

**Minutes
Minneapolis Civilian Police Review Authority
Regular Monthly Board Meeting
Wednesday, January 7, 2009
333 City Hall
6:30 p.m.**

Board Members Present: Bellfield, Benson, Bicking, Franklin, Hall, Terrell, Zuege
Board Members Absent: Kvidera, Turner

Also Present:
CRA Manager Samuel L. Reid, II
Assistant City Attorney Lisa Needham
Assistant Chief Sharon Lubinski
Sherman Patterson, Mayor's Office

I. Call to Order

Chair Bellfield called the meeting to order at 6:30 p.m.

II. Approval of Agenda

Bicking **moved** Item VI. Public Invitation be moved to follow Item IV. Reports and that members of the public be allowed to speak for three minutes. Franklin seconded.

Motion passed unanimously.

Bicking **moved** the agenda be adopted as amended. Zuege seconded.

Motion passed unanimously.

III. Acceptance of the minutes of the regular board meeting of December 3, 2008

Bicking stated the minutes should reflect that the meeting started at 6:00 p.m. with a reconsideration hearing, during which time the meeting was closed to the public, and was reopened at 6:30 p.m. Benson **moved** the December 3, 2008 minutes, as amended, be accepted. Zuege seconded.

Motion passed unanimously.

IV. Reports

Chair

- Bellfield asked Benson to chair a review committee of Turner and Zuege to review one complaint from 2006 and two complaints from 2007.
- Bellfield has agreed to former CRA chair Michael Friedman's request to address the board at the February 4, 2009 meeting. He wishes to speak about issues and tasks he believes the CRA should be engaged in.
- Bellfield attended a PACC (Police Accountability and Coordinating Committee) meeting today. Bellfield has invited Chief Dolan, through AC Lubinski, to address the board at the February 4, 2009 meeting. PACC will resume meeting on a regular basis. Lubinski added that the PACC discusses operational issues.

Manager

- Reid reviewed the [CRA Workload Report](#) for December 2008.
- Reid asked members to submit their 2008 stipend requests as soon as possible and to submit their 2009 stipend requests on a monthly or bi-monthly basis.

- There will be a training session on January 12, 6-7PM, for board members who have questions about writing hearing panel determinations.
- Reid has talked to Sherman Patterson of the Mayor's Office about the status of the two board vacancies. The Mayor has identified two individuals that he will bring forward to the HEE committee.

Committee Reports

- Reports and Statistics Committee – Benson
The committee held their third meeting this evening, just before the board meeting. The committee has decided to focus on two items: Putting together and presenting to the City Council a quarterly report which will provide an overview of new members and the 2008 statistics and will look at issues and challenges the board has faced in the last quarter, as well as direction and goals. Second, put a report on the CRA website that includes aggregate data and describes cases that the board has reviewed and some of the outcomes of those reviews. The committee will look at a format and bring it back to the board for discussion of what should be involved in the report.
- Steering Committee – Bellfield
The Committee held a meeting on December 17. Bellfield will be completing a report of what was said regarding the Administrative Rules. He has had computer problems which have prevented him from finishing this task. They also discussed the vice chair or acting chair issue. Kvidera will be writing a justification. They discussed challenges to the IPAD opinion and how to proceed on that. Bellfield will send out his report to committee members for comments.
- Policy Committee – Bicking
The committee did not meet in December. They will schedule their next meeting when they have the hearing panel schedule for January.

V. Public Invitation

Darrell Robinson – Vice President, Communities United Against Police Brutality (CUAPB)

People are reporting to the CUAPB that officers are tasing people for speaking to them. He asked if there is any justification needed for an officer to tase a person.

Bellfield explained that there is a policy for taser usage. Lubinski advised that the tasers record and download when they have been deployed and for how long. There is a periodic report. Lubinski said that every officer must fill out a report if they tase someone, which is reviewed by a supervisor. The report is sent electronically to Internal Affairs. A lot of the tasers have video cameras on them which shows the actions of the suspect or offender prior to being tased. Lubinski believes the summary reports may be public; she will check.

Michelle Gross, President, CUAPB

She has a concern with the CRA board about what she considers to be a growing lack of interest in intersecting with and accepting input from the community. She felt that acutely at the last meeting and subsequently wrote a letter to the board and did not receive a single response. Moving the Public Invitation item up on the agenda is a step in the right direction, but it is nowhere near the same as accepting meaningful input during discussion of controversial topics. The only outlet for public expression is the brief allotment of three minutes during Public Invitation. This is important since the CRA board does not provide to the public a detailed agenda through which they would be able to submit written input to board members. The MPD and Police Federation have nearly unfettered access to board

members as well as staff members. The public has no such access. The public are a rich source of information for the board. The CUAPB takes in more complaints than the CRA and IAU. They see, process and work with people on a much more immediate basis. They track things that the CRA has not even heard about. She could tell the board a lot of things which would be of great interest to them. She continues to urge the board to find more ways to include the public in their discussions.

