the Action Group need more time to complete its charge, the Group could request an extension from the City Council.

Questions about the legal limitations or scope of a civilian review process (legal constraints, data practices, bargaining agreements) were raised and suggested as an action item for research. An Action Member also discussed the disciplinary standards for police misconduct.

X. How We Will Gather Input from the Larger Community (5:45 p.m.)

The Group discussed engaging the public in this discussion. Many ideas were suggested including large community meetings, public hearings, targeting key constituencies (such as youth) and locations for the meetings. It was strongly recommended to hold the meetings outside of City Hall and at times convenient to the public. Suggestions included:

- Including the four statewide minority councils and *Isaiah* (entity of churches dealing with the Latino populations) in the process
- Holding a meeting at the American Indian OIC
- Informing citizens of the current/interim process for CRA through the media so that people know where to go and do not spend the community meeting time on this issue

Each Action Group member was assigned to develop five questions that could be brought forward to the community to collect their input. It was agreed that at the next Action Group meeting the group would divide into subcommittees (such as money, legal issues, and public outreach).

XI. Other (7:00 p.m.)

An Action Group member requested a commitment from the Mayor and City Council Members to financially support the recommendations made by the action group.

Two members of the audience requested to speak to the Group. The first had questions regarding the CRA's binding authority, implementation of state policies (i.e. 72 hour hold), and citizens rights regarding sharing information. The second stated that the CRA should routinely review if stated policies and statutes are enforced to ensure accountability. He also questioned the difference between the state's policies versus the city's policies for use of force.

XII. Adjourn (7:20 p.m.)

Civilian Review Authority Redesign

Action Group Meeting

Room 333, City Hall

April 24, 2002

5:30-7:45 p.m.

Action Group Attendees:

Augustine Willie Dominguez, Latino Advisory Council
Ron Edwards, PAC MN Dakota Conference NAACP
Dave Ellis, Initiatives on Racial Disparities
James Everett, SubZero Collective
Michelle Gross, Communities United Against Police Brutality
Mohamud Hashi, Confederation of Somali Communities of MN
Vanne Owens Hayes, Civil Rights
Jay Heffern, City Attorney
Lt. Rob Allen, MPD for Deputy Chief Greg Hestness, MPD
Deputy Chief Greg Hestness, MPD
Natonia Johnson, Genesis 2 for Women
Kinshasha Kambui, Mayor's Office
Robert Lilligren, City Council Vice President (Ward 8)
Daryl E. Lynn, CRA Board Chair
Jim Michels, Police Federation
Lyle H. Iron Moccasin, American Indian OIC
John Moir, City Coordinator
Rick Altonen for Lt. Carol Serafin, IAU, MPD
Rev. William Smith, MPLS Interdenominational Ministerial Alliance
John Trepp, Friends of Barbara Schneider Foundation
Lee Pao Xiong, The Urban Coalition
Paul Zerby, City Council Member (Ward 2)

Absent:

None

Alternates and Visitors:

Pablo Tapia
Mark Wernick
Gordon Stewart, Legal Rights Center
Alan Shilepsky
Tim Connolly
Batalara McFarlane, Insight News
Greg Groettum
Tamir Nolley
Robin Garwood
John Delmonico, Police Federation
Terry Collins

Maria Zavala, Family and Children's Services
Keith Ellison

MEETING NOTES:

I. Charge

Presentation:

John Moir reviewed the charge. The charge is to evaluate how you have effective civilian oversight over police behavior—and that could mean redesigning the civilian review authority, or not.

John Moir read and distributed a view of the charge that was developed by Vanne Owens-Hayes, Civil Rights Director. Her contribution is repeated below:

Identifying and recommending a set of community standards for police conduct that:

- improves police conduct in their interaction with Minneapolis citizenry and holds police accountable for compliance with these community standards
- develops and maintains citizens' trust
- provides a monitoring/oversight review process that is independent, fair, effective, and timely
- includes appropriate structure, resources, and authority to effectively execute this charge
- Involves the active leadership and support of elected and appointed officials.

It is beyond the scope of the committee to concern itself with reviewing police budgets or budgets of other departments. The committee should look at outcomes they would like to see and estimate the resources needed to accomplish those outcomes. The question is how do you affect current business processes so that we don't have police behavior complaints. It is the objective of the elected officials to determine how to finance those outcomes. Staff will look at fiscal ramifications of recommendations as we go along. The committee has the right to prepare a persuasive case to city council.

There is a separate committee that is looking at police use of force policy, so that is also beyond the scope of this committee.

Discussion:

There was the concern that we charge the civilian review with reviewing policy. There was a concern on training and education of the police. There was a concern about how independent the civilian review should be. There was a desire

to involve people in implementation. There was a desire to evaluate the results of the new civilian review process.

There will be continued dialogue next time on the charge.

Ron Edwards volunteered to get a copy of the report from the Racial Profiling committee for distribution to this committee.

II. Best Practices

Presentation:

A handout was in the packets which summarizes 3 models: investigative, monitoring, and auditor/ombudsman. Strengths and weaknesses were reviewed. The literature does not say that one model was better than another was. It is a local decision as to what will work best for the community.

Minneapolis gets cited as a national model.

Current data for selected cities was handed out. Data includes staff size, budget, and whether or not they have subpoena power.

Compliant management in other arenas of government and private sector was explored. A handout was distributed that identifies questions that complaint management systems could consider.

Michelle Gross distributed her research on models. She encouraged that the civilian review process also looks at trending and making policy recommendations.

Administrative Rules of CRA were distributed by Daryl Lynn.

Discussion:

A data retention practices concern was raised. Ron Edwards has a case that he wants the City Attorney to review. A subcommittee could look at the case study.

How do we gauge whether the civilian review process is successful? Why is Minneapolis considered to be a successful model?

The motivation for changing the CRA was a budgetary cut and council constituency reports that the current program was ineffective.

III. History from a community perspective.

Presentation:

Ron Edwards indicated his first engagement was in 1959. In some respects, times haven't changed since then. He was concerned about a traffic stop of one of the committee members.

Rev. Smith recounted his history of police-community relations. Hubert Humphrey in 1948 brought into existence the FEPC that had no subpoena power. Coming out of that national effort was the Minneapolis Human Relations Committee in the late 50s. Out of this came the employment stream and the commitment to human rights that culminated in the Civil Rights Department and the Human Rights Commission. Minnesota was a leader. This led to an expanded Urban League and other organizations committed to racial justice. In recent years, Minneapolis is not the vanguard leadership that it used to be.

A group of people in 1963 had a demonstration for jobs and were told by city officials that there was no money for jobs. There was 45% unemployment of blacks. About a year and a half later, there was a riot and the mayor now found 620 jobs.

Ron Edwards was the first black person on the Civil Rights Commission. We had subpoena power in the Civil Rights Department and I am not against restoring those powers. I will support what we come up with as long as it works.

Keith Ellison said that there are important things to learn from different cities. There are attributes of a civilian review that must be in place: independence, non-police officers on the board, more publicity of outcomes, publish annual reports that the community can find, residency requirements for police, subpoena power is not an issue, chief does not have full power to discipline, certain cases will be handled by the courts so civilian review is for less visible cases, the current civilian review should have not been abolished, police should not police the police.

The current civilian review was a compromise. It was not the first thing that the community demanded. The citizens wanted prosecution of the officers who firebombed Lillian Weiss and Lloyd Smalley and to have the charges dropped against the students at the Embassy Suites hotel incident. Civilian review was a political compromise that made sense at the time. We should improve what we have as a civilian review process.

Discussion:

Jim Michels responded to a written comment from an interview with Pat Hughes, CRA Director. Mr. Michel's view was that the chair in the 1994 legislative committee wanted subpoena power to be available to both the police and the civilian review. Jim Michels also summarized a packet of legal information that was distributed.

The Citizens Survey says that discriminatory conduct exists with the police. The outcome should reduce or erase discrimination and provide a satisfactory outcome. Discrimination is a problem in many communities and we need to focus on the broader picture.

IV. Subcommittees

Subcommittees are expected to meet and report back at the next meeting.

Outcomes

Chair: Michelle Gross (Phone: 612-381-0636)
Ron Edwards
John Moir
Council Member Robert Lilligren
Reverend William W. Smith
Maria Zavala

The Outcomes Subcommittee will meet:
Friday, April 26 at 8:00 a.m. at Perkins on Riverside and Franklin.

Community Outreach/Questions

Chair, James Everett (Phone: 612-521-9669)
Mohamud Hashi
Lyle H. Iron Moccasin
Kinshasha Kambui
Council Member Robert Lilligren
Lee Pao Xiong

The Community Outreach Subcommittee will meet: TBD

Legal Issues/Policy

Chair: Vanne Owens Hayes (Phone: 612-673-2091)
Chair: Keith Ellison (Phone: 612-529-3322)
Jay Heffern
Jim Michels
Pablo Tapia
John Trepp
Council Member Paul Zerby
Lee Pao Xiong

The Legal Issues Subcommittee will meet:
Thursday, April 25 at 12 noon in 241 City Hall

Budget

Chair: Natonia Johnson (Phone: 612-617-0191 x1245)
Augustine Willie Dominguez
John Moir

The Budget Subcommittee will meet: TBD

Case Study

Chair, Daryl Lynn (Phone: 612-520-9198)

Deputy Chief Greg Hestness

Lt. Carol Serafin

The Case Study Subcommittee will meet: TBD

Civilian Review Authority Redesign

**Action Group Meeting
Room 333, City Hall
May 1, 2002
5:39 – 8:30 p.m.**

Attendees:

Augustine Willie Dominguez, Latino Advisory Council
Ron Edwards, PAC MN Dakota Conference NAACP
Dave Ellis, Racial Disparity Initiative
James Everett, SubZero Collective
Michelle Gross, Communities United Against Police Brutality
Mohamud Hashi, Confederation of Somali Communities of MN
Barbara Demchik-Dykes for Vanne Owens Hayes, Civil Rights
Jay Heffern, City Attorney
Kinshasha Kambui, Mayor's Office
Robert Lilligren, City Council Vice President (Ward 8)
Daryl E. Lynn, CRA Board Chair
Jim Michaels, Police Federation
Lyle H. Iron Moccasin, American Indian OIC
John Moir, City Coordinator
Beverly Propes
Deputy Chief Rick Schultz, MPD
Lt. Carol Serafin, MPD
Reverend William Smith, MPLS Interdenominational Ministerial Alliance
Pablo Tapia
Paul Zerby, City Council Member (Ward 2)
Maria Zavala (Alternate)

Absent:

Natonia Johnson, Genesis 2 for Women
John Trepp, Friends of B. Schneider Foundation
Lee Pao Xiong, The Urban Coalition

MEETING NOTES

I. Meeting Convened (5:39 p.m.)

Dave Ellis convened the third meeting of the CRA Redesign Action Group at 5:39 p.m.

II. Civilian Request of CRA (5:40 p.m.)

Dave Fellman, Mayoral Aide, spoke about his experience as "intake" for civilian complaints against police. As a result of the budget decision to redesign the CRA, the Mayor's office began intake of calls while CRA functions were examined. Fellman reported that most calls were about mistreatment (verbal abuse and disrespect). He said that when callers complained at the precinct, the front desk people often were untrained and unable to respond to the complainants. Fellman felt that most people called to talk with someone who would care and listen to their complaint. When Fellman asked callers

what outcome they would like to see as a result of the complaint, callers wanted the police officer fired or they wanted money for their trouble.

Fellman explained that the CRA does not have the authority to fire or discipline police officers. That authority lies with the Police Chief. Fellman supported Internal Affairs (I.A.) intake of calls because I.A. (1) has the authority to discipline/fire and (2) has done so in the past. Fellman suggested that the civilian review should become "civilian oversight" and use this oversight as a tool for getting results (reporting, accountability, and communication with Council on a regular basis).

Daryl Lynn spoke up and said that what Fellman had been doing for the past 60 days, listening and counseling, was exactly what the CRA had done in the past. Lynn cautioned that we need to be very clear and realistic about the expectations to the people that call and complain.

The question was raised: "Can the CRA legally deal with civil or criminal complaints?" The City Attorney stated that the current ordinance charges the CRA with the *investigation* of misconduct. But it is not a prosecuting agency.

III. Outreach Subcommittee (6:22 p.m.)

The outreach subcommittee had a misunderstanding on the date and time of their scheduled meeting. Dave Ellis stated that the chair of the subcommittees is responsible for communicating and identifying the location of subcommittee meetings. Although the formal committee did not meet, James Everett (Chair of the committee), met with block club representatives and scheduled a youth forum to discuss police use of force. Lyle Moccasin, member of the subcommittee, met with members of the group and arranged two meetings. One on 5.23 at the American Indian Center and one on 5.25 at the Bryan Coyle Center. The comment was made that the GLBT (Gay, Lesbian, Bisexual and Transgender) and Mental Health communities need to be included in the discussions. Having a clear definition for what we are trying to accomplish is very important to have figured out before heading out to the community.

VI. Outcomes Subcommittee

Michelle Gross, chair of the outcomes subcommittee, reported on the subcommittees meeting. The new process needs to be visionary and measurable. Gross offered process recommendations for the group, including:

- Action Group members need to have a clear commitment
- Action Group members need to act in good faith without hidden agendas
- Action Group members need to consider what worked and what didn't work with the former CRA to develop a successful replacement

The subcommittee offered the outcomes for the process, which includes a redesigned CRA that

- Is an effective instrument that is fundable
- Has policy oversight that affects police culture to reduce complaints
- Considers the need for subpoena and other powers
- Includes accountability/evaluatory tools and schedule for using them

- Is independent and has a relationship with the Civil Rights Commission
- Includes a cultural competency recommendation for police training

It was agreed that the Action Group needed an "iron clad" definition for the next meeting. Council Member Zerby requested that the group take some time and go off the agenda to focus on this definition. He offered a working definition: *The CRA should be an independent group made up of community members who can bring complaints against misconduct and can investigate complaints and recommend discipline.*

Dave Ellis agreed and allowed Zerby's statement. Then, each person around the table was asked to comment. Some of the comments are below:

Gross stressed the importance of civilian oversight with the power to make policy recommendations.

