

Minutes
Minneapolis Civilian Police Review Authority
Regular Monthly Board Meeting
Wednesday, February 3, 2010
333 City Hall
6:30 p.m.

Board members present: Benson, Bicking, Franklin, Kvidera, Terrell,
Wetternach, Zuege

Board members absent: Bellfield

Also present: CRA Manager Lee Reid
Chief Tim Dolan
Deputy Chief Scott Gerlicher – MPD liaison to CRA
Lt. Travis Glampe – Internal Affairs Unit
Assistant City Attorney Peter Ginder

I. Call to Order

Acting Chair Justin Terrell called the meeting to order.

II. Approval of Agenda

Kvidera **moved** the agenda be adopted. Bicking seconded. **Motion passed unanimously.**

III. Approval of Minutes – November 4, 2009 and January 6, 2010 Minneapolis Civilian Police Review Authority board meetings

Benson **moved** approval. Franklin seconded. **Motion passed unanimously.**

Minneapolis Police Department Chief Timothy Dolan

Dolan thanked the board for all the work they do. He believes in civilian review. DC Scott Gerlicher will replace former AC Sharon Lubinski as Dolan’s representative to the CRA board and in Gerlicher’s absence, Dolan will be represented by Lt. Travis Glampe, IAU. They take the board meetings very seriously and they want to work with the board. There are some issues that came up in a review by the CRA board. There are some things that he would like to sit down with the chair and talk about finding solutions. There are differences as far as the period of reckoning and the allegation of de novo review that have long been issues between the police chief and the CRA. He offered to respond to any questions the board might have.

IV. Reports

Chair

There was no chair report.

CRA Members

There were no member reports.

Manager

- Reid reviewed the [CRA Workload Report](#) for January 2010.
- Reid reminded board members to complete their outstanding hearing panel determinations. There are two hearings held in 2008 and two in 2009 where determinations are still not completed. Two of the pending hearing panel determinations had been remanded for further investigation.
- Reid is working on the 2009 annual report. It will highlight the number of complaints and initial complaints that the CRA received. It will show that the CRA completed more investigations than in 2008 and received more disciplinary decisions than in 2008.

- There are 15 applicants for board vacancies and Reid hopes appointments will be made in March.
- Reid reminded board members that attendance at certain classes of the MPD Citizens Academy is required. There will be a new schedule in Spring 2010 for those who still need to attend.

Committees

Terrell – Outreach

- Terrell went to PYC High School. In addition to his usual monthly outreach presentation, he had a great conversation with the students about citizen responsibilities and their expectations of officers. He reminded board members that they are welcome to attend his monthly outreach presentations. They are usually held the first Monday of the month from 12:50 – 1:40.
- Terrell urged members to schedule ride-alongs with MPD officers and to attend the Citizens Academy if they have not yet done so.
- Terrell is going to attend a Civil Rights Commission meeting. He suggested other board members make some community contacts.

Terrell said that he would like to discuss Business Items before Public Comment is received.

Zuege **moved** to amend the agenda to swap Items 5 and 6. Kvidera seconded.

Bicking expressed a concern that the public comment might affect the business discussion. He would prefer to keep the original agenda.

Motion passed.

Yes – 4

No – 3

V. Business

Bicking

The board discussed invoking the provision in the ordinance 172.130 (d), where if the board has a concern that the chief has not been following the ordinance in the particular area of imposing discipline, there is a provision in the ordinance that the chair of the board shall report that to the executive committee:

172.130. Disciplinary Decision. (d) The level of compliance with this section shall be included as an element of the chief's annual performance evaluation, pursuant to section 172.60(h) of this section. **The civilian police review authority chairperson shall notify the executive committee of the chief's failure to comply with the requirements of this section, and such failure may subject the chief to disciplinary action.**