Reid stated that CRA staff is in the office every weekday. He urged Gross or other members of the public who wish to speak to staff to just call or come in. Gross replied that public comments are important to board members. While she and Reid have talked in the past, what they have to say is also important to the board.

Joseph Robinson – CUAPB member and Community RNC Arrestee Support Structure (CRASS) member

It is a fact that there is police brutality and abuse of power by some police officers. It is an honorable thing that the CRA board tries to address that. According to the Manager's statistics report for December, there have been 33 intakes and there has been no discipline issued. A few complaints may not be justifiable, but he does not understand why there are so many complaints and nothing solid coming from that. He hears there is a new ordinance that would keep the CRA board determinations private. If the purpose of the board is to provide a façade of accountability, then keeping the determinations private would make sense. But if the board wants to hold officers accountable, keeping the determinations private has no point. If police officers are abusing people, he would like to know who they are so he can stay away and tell others to stay away from them.

Reid clarified that there is a time lag in the numbers in the Manager's Report that Robinson referred to. The intakes are people who contacted the CRA in December who stated they wish to file a complaint with the CRA. Only when the intake becomes a signed complaint can a disciplinary action follow. The disciplinary decisions reported in the December Manager's Report do not correlate to the intakes or signed complaints received in December.

Zuege responded that there have been concerns that the state Data Privacy Act limits the City on what can be disclosed to the public by the CRA board and staff. Regardless of what information the CRA would wish to disclose, they are limited by state law.

Janet Nye

She has a problem with the transparency of the statistics. Statistics need to be framed in such a way that they mean something and that they are up to date. She understands that the MPD taser policy has changed. It is only fair to the citizens of Minneapolis that they be updated and the policy be easily accessible.

Bicking stated that the statistics as they are presented are not understandable to the public. It is important to explain them a little more. Community outreach should address this problem. The CRA has gone through a period where they did not have hearings and they are now catching up. Some of the statistics will start to look better. Part of the problem is a lack of funding for investigations.

Zuege commented that the board has a Policy Committee which holds monthly meetings. The January meeting is not yet scheduled, but if a member of the public has concerns about MPD policy issues, they should feel free to attend the Policy Committee meetings.

Paul Hanson – CUAPB board member

About a year ago, the CUAPB offered input to the board and so far have heard nothing back. They have information shared with them by members of the public which they would like to bring to the CRA but they must first have a step in their direction to do that.

Michael Salchert, Police Officers Federation of Minneapolis

He wants to correct something that Ms. Gross stated. The POFM has no more access than the general public to the board or the CRA or their procedures or information.

Buddy Horton, Jr.

He has lived in Minnesota for 15 years. He helped to create the CRA. Since the term of Mayor Sayles Belton, the CRA has been hand picked through the City of Minneapolis infrastructure and has basically gone nowhere. The intervention by the City is to make sure that the CRA function would never be effective. It has been a political nightmare. This is the first meeting he has attended since 1999. MPD continues to abuse its authority and the current Mayor continues to condone this sort of thing.

Elliot Hughes, CUAPB

The city directed MPD to adopt a taser policy brought forward by the CRA board. It does not appear that the MPD is following this policy. He asked what actions the board is going to take in this regard.

Terrell explained that the CRA was helpful in developing the taser policy and the MPD adopted it and put it in their policies and procedures manual. What the board has seen is that it has been changed from three pages to one page. The board is concerned about that. AC Lubinski has told the board that it is in officer training and has been shortened in the policy and procedures manual. Terrell added that the Policy Committee has taken a close look at the updated version in the MPD policy and procedures manual. He would prefer that it was changed back, because the board does not really know what it means, that it is provided in training.

Bicking added that he and other members of the Policy Committee are looking at the taser policy very carefully. There was a policy put in place based on what the City Council did. A change happened in August 2007, a little more than a year after the policy was put in place by the City Council. The CRA board understands that the policy is the same as it was, however until the board sees the training manuals, or witnesses training, or otherwise know what happens in training, he honestly cannot say if the taser policy has changed or if it has just been reworded and part of it no longer available to the general public. It is disturbing that when Officer Grobove came to do taser training for the board, he said the only two policies are the weak side holstering and not around flammable materials. Those are the two items that are still available on the website along with some information about follow-up after the taser is used. There had been items such as only one officer is to deploy the taser at a time, or that they were supposed to do what they can to avoid tasing people in the face, neck and genitals. Those may still be the policy, but they are not where they can be seen and verified.

VI. Business

- Bicking stated the board needs to make decisions regarding the proposed ordinance changes. The motion they passed in December will need to be revised in some fashion. They had said the Steering Committee will meet during December to compile the ordinance and work out some rationale. They did meet, but section B of that motion was that the Steering Committee recommendations be ready for approval, disapproval or modification at tonight's meeting. The board needs to deal with this and make something available to the City Council that was approved by the whole board. The next chance will be the February board meeting unless the board holds a special meeting. The board's recommended ordinance changes and their rationale would need to be available for the public and the HEE committee before the public hearing is held.