Jim Michels requested that the outcome be more clearly defined because the CRA does not have the authority to discipline officers; if the CRA is making recommendations and they are not followed for departmental legal reasons, public perception would be even worse.

Beverly Propes offered these suggestions: examine the words we use in this context and offer answers. What does misconduct mean? What does investigate mean? We need points of reference and articulate definitions to ensure shared expectations between the community and the city. She stressed the importance of shared performance expectations and measures and consensus.

Reverend Smith said we need to "talk in reality" and that we need a Police Department that is truly representative of the community.

James Everett said citizens need to be able to complain immediately and have documentation of complaints and results to empower citizens.

Augustine W. Dominguez said that our recommendations will need resources so that all the work doesn't end up like the Racial Profiling Report, which had good recommendations but not money to fund them. An important part of the redesign includes publicity money so people know about the CRA. The lack of this knowledge was an issue before.

Lyle Moccasin stated that we have not set the parameters of this process yet. There are legal parameters and laws that need to be addressed outside of the CRA process. Many of them involved the state and lobbying the legislature. To be useful, the Action Group and the community need to know the limitations.

Mohamud Hashi said we need aggressive outreach to the immigrant community and a process that works fairly for both the community and the police.

Daryl Lynn said the new process needs to be independent of the Police Department. And questioned how we can train officers to not use force when they are given the authority to use it. He cautioned that we need to be aware of not recreating something that was already there because there is a misunderstanding about what the former CRA did.

Dave Ellis felt that this was an opportunity to change. He expressed the importance for accountability being attached to the outcomes we hope to achieve. The key words for this process, he felt, were accountability, authority, independence and above all else, community driven.

Lyle Moccasin said that we cannot treat the effects and hope for positive results if we do not first address the cause. He recommended that the procedure for hiring police officers needs to be examined because the system has not caught up with the diversity of society.

Kinshasha Kambui said that we cannot afford to lose our enthusiasm. She cautioned that we cannot do it all in this forum and that we need to focus on our mission.

It was agreed by the Action Group that the Outcomes Subcommittee should meet and develop a definition based on the discussion and bring to the group by the end of the week for comments and discussion at the next Action Group meeting.

V. Adjourn (8:30 p.m.)

Civilian Review Authority Redesign

Action Group Meeting

Room 333, City Hall

May 8, 2002

5:30-7:45 p.m.

Action Group Attendees:

Augustine Willie Dominguez, Latino Advisory Council
Ronald A. Edwards, PAC MN Dakota Conference NAACP
Dave Ellis, Initiatives on Racial Disparities
James Everett, SubZero Collective
Michelle Gross, Communities United Against Police Brutality
Mohamud Hashi, Confederation of Somali Communities of MN
Linda White for Vanne Owens Hayes
Vanne Owens Hayes, Civil Rights
Jay Heffern, City Attorney
Deputy Chief Rick Schultz
Natonia Johnson, Genesis 2 for Women
Kinshasha Kambui, Mayor's Office
Robert Lilligren, City Council Vice President (Ward 8)
Daryl E. Lynn, CRA Board Chair
Jim Michels, Police Federation
Lyle H. Iron Moccasin, American Indian OIC
Beverly Propes
Lt. Carol Serafin, IAU, MPD
Rev. William Smith, MPLS Interdenominational Ministerial Alliance
Pablo Tapia
John Trepp, Friends of Barbara Schneider Foundation
Lee Pao Xiong, The Urban Coalition
Paul Zerby, City Council Member (Ward 2)

Absent:

John Moir, City Coordinator
R.T. Rybak, Mayor

Alternates and Visitors:

Mark Wernick
Gordon Stewart, Legal Rights Center
Tim Connolly
Mike Oakes
Robin Garwood
Keith Ellison
Husniyah Dent
Antonio Rosell

Staff:

Sara Dietrich
Laura Lambert
Lori Olson

MEETING NOTES:

I. Community Standards for Good Policing

We are talking about getting back to basics about behavior. "All I really need to know, I learned in kindergarten" credo was read.

Members broke up into three groups to each develop a list of standards for police behavior. Groups reported back. Staff was directed to condense the list down to 8-10 standards.

Group 1:

Be honest.
Be fair.
No anger/ Curb your anger.
Treat others as you would be treated/Golden Rule.
Listen.
Operate within the rules.
Take responsibility for your own actions.
Use common sense.
Be sensitive to needs and backgrounds of people.
Be flexible.
Enjoy your job and feel proud of being a police officer.

Group 2:

Don't assume.
Courteous/respectful.
Accountable as peace officers.
Follows law (role model).
Serve.
Listen.
Treat everyone equally/unbiased.
Communal bearing.
Responsive.
Culturally aware.
Knowledgeable.
Informative.
Communicative.
Integrity.

Ethical conduct.

Group 3:

Fair and impartial delivery of service.

Respectful communications.

Accountable for their actions upholding the civil rights so all people, no matter where they come from.

Culturally competent including socio-economic competent and not stereotyping.

Well-trained officers who can easily distinguish when to and not to use force.

Well trained community who understands laws and consequences.

II. Lucille's Kitchen Report—Robert Lilligren, Kinshasha Kambui, James Everett

We had about 20-30 minutes to provide information. It went well. The representation was well received and the presenters were respected. People walked away saying, "we'll see." We have set up a participatory process and the community is being given the opportunity to be heard. We have to take their information and use it. We had the opportunity to advertise our community meetings.

III. Outcomes Committee—Michelle Gross

Michelle Gross distributed the draft definition of civilian review:

Civilian Review Authority: An independent way for trained community representatives to receive and investigate complaints of police misconduct, to make recommendations on corrective actions, and to provide oversight and policy input to improve police culture and practices.

The definition should be translated into Somali, Spanish and Hmong languages. Maria will translate into Spanish.

There were concerns about who would be doing the training of community representatives and also who would be training the police.

The definition was approved by a unanimous vote.

The chair directed the outcomes committee to keep working on outcomes and bring back models to the table.

IV. Outreach Committee—James Everett

James Everett distributed drafts of the media advisory, frequently asked questions, and an agenda for the community meetings.

James Everett will be meeting with Lois Gunderson of the Violence Free Families Program of Hennepin County on Friday.

We need to get information to the media, including Insight.

There was a discussion about whether the format for community meetings should be large group or small group breakout groups. Small group meetings will require more people to facilitate. The Indian community is more likely to participate in small group format. Size of the small groups and room logistics affect the process. We can ask that within each small group, someone from the group take notes-- which gives the community some opportunity for leadership and ownership. The desired outcome is that we need people to buy into the process. We could break out into language groups. Action group members were requested to sign up to be facilitators.

Advertising for the meetings will include press releases to the city's media contacts. The Urban League has been putting out invitations. Lucille's Kitchen has been announcing the Urban League meeting. The language needs to be sharper about why people should come to the event. Flyers are a way to advertise. Willie Dominguez does radio on Saturdays and suggests that as an outreach option and can put people on the radio.

The excessive force committee will gather community input after the civilian review process is established. Anything that we learn in our community meetings will be forwarded to the use of force committee. The use of force committee has not yet determined how to gather community input.

A suggestion was made to wordsmith the language to be non-confrontational and give the message that we are here to listen. We need to be clearer about our language. There have been mixed messages given to the community. The council reduced the funding for CRA. Effective May 6, the CRA staff will report to Vanne Owens Hayes in the Civil Rights Office whose office will be taking complaints and will do the best that they can in the interim. Vanne Owens Hayes will work with James Everett to craft accurate language. We can give a little history at the meetings but we need a proactive message.

Next Tuesday, there will be a focused meeting at Simpson shelter facilitated by Kinshasha.

V. Budget Committee—Natonia Johnson.

We need to work with the outreach committee closely to gauge what to ask for. The amount of \$200,000 is not much money and that obviously has to increase.

VI. Policy/Legal Committee—Keith Ellison

Keith Ellison handed out a committee report. The committee focused on what our charge was and brainstormed legal impediments at our first meeting. At our second meeting we discussed the following issues: data practices act, subpoena power, burden of proof, civilian review authority to make or influence police policy, police officer bill of rights, outside investigation by Hennepin County Sheriff's Department, a memorandum of law written 12 years ago by Mark Wernick, and residency requirements. The subcommittee plans to review Mark's memorandum and bring that information back. We will be looking at legal parameters and perhaps looking at where the law needs to be changed.

Ron Edwards asked a question about whether 172.150 has been satisfied on the issue of notice. The answer was not known. The city is in a transitional mode and is trying to satisfy the ordinance as best as it can.

VII. Case Study Committee—Daryl Lynn

There are 39 cases that Daryl Lynn, Lt. Carol Serafin and Deputy Chief Shultz have divided up to review.

VIII. Other Business

Next week, Kinshasha Kambui will be chairing the meeting.

Mohamud Hashi asked the legal subcommittee to look at legal issues specifically related to immigrants.

Pablo Tapia wants to include a time for meeting evaluation at the end of each meeting to see if we are making progress.

James Everett is taking suggestions for focus group meetings.

The community questions will be on the city's web site.

Civilian Review Authority Redesign

Action Group Meeting

Room 333, City Hall

May 15, 2002

5:35 – 7:50 p.m.

Attendees:

Ron Edwards, PAC MN Dakota Conference NAACP
Michelle Gross, Communities United Against Police Brutality
Mohamud Hashi, Confederation of Somali Communities of MN
Vanne Owens Hayes, Civil Rights
Jim Moore for Jay Heffern, City Attorney
Natonia Johnson, Genesis 2 for Women
Kinshasha Kambui, Mayor's Office
Robert Lilligren, City Council Vice President (Ward 8)
Daryl E. Lynn, CRA Board Chair
Jim Michaels, Police Federation
Lyle H. Iron Moccasin, American Indian OIC
John Moir, City Coordinator
Lt. Carol Serafin, MPD
Reverend William Smith, MPLS Interdenominational Ministerial Alliance
John Trepp, Friends of B. Schneider Foundation
Paul Zerby, City Council Member (Ward 2)
Mohamed Jibrell, Mayor's Office
Pablo Tavia
Michelle Gross, Communities United Against Police Brutality
Beverly Propes
Sara Dietrich, City of Minneapolis
Mark Wernick
Tim Connolly
Gordon Stewart, Legal Rights Center
Husniyah Dent, City of Minneapolis
Laura Lambert, City of Minneapolis
Lori Olson, City of Minneapolis
Rick Schultz, Deputy Chief MPD

MEETING NOTES

I. Meeting Convened (5:35 p.m.)

II. Recommendations

- A. Chair made a motion that the "Community Standards for Police Officers" for the committee as well as the Police Officers.

The Standards are as follows:

1. Be culturally competent
2. Listen
3. Be respectful and courteous
4. Operate within the rules

5. Be fair and impartial
6. Be accountable as peace officers
7. Display integrity
8. Communicate information and knowledge
9. Be proud to serve the community
10. Use sound judgement
11. Be responsive

Motion seconded to adopt the standards for the committee.

Questions that need to be addressed before adopting the standards by the committee are as follows:

1. Data is needed on the following before adopting the standards.
 - how many recommendations have we made
 - how many recommendations have been upheld
 - what is the nature of that discipline- is it two days is it 30 days, everybody in the department getting suspended or is it just certain individuals?
2. Of the eleven points that we are talking about to the best of your recollection and if there is data to support the question – What is the most frequently violated of the eleven?
3. The standards need to be further developed before we vote on and adopt them. These standards are general and ambiguous, at this point we are going to table this discussion and send it to “Outcomes” to look at in terms of further exploring these standards.

Suggestions:

1. It was suggested that the Standards, as a draft, be taken out to the community meetings and let them comment on it.

B. Public Information meeting at the Urban League – CM Lilligren
 41 participants – Community responded strongly with their individual instances. The meeting was very successful.
 General comments – people were skeptical, but participated.
 Specific questions with regard to the location of files. Overall very positive meeting.
 Policy recommendations were made by the public, and responses were compiled and distributed to the CRA members.

C. Simpson Shelter – Kinshasha Kambui –
 30 participants – Participants were appreciative with our valuing their ideas and feedback. A very diverse group. In general complaints or feedback were similar in the sense that they felt that as people of law can come into the Shelter and do not hold them in high regard. Many verbal abuses that takes place in this community. Participants made very useful suggestions.

Suggestions:

- ongoing office of communications between the police and people who live in the Shelters.

- Officer should come and spend some time with them and come to know whom they really are
 - Police often stereotype the people who live in the shelter as i.e., criminals, alcoholics, untrustworthy – so the suggestion to come and spend to get to know them and to exchange ideas with them to help dismiss the stereotype impressions.
 - Relationship issues – develop relationships with the Police and the community.
 - We have a systemic problem with deep fear of interfacing with the city – we need to have police presence at the meetings so that the police force can hear the thoughts and feeling of the individuals throughout the community.
 - We need to get the community to bring complaints forward – this is a very key
 - element needed for this re-design.
- D. Would like to have the staff calculate the financial impact of this committee. Try to put a dollar figure of what this committee is costing the city to come up with this redesign. So by the time this committee/redesign is finished we will have an idea of the total cost associated with the CRA.
- E. Read John Trepp's proposal for CRA.
- F. Please prepare subcommittee questions and submit to the subcommittees ahead of time so that they can come prepared with the answers.

III. Subcommittee Reports

Outreach Report – Kinshasha Kimbui

Upcoming events:

- 5/17 City Beat – Cable TV 1:30 p.m. Channel 14
- 5/21 – Plymouth Church – 6:00 – 8:00 p.m. – focus group of homeless families, students from around the community will be present.
- 5/26 – Plymouth Church – 12:00 – 2:00 p.m. Pablo Tapia - to follow-up to talk to the Latino Community – Tentatively scheduled
- 5/28 – Students from Lincoln High School will be meeting at Plymouth Church 11:00 – 12:00 p.m.
- 5/30 - Red Wing Correctional Facility – Dave Ellis and Laura Lambert will be going to that meeting.
- Other community meetings will be on:
 - 5/23 – Mpls. American Indian Center from 5:00 – 8:00 p.m.
 - 5/25 – Brian Coyle Community Center from 4:00 – 6:00 p.m.
- Outreach group may be looking into an incident that happened at the University of MN. We should try to look at doing something there too.