Bicking said that 172.130 (a) states: The chief's disciplinary decision shall be based on the adjudicated facts as determined by the civilian review authority board, and shall not include a de novo review of the facts... He said that although there have been various interpretations of "de novo," no one has said anything about a difference in terms of the meaning of "shall be based on the adjudicated facts as determined by the civilian review authority board." There have been disciplinary decisions that have come back with a failure to discipline because they did not agree with the facts as adjudicated. This is a difficult area and the chief has discretion over discipline, but this was put into the ordinance at the behest of the CRA working group in 2006. One of the recommendations by the MPD was that if there were going to be those considerations in the ordinance, they wanted to have a possibility for reconsideration of a case. That has not been taken advantage of as being the alternate way to deal with a situation where

there is a disagreement over the facts. Bicking suggested the board direct the chair to follow the ordinance: notify the executive committee of the chief's failure to comply with the requirements of section 172.130 (d). The board has already decided, in terms of their review and discussions, that that has happened. And just as the chief should follow the ordinance, the board should also follow the ordinance, by following through. In December the board authorized the chair to do that if he wished, but there were concerns because the board was in the midst of doing the performance review and some members thought the chair should wait. At this point, Bicking is asking the board to direct the chair to do this.

Bicking **moved** that the CRA board directs the board chair to invoke Section 172.130 (d) of the CRA ordinance and to notify the executive committee of the chief's failure to comply with the requirements of that section, particularly the failure to base decisions on the adjudicated facts as determined by the CRA board. Franklin seconded.

Discussion

- Weterbach spoke in opposition to Bicking's motion. He noted that the chief tonight offered to meet with the board chair and board members to talk about the issue of de novo review. He thinks the board should try that first and stated that the board chair does already have this option without this motion.
- Terrell agreed with Weterbach. He wants to pursue communication with the chief first.
- Kvidera agreed with Terrell.
- Bicking said he proposed this motion, not knowing the chief would appear at the board meeting, for the first time in the two years that he has been a board member, and not knowing the chief would offer to do such a thing for the first time. He would prefer to not put this off, but he understands the chief is finally reaching out to the board on this. He hopes it is real. He is still concerned that without the board doing its part, it may not be anything more than that. He noted that the executive committee met today to accept the nomination of the chief and will meet again on February 17 to act on that nomination. He said that when the chief was up for review to be appointed from acting chief to chief in 2006, the CRA had discipline on 51 percent of the sustained complaints. Once that process was over, the number went down and it has been 14 percent during the 21 months included in the board's review. There is an advantage to going ahead at a time when there is some attention being paid to the CRA.
- Terrell said he does not know if the reappointment of the chief is the priority. He doesn't know if the board needs to rush this. The board's input about the chief's relationship with CRA has already been stated.

Motion failed.

Yes – 2

No – 4

Weterbach asked that Terrell contact Bellfield when he returns to advise him of the chief's offer at tonight's meeting so he can set up a meeting as soon as possible.

Terrell

Terrell **moved** the board commit to holding a retreat in April where we can discuss the values and mission of our business. Bicking seconded.

Discussion

- Terrell wants to set a date to hold an all day retreat, 5 to 6 hours, where the members can talk about the direction of the board. He emphasized that no decisions would be made. He believes it is necessary for the board to get together to discuss very important issues and in what direction they want to move. To revisit the values and mission.
- Ginder explained that the board can hold meetings that are not open to the public as long as the board is not transacting public business or meeting for the purpose of transacting public business. So if the meeting is to discuss some internal issue or process there are opportunities for the board to get together and discuss those things. The board has to decide what it is going to talk about up front, so they don't run into a violation of the open meeting law. They may want to have an idea of their agenda before they go ahead and set the date so that they have an outline of the purpose of the meeting, which will help guard against inadvertent violation of the open meeting law.
- Bicking supports the general idea of members getting to know each other in a setting other than board meetings or hearing panels. The concept is good although an all day meeting may be hard to schedule. Bicking believes the board should be able to easily comply with the open meeting law, as they handle their business via motions at their monthly meetings. He also thinks that the board should not receive any information as a board, such as proposals, at a meeting not open to the board.

Motion passed unanimously.

