

**Minutes**  
**Minneapolis Civilian Police Review Authority**  
**Regular Monthly Board Meeting**  
**Wednesday, May 2, 2012**  
**241 City Hall**  
**6:00 p.m.**

**Board members present:** Cichowicz, Giraud, Kvidera, Pettis and Wetternach

**Also present:** Deputy Chief Scott Gerlicher  
Assistant Civil Rights Director Lee Reid  
Assistant City Attorney Joel Fussy  
Sherman Patterson, Mayor's Aide

**I. Call to Order**

Acting Chair Wetternach called the meeting to order.

**II. Approval of Agenda**

Wetternach asked the agenda be amended to include the oath of office administered by the City Clerk. Cichowicz **moved** the agenda be adopted. Kvidera seconded.

**Motion passed unanimously.**

**III. Approval Of Minutes – April 4, 2012 Board meeting**

Pettis **moved** approval of the minutes of the April 4, 2012 Board meeting. Cichowicz seconded.

**Motion passed unanimously.**

**IV. Swearing In of New Board Members**

City Clerk administered oath of office.

**V. Reports**

**Chair**

There was no chair report.

**Assistant Director**

Reid reviewed the [CRA Workload Report](#) for April 2012.

Reid explained June is the City Attorney's training which is necessary for new board members to attend before hearings can be scheduled. MPD trainings that were missed will have to be made up.

Reid and most new board members agreed to 5:30 p.m. May 10th for a two-hour orientation session in Room 241 of City Hall. Reid will also send out emails to confirm dates and times in the last three weeks of June for training by MPD and City Attorney's Office.

Reid announced there will be hearings May 16<sup>th</sup> and May 23<sup>rd</sup>. Like last month, he encourages new board members to attend. Kvidera asked how the board will address the backlog of complaints. Reid said we will add a day in May for dismissals, and will probably do an extra Saturday hearing in June for dismissals to supplement weekday hearings. May 9<sup>th</sup>, 2012 added as a hearing day for dismissals.

**Committees**

Ad hoc Committee — Giraud

Members have met three times in the last month, and unanimously approved the ad hoc Committee's Business Process Improvement (BPI) proposal for CRA Board review.

Proposal Overview:

- 1) Reasons for the CRA proposal
  - o To allow CRA members involvement in own process improvement
  - o To offer an alternative plan with public input
  - o To give City Council and Mayor a CRA BPI approved by CRA Membership
- 2) Stakeholders: Civilians, City Government, and Police Department
- 3) Goals of proposal
  - o To increase confidence in civilian police oversight through citizen's choice as to which process to choose (Internal Affairs or Civilian Review)
  - o Involves MPD in civilian recommendations made to Chief
  - o Has some oversight from City Council Public Safety, Civil Rights & Health Committee (PSCR&H)
  - o Provide better customer service through more timely investigations
  - o Contains a system of checks and balances available for all stakeholders
- 4) Proposing *Civilian Police Conduct Oversight Board (CPCOB)*
  - o 14 members made up of two groups:
    - a. *Minneapolis CPCOB:*
      - 11 members (7-city-council- and 4-mayoral-appointed members)
      - Must be residents of Minneapolis
      - Chair and Vice Chair being elected by members
      - Replaces CRA
      - Four-year terms
    - b. *CPCOB MPD Advisory Panel:*
      - 3 members from Minneapolis police department (appointed by Assistant Director of Civil Rights and Chief of Police or his/her designee)
      - Act as non-voting advisers on MPD policies and procedures for recommendation panels or "complaint committees"
      - Will also attend CPCOB board meetings
      - Not permitted to discuss any complaint or board business with Chief of Police or other MPD staff
      - Will be trained by CPCOB board staff on the role, history, policies and procedures of civilian oversight
      - Four-year terms
- 5) Complaint Committees
  - o Hearing the complaint and making a recommendation based on the merits of the complaint to the full Minneapolis CPCOB
  - o Made up of 3 Minneapolis CPCOB members and 1 CPCOB MPD Advisory Panel member
- 6) Investigators of Internal Affairs and CPCOB
  - o Currently 2 CRA investigators
  - o Proposing appropriate number needed to increase the effectiveness of civilian review
    - Number of investigators should be based on the data currently collected or on a ratio of sworn officers
- 7) Screen all complaints
  - o All external, except criminal or management to CPCOB office. The complainant will choose to file with the IA or the CPCOB.
  - o All Complaints sent to CPCOB are reviewed by Assistant Director of Civil Rights (ADCR) who will either,
    - a. Assign complaint to investigator,
    - b. Recommend the complaint be given to the precinct supervisor (PS) or,
    - c. Recommend the complaint be dismissed.