Outcomes Report: Michelle Gross

We are getting into the meat of things right now – looking at different issues that the committee can do right now - nothing concrete – looking at various models – we will be working on best practices – will have something before the next meeting.

Budget Report: Natonia Johnson

Nothing to report – we have to work with Outcomes Subcommittee to find out what it is they are working on. By the next meeting we will have something concrete to discuss.

Legal/Policy Subcommittee Report – Vanne Owens Hayes

Distributed and reviewed the document that Mark Wernick developed 12 years ago regarding the establishment of the Civilian Review Authority and what the recommendations were back then, the attorneys on the committee are reviewing that document to see if any changes have been made in the law. Then will make some recommendations to bring it up to date. Then we plan on working with the Outcomes Committee, it is important for us to work in concert once the outcomes get refined so we are looking at the legal questions related to outcomes and not just working on things that are not a concern as an outcome. Once Mr. Wernick corrects his document it will be shared with the committee.

Case Study Subcommittee Report – Darryl Lynn

We don't meet on a weekly basis. The reason why is there is 39 files distributed between the three of us to review. We don't want to give an incomplete report until all of the files have been reviewed. We will then get together as a group to collaborate on the findings of the files and prepare a full report for the committee.

Please take me off the agenda for the next week.

IV. Adjourn (7:40 p.m.)

Civilian Review Authority Redesign

**Action Group Meeting
Room 333, City Hall
May 22, 2002
5:35 – 7:35 p.m.**

Attendees:

Ron Edwards, PAC MN Dakota Conference NAACP
Vanne Owens Hayes, Civil Rights
Jay Heffern, City Attorney
Natonia Johnson, Genesis 2 for Women
Kinshasha Kambui, Mayor's Office
Robert Lilligren, City Council Vice President (Ward 8)
Daryl E. Lynn, CRA Board Chair
Jim Michaels, Police Federation
Lyle H. Iron Moccasin, American Indian OIC
Lt. Carol Serafin, MPD
Reverend William Smith, MPLS Interdenominational Ministerial Alliance
John Trepp, Friends of Barbara Schneider Foundation
Paul Zerby, City Council Member (Ward 2)
Pablo Tapia
Sara Dietrich, City of Minneapolis
Tim Connolly
Husniyah Dent, City of Minneapolis
Laura Lambert, City of Minneapolis
Lori Olson, City of Minneapolis
Mike Martin, MPD
Robin Garwood
Dave Ellis, Initiatives on Racial Disparities
John Delmonico
Augustine Willie Dominguez, Latino Advisory Council

MEETING NOTES

- I. Meeting Convened (5:35 p.m.)**
- II. CRA Retention – Daryl E. Lynn**

Mr. Lynn wanted to make a correction to the retention statement he made at the last meeting. Tapes are retained until transcribed to hard copy and then destroyed. Hard copies are retained for three years.
- III. Homeless Families – Kinshasha Kambui**

The participants in this meeting discussed how they feel that they are truly on the bottom in terms of police behavior and attitude. The comments Kinshasha heard over again were pattern's of police behavior that include racism and classism. Repeated calls from shelter to police result in long response times. Domestic abuse victims are treated indifferently, as if the abuse is the victim's fault.

IV. Subcommittee Reports:

Outreach Committee – Sara Dietrich

Upcoming community meetings scheduled they are:

- 5/23/02 – Minneapolis American Indian Center – 5:00 – 8:00 p.m.
- 5/24/02 – Youth at South High School, Sanford Middle School and North High School will meet to discuss these issues.
- 5/25/02 – Brian Coyle Community Center – 4:00 – 6:00 p.m.

Other upcoming events:

- 5/26/02 – Plymouth Church – 12:00 – 2:00 p.m.
- 5/28/02 – Plymouth Church – 11:00 – 12:00 p.m. Students from Lincoln High School
- 5/30/02 – Red Wing Correctional Facility
- 6/6/02 – TBD – Community meet with GLBT Committee

Outcomes Committee – CM Robert Lilligren

- Question Handout distributed – we need to define what are role is as we go into the next phase.
- Definition and clarity is needed once the community outreach meeting comments have been compiled.
- Look at the types of complaints that trigger types of actions.
- Meet jointly with Outreach, Outcomes and Budget Committees to discuss outcomes
- Need to know \$ parameters and timeline.

Budget Committee – Natonia Johnson

- We need clear information about what the Budget is getting mixed messages.
- Laura Lambert will provide budget information on the following: how much does the city spend annually for out of court settlements, judgements, defense costs, related to police activity. This information will be provided for the last 5 years.
- Vanne Owens Hayes has submitted a budget proposal of \$114K for expenses for the balance of 2002 CRA interim activities.
- CRA service will continue until a new process is created.
- Call constituents to get council members to get this issue a priority.
- Obtain definitive budget amount for CRA.
- New CRA process part of Mayor's Budget Recommendation and would start January 1, 2003.

Legal Subcommittee

Will be meeting with Vanne's committee next week.

V. Timelines and remaining activities - Dave Ellis

The Action Group has two meetings left. In that time the subcommittees have to come back with their recommendations, the information from the

community meetings has to be brought back so that staff can put together a draft report.

That draft report will come to the action group, where we will offer recommendations on how to finalize the report. Once we have approved it, the final report has to go back to the community and for their input.

Submit the report to the Mayor so that the budget can be brought to the Council for approval. We need to have something before the city council before the budget discussion process starts. Mid July is our deadline.

Staff will bring timeline to next meeting.

VI. Interim Operations Update – Vanne Owens Hayes, Director Civil Rights

A copy of the number of intakes that we have been taken by Civil Rights was distributed to the committee. Also, distributed to the committee was a copy of the ad that is going to be run in the Minneapolis Spokesman talking about Civil Rights handling interim operations for the CRA. Vanne mentioned that they are very concerned about the number of cases that have come in and that the Civil Rights Department will soon be overwhelmed with complaints. They received 13 complaints in one day. 39 people since last Wednesday.

Outcome of this process – if we don't have a way to shine public scrutiny on what the CRA is doing, then we have failed. The system must be transparent so people can look at it and see what is happening inside and out. Accountability is key.

Vanne shared with the group and particularly with the police department about the profound pain they are experiencing in Civil Rights from the allegations and conditions of people who have come through the door. "It is scary to me to think that one of the assertions that is being made is that in this interim period when perhaps police think there is no Civilian Review Authority, and those who are so inclined, are unchecked by disrespectful and bad misconduct and as we go into this weekend with activities and celebrations I would hope that there is some way to communicate with the police force. What I am seeing come in the door is terrible" said Owens-Hayes. Vanne reminded the group "we are dealing with human beings in Minneapolis of diverse backgrounds and conditions". We are trying to prepare our staff for the increase that seems to be coming each day.

VII. Adjourn (7:40 p.m.)

Civilian Review Authority Redesign

**Action Group Meeting
Room 333, City Hall
May 29, 2002
5:40 – 7:20 p.m.**

Attendees:

Augustine Willie Dominguez, Latino Advisory Council
Ron Edwards, PAC MN Dakota Conference NAACP
Dave Ellis, Racial Disparity Initiative
Michelle Gross, Communities United Against Police Brutality
Mohamud Hashi, Confederation of Somali Communities of MN
Barbara Damchik-Dykes, Civil Rights
Jay Heffern, City Attorney
Chief Robert Olson, MPD
Rick Schultz, Deputy Chief, MPD
Kinshasha Kambui, Mayor's Office
Robert Lilligren, City Council Vice President (Ward 8)
Daryl E. Lynn, CRA Board Chair
Jim Michaels, Police Federation
Lyle H. Iron Moccasin, American Indian OIC
John Moir, City Coordinator
Beverly Propes
Lt. Carol Serafin, MPD
Reverend William Smith, MPLS Interdenominational Ministerial Alliance
John Trepp, Friends of B. Schneider Foundation
Paul Zerby, City Council Member (Ward 2)

Staff:

Sara Dietrich
Laura Lambert
Lori Olson

Other:

Dennis Joyner
Yana Borisov
Mark Wernick
LeMonte Graham
Robin Garwod
Tim Connelloy
Bill Cooley

MEETING NOTES

I. Meeting Convened (5:40 p.m.)

Kinshasha Kambui convened the meeting for Dave Ellis (who was running late) at 5:40 p.m.

II. Reports on Community Meetings (5:42 p.m.)

Mental Health – American Indian Center

Two sets of notes from this meeting were passed out – one compiled by staff and the other made by Action Group member, John Trepp. Laura Lambert updated the group on this meeting and cited four specific suggestions from the mental health community: (1) independent board (2) changing the state law for training investigators so we achieve greater diversity (3) screening 911 dispatchers and calls and (4) training officers on non-lethal use of force strategies.

John Trepp highlighted one significant comment that stood out to he. He shared the story of a woman who described how when her sister has a psychotic episode, they are afraid to call the police because they are afraid the police will shoot her sister.

American Indian Center

Council Member Lilligren commented on this Community Meeting. Specifically, he stressed the good suggestions that came out of the group but, also, that it was the angriest of all the meetings he has attended so far. He commented on how sophisticated and knowledgeable people are on this issue and how they have constructive comments to make.

Somali – Brian Coyle Center

Mohamud Hashi spoke about the meeting in the Somali community. He described the experiences Somali community members have had with police, especially the negative experiences with patrol car 720. Police have been afraid to complain about 720 because of the fear of retaliation. Incidents of harassment have increased since 9/11 and the need for a more diverse police force was cited.

Council Member Zerby, who attended the meeting, said that there were many specific and constructive comments that came from this meeting. Zerby expressed his dismay at the number of complaints against patrol car 720 and formally asked the Police Chief to look into these allegations. Chief Olson explained that one car has 10-15 drivers and that he would need specific complaints to start investigations. Zerby recommended that Mohamud Hashi work with the community to bring these specific complaints to the Chief, which Mohamud said he would.

Hashi went on to say that a major problem for new arrivals in Minneapolis is the lack of knowledge of the process for making complaints. He stressed that people – especially new arrivals and those who don't speak English – need information and to be told how to file a complain. A. Willie Dominguez echoed this concern and stressed the need for marketing the interim and new CRA process. He said marketing needs to be a stated outcome of this process.

Beverly Propes, who attended the community meeting, said she personally promised the community that we would do get back to them. She suggested that we go back to the community with additional training and education. She said how members of the community at this meeting said that they would serve as community liaisons to assist with the training. Propes mentioned that a lot of what she heard at the meeting had to do with

“trust” and we need to give them the tools to build a relationship with our public safety department and personnel.

Barbara Damchuk-Dykes, representing Civil Rights, stated that her department already has a good relationship with the Brian Coyle Center and that she and the Civil Rights staff will work with the center on an educational piece on the CRA and have an on-site intake process.

John Trepp took this moment to express his feelings about the alleged “national reputation” of the Minneapolis CRA. He cited a study by Human Rights Watch that listed Minneapolis as one of the worst offending police departments. Michelle Gross said the report could be found on the Human Rights Watch website.

Latino – San Cyril and Methodiuf

Kinshasha Kambui spoke about this community. Kinshasha summed up the experience by stating that people are really scared and afraid of being singled out. One simple question stood out at this meeting: “Why is there so much hate?” The main issue with the Latino community has been stops for questionable reasons so that officers can check their ID’s (immigration issues). A positive aspect from the meeting was the agreement that the Latino community would work with the Somali community to get help with the ID problem and issues. The Somali community has a good program regarding this issue.

The issue of marketing came up again. Beverly Propes suggested community radio stations. Chief Olson mentioned his positive experience with going on Somali TV after the shooting. Reverend Smith suggested that in addition to community radio/TV, we need to focus on major players and perhaps have a “town meeting” on this issue on one of the big stations. Lyle Iron Moccassion mentioned that through his experience with the 2002 Census taught him some good lessons. Most low-income people do not have access to television/radio and are difficult to reach. Since low-income people tend to be the most targeted for police harassment, flyers passed out at shelters and social service sites would be a helpful way to communicate.

John Trepp asked if anything has been scheduled with the University of Minnesota. At this point, nothing has been scheduled. Council Member Zerby requested that a meeting be set up, and Mohamud Hashi suggested that this meeting be combined with the community in Cedar-Riverside.

III. Data Requests from Previous Meetings (6:31 p.m.)

- Law Enforcement Expenditures Related to Police

City Attorney, Jay Heffern, pass out three handouts: (1) financial summary of police misconduct, (2) a police-related liability expenditure report and (3) a citywide liability payments report.

Questions included:

1. Where does the money for paying the settlements come from (the city’s contingent liability fund)
2. Is there a cap on the amount the city needs to pay (yes, the municipal tort liability cap but it has only been a factor in 2 cases since 1997)

3. Are there any outstanding cases (yes, there are excessive force cases outstanding at this time but Heffern did not know exactly how many)
 4. Does the city pay the claims of officers who are off duty (yes, if they are engaged in police activities that is within the scope of police duties)
 5. Are personal injury cases related to excessive force cases (no, generally personal injury cases are traffic related)
- Budget Update for 2003

Lori Olson passed out a memo that stated the minimum amount of funding available for civilian review activities (\$200,000) as well as the budget timeline for submitting CRA recommendations.

- ***Value of Time Spent on Process***

Laura Lambert prepared a memo that calculated the hours spent by the community on this project.

- **Anti-Terrorism Legislation**

A copy of the newly approved Anti-Terrorism Legislation as well as a memo from the city's Intergovernmental Relations Staff summarizing the legislation was passed out. John Trepp made a request to receive data on Intern Affairs cases, which Chief Olson and Lt. Serafin agreed to get to the Action Group.