Bicking

In the last 10 days, there have been two communications from the board chair that have provoked some controversy. His intent is not to criticize the board chair personally, particularly because he is not here tonight. Bicking has had a good personal and professional relationship with Chair Bellfield. But he believes the two actions taken by the chair were misguided. They both involve criticisms of Bicking, but the important issue is how they affect the entire board and how the board resolves some of the issues that have come up. One issue is that in both of these communications, Bellfield was speaking as the board chair. The most important issue is the public conduct of board members.

The first communication from Bellfield was an **email sent to all board members dated January 25, 2010**. This email conveyed an ultimatum to Bicking: if Bicking participated in a privately sponsored community forum scheduled for Tuesday, January 26, 2010, Bicking would then have to submit his resignation to the CRA board. Bicking stated that he did participate in the forum and he has not submitted a resignation. Bicking responded to Bellfield's email before the forum, laying out his feelings about it and received from Bellfield a response that if he participates in the forum he needs to resign from the CRA board.

The second communication is a letter from Bellfield to the board, copied to the mayor and the city council, criticizing Bicking's identification in a **StarTribune article written by Steve Brandt** that came out January 29. Brandt did respond to Bellfield a few days later to clarify that the article was based not on Bicking's participation in the forum, but on a conversation that he had with Bicking a few days earlier.

Bicking presented his **motion regarding Chair Bellfield's letter about StarTribune article**. Zuege seconded.

Bicking wishes that Bellfield's letter had never been sent to anyone beside board members – he doesn't think it needed to be, but once it is out there, it is a public issue. Bicking has received a

communication from a council member who told him that this will make Bicking's reappointment a lot more difficult. He believes it is an issue for the whole board. Bicking has responded personally to the council, but he thinks the board needs to clarify their position.

Discussion

- Franklin doesn't understand why Bellfield criticized Bicking's personal opinion. It had nothing to do with the CRA or what the CRA does.
- Terrell believes Bicking was representing the CRA board in the article, because even though he was stating his own positions, the fact that Bicking is a CRA board member was mentioned. All board members have to remember the relationship is there.
- Wetternach said that Bicking raises valid issues but Wetternach would prefer to table these motions until the next board meeting when Bellfield is present, so there can be a full discussion.
- Benson agreed with Wetternach.
- Zuege agrees with Wetternach – tabling the motions may be in the best interest. Also, he agrees with Franklin's comment. He doesn't want to get into Bellfield's motives in sending the messages that he did. He disagrees, based on the messages in front of them. He doesn't agree that this is a question of neutrality or impartiality. He thinks there is some confusion about what those things really mean. Zuege did not see anything in the *StarTribune* article in question that indicated Bicking represented anything other than his own personal views. Further, other administrative bodies, such as the FCC, frequently have board members give public statements. Those commission members regularly make public comment about matters they deal with. Some of those commissioners will be quite vocal about criticizing what other commissioners have voted on and so forth. Those same standards apply here as well.
- Bicking understands the concern about Bellfield not being here. In some ways, it is better to act on the motion now, not because he doesn't want Bellfield to express his views, but because it is not about him personally or his motivations. He has worked well on a lot of things with Bellfield for a year and a half. He respects him as the board chair. It's about a communication that was sent representing itself as a board communication. He was not speaking as Don Bellfield, board chair. He was speaking as the board. It was on the CRA letterhead. This is really not the time to table it, because this is not the issue. As far as the substantive issue, it is something that can be moved forward. There is not a whole lot of substance there. He quoted the two places in the *StarTribune* article where he is mentioned. He is mentioned in two paragraphs out of 22. "One opponent of reappointing Dolan still thinks that council will back him. That's Dave Bicking, a member of the Civilian Police Review Authority, a city body that investigates and makes recommendations on complaints against police and recently held a hearing on the reappointment. 'I don't think there's any significant opposition to this on the council,' he said," and "Bicking and others say the chief hasn't disciplined officers often enough when the Civilian Police Review Authority finds they have mistreated citizens." Bicking thinks it is obvious that there is nothing here that should have been a subject of any CRA letter at all, let alone an official communication from the chair. He thