

Minutes
Minneapolis Civilian Police Review Authority
Regular Monthly Board Meeting
Wednesday, November 2, 2011
241 City Hall
5:30 p.m.

Board members present: Bellfield, Kvidera, Pargo, Terrell, Wetternach and Zuege

Also present: Assistant Civil Rights Director Lee Reid
Assistant City Attorney Joel Fussy
Deputy Police Chief Scott Gerlicher

I. Call to Order

Chair Bellfield called the meeting to order.

II. Approval of Agenda

Wetternach **moved** the agenda be adopted. Terrell seconded.

Motion passed unanimously.

III. Reconsideration Hearing

Zuege **moved** the meeting be closed to the public pursuant to the Minnesota Government Data Practices Act. Kvidera seconded.

Motion passed unanimously.

Kvidera **moved** the meeting be re-opened to the public. Zuege seconded.

Motion passed unanimously.

IV. Approval Of Minutes – October 5, 2011 Board meeting

Terrell **moved** approval of the minutes of the October 5, 2011 Board meeting.

Kvidera seconded.

Motion passed unanimously.

V. Reports

Chair

- There was no PACC meeting held today.
- Bellfield, Pargo and Wetternach attended the Third Ward neighborhood fest.

Assistant Director

- Reid reviewed the [CRA Workload Report](#) for October 2011. The CRA has a law school intern helping investigators with their investigative reports as well as a part-time investigator handling the intake process.
- Reid asked board members to complete their outstanding hearing panel determinations.
- It is Reid's goal to have all 2009 investigations completed by the end of this month and all investigative reports completed by the end of December.
- Terrell asked to have priority complaint status noted on the monthly report.

Committees

Outreach Committee – Terrell

The event at PYC scheduled for October 28 was cancelled. It will be re-scheduled. Terrell will be participating in small group discussions with students about their experiences with police officers and will do some education about how to engage with police officers and how the CRA can be helpful.

Chief Dolan Performance Review – Bellfield

The group Bellfield appointed to prepare a report for the board's participation in the performance review of MPD Chief Dolan will meet next week. The report will be available for the full board's review at the December board meeting.

VI. Public Invitation – Comments limited to three minutes for each speaker

Dave Bicking

He wanted to discuss the MPD policy regarding onlookers. People are recording or filming the police during all kinds of different things going on. This has been a problem around the country and may be an ongoing problem here in Minneapolis as well. The CRA has had cases of several types regarding onlookers. Not only those who are out there to record or film, such as Cop Watch, which has had frequent problems, or at demonstrations where people see something, but just in the ordinary conduct of the police who arrest bystanders who might say something about the officer and what he's doing.

The CRA board policy committee made a recommendation about this to the MPD in April and the MPD responded in August that they would not incorporate the board's suggestions. The MPD's position was that state and federal laws provide citizens with protection of their rights as they relate to citizens' ability to witness officers' actions. The MPD policy manual requires officers to adhere to state and federal law and constitutional protections. Bicking added that that is true of many things in the policy manual which are re-statements or applications or interpretations of exactly those kinds of laws and constitutional protections. Just because it's in the Constitution doesn't mean it shouldn't be in the MPD policy manual to make clear the department's interpretation of those rules for the offices on a day to day basis. From the practice on the street, it appears that there is a wide variety of how individual officers handle that. It should be in the manual or in officer training that covers the kinds of cases where you can or cannot do something about someone who is observing or filming you.

Bicking recommends that the board re-visit this issue and check to see if there is specific training on this topic in the police training manuals that currently exist. If there is, the board should see whether that is in conformance with court guidelines. If not, the board should recommend that it be in there.

Bicking notes that again this month, there was no discipline issued by the MPD. He understands the board is looking for new members. He hopes it is successful in maintaining its strength but unless the board becomes relevant through policy or actual discipline, he fears that it may dwindle to the point of non-existence, instead of just ineffectiveness.

VII. Old Business

Terrell's motion to add to the end of the hearing panel chair statement an invitation to hearing panel attendees to attend monthly board meetings was adopted at the October board meeting. Terrell will have the language ready for discussion at the December board meeting.

VIII. New Business

Zuege asked Gerlicher about interaction between the MPD and the protestors at the Hennepin County Government Center. Gerlicher responded that there were arrests made one day but other than that, there has been a good working relationship with the demonstrators. It is a peaceful group and there has been good communication. The county has taken the lead on what the demonstrators can and cannot do, because they are on county property.

Kvidera asked if there is any kind of press identification a person needs to have to be recognized as a member of the press at a demonstration such as the one at the Government Center. Gerlicher responded that press credentials really don't mean anything; they have the same rights and access as any other citizen.

Terrell asked Gerlicher if police officers are engaged with someone and he is observing, can he videotape with his cell phone. Gerlicher responded that he can and that people do it all the time. Gerlicher agreed with Terrell that some officers may be annoyed by this, but the bigger issue is if you have people who are actually interfering with the officers. As long as you're outside the tape of a controlled crime scene or on a plaza or sidewalk, you can do anything you want, as long as it's within the law. Terrell said that officers might make the argument that they are being intimidated by the crowd who is videotaping. Gerlicher agreed that it can be intimidating but that alone is not grounds to make an arrest.

IX. Announcements

- Kvidera will be unavailable November 3 – November 13. Wetternach and Kvidera will switch November hearing panel assignments.
- Reid announced that the Civil Rights Department is having a conference on December 2 to discuss racial disparities among citizens in the Twin Cities and surrounding areas. There will be six different panels. Reid will send more information to the board. The Civil Rights Department has a Facebook page and a blog on Word Press. He invited members to view them.
- Board member applications are still being accepted. Reid urged members to have anyone they know who may be interested submit an application.

X. Adjournment

Wetternach **moved** the meeting be adjourned. Zuege seconded.
Motion passed unanimously.

MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY
350 South 5th Street, Room 239
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TO: CRA Board

FROM: Samuel L. Reid II
Assistant Director

DATE: November 2, 2011

SUBJ: Monthly Report – **October 2011**

1. Intake – 37
2. Signed Complaints – 13
3. Complaints by:

<u>Ward</u>	<u>Police Precinct</u>	Repeat Officers ¹ – 11
Ward 1 – 1	Precinct 1 – 7	Repeat Officers ² - 10
Ward 2 – 1	Precinct 2 – 2	New Officers – 3
Ward 3 – 1	Precinct 3 – 1	
Ward 6 – 1	Precinct 5 – 3	
Ward 7 – 6		
Ward 10 – 1		
Ward 11 – 1		
Ward 12 – 1		
4. Completed Investigations – 15

Complaints in Investigation	2009 – 21
	2010 – 43
	<u>2011 – 66</u>
	130
5. Mediations scheduled – None
6. Manager dismissals – 2
7. Complaints awaiting Hearing as of 10/31/11 – 22

¹ Officers with one or more prior complaint 1991 through 2007.

² Officers with one or more prior complaint 2008 - present.

8. Hearing Panels
 - Complaints heard – 2
 - Determinations Completed – 7
 - Partially sustained – 3
 - Not sustained – 4
 - Determinations Pending – 9
9. Discipline Decisions Received From Chief of Police – 2
 - No Discipline imposed – 3 officers
10. Complaints Awaiting Discipline Decision – 1