VII. Outcomes Subcommittee Report (6:59 p.m.)

Michelle Gross, Chair of the Outcomes Subcommittee, said that the subcommittee is aggressively wrapping up its work. She requested a meeting with both the Budget and Legal subcommittees. To facilitate this, the next Action Group meeting (June 5) was cancelled. In its place the three committees will meet to finalize outcomes; however, this meeting is open to all the Action Group members. The final meeting of the Action Group will be on June 12, when the recommendation will be proposed to the Group and next steps will be discussed for implementing the plan and taking it to the community.

VIII. Adjourn (7:20 p.m.)

Civilian Review Authority Redesign

Action Group Meeting

Room 333, City Hall

June 12, 2002

5:30-8:00 p.m.

Action Group Attendees:

Ron Edwards, PAC MN Dakota Conference NAACP
Dave Ellis, Initiatives on Racial Disparities
James Everett, SubZero Collective
Michelle Gross, Communities United Against Police Brutality
Mohamud Hashi, Confederation of Somali Communities of MN
Vanne Owens Hayes, Civil Rights
Jay Heffern, City Attorney
Deputy Chief Rick Schultz, MPD
Natonia Johnson, Genesis 2 for Women
Kinshasha Kambui, Mayor's Office
Robert Lilligren, City Council Vice President (Ward 8)
Daryl E. Lynn, CRA Board Chair
Jim Michels, Police Federation
Lyle H. Iron Moccasin, American Indian OIC
John Moir, City Coordinator
Beverly Propes
Lt. Carol Serafin, IAU, MPD
Paul Zerby, City Council Member (Ward 2)

Absent:

Augustine Willie Dominguez, Latino Advisory Council
R.T. Rybak
Lee Pao Xiong, The Urban Coalition
Rev. William Smith, MPLS Interdenominational Ministerial Alliance
Pablo Tapia
John Trepp, Friends of Barbara Schneider Foundation

Alternates and Visitors:

Mark Wernick
Gordon Stewart, Legal Rights Center
Robin Garwood
Maria Zavala, Family and Children's Services
Kate Muge
Nick Colten
Howie Padilla
Bruce Lundeen
Tom Ford

Staff:

Laura Lambert

Sara Dietrich

Lori Olson

MEETING NOTES:

I. Police Federation Letter

Ron Edwards brought up a concern about a letter that was sent to City Council and the Mayor from the Police Federation. Many members had not seen the letter. Copies of the letter were made and distributed to everyone present. This item will be discussed at the next meeting.

II. Outcomes Subcommittee—Michelle Gross

Michelle Gross distributed a document that is a cleaned up version of what was discussed in joint subcommittee meetings from the previous week.

The subcommittee was charged to come up with a menu of models and they have presented three models with different price ranges. Each of the models could meet the list of proposed outcomes.

III. Budget Subcommittee—Natonia Johnson

Staff prepared a budget for each of the three models that were proposed by the outcomes subcommittee. The budget was distributed.

IV. Case Study Subcommittee—Daryl Lynn

Daryl distributed a list of the 37 cases that were appealed along with the reason for the appeal and the determination of the appeal. This is a compilation of all appealed cases over the past 10 years. None of the cases were overturned.

There is nothing here that tells us anything that we can use to go forward with for a future CRA. It is important to remember that all these cases reflect a thorough investigation.

A complainant must sign a complaint. Then the investigators have 120 days to investigate and may have another 60 days. An appeal can be requested within 45 days. Statements are taken verbally. They can bring an interpreter or the CRA will provide one if needed.

The process is that an investigator does the investigation. The Director can agree, send it back for more investigation, or not move it forward. The Federation is then brought in. They can agree with the charges or choose to

go before a 3-member panel. The panel would make a ruling in writing. Then the citizen could appeal to other members of the panel.

Robert Lilligren suggested that the appeal body should be further removed from the body that makes the original ruling.

If there is no police report on file, the investigator can still follow up by showing the complainant a photo book of officers or following up on whether that officer was in that location on that day.

Sometimes the reason that a complainant doesn't win is because a witness is not willing to come forward. Investigators will seek out witnesses who can win a case.

We need to describe to communities what constitutes misconduct. The citizens may feel bad, even if the police did not engage in misconduct. Sometimes people learn after the fact what constitutes misconduct, but it would be good to get ahead of that in educating the public.

V. Legal Subcommittee—Vanne Owens-Hayes

The legal committee went through each statement in the Outcomes subcommittee report and noted the legal implications. "No change in law required" means there is no impediment beyond possibly a city ordinance change.

The Legal subcommittee wants to compose a summary of their activity that will be part of the final report.

Whatever we come up with, there needs to be some action regarding what to do with the existing board. Incorporation into the Civil Rights Department would require a change to the civil rights ordinance, possible change to the charter and change to the civilian review authority.

We may not be able to make changes in one sweep. We may have to go through the legislature and take other sequential steps.

We should remember that there are many volunteers who currently sit on the CRA board or were part of the original design. Many of the changes proposed are not new to them. They made many of the same recommendations and were not successful.

VI. Community Meetings—Kinshasha Kambui

Abraham Lincoln is an immigrant immersion school. The Somali students mentioned squad 720. In the same way that police know who is causing problems in the community, it seems that they should know who is causing

problems in the police force—maybe there should be a CODEFOR for police officers. Students feel profiled. They would like to see officers as better role models.

Most of the GLBT community felt that the police used the fact that there are a few gay officers as a reason to not deal with the homophobia that happens in the streets.

There were patterns that emerged—that in poor communities and communities of color, experiences were different from more affluent communities or communities that didn't have people of color.

VII. Discussion

Even if the complainant didn't win a particular case, there are still patterns --like squad 720 keeps coming up. There is something to that complaint and we need to look at policy recommendations to change behavior.

Michelle had e-mailed to John Moir a rationale for each recommendation.

Sometimes we have to look at the city charter to identify the areas that handicap policies and procedures. That was looked at in development of these recommendations.

Community outreach information has been rolled in to the recommendations as much as possible. Sometimes the community would have differences of opinion and then we had to choose which way to go.

Civil Rights investigators have to be separate people from Civilian Review investigators due to their different access to sensitive personnel information. They also have different specialized training. Both types of investigators could be supervised by the same person.

All these models only have 2 investigators in the budget. The community has complained that the prior CRA did not investigate complaints fast enough. We will still be looking at 4-6 months to resolve cases with that number of investigators.

Ron Edwards does not agree with having only the 2 investigators. He proposed a substitute motion with 4 investigators that was called model three in the packet. That model was renamed to Ombudsman AA.

Administrative overhead and staff development dollars must be added to the budget.

Outreach is a central issue and we may need to look at a full-time outreach person.

We thought that our responsibility was to give a rough outline and that Mr. Moir's staff would address financial and budgetary issues related to additional monies for administrative costs.

Are we setting ourselves up for failure if we propose a model that the city can not afford?

If we put this in Civil Rights, what type of authority will Vanne have?

Homeland security and anti-terrorism money is being looked at as a source of funding.

We had asked the budget committee to look at sources of funding. If we just recreate what we had with a cheaper price tag, that won't work. We could either spend money on judgements or we could spend money on prevention.

Can we separately consider which model to select from the number of investigators from looking for other funding?

Any of these federal funds (homeland security and anti-terrorism) would come to the Fire department.

A lot of people feel like we were set up from the beginning. They don't believe that a new model is going to work and we are underpricing it.

Outreach committee had made the commitment to go back out to the community to show them that we had heard and that we had based the new CRA based on their comments. What can we realistically expect?

John Moir stated that the purpose of this group is not to say how many clerk typists we need. The question to address is "Are the behaviors that are offensive to the community altered?" The purpose is not to tell municipal government how to organize itself. The Action Group should recommend a model. City staff will figure out staffing requirements to make it effective at accomplishing the outcomes that the Action Group wants to accomplish. You have said we need investigative capacity, training capacity and outreach capacity. Focus your attention on what you want to see happen and let staff figure out how to line it up and pay for it. You could say to take the funding from the police department to give them an economic incentive for improved performance.

This process has created a level of expectation, and as that rises so does the political possibility for a charter change to make these models happen. Each council members vote will be specifically on CRA and not tied to a package of \$5.2 million in cuts like it was when CRA funding was reduced.

In the Ombudsman AA model, the Research Coordinator would research case law, ordinances, current legislation, demands of charter, state law, and federal law. The research assistant could be donated by the U of MN Law School. The Senior investigator would sit in as acting director when the director is on vacation.

We could get outreach money from the police department.

A poll was taken to see how close to consensus we are. The options were Model A, B, C and AA.

Ron	AA
Paul	A
Robert	Abstain
Vanne	Abstain
Mohamud	AA
Michelle	A
James	AA
Daryl	AA
Jim	Abstain
Carol	A
Rick	A
Jay	A2
Lyle	AA
Natonia	C
Maria	AA
John	Abstain
Kinshasha	Abstain

Model A and AA are where most of the people ended up.

When you tell us to design a better process for the will of the people, it shouldn't be a surprise that we come back with a more expensive model. We didn't go over the budget—we are trying to better serve the people.

Suggestions on Ways to Proceed:

- CM Robert Lilligren volunteered to meet with to work with committee chairs to digest this and create a draft report.
- We need council and city coordinator to pull this together into a draft report.
- A working group should create a working draft for everyone to review.
- All of us need to look over the information and come prepared. We then can give staff direction.
- Would like to see the costs of C, A and AA so we can look at it and have all the information.
- A suggestion to cost out functions was requested and Moir said that he was not going to do that.

Vanne distributed a caseload update.

We need to discuss the Police Federation letter on the next agenda.

The final proposal was to meet in two weeks on the 26th. John Moir and staff and other folks could get together and draft a report and send it out in advance.

Civilian Review Authority Redesign

**Action Group Meeting
Room 333, City Hall
June 25, 2002
5:30-8:00 p.m.**

Action Group Attendees:

Ron Edwards, PAC MN Dakota Conference NAACP
Dave Ellis, Initiatives on Racial Disparities
James Everett, SubZero Collective
Michelle Gross, Communities United Against Police Brutality
Vanne Owens Hayes, Civil Rights
Deputy Chief Rick Schultz, MPD
Natonia Johnson, Genesis 2 for Women
Kinshasha Kambui, Mayor's Office
Robert Lilligren, City Council Vice President (Ward 8)
John Moir, City Coordinator
Beverly Propes
Lt. Carol Serafin, IAU, MPD
Rev. William Smith, MPLS Interdenominational Ministerial Alliance
John Trepp, Friends of Barbara Schneider Foundation
Paul Zerby, City Council Member (Ward 2)

Absent:

Augustine Willie Dominguez, Latino Advisory Council
Mohamud Hashi, Confederation of Somali Communities of MN
Jay Heffern, City Attorney
R. T. Rybak
Daryl E. Lynn, CRA Board Chair
Jim Michels, Police Federation
Lyle H. Iron Moccasin, American Indian OIC
Lee Pao Xiong, The Urban Coalition
Pablo Tapia

Alternates and Visitors:

Mark Wernick
Howie Padilla

Staff:

Laura Lambert
Sara Dietrich
Lori Olson

MEETING NOTES:

We need to get this done this evening so that it can get into the budget process.

I. Outcomes

Is whom they report to, the Board structure, in here? Yes.

Is staff development in there? The outcome would be a better-educated team.

There was a document on a regenerated commitment to human and civil rights written by Rev. Smith. It could be reflected in a mission statement. It could be part of implementation. The Mayor and Deputy Mayor had no problem with it—it just needs to be included. This document has not been distributed to the Action Group. It will be distributed to everyone.

An additional outcome was added that said that cases should be investigated in 60 days plus 30 days for mediation, hearing, appeal for a total of 90 days. Extensions could be granted by City Council for extenuating circumstances to make sure the investigation is good and complete. If that timeline isn't met, there are other legal remedies that are already in place such as the ability to move to district court. There should be an opportunity for both parties to agree to waive the 90 days.

Under the process review section, add that the length of time it takes to process a case as a measurement.

We are going back to the community to tell them.

MOTION: The 10 outcomes were passed with all in favor except Kinshasha Kambui who abstained.

The group will be sent a draft before the final goes before City Council.

II. Other Recommendations

We have a right to a police department that lives in and reflects the community. These recommendations have to be moved forward. We need to go back to the legislature. As a plan B to residency, we could have police more active in the community.

Instead of "Other" recommendations, they should be called "Community" recommendations. These should be the main points of our work. Even though they were beyond our charge, the community told us that these were important to changing police behavior.

We need to be clear about what its going to take to make these recommendations happen. It is up to the community to stay involved beyond the completion of this group.

Recruitment, retention and psychological screening is important to the Black Police Officers Association and a study is in the Civil Service Commission on this issue.

I am hoping that principles such as honesty are developed.

MOTION: Move the 5 "community" recommendations up to the first recommendations and call the 10 recommendations "CRA" recommendations.
Passed with Kinshasha Kambui abstaining.

III. Models

A recommendation was made to adjust staffing levels to lower the budget for Model AA. Those recommendations were not acceptable to Ron Edwards who had initially proposed Model AA. The External Neighborhood Liaison is not a position and should be removed.

The budget on Model AA was increased by city staff to include employee benefits and complies with similar compensations for similar jobs in the city. Administrative costs were based on the expenses of the prior CRA and adjusted for the number of staff. Investigators were increased to 4 people based on the discussion at the last meeting. Civil Rights has WestLaw on-line so investigators do their own legal research. To get on WestLaw it could cost about \$15,000 per year which would be cheaper than a research staff. This represents start-up costs for the first year and not necessarily on-going costs.

John Trepp may file a minority report if any of these models are adopted.

Ron Edwards requested documentation on the number of people who file a complaint and don't have a permanent address.

Michelle Gross thinks that there is not enough budgetary information to make an informed decision on models.

Community members wanted more input into developing the budgets and city staff thought that the task had been delegated to staff.

Some members wanted to develop a strategy to address legal issues.

The City Coordinator will present the work of the group to City Council. He still believes that city staff have the responsibility to develop specific staffing scenarios to meet the outcomes.

Natonia Johnson will set up a meeting with John Moir to further discuss the budget.

Dave Ellis proposed to have Model A and AA to move forward to the budget subcommittee meeting to come up with a reasonable budget around the outcomes. Others are welcome to come to the meeting.

There is subpoena power in the civil rights department so maybe we should look at Model C.

Vanne Owens Hayes conveyed how long and complicated the budgeting process is. After submitting a budget, others look at it. The most valuable contribution from the community

is the outcomes and it is the job of staff to effectuate those outcomes. The budget process is a very frustrating process.

Rev. Smith moved that we should support those two models [A & AA] and maybe put an asterisk by the third [C] and that Ms. Johnson would pursue further work with Mr. Moir.

When are we going to talk about how to advance the recommendations that we come out with?

Motion by Chair. Ms. Johnson is going to set up a meeting with Mr. Moir that we will advance two, the first two, and even the third one with the asterisk. At that meeting they will try to bring some sense to the budget piece. Then get that into a draft report and get that to everyone ASAP so we can deal with it.

Civilian Review Authority Redesign

**Action Group Meeting
Room 333, City Hall
July 22, 2002
5:30-6:25 p.m.**

Action Group Attendees:

Ron Edwards, PAC MN Dakota Conference NAACP
Dave Ellis, Initiatives on Racial Disparities
Michelle Gross, Communities United Against Police Brutality
Vanne Owens Hayes, Civil Rights
Chief Robert Olson, MPD
Natonia Johnson, Genesis 2 for Women
Kinshasha Kambui, Mayor's Office
D. Andrea Jenkins for Robert Lilligren, City Council Vice President (Ward 8)
Lt. Carol Serafin, IAU, MPD
Rev. William Smith, MPLS Interdenominational Ministerial Alliance
John Trepp, Friends of Barbara Schneider Foundation
Paul Zerby, City Council Member (Ward 2)

Absent:

Augustine Willie Dominguez, Latino Advisory Council
James Everett, SubZero Collective
Mohamud Hashi, Confederation of Somali Communities of MN
Jay Heffern, City Attorney
Lyle H. Iron Moccasin, American Indian OIC
John Moir, City Coordinator
R. T. Rybak
Daryl E. Lynn, CRA Board Chair
Jim Michels, Police Federation
Beverly Propes
Lee Pao Xiong, The Urban Coalition
Pablo Tapia

Alternates and Visitors:

Deputy Chief Rick Schultz, MPD
Mark Wernick
Howie Padilla
Robin Garwood
MPR Reporter

Staff:

Laura Lambert
Sara Dietrich
Lori Olson

NOTES:

Ron Edwards explained the difference between Ombudsman Model A and AA.

John Trepp expressed concern about the lack of policy analysts. It will be assumed that the ombudsman would perform that function.

Michelle Gross had assumed that all three models would have a Board.

Staff replied that there was not committee agreement on the existence of a Board and on other operational details.

Vanne Owens Hayes thought we had made a conscious decision not to address issues like the reporting system so that we could get to the budget issues.

The priority order was voted on:

Kinshasha Kambui	C
Vanne Owens- Hayes	Abstain
Natonia Johnson	C
Bill Smith	A
Chief Robert Olson	C
Lt. Carol Serafin	AA
Michelle Gross	AA
John Trepp	No to all
CM Zerby	C
Ron Edwards	AA
Dave Ellis	C
Andrea Jenkins	C

Natonia said she had asked at the Budget Subcommittee meeting that John Moir write up a statement about the police budgets relationship to the CRA budget.

Lori announced that there might be a joint meeting of PS&RS and H&HS on August 1 but that would be confirmed via e-mail. The report will be at full council on August 9.

Appendix B:
Community Meeting Notes

Homeless Singles	B - 2
Community at Urban League	B - 4
Homeless Families	B - 6
Mental Health.....	B - 8
Students (South High and We Win)	B - 10
Community at Brian Coyle Center	B - 13
Latino.....	B - 16
GLBT	B - 18
Students (Abraham Lincoln)	B - 21

Civilian Review Authority Redesign
Homeless Singles
Simpson Shelter
Experience and Suggestions
May 14, 2002

Experiences:

- We are not treated as human.
- We get called names.
- We get asked “how come you’re not working?”
- We get stopped for no good reason, and police will make up a reason such as a tail light being out—even when the tail light is not out.
- Police make assumptions that we are drug dealers.
- We get profiled when we show our ID that has the Simpson shelter address.
- Police didn’t respond to 3 calls of an assault in progress at a shelter.
- I got slammed on a car for a minor traffic violation-failure to yield to another car.
- There is racism. Also, whites who are attached to a shelter are ticketed.
- Police don’t listen.
- Lawyers accuse you instead of defend you.
- I got verbally abused for asking a badge number and threatened not to come back to this city (Bloomington police)
- Police removed a family from their premises without any legal reason and a court action is in progress.
- Police don’t know what to do about people under the influence.
- Police don’t know that shelters aren’t open during the day so they expect that homeless people have some place to go.

Suggestions:

Community Building

- Would benefit from having police come in and talk to residents. There needs to be a commitment to an ongoing process of communication.
- Officers should come in street clothes and have a meal with us.
- Have police work in shelters either as part of their cadet training or once they become officers.
- We need to understand police training and how they think.
- The police need to change their behavior.

Information

- We need a phone number to call if we've been wronged. There should be posters in the shelter with that phone number.
- We don't know where to go or what to do.
- Feedback: a regularly published paper showing results of the CRA that is sent to the shelters.

Communication in the Field

- Police should give us information about who they are looking for.
- Need more Spanish-speaking people throughout the law enforcement system.

Civilian Review Board

- A review body that is outside of the city government.
- Homeless people should be on the review board and notices of vacant positions should be posted in the shelters.

Other Suggestions

- Immigrants need more rights.
- Officers should follow the law.
- We don't want to waste our time, when it is going to be their word against ours.
- Train police and dispatchers to respond to assault calls at shelters.
- If we have an ID, they shouldn't need to take us downtown.
- We need more affordable housing.
- We need public bathrooms.

**Civilian Review Authority Redesign
Community
Minneapolis Urban League
Experience and Suggestions
May 14, 2002**

Experiences:

- Started with “hotline” first point of contact for complaint.
 - Where is my children’s files? (Flowers)
 - October, 1999 – stopped by 2nd Precinct Officers in front of children (DePaul)
 - July, 2001 – daughter assaulted by officer
 - August, 2001 – son assaulted and jailed.
 - ISSUE: Trust – find officers responsible (few officers)
 - ANSWER: Hold officers accountable.
- Cheryl Morgan Spencer: Woman beater with children present – charged 5th degree assault. Subpoena power, excessive force, threaten civil unrest, and recommend disciplinary action.
- Harassment and embarrassment (humiliation).
- Police stop – no inquiries about what happened, officers jump to conclusions, led to assault. Altered police records to eliminate evidence of abusive conduct.

Opinions/Concerns:

- What can CRA do or not do?
- MPD has worst image in state; no minority officer candidates would consider working in MPD.
- Petty misdemeanors taken to jail.
- CRA has no authority, IAD has too much clout, CRA should have equivalent clout.
- Credibility:
 - Lack of credibility between police and community.
 - Don’t create another ineffective CRA – “tired of crying on a rock” no one is held accountable, consistent police protection style, policing techniques.

Suggestions:

- Police could ring doorbell before banging on door.
- Protect complainant’s identity.
- Subpoena power is needed to empower CRA
- Subpoena power, rules and regulations for MPD (everyone needs a copy), remove police and federation rep from work group, need police reps at meeting. Eliminate paid leave while suspended. Planting dope allegations.

- Direct citizen participation is key part of the solution. MPD sanctioned to work undercover. Video capacity to get evidence of abusive police conduct – grants from foundation.
- CRA empowered to discipline officers – not Police Chief.
- Commit to cost effective resources for CRA. Have public access to city videotapes of events. (CM solicit for lobbying support for funding.)
- Create mechanisms to deal with all aspects of police misconduct, not just CRA (advocate for violence if no change).
- New design must be credible, effective, prompt change to continuous improvement.

**Civilian Review Authority Redesign
Homeless Families
Experience and Suggestions
May 21, 2002
Plymouth Congregational Church**

Experiences:

- I was told by the IAU on a Friday that they didn't have anyone to take my complaint until next Tuesday.
- Women at the shelter remember names and squad numbers, but don't always report.
- An officer threatened to tow my car for not having my child in a car seat.
- Officers take advantage of their badge.
- Police behavior is racially discriminatory.
- Officer's language is vulgar. They talk down to us. They derogatorily refer to some as "north Minneapolis people."
- Police don't know what to do for same sex domestic calls—they take them both in.
- Police don't understand why a woman stays with an abusive man and then police get frustrated with repeat calls. At Tubman, regardless of how many times the same woman comes to us, our job is to provide service.
- An undercover officer jumped my son in school and spoke profanity. My son talked back and the situation escalated. The officer still didn't identify himself as an officer so my son was arrested for defending himself. (not in Minneapolis)
- I have seen more beating than officers doing the right thing.
- Police engage in verbal, emotional and physical abuse.

Opinions/Concerns

- Why should we bother giving information if police won't listen (in reference to the St. Paul carjacking where the victim was shot)
- There are no consequences for the police.
- Officers want to believe that domestics aren't really happening.
- The City attorney defending the city is part of the problem.
- We are stereotyped and there is nothing we can do.
- People are fearful of retaliation.
- Certain types of people who like authority gravitate towards the police profession.
- For better or worse, older officers train in the younger officers by their role modeling.
- Punishment after the fact is ridiculous. We need to prevent it. What does punishment do for the victim?

Suggestions:

Community Building

- Officers need to know that they are public servants who are there to uphold the law.
- Police a service attitude no matter how many times the same person needs service.

Information

- Show us that we are heard.
- I want to know the outcome of my complaint.
- I want a place to come down and complain.
- Run a campaign to tell the community what to say when they talk to the CRA.
- Injured people need immediate assistance, especially where pictures of injuries need to happen right after the injury and not after it has healed.

Training

- Better training for 911 (related to St. Paul incident)
- Police need to use good judgement.
- Police need training for sensitivity, immigrants and domestics.
- The public needs to know their rights before interactions with police occur.

Civilian Review Board

- We need an organization outside of the police department to do intakes and to explain the process.

Other Suggestions

- Examine the need for civil service protection. In the private sector, if you don't do your job, you're fired.
- Relate performance to pay.
- We need a combination of training, tracking, discipline and legal process.
- Better leadership is needed in middle management. They should handle it more like a military. They need to be good role models. We don't care if you pay them more—just make them better.
- I want the punishment of an officer to be more than getting "talked to".
- Track complaints in the officer's file and use progressive discipline.

Civilian Review Authority Redesign
Mental Health
American Indian Center
Experiences and Suggestions
May 23, 2002

Opinions/Concerns

- Police culture needs to change.
- Where are officers of color being deployed?

Suggestions:

Community Building

- Listen to people and to the community.
- Police chief and Police Fed President should not say officers' did what was expected before the investigation is finished.
- Military/war/us v. them paradigm needs to change
- Work with people where people are: disability (wheelchair), reservation/culture.

Police Force Operations

- Mirror the community: e.g. enlist black cops for black neighborhoods
- Allow personal time off when officer is overwhelmed and loses temper
- Place multiple decision makers onsite at a situation (multiple officers should agree on the decision to shoot).
- If you have to shoot, shoot to stop NOT to a policy of shoot to kill and not multiple gun shots.
- Tranquilize
- Compare policies between other police departments and the Minneapolis PD – proactive independent analysis to form proactive policy.
- Look into other methods of de-escalation: foam, bean bags, nets

Information

- Let people know about the special force that is trained in MI

Police Force Training

- Make sure disabilities and mental illness are part of the competency recommendation for police training
- Are officers trained for de-escalating and mental illness techniques? It should be mandatory for everyone.
- Testing officers' knowledge of MI – expect score/testing – More hours.
- Training needs to be tied to objectives and discipline
- Different training needs to be done by mental health professionals
- Learn better communication; do NOT incite the situation.

- Look at the CCP/Safe training and screening: what works, what doesn't; best practices.

Civilian Review Board

- Independent investigation/evaluation: non police agency, police review board with ability to discipline, retired police as outside mediators

Legislation

- Change state law requiring peace officers to investigate
- Involve legislators

Other Suggestions

- 9-1-1 screening for MI
- Disability notification process flagging address in 9-1-1 database

**Civilian Review Authority Redesign
South High and We Win Students
South High School
Experience and Suggestions
May 24, 2002**

Experiences:

- Some of the younger people in our group had developed an astounding lack of trust towards our police force in Minneapolis; however, there was a comforting change in attitude when they realized they might possibly have a group to rely on.

Opinions/Concerns

- Former civilian review process cost too much money, accurate information was not in the paper, and citizen needs were not met.
- Don't know where to file a complaint.
- It's our word against the police.
- Former civilian review process was not visible/present.
- CRA is not widely known
- People want to know something will happen as a result of their complaint.
- Want to be able to have someone can represent you—like a teacher.
- Prevented from filing a complaint because scared of police.
- Prevented from filing a complaint because not worth telling anyone.
- Public Knowledge – contacted cameras in cars.
- Former Civilian review process was not visible, not effective
- Don't know about it or know process.
- CRA is a good way to communicate
- There should be balance between a mistake versus abuse.
- Police should go through same legal process as citizens
- The CRA has no power
- Had no knowledge of CRA; no number to call
- Not visible enough/strong presence in the community is needed.
- This could be a great unification source for the community and police. There is an obvious lack of trust in certain neighborhoods/communities and a board could create another system of checks and balances that would create a more comfortable power structure for citizens.

Suggestions:

Community Building

- Community should be aware of CRA meetings and planning
- Broaden community outreach so people know of CRA's existence
- Camera in police cars
- To make the community aware, information has to be present in public areas (schools, libraries, bus stops, drug stores) to all ages, races, etc.