If the board finalizes their position at the February 4 meeting, they could have it introduced as a subject matter of an ordinance at the February 6 Council meeting. Any urgency on the part of Bicking is that the board have a chance to submit its recommendations to the Council before another party brings the proposed ordinance changes to the Council without any CRA input.

Bicking reminded the board that the motion passed in December said that the chair of the CRA board would notify the Council of their progress and intentions. Reid added that Chair Benson is definitely interested in what the board has to say.

Bicking **moved** the December 3, 2008 motion be amended as follows:

- A) That the Steering Committee meet during December to compile the complete revised ordinance in accordance with the substantive decisions made at the December board meeting and that the Steering Committee also prepare a document stating the board's rationale for these changes.
 - B) That the Steering Committee's recommendations be ready for approval, disapproval or modification at the ~~January~~ FEBRUARY CRA board meeting.
 - C) That the chair of the board notify ~~City Council~~ THE CHAIR OF THE HEE COMMITTEE of our progress and intentions.
 - D) ~~That the chair of the board notify the City Council that the board is prepared for the introduction of the ordinance change at the last full City Council meeting in 2008.~~
- Terrell seconded.

Motion passed unanimously.

- Bicking asked if there is a timeframe for board members to review the file for the December reconsideration hearing. Bellfield asked board members to review the file for the reconsideration hearing held in December by January 14 and make their decision.
- Bicking asked if the board wishes to arrange training from the CUAPB within the next few months. Terrell plans to attend CUAPB meetings as chair of the Outreach Committee. Zuege added that there are other groups or persons that might offer useful training for the board, such as local attorney groups.

Reid said that board member are trained by the City so they can make determinations that can be upheld. Having outside individuals come in to speak to the board is another important part of the training. This has not yet happened because the board has more pressing things to take care of first, such as processing complaints and

dealing with policy and ordinance issues. Part of Reid's work plan for 2009 is to bring in outside groups. He wants to make sure it is structured properly and that the board is getting something meaningful out of it. Board members can do outreach to community groups, their council members and MPD officers. In order to do their job the right way, members need to be fair and open-minded. Reid suggested CUAPB, or any other community group, submit a written proposal for board training and then the board can judge when it can schedule that training.

VII. Announcements

- Terrell requested that the Outreach, Policy and Reports Committees set dates for their January meetings. Reid will be out of town the week of January 19. Any committee meetings that week can be held at the CRA office only during business hours.
- Terrell asked community members to speak to him after the meeting about a date where he can come to one of their meetings. He expressed his appreciation for their attendance at tonight's meeting. Bellfield said he values public opinion and wants the public to attend board meetings and give their input. He and Reid will come up with some other avenues for the public to participate. He intent is to run a good meeting and get business done.
- Bicking notified the board that the next Citizens Academy will be Spring 2009, Tuesday evenings, March 17-May 19, 6-9PM, in north Minneapolis. The next session will not be until Fall 2009 on Wednesday evenings. He encouraged members to attend the Spring session. Deadline to apply is February 14. Zuege asked that CRA staff send out notice to all board members about the upcoming Citizens Academy classes.

VIII. Adjournment

Terrell **moved** the meeting be adjourned. Franklin seconded.
Motion passed unanimously.

MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY
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TO: CRA Board

FROM: Samuel L. Reid, II
Manager

DATE: January 7, 2009

SUBJ: Monthly Report – **DECEMBER 2008**

1. Intake – 33
2. Signed Complaints – 7

By Ward	By Police Precinct	Repeat Officers – 8
Ward 3 – 2	Precinct 1 – 3	New Officers – 1
Ward 7 – 3	Precinct 2 – 1	
Ward 8 – 1	Precinct 3 – 1	
Ward 10 – 1	Precinct 4 – 1	
	Precinct 5 – 1	

Allegations

- Excessive Force – 4
- Inappropriate Language – 3
- Harassment – 1
- Failure to Provide Adequate or Timely Police Protection – 6
- Inappropriate Conduct – 5

3. Completed Investigations – 1

Complaints in Investigation	2006 – 1
	2007 – 21
	2008 – 41
	2009 – <u>1</u>
	64

4. Mediations Scheduled – 5
Mediations Heard – 3
Successful Mediations – None
5. Complaints awaiting Hearing as of 12/31/08 – 21

6. Hearing Panels
 - Complaints heard – 18
 - Determinations Completed – 15
 - Sustained or Partially Sustained – 3
 - Not Sustained – 4
 - Dismissed – 7
 - Manager Dismissal – 1
 - Determinations Pending – 25
 - Hearings held in 2006 – 1
 - Hearings held in 2007 – 2
 - Hearings held in 2008 – 22
7. Discipline Decisions Received From Chief of Police – 2
 - Discipline issued – None
8. Complaints Awaiting Discipline Decision – 3