- If option A is recommended by the ADCR the complaint will immediately move to investigation. All other screening decisions (option B or C) will be sent to the CPCOB chair for approval. The chair may override B or C option. The complainant may appeal the PS decision/or lack of to the ADCR and Chair of CPCOB. The ADCR and Chair of the CPCOB may move complaint from PS to investigation.
- Investigation
  - Investigator will issue findings as to the merits of the complaint and will make a recommendation of “has merit”, or “is not established as having merit” to the complaint committee
  - ADCR will have oversight of recommendation made. The ADCR will sign off the investigator’s recommendation
  - All investigations will move on to the complaint committee for review and vote
- Recommendation Review
  - The complaint committee comprised of 3 CPCOB members and 1 MPD non-voting advisor will conduct a hearing for the purpose of making a recommendation to the Chief of Police based on the merits of a complaint
  - The committee will review the case and issue a decision as “the complaint allegation has merit” or “is not established as having merit”
  - After the committee makes a recommendation the ADCR will review for appropriateness and may pass recommendations for discipline to the Chief or if ADCR finds the committee recommendation was unreasonable, out of line/magnitude, etc. (with the Chairs approval) forward the recommendation of the complaint committee to the full CPCOB
  - The full CPCOB by simple majority vote will uphold, or remand any of the ADCR forwarded recommendations
  - The complainant will have an option to appeal any recommendation made by the complaint committee to the Chair and ADCR
  - The Chair may dismiss the appeal, order another committee review or submit to full CPCOB board for review
- Chief Decision
  - On the “has merits” recommendation for discipline by the CPCOB, the discipline decision (with specifics) will be sent to ADCR and CPCOB Chair
  - ADCR and Chair will determine if Chief discipline matched the violation. If appropriate level is issued the complaint will be closed. If the discipline is not matching the act (per discipline matrix) the complaint will move back to the CPCOB for review
  - CPCOB Board — By a 2/3 vote, the board may submit non-disciplined or under-disciplined (per discipline matrix) “merits founded” complaints back to Chief of Police with appeal for further reexamination
- Chief’s Review
  - If after reexamination the Chief orders additional discipline he/she will report it to the ADCR and Chair of CPCOB. If Chief’s reexamination does not result in additional discipline or remains under disciplined the Chief will report this to the Mayor and the Chair of the CPCOB. If ADCR and Chair agree with the Chief of Police the complaint is closed. If not, it moves to the Mayor for review
- Mayoral Review
  - After review of a “merits founded” complaint with non-disciplined or under-disciplined decisions (per discipline matrix) by the Chief of Police, Mayor will either instruct the Chief to A. discipline, B. to change discipline or C. The Mayor if in agreement with Chief, will send a non-disciplinary or no discipline change decision notice with reasons as to the non-discipline or no discipline

change to the ADCR , the Chair of the CPOCB and the members of the City Council PSCR&H Committee

- 8) Flowchart of proposal process
- 9) Chapter 172 of current Minneapolis Ordinance
  - 1. The Firewall as stated in Chapter 172.170 (d), will continue to be in place between the Department of Civil Rights and the Civilian Police Conduct Oversight Board
  - 2. A renewed commitment and delegation of resources to, The Substantive Duties and Powers provision, 172.60 (d,f,g,i) and development of a committee to implement the following duties
    - Conducting a program of research and study for the purpose of ascertaining the effectiveness of civilian police review in Minneapolis
    - Review of MPD policies and procedures
    - Development, in conjunction with the MPD, of comprehensive cultural awareness training for MPD officers
    - Creating and implementing a community outreach program
- 10) The CRA Board is requesting that the City of Minneapolis support Administrative Subpoena power for the Civilian Police Conduct Oversight Board in Minneapolis
  - An administrative subpoena is an official order compelling an individual to provide a state or local administrative agency with information
  - In MN, an administrative agency may obtain subpoena power only by statute
    - Most Minnesota Statutes that grant administrative subpoena power expressly allow an agency commissioner or director to delegate the power to issue subpoenas

Acting Chair Wetternach asked for questions and opinions from CRA Board on the proposal.

Briscoe wondered if enough members were present to approve the proposal and move things along before June. Giraud agreed the committee wanted to get approval done soon because the BPI is being moved forward in June/July 2012 by the Department of Civil Rights, Police Department, and City Attorney, and the Board has not seen or heard anything about the status of the original proposal (described by Director Velma Korbelt at the March 7<sup>th</sup> CRA Board meeting).

Giraud asked what the next step would look like for the proposal after the Board's approval. Wetternach said he presumed the proposal would be forwarded onto Director Korbelt, City Attorney Susan Segal, and Chief Dolan, and also to Council Members Don Samuels as chair of the Public Safety, Civil Rights & Health (PSCR&H). Giraud said he'd like it to be separate from review from the department or Director Korbelt, City Attorney, or the Chief, and take it right to the chair of PSCR&H.

Kvidera **moved** to address the board's proposal to PSCR&H and send a copy to Director Korbelt, City Attorney Susan Segal, and Chief Dolan so they have a chance to incorporate the board's proposal elements into their proposal. Cichowicz seconded.

Acting Chair Wetternach asked for public opinion to the board's proposal. Giraud added that several members of the public had been present during the ad hoc meetings to draft the proposal and their opinions had been incorporated.

## VI. Public Invitation

### Chuck Turchick

He had a question about the proposal's bullet "Number of investigators should be based on the data currently collected or on a ratio of sworn officers". He also stated that a year ago when the previous board suggested some revisions of the ordinance, one of those was that a police

officer should have an appeal right within the CRA process, the proposal gives the complainant but not the police officer this option. He noted the officer does have appeal rights within the collective bargaining agreement process.

Reid explained the sworn officer to investigator ratio bullet point was based on collected data from other reports about investigators being at least 1 to every 200 sworn officers or similar, so there would be enough investigators to handle incoming complaints.

Acting Chair Wetternach asked for any last questions for Reid regarding the ad hoc proposal adoption and submission. Kvidera recommended a cover letter be sent with it to acknowledge the time constraints the board and public had to work within, and is the best that could be done by the community. Briscoe said he would like to add the option to allow officers to appeal complaints.

Acting Chair Wetternach **moved** the board submit the proposal to PSCR&H and send a copy to Director Korb, City Attorney Susan Segal, and Chief Dolan.

**Motion passed unanimously.**

Giraud thanked the ad hoc participants for the long hours and hard work put into drafting the proposal. Cichowicz thanked Giraud for his initiative and leadership in setting up the ad hoc meetings and thoughtfully listening to the comments. Kvidera and Briscoe reiterated those sentiments.

#### Darryl Robinson, United Against Police Brutality

He feels this has been a trying process and from the public's point of view this BPI is to rectify weaknesses of the CRA and Internal Affairs current processes. He hopes this new plan will help out civilians because at this point, if this doesn't work, the public will try to do something as a community to make it right. He acknowledged the time and planning that has gone into the ad hoc proposal and thanks the participants for their work.

#### David Bicking

He also thanks the participants for their tremendous work in the ad hoc proposal. He suggests compiling a minimalist proposal because this may be a long, involved process with the City Council and there may be a need to have something temporary at hand.

Bicking brought up the involvement of local police departments targeting Occupy members at Peavey Plaza as part of a drug training program and offering young adults illegal drugs then dropping them off downtown, and cites this as a reason for absolutely needing something like the Civilian Review Authority as an alternative to Internal Affairs.

#### Chuck Turchick

He mentioned there are seven manager dismissals on the report provided by Reid, but he was wondering whether the eight complaints he witnessed being filed were included in this report. To his knowledge they have never shown up in any statistics presented at the CRA Board meeting, and he feels they were treated differently than regular complaints.

He suggested the board consider asking to speak with the Chief nominee to ask her opinions on the CRA, officer misconduct and discipline, and strive to create a good relationship with the successor to Chief Dolan.

Additionally, he suggested the board regularly ask for advice and opinions from qualified people including but not limited to former police officer Michael Quinn, author of *The Police Code of Silence*; former police chief Tony Bouza; members of the Minneapolis Police

Federation, and former CRA manager Patricia Hodges, about their suggestions and ideas for improving the Civilian Review Authority.

**VII. Old Business**

There is no old business.

**VIII. New Business**

Kvidera **moved** to discuss forwarding the CRA case file discussed in closed session at the beginning of the meeting to the Mayor in lieu of the federal trial to ask if the Mayor feels the discipline issued to the officer(s) was reasonable. Giraud seconded.

Cichowicz stated he was unfamiliar with the case and so did not have an opinion.

Fussy interjected and advised the board not discuss what evidence might exist, any names, or public information.

Giraud asked if it would be appropriate to discuss the motion in a closed session. Cichowicz said he would certainly be willing to move into a closed session.

Kvidera withdrew his motion.

Giraud **moved** to adjourn the public meeting and return to a closed session for discussion of a case.

**IX. Announcements**

There were no announcements.

**X. Adjournment**

Giraud **moved** the meeting be adjourned.

**Motion passed unanimously.**

**MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY**  
**350 South 5<sup>th</sup> Street, Room 239**  
**Minneapolis MN 55415**  
**(612) 673-5500**

**TO:** CRA Board  
**FROM:** Samuel L. Reid II  
Assistant Director

**DATE:** May 2, 2012

**SUBJ:** Monthly Report – **April 2012**

1. Intake – 34
2. Signed Complaints – 4
3. Complaints by:

<u>Ward</u>	<u>Police Precinct</u>	Repeat Officers <sup>1</sup> – 3
Ward 3 – 2	Precinct 3 – 1	Repeat Officers <sup>2</sup> - 2
Ward 5 – 1	Precinct 4 – 3	
Ward 9 – 1		

Allegations  
Excessive Force – 3  
Inappropriate Language – 2  
Harassment – 2  
Inappropriate Conduct – 4
4. Completed Investigations – 18

Complaints in Investigation	2010 – 25
	2011 – 37
	<u>2012 – 8</u>
	70

Priority complaints in investigation – 20
5. Mediations scheduled – None
6. Manager dismissals – 7
7. Complaints awaiting Hearing as of 4/30/12 – 52
8. Hearing Panels

Complaints heard – 10
Determinations Completed – 8
Partly Sustained – 1
Dismissed – 7
Determinations Pending – 5
Complaints remanded – 1
9. Discipline Decisions Received From Chief of Police – 1  
    No discipline imposed – 1 officer

Complaints Awaiting Discipline Decision – None

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<sup>1</sup> Officers with one or more prior complaint 1991 through 2008.

<sup>2</sup> Officers with one or more prior complaint 2009 - present.