Police Force Operations

- Police should be held to a 3 strikes policy that holds them accountable for disrespectful conduct.
- Should be suspended without pay
- Should have 3 strikes & out policy
- Track patterns of conduct – 3 strike rule
- Split power: 1) Chief, 2) Union, 3) CRA (with majority of votes to CRA).
- Do a background check on cops
- Police should be held accountable with a document check or acknowledgement of complaint or wrong doing: a simple document that is a cost free file but a possible source of power later.

Information

- The public should know the final results – restore trust to the community
- Would like to know the punishment in order to know that police are being held accountable.
- Want to see results.
- Publish the results.
- Documentation that lets community know the outcome
- Newsletter
- CRA should be a communication process – in writing or making suggestions about priorities.

Civilian Review Board

- Should be diverse according to race, economics, age
- Should have neighborhood locations
- Should have the power to make change
- Give the opportunity to appeal
- Follow up contact so people know that police are being held accountable for misconduct.
- Community access to investigation file
- Lower the burden of proof; make your word as strong as police
- Should have disciplinary power.
- Have youth on CRA
- Regular people trained well on the board.
- This should be approached as a unity system and acknowledged by all parties as a trust creating structure.

- Provide update or follow up contact.

**Civilian Review Authority Redesign
Community Meeting
Brian Coyle Center
Experience and Suggestions
May 25, 2002**

Attendance: Approximately 55 people, predominantly Somali

Experiences

- Police officer in Riverside that takes children to the Northside, sometimes beats them and leaves them there
- Constant searches without warrants
- Squad Car 720 – comes into neighborhood and harasses people. Have complained continually but nothing happens and it's getting worse.
- Retaliation, Fear, Afraid
- Naming calling and inane instructions (being told to move 3 or 4 feet to cross the street just for the "fun" of the officers)
- Problem has increased dramatically since 9/11
- Squad cars that start with "7's" (Downtown Command) give us the worst problems – especially number 720. Have reported to Lubinski many times but nothing happens.
- University of Minnesota police harass us too
- Top three complaints: (1) search without warrant (2) traffic stops for no reason and then searches (3) when police called, police don't listen
- Removal of 720 from neighborhood – is there a paper trail on 720? This is an outrage.
- Somali man: His sister was arrested two weeks ago by 720 for turning the wrong way on a one-way street. The officer assaulted her but when she complained, the police lied and said she assaulted them. She was then put in jail for 36 hours and set bail at \$10,000 – which as immigrants is absurd. This incident happened only 6 months after his father was hit and killed by a car. The police blamed a Somali cab driver (which wasn't the case, witnesses saw the accident) and didn't bother to interview the witnesses. Thus, dismissing the case. All this in one family by the people that are supposed to protect us. It hurts.
- I hope 720 never catches me!
- Hiding evidence and lying
- Don't listen – told to "shut up"
- Detained for no reason and then cases dropped
- Found the body of a Somali man. Police put the body in the refrigerator for 6 days and didn't tell the family – family even called to report a missing person and the police said they didn't know anything about it, even though they had the body. They either just didn't check or they lied.
- People don't know how to file a complaint. Don't know what to do or the process.
- Incidents of walking into public housing and searching without warrants. An elderly woman recalled such an event. They came to her door, pounded, barged in and searched her apartment for no reason. Then left without saying anything. She was afraid to report for retaliations.

- Get passed around from one person to another without getting help
- Police came to a family dispute between a mother and daughter. Police took the daughter outside and ripped her head scarf off and laughed at her.

Opinions/Concerns

- It's just talk, talk, talk and no action
- Left a Civil War (Somali) and looking for peace
- What is the MPD doing for prevention? Don't see any prevention methods or reaching out to our community. Everything with new comers is about crime to the police.
- Need police that live in Minneapolis and in our neighborhoods
- Response Time is Horrible
- Racial Profiling
- Should be able to report to precinct multiple times and see results
- Came to American and Minnesota for a peaceful place
- A lot of police brutality
- Mayor promised he would do something, and he hasn't
- Don't expect harassment in the U.S. Got that in Somali. Coming from a place where we feared the police and hid them. Thought we were going someplace free and safe. We didn't.
- Want people to listen and do something
- We are taking this seriously, we are fed up with all the problems
- All power is with the Union and the Chief – how can we have change?
- Gross violation of human rights against Somalis and minority communities
- Expectation: PEACE
- Respect
- Thought police would protect us from crime and obey the law
- Work with community, not against us
- Process takes too long
- Fear of intimidation and retaliation
- No use filing complaints since nothing happens
- What is the motive for them to hate us so much?
- We don't hate the police, we need them
- Cultural barriers and no knowledge of who to contact
- We have good cops
- Somalis must be careful and detailed when reporting and need to be trained on how to report
- City always meets with the same 3 or 4 people that they know. Need to meet with the real community, "Grass Roots". Have more meetings with the people.
- Process like CRA is empowering
- Like to see people how have misconduct come to justice - visibility

Suggestions:

Community Building

- Police should volunteer in the Somali community and get engaged with after school activities and youth. The police and the community need to meet in situations other than bad.
- Need Somali and Ethiopian police officers on the force and in our neighborhood

Information

- Outreach to new arrivals. Make sure we know who to call and what to do.
- Somali radio is a good tool
- Share information with everybody so information reaches the larger community.

Training

- Train officers about culture and community. If don't have a Somali officer, send us an trained African American officer who can better understand us and our needs.
- Train officers on something other than lethal force.

Redesigned CRA

- Include local people as part of review process – provide the training to untrained representatives from diverse communities
- Follow a pattern and be able to report it and see the results
- Citizen review process needs to be open to the public to hold police accountable
- OPEN SYSTEM
- Need to know rules – outreach to all communities, especially new arrivals
- Four components for a redesigned CRA:
 1. Independence from the Police department and keep the investigations as closed as possible so police cannot retaliate
 2. Full access to info, subpoena power, way to ensure CRA can obtain all information (witnesses, files, videos, audio, etc.) and be funded well enough to conduct these investigations
 3. Need to have power to change policies and procedures when they are not working for the community
 4. Implementation – CRA design must be binding – a mere recommendation is not enough.

Other

- Partner with University work study students and other University programs to build community

Follow Up

- Another meeting with a much larger forum that will bring harassed Somalis and Police Officers and Police Administration together in the same room
- Is there a CCP/SAFE officer in our neighborhood?

Civilian Review Authority Redesign
Latino
San Cyril and Methodiuf Church
Experience and Suggestions
May 26, 2002

Experiences:

- I was thrown to the floor – there is no reason why police hate.
- Called 9-1-1 to report bike stealing. Dispatchers said they would not dispatch without more information. It took about an hour for arrival of police. I gave my resident alien card to police. They demanded more ID and expected me to know who took the bike and to have kept him at the site.
- We are told we can ask a name and badge number, but I am so mad that I didn't do it.
- ID from home country not accepted and then we are reported to INS (when stopped driving – need to drive to get to work)
- Had Wisconsin ID but no SS# and did not allow him to take drivers written exam.
- Have to become a resident alien before you can get a SS#.
- Officers assumed I had a fake resident alien card.
- St. Paul, where they give IDs, they yell at you and say you can't have an ID.
- Restaurants, everywhere, people discriminate against us.
- Had accident and state ID. Went to get driver's license and they ripped up my yellow temporary license and wouldn't let me get a driver's license.
- Wisconsin ID clipped when I got my yellow temporary drivers license – then it expires and we are left with no valid ID.
- Immigration took people because they were playing in the park.

Opinions/Concerns

- Police stop us because we are Hispanic.
- Why not ask nicely to get out of the car?
- Why should we come to a meeting if Mayor and Chief don't keep their promises?
- Is the hostility only directed at the Hispanic community?
- Wants police to be respectful.
- Why can we carry a name of "United" states? An animal needs to eat. An immigrant works more than others. No choices – would take low pay. Americans are respected in their country.
- The mayor can help us get IDs
- Police may treat us better if we have an ID
- Multiple ways needed to apply for a driver's license – so they can get to work.
- Don't have to ask for government money if we have ID, which leads to jobs, bank accounts.
- If police officers behave in certain ways – why can't we?

- Police honor MN State ID more than resident alien ID – some did not bring a driver's license from home country.
- U.S. wouldn't take an international driver's license
- Police throw them out of parks when playing volleyball on the grass.
- Want a pool and a place for volleyball.
- Want to play volleyball at 6th and River: We won't bother residents here because it is near industry
- Want parks police here with mayor and chief
- Important for us to be at this meeting.
- Allow transfer of Driver's license: allow passport without need for visa or birth certificate
- Need to recognize how hard it is to get a passport.

Suggestions for IDs:

- Somolis get IDs here with 2 people vouching for them.
- Maybe Hispanics can use the Somali system
- We need to do this in Hispanic community

Suggestions for Police:

- 2 IDs to police force should be enough
- Would it work if a law was passed at a higher level to hold police accountable?

Civilian Review Authority Redesign
GLBT
Children and Family Services
Experience and Suggestions
June 6, 2002

Experiences:

- There was a Gay 90s performer who was attacked. When the police showed up, they accused her of being a prostitute and didn't collect statements from the witnesses. The person tried to report it to IAU and the precinct commander. She was told, "we'll look into it" but felt brushed off and did not hear back from them.
- Some police use indecent language and are belligerent.
- A transgender person needed to go to the bathroom in a public restaurant and security stopped the person because he thought the person was going to the wrong bathroom. The police were called and the officer pulled off the dress to check which bathroom the person should be allowed into.
- I was treated well when I was pulled over for speeding and I had GLBT stickers on my car.
- Treatment was excellent when my house was broken in to.
- Chief Laux used to have monthly meetings with the GLB community and established an on-going task force. There is still a GL liaison phone number but you get voice mail instead of help in the moment.
- They confiscate our tape recorder.
- My friend was frisked and put in the back of a squad car for having parking lights on.
- When a battered lesbian called for service a second time, the officer retaliated by not responding for 1.5 hours. By then the perpetrator had left. Failure to enforce is retaliation.

Opinion/Concern:

- Just because there are out officers in command positions does not mean that all the police are sensitive. There is a disconnect between command and patrol officers.
- We have asked members of our community if they have had issues with the police and if they have reported those issues. We found that only one-third of complaints get reported.
- Out officers are in a difficult position and are more blue than queer.
- There is a low usage of CRA because we feel that it is hopeless.
- There needs to be a balance between unions protecting employees and a union that is so strong that it becomes a gang.
- The issue is not whether someone is being profiled when being pulled over (because you don't always know the race when pulling someone over), but how the person is treated once they are pulled over.

- There is differential treatment. A broken tail light in uptown may get treated different than a broken tail light on the north side.
- Some officers know how to handle Orders for Protection and others don't know what to do. It may not be that there are a couple of bad people on the police force, but they each have some cultural knowledge and some knowledge gaps. Police are a product of our society and we need to keep challenging them.
- The city can set a community standard for policing. How does everyone have a voice in setting that standard?
- Police don't want to figure out who is the perpetrator and who is the victim.
- What does 9-1-1 assign as the prioritization code for same sex domestic violence?
- The job of an officer is intense. How do you come down from that?
- The system is set up for pre-contextual reason.

Suggestions:

Community Building

- Would like to see police on bikes
- Require police to live in the community.
- Would like to see officers take an interest in their (geographic) area
- Women's shelter advocates end up working against the police—we need
- partnerships.

Training

- Require cultural training.
- As part of their training before becoming an officer, they should be placed in community agencies. Urban League used to coordinate such a program.
- Police need training on cultural diversity on a regular basis. Effective community policing means that police need to be educated about the community.
- Police need to be prepared for how to work with transgender people.

Officer Identification

- There could be cards in the back of squad cars that identify the officers. We could require that the officer give out a card and require a signature of the person showing that they have received the card.
- Would like officers to have badge numbers displayed so that they are visible and easy to read.

Information to the Community/Complainant

- Get information out about the CRA
- Make sure agencies know the process.
- Can the CRA call the complainant and let them know when the case is decided.
- The Chief is bound by confidentiality. How can we get information about an officer?

CRA Authority

- CRA needs teeth and needs to be listened to.

Discipline/Outcome

- Require community service or a class instead of just docking officers pay.
- Make corrective behavior relevant to what the officer did.
- If an officer has 6 complaints, none of which can be proven, give him a desk job.

Investigation

- A complainant should be able to have an advocate who doesn't have to be an attorney. The complainant may be in an emotional state and not hear everything.
- When investigating, meet the complainant on neutral territory.
- Share data between CRA and IAU.

Other Suggestions

- There should be recorders on police officers or cars.
- Officers need to be aware of what the community expects. There needs to be clear standards in an operational sense.
- It's my pet peeve that police right turn on red and turn lights on to run a red light. We have a right to have the police obey the law. Who do you report to when the police break the law?

**Civilian Review Authority Redesign
Lincoln Students
Abraham Lincoln High School
Experiences and Suggestions
June 7, 2002**

Experiences:

- I was stopped for no reason. The officer asks questions in a suspicious way and uses profanity
- We want to know why they threaten us
- I am afraid of the police. They don't think we are human and follow us shining a bright light on us.
- Some police who are out of uniform will stop you and you don't know if they are police or someone jumping you.
- Police will search you and curse you for no reason.
- They make you say things even though you have the right to be silent. They just keep asking questions.
- I didn't have my lights on and the officer stopped me and asked me to turn them on. Then he followed me for five blocks and stopped me again with no probable cause. I didn't have a license.
- The police will use the "f" word and tell us to back where you came from.
- Squad 720 is a problem. They are now working by Portland and 15th.
- We are arrested for standing on a corner in front of a store—but it's okay on another corner.
- I filed a case with CRA and was called at home. While the investigation was going on, they closed the office and I don't know anything about my case.
- I was stopped while driving and had both officers pull guns on me. They had me throw my keys out the window and put my hands on the steering wheel. They took my driver's license. When they gave it back, I asked what I was stopped for and they said it was because I looked suspicious. Then they let me go.

Opinions/Concerns:

- Can they take you in because you have no ID?
- Are there interpreters available?
- Why is it that mostly people of color are ticketed?

Suggestions:

Community Building

- Police could meet with the community and get to know the people.
- Officer assignments could match the community.

- Officers could be partnered with officers from different communities.
- There is not a consensus as to whether police should live in the neighborhood. Some would be afraid to live next to police.
- Police should be polite.

Police Force Diversity

- We need officers from different races.
- Women officers may be nicer.

Discipline/Results of CRA

- Tell the police not to stop us without a reason and if they do it again, they should lose their job.
- Police should apologize.

Investigation

- I could identify the male and female officers in squad 720 if I saw them again.
- We need a CODEFOR for officers

Appendix C:
Minority Reports

John Trepp C - 2
Police Federation C - 5

Minority Report

Early on in our deliberations, the 2002 CRA Redesign Action Group identified a set of ideal police officer characteristics:

1. Be culturally competent
2. Listen
3. Be respectful and courteous
4. Operate within the rules
5. Be fair and impartial
6. Be accountable
7. Have integrity
8. Communicate information and knowledge
9. Be proud to serve the community
10. Use sound judgement
11. Be responsive

We agreed that a police force composed of officers who fit these descriptors was the key to improved police-community relations. And we came to the obvious conclusion that discipline alone, no matter how swift, no matter how sure, will not get us there. I believe we reached consensus that civilian review of police policy and procedure is at least as important as civilian review of isolated allegations of police misconduct. I write this minority report because, despite this consensus, the majority report under-emphasizes the importance of a civilian review of policy in achieving the goal of improved police-community relations.

Preliminarily, it must be noted that the majority report recommendation for an Ombudsman is remarkably similar to the 1989 Civilian Review Working Group proposal, which the current CRA is based upon. In fact, the Sub-Committee on Outcomes' "alternate" proposal, calling for the Ombudsman to merely recommend discipline (recognizing the legal impediments to direct authority) is virtually identical to the 1989 Civilian Review Working Group's proposed CRA.

We must learn from our mistakes. Like the 1989 Civilian Review Working Group, the 2002 CRA Redesign Action Group majority report recognizes the need for civilian policy and procedure oversight. And like the 1989 Civilian Review Working Group, the majority report recommends that the civilian policy and procedure oversight function be performed by the same civilian agency that performs the discipline function. I believe that one of the most important lessons to be learned from the operation of the current CRA is that it is a mistake to expect one civilian agency to perform both a policy function and a discipline function.

The focus of this minority report is to propose a separation of powers: 1) An Ombudsman responsible for civilian review (e.g., investigation, adjudication, discipline recommendation) of specific misconduct complaints; and 2) a separate Office of Police Accountability, responsible for civilian review of police policies and procedures.

The **Office of Police Accountability** would make public recommendations regarding police policies and procedures based on analysis of data that is currently deemed public under the Minnesota data practices statute. That data would include:

- Summary data regarding the frequency, nature, location, resolution, etc. of complaints of police misconduct made to the Ombudsman (or CRA), the Civil Rights Department, and the Police Internal Affairs Division.
- Investigation reports from closed civil and criminal court cases (e.g., cases alleging police misconduct, excessive force, etc.).
- Discipline decisions and the reasons therefor.

There are two fundamental reasons that discipline and policy oversight functions need separate homes: A) Conflict of Attention; and B) Conflict of Interest.

A) It is a Conflict of Attention for a single civilian review agency to investigate and resolve complaints of police misconduct AND review police policy and procedures.

As noted above, the majority recommendation is remarkably similar to the current CRA. There has never been any structural impediment to the current CRA making police policy recommendations based on data available to it. In 2001, the CRA released a 2000 Annual Report, a 50 page document which presumably summarizes the CRA's work, not only for 2000, but also including data for previous years.* This 50 page report, makes no reference to any policy review activity. My understanding, based on the testimony of CRA staff, is that the CRA was too busy receiving and investigating 700 to 800 complaints to take on policy issues.

Despite the authority to review policy, the current CRA cannot be faulted for failure to implement the vision of the 1989 Civilian Review Working Group. On May 8, 2002, the legal issues subcommittee received a memo from Mark S. Wernick, Chair of the 1989 Civilian Review Working Group. The memo summarized their work. In his introduction, Wernick said, "The 1989 Civilian Review Working Group addressed two major questions: 1) With respect to police discipline, what role should civilian review have in the resolution of individual complaints of police misconduct? 2) What role should civilian review have in making or influencing police policy regarding systematic problems of police misconduct?" Wernick continued, "*Most of the 1989 committee's time was devoted to the first question.*"

Nothing has changed. The 2002 CRA Redesign Action Group spent virtually all of its time and energy discussing the discipline function, almost zero on the policy function.** Discipline related issues dominated the report of the Sub-Committee on Outcomes, discipline related expenses dominated the report of the Sub-Committee on Budget, and discipline dominates the final majority report.

* In this report, we learn that the average annual discipline resulting from CRA investigations is equivalent to 5 one-day suspensions (that's a total of 5 days generated from 700 to 800 complaints per year). The primary reason for this relatively low yield is the multiple protections against discipline afforded to all public employees.

** I raised questions regarding this lopsided focus in two separate memos, and the Chair assured me that my concerns would receive a fair hearing, but they were never discussed by the Action Group.

Under the circumstances, I think it is highly unlikely that the proposed Ombudsman will give any greater attention to policy and procedure review than the current CRA does, i.e., none. The policy and procedure review function must be performed by a separate agency to be effective.

B) It is a Conflict of Interest for a single civilian review agency to investigate and resolve complaints of police misconduct AND review police policies and procedures.

Under the 2002 CRA Redesign Action Group majority report, as under the 1989 Civilian Review Working Group model and the existing CRA ordinance, the Director of the civilian agency plays a role similar to a public prosecutor.

It is the role of a prosecutor to review allegations of criminal conduct. If the allegations and subsequent investigation warrant a prosecution, the prosecutor vigorously pursues a conviction. If the allegation and investigation do not warrant prosecution, the prosecutor is duty-bound to dismiss. The integrity of the system hinges on the prosecutor's ability to be fair, and to be perceived as fair. Similarly, the Director of a civilian discipline agency must fairly decide whether to prosecute or dismiss allegations of misconduct. The Director has the duty to be fair, *and to be perceived as fair, both to the complainant and the accused officer.*

If a Director of a civilian discipline agency were to perform a policy oversight function, the Director's perceived objectivity in managing discipline cases could easily be compromised. For example, if the agency received ten complaints in one week regarding tight handcuffs, a Director having a policy oversight function might decide to go public with the summary data (ten complaints) in order to focus public scrutiny on police use of handcuffs. As a result of going public with this data, police officers may perceive the Director as biased against the way police use handcuffs. Both police officers, and the general public, might reasonably wonder whether subsequent handcuff related complaints are being evaluated by the Director based on the merits of the complaint, or based on the Director's "handcuff agenda."

In order to preserve the perception of fairness in the Ombudsman's discipline function, the policy function must be performed by a separate agency. Indeed, this agency would review not only police policy and procedures, but also Ombudsman policy and procedures.

The changes in police behavior which we set out to create, the changes that would actually lead to improved police-community relations, are *cultural* changes. Discipline alone is not going to change the culture of the Minneapolis Police Department. We must pay more attention to a civilian agency that reviews police policy and procedures.

Submitted by John K. Trepp, Member, CRA Redesign Action Group

July 23, 2002

Minneapolis City Council Members
3rd Floor - City Hall
350 South Fifth Street
Minneapolis, MN 55415

**Re: Recommendations of the Civilian Review Authority Redesign
Action Group**

Dear City Council Members:

As attorney for the Police Officers Federation of Minneapolis (POFM), I was the Federation representative on the Civilian Review Authority Redesign Action Group. I also served on the Legal Subcommittee. I was selected by John Delmonico to serve as the POFM representative in part due to my prior experience on this issue resulting from my appointment by the City Council in 1997 to serve as one of the members of the 1997 Minneapolis Civilian Police Review Authority Redesign Team.

Because the Federation's actions and motives have from time to time been unfairly criticized and questioned by some members of the Action Group, I feel it is important to clearly and unequivocally state the Federation's position with regard to each of the specific recommendations offered by the 2002 CRA Redesign Action Group. Following the responses to the specific recommendations, I offer for your consideration some general analysis regarding the broader topic of citizen oversight of police in the City of Minneapolis. You should know that the positions of the Federation in this letter are consistent with those presented to the Action Group and the Legal Subcommittee throughout the deliberations.

Community Outcome Recommendations

1. Residency: Consider a residency requirement for Minneapolis police.

The Federation cannot support a residency requirement. The premise upon which the recommendation is made is that residency would improve community-police relations. There was a residency requirement for several years during the 1990's. There is nothing to suggest from that experience that requiring police officers to live in the City had any positive impact on the community's trust and respect for the police. Moreover, the choice of where to

live is one of the fundamental freedoms we enjoy as Americans. Eliminating that choice would have a negative impact on recruiting candidates and retaining officers that the City wants to have since those persons would have no such restriction by working for the St. Paul Police Department, the State of Minnesota or other suburban agencies. Thus, such a provision would be contrary to the recommendation that the Department recruit more women and people of color. *See number 4, below.*

2. Training: Train police to appreciate cultures of the people of the city.

The Department already provides training regarding cultural awareness and diversity. The Federation has and will continue to support such efforts. The Federation also believes that the City should conduct more and better community outreach programs to educate people from diverse communities about police policies and procedures. Good relationships can be built only where both parties are willing to learn about and understand each other.

3. Conduct Standards: Form standards of police conduct consistent with community expectations.

The Federation certainly supports this goal in the abstract. However, the reference to “community expectations” raises a difficult question as to how one can discern what those expectations are given the broad diversity of people who live, work or visit in the City of Minneapolis. All people are likely to agree on the standard that an officer should tell the truth when testifying under oath. It is more difficult to formulate a policy regarding when an officer can shoot his/her gun that satisfies the legitimate “expectations” of all people. The Department maintains an extensive policy and procedure manual that is nearly as thick as the Minneapolis phone book and covers topics ranging from an officer’s off-duty conduct to the specific articles of clothing that are authorized to be worn on the job. The manual includes policies unique to the Minneapolis Police Department and policies conforming to standards established by the Minnesota Legislature, the United States Congress and the Federal and State Constitutions. The Federation does not oppose citizen review and input to the Chief and/or elected officials regarding these policies. If, however, the intent of this recommendation is to allow a citizen task force to draft and adopt policies governing police conduct, the Federation cannot support such an idea. The notes of the Action Group recommendation state that there needs to be a process to reach agreement on standards of conduct. Such a process already exists. The Minneapolis City Charter provides that the Mayor is vested with all powers over the Police Department and that the Executive Committee, subject to the consent of the City Council, is empowered to appoint or remove the Chief of Police. Thus, to the extent that the policies of the Minneapolis Police Department do not reflect community expectations, the process to remedy the situation is to encourage the incumbent Mayor and Chief to change

the policy and, if they will not, vote them out of office and replace them with someone who will.

4. Recruitment and Retention: Develop a stronger program for recruiting and retaining female police officers and police officers of color.

The Federation supports these efforts and any measures that provide equal employment and promotional opportunities to all without regard to race or sex. The Police Department already invests significant financial and human resources in recruiting women and people of color. If the present efforts are perceived as unsuccessful, the Federation recommends that the City retain a consultant with experience in such matters to review the current efforts of the Department, analyze the reasons why the Department cannot attract more women and people of color to work as police officers and make recommendations on ways to improve.

5. Psychological Screening: Examine the way in which potential candidates for police officer positions are psychologically screened.

Psychological screening is a critical component of the existing hiring process. This recommendation was made without the benefit of any input to the Action Group (and without any request from the Action Group for such information) on the current practices under which the psychological fitness for duty of candidates is examined. Moreover, the "complaints" referenced in the Action Group recommendation were never specifically articulated to the Action Group. Notwithstanding the belief that criticism of the existing process is unwarranted, the Federation does not oppose an examination of this process. However, as with the prior reference to "community expectations," the Federation raises the concern as to how it will be determined as to what constitutes "culturally appropriate screening."

Civilian Review Authority Outcome Recommendations

6. Independence: Operate autonomously from the police.

The Federation does is not opposed to an oversight body that is autonomous from the Police Department and that performs its duties in an unbiased, impartial and fair manner. So long as the staff of such a body is properly trained, the Federation does not care who does the training. The proposed term for the head of the body seems long, but the Federation does not object to the proposal.

7. Accessibility: Accept complaints in various ways and at various locations. Raise awareness of the filing process.

The Federation has long been on record as advocating that the only reliable way to accurately measure the extent of police misconduct is for aggrieved citizens to file a complaint and for all such complaints to be fairly and thoroughly investigated. The Federation supports any reasonable mechanism to ease or assist people in formally filing complaints. The recommendations of the Action Group are reasonable.

8. Powers: Have subpoena power and determine discipline. (Alternative: Track and report on Chief's discipline.)

a) Power to investigate complaints independent of Internal Affairs Unit.

The Federation does not object to the agency having trained investigators to conduct fair and thorough investigations of complaints.

b) Subpoena power to enable the body to secure information from sources other than the police.

The Federation does not object to the body having the power to subpoena witnesses and documents provided the accused officer (or his/her representative) has the same power.

c) Police officers should continue to be required to fully cooperate with the process under Garrity. Non-cooperation would be reported to the Chief. Possible perjury would be reported to the County attorney.

The Federation agrees that officers must fully cooperate with an investigation or be subject to discipline consistent with current practices and the *Garrity* case. The Federation recommends that all people who knowingly make false statements to investigators or during a hearing, regardless of whether they are police officers, complainants or witnesses, should be held accountable under the penalty of criminal perjury charges.

d) The body should have access to all personnel records of the officers involved in a complaint, including disciplinary documents and information on complaints, both sustained and unsustained.

The Federation raises a question as to the need for information on complaints that were not sustained. Without an explanation as to the need for such information, the Federation cannot form a position on this recommendation. However, it should be noted that access to such information is governed by the Minnesota Government Data Practices Act ("MGDPA") and the Federation is opposed to any measure that would treat Minneapolis police officers any

differently than other police officers or other public employees employed within the State of Minnesota.

After initial investigation, the body would conduct hearings as appropriate.

The power to conduct evidentiary hearings is an important and unique power. The Federation asserts that the failure of the Action Group to discuss the hearing process¹ during its deliberations and to more specifically set forth a recommendation for a hearing process constitutes a fundamental flaw in the work of the Action Group. Nevertheless, the Federation's position on the hearing process remains unchanged since it was articulated to the 1997 Redesign Team. A copy of the letter to Kathleen O'Brien, which was included as an appendix to the 1997 Redesign Team Report, is attached hereto as Appendix A. Contested evidentiary hearings should be conducted by persons trained in such matters. Thus, for the reasons stated in the 1997 letter, hearings on complaints for which there is a finding of probable cause and which were not otherwise resolved thereafter, should be conducted by Administrative Law Judges from the Minnesota Office of Administrative Hearings or by distinguished, retired district or appellate court judges.

- e) **Upon conclusion of the hearing, the body would determine discipline, based on the severity of the infraction and the past history of the officer involved. Discipline would include points being assigned to the officer (see Recommendation 12 on Tracking).**

***Alternate proposal:* In sustained complaints, the body would recommend discipline to the Chief. In cases in which the Chief chose not to follow the recommendation, the Chief would submit a report on his/her disciplinary determination to the Mayor and to the body. The body would track recommendations that were not followed and provide reports the general public.**

The Federation cannot support this recommendation. The power to discipline is one of the most fundamental supervisory powers an administrator has over his/her personnel. Stripping this power from the Chief of Police (even limiting the power by allowing an independent body to recommend a level of discipline and then requiring an explanation as to the departure) is bad public policy and contrary to best management practices. As stated above, if the Chief is not appropriately disciplining officers found guilty of misconduct, the Chief should be replaced.

¹ The hearing process was discussed by the Legal Subcommittee, but neither the topic nor the concerns of the Legal Subcommittee were ever addressed by the Action Group as a whole.

Although the proposal does not specifically state it, the Action Group discussed the need for the decision of the body (or the Chief) to be final, meaning that the employee would have no right of appeal. Elimination of the right to appeal discipline to a neutral arbitrator would require the Legislature to amend the Minnesota Public Employees Labor Relations Act ("PELRA"). The Federation would oppose any measure that would treat Minneapolis police officers any differently than other police officers or other public employees employed within the State of Minnesota.

Finally, the Federation does not support the "point" system. The Police Administration developed and has maintained, with periodic refinements, a disciplinary manual that provides for a system of grading the severity of an offense and articulating well-recognized factors upon which progressive discipline will be imposed. Thus, the underlying purpose of the proposed point system is already in place and has worked well in ensuring that discipline is fairly administered. Consequently, the number of disciplinary cases that go to arbitration have been greatly reduced over the last several years to the point that it is now unusual for there to be more than 2 or 3 arbitrations in a year. The current system is not broken and the point system is not needed.

f) If hearing results warrant it, the body would refer the case to the County Attorney for possible prosecution.

The Federation does not condone criminal activity by anyone, regardless of whether they might be a police officer. Thus, the Federation has never opposed and does not oppose referring allegations of criminal activity to the appropriate prosecuting agency.

9. Standard of Proof: Use the preponderance of the evidence standard.

Who conducts the hearings, how the hearings are conducted and the issue to be decided is far more important than the burden of proof to be met. Thus, the Federation does not oppose using the preponderance standard; provided the hearings are conducted by Administrative Law Judges or retired judges to resolve the issue of whether the complaint should be sustained.

10. Openness/Transparency of Process: Allow complainant to be present at the hearing and report results to the community.

a) Open all processes to public scrutiny to the extent allowed under Data Practices act.

All processes have always been open to scrutiny to the extent allowed under the MGDPA. The Federation is not opposed to such scrutiny and, in fact, welcomes such scrutiny, as we believe that it will demonstrate that

Minneapolis police officers have been and will continue to be held accountable for their actions through the imposition of appropriate progressive discipline.

b) Complainant and witnesses should be allowed to be present during the hearing.

The presence of the complainant and witnesses during the entire hearing is prohibited under the MGDPA. The reason is that the purpose of the hearing is to adjudicate the merits of a complaint as part of the disciplinary process. As such, the "party" to the action is the employer, not the complainant.

The Federation recognizes the legitimacy of the concerns that exclusion of the complainant may impair the advocate prosecuting the complaint on behalf of the employer and that it is unsatisfying for the complainant. However, these concerns are balanced by public policy arguments favoring the exclusion of the complainant. The disadvantage to the prosecutor is no different than the disadvantage to the employer advocate in an arbitration hearing. There is no reason why the CRA prosecutor should be put in a position better than the employer advocate in an arbitration, especially since the arbitration hearing is a final and binding adjudication of discipline while the CRA hearing is only a step in the process of determining whether discipline should be imposed at all. Further, in enacting the MGPDA to exclude complainants from disciplinary hearings, the Legislature recognized the legitimate privacy right of an accused employee. Minneapolis police officers have no less or no different interests than other public employees. For these reasons, the Federation cannot support legislation that would treat Minneapolis police officers differently than other police officers or other public employees.

c) Allow for easy appeals if a complaint is found to be without merit or is not sustained.

Aside from noting the irony and inherent unfairness of the Action Group recommending that there should be an easy appeal process for complainants while it also contemplated whether to recommend (and perhaps did recommend) that the right of the employee to appeal should be eliminated, the Federation is not opposed to a fair appeal process for complainants.

d) In cases in which the complaint is sustained, allow public access to hearing transcripts, investigation reports and disciplinary determinations.

The Federation does not oppose public access to data that is classified as public under the MGDPA. The Federation cannot support amendments to the MGDPA that would treat Minneapolis police officers differently than other police officers or other public employees employed within the State of Minnesota.

- e) **Follow up with complainants and witnesses to determine if retaliation/retribution has occurred as a result of the complaint. If complainants or witnesses believe it has occurred, investigate in the same manner as an original complaint.**

The Federation agrees that retaliation is and should be prohibited and constitutes misconduct separate and distinct from the original complaint. Notwithstanding the concern that the recommendation as stated seems to be encouraging and soliciting complaints, the Federation does not oppose the recommendation.

- f) **Report regularly to the community on the work of the oversight body. Send email newsletters, regular newsletters, press releases and other communications regularly. Report on the status of cases in a way that respects the confidentiality of the complainant but that allows the public to understand what has happened in the case.**

The Federation supports this recommendation; provided that such communications are consistent with the provisions of the MGDPA.

- g) **Develop an overall communications strategy.**

The Federation supports this recommendation; provided that such communications are consistent with the provisions of the MGDPA.

11. Graduated Means of Handling Complaints: Vary procedures depending on the elements of the complaint.

The Federation supports the specific recommendations. It should be noted that most of the recommended actions already routinely occur. We are unclear as to the meaning of the Attachment and therefore cannot form a position on it.

12. Tracking and Discipline: Assign points for a progressive discipline process.

As stated above, the principles underlying the point system are already in practice and, therefore, the point system is unnecessary and overly complicated.

13. Reducing Incidents of Police Brutality, Misconduct and Abuse of Authority: Provide incentives for professional behavior, track and analyze complaints, and recommend changes in policy and procedure.

The Federation does not oppose the tracking of complaints and the records of the accused officers, the examination of Department policies, the making of

recommendations regarding change to policies or hiring practices, or awarding financial incentives for good conduct. However, since the stated goal is to “reduce incidents of police brutality, misconduct and abuse of authority” there is a legitimate question as to how progress toward achieving this goal is to be measured.

First, there is the issue of defining “brutality.” Brutality is a subjective concept and such a pejorative, inflammatory word that it should not be used at all in the report. Because the legal standard to which police officers are held accountable (under state and federal law and under the Department manual) is “excessive force” that term should be used throughout the document instead.

More importantly, however, there has been no accurate measure of the extent to which officers currently commit acts of excessive force. Findings and conclusions with regard to investigated complaints are certainly more objective than anecdotes gathered at community meetings that are unspecific as to date, place and identity of the officer(s). However, the Federation acknowledges that sustained complaints only measure instances that are reported and are supported by sufficient evidence. The problem is that no one knows for sure where reality falls along the continuum between the number of sustained complaints and the stories regaled in public forums. The Federation suggests that, since progress toward the goal is virtually immeasurable, the goal itself is probably unachievable. Instead the Federation recommends that the goal be stated as creating a system in which the public and police officers understand and are confident that: acts of excessive force will be reported and thoroughly investigated; that retaliation is prohibited; and that where complaints are sustained, officers will be held accountable through discipline and civil and criminal court. Only after we all are confident that most (if not all) complaints are reported and fairly investigated, can we begin to accurately measure whether the instances of excessive force are rising or falling.

14. Accountability and Ongoing Process Review: Evaluate routinely and tie the results to budget. Contract for periodic outside audits of CRA.

The Federation supports periodic review of the oversight body, provided such review is fair and supported by reliable evidence.

15. Timeliness: Investigate and resolve cases in 90 days from when the complaint was filed.

The Federation supports the prompt investigation and resolution of complaints. However, we feel that while resolution within 90 days might be a goal for processing complaints, it is unattainable without adequate staffing and even

with sufficient resources cannot be achieved in all cases. The thoroughness of an investigation should not be compromised to meet an artificial timeline.

As stated above, the Federation supports (or at least does not oppose) most of the proposals by the Action Group. The only real points on which the Federation does object are with regard to recommendations for legislative changes limiting or abolishing certain rights presently enjoyed by all public employees. The Federation is not opposed to citizen oversight of police conduct or policies. However, we should all be realistic about what can be achieved through citizen oversight.

As is clearly documented in the community comments attached to the Action Group's report, the main criticism of the CRA in 2002 is that it is not effective. This is exactly the same key problem identified in 1997. *See Redesign Team Report, November 1997.*

When originally created by ordinance in 1990, the CRA was designed and empowered to: receive complaints; investigate those complaints; conduct evidentiary hearings to determine whether there was sufficient evidence to sustain the complaints; and, where the complaints were sustained, to pass the findings on to the Chief of Police for the imposition of appropriate discipline. For approximately 12 years, that is exactly what the CRA did.

Webster's New World Dictionary, Second Edition, defines "effective" as "producing a definite or desired result." To the extent that desired result with regard to a complaint made to the CRA was that the complaint would be thoroughly investigated, that a fair and unbiased determination would be made as to whether there was sufficient evidence to support the complaint, that the complaint would be resolved through mediation if possible and that, if the complaint were sustained the Chief would impose discipline; the CRA *was effective*. Thus, for people to say that the CRA was not effective, there must be some other desired result.

Based on my two tours of duty on CRA Redesign Teams, it is apparent that the "desired result" is that all complaints are sustained and discipline be imposed. Unfortunately, given these desired outcomes, it is highly unlikely that *any* CRA, regardless of design, will *ever* be perceived as effective because:

- every complainant who makes a complaint in good faith believes that the complaint should be sustained;
- it is impossible that in every incident (or even a substantial portion of all incidents) for which a complaint is filed that the officer's conduct actually violated Department policy or that there is sufficient evidence to sustain a finding of police misconduct;
- in those cases where the complaint is not sustained, the complainant's desired result will not occur;

- the unsatisfied complainants will tell their family, friends and anyone else who inquires that the CRA is not effective;
- when those who hear from people whose opinions they value that the CRA is not effective, they will themselves come to believe that the CRA is not effective and subsequently perpetuate the perception of effectiveness throughout the community.

More importantly, so long as the desired result continues to be sustained complaints, the oversight model proposed by the Action Group, even if all proposals come to pass, will also be doomed to becoming labeled as “ineffective” at some point in the future. Daryl Lynn, Chair of the current CRA, repeatedly has stated that subpoena power will have little or no impact on increasing the number of complaints that are sustained. He has also stated that a lower burden of proof might have changed the outcome of one or two cases over 12 years. The proposed changes to the MGPDA might allow greater scrutiny of the outcome in cases that are not sustained, but will have no impact on the number of cases that are sustained.

Clearly, too many people who live and work in this City do not trust or respect the Minneapolis Police Department or its officers. Everyone agrees that it is important and desirable for a community to hold its police officers in high regard. The CRA was originally created, in part, because segments of the community believed that that there was a significant problem of police misconduct and that the Minneapolis Police Department’s Internal Affairs Unit could not or would not fairly investigate complaints. The City Council of the time was clearly well meaning in thinking that a complaint processing agency not affiliated with the Police Department would improve the level of confidence in how complaints were handled thereby improving the image of the police among those communities. However, after 12 years of independently investigating complaints, it does not seem that the CRA has had any impact on the level of trust and respect for police officers. Thus, if the desired result in creating the CRA in 1990 and redesigning it in 1997 was to improve the relationship between the community and police, it could be said that the CRA has been ineffective in that regard also.

Again I reiterate that the Federation supports civilian oversight and, with the sole exception of proposing that administrative law judges conduct the evidentiary hearings, the Federation supports the CRA as it has existed for the last 12 years. By raising these concerns regarding the long-term implications of the proposal of the Action Group, the Federation is not advocating that civilian oversight be abolished. Rather, we are only trying to move forward in these times of budget constraints with realistic expectations as to what can be achieved solely through a citizen oversight body.

To truly improve relationships between the community and the police who serve them, much more than minor adjustments to the CRA needs to occur. A

comprehensive survey using scientific polling procedures should be commissioned to establish a baseline by soliciting input from among the entire community. The results among different socio-economic groups should be reviewed and, if substantial differences exist, an attempt should be made to analyze why the image of the police is different among those groups. To the extent the reasons for the different perceptions can be identified, those perceptions should be compared with whatever objective data is available to determine whether the "problem" is real or perceived. Only by fully understanding the factors upon which community attitudes are based can an effective strategy be adopted to significantly change those attitudes. The Federation remains committed to taking any reasonable and necessary actions to improve community-police relations whether it involves scrutinizing allegations of police misconduct or educating the public as to proper police actions and procedures.

Sincerely,

James P. Michels

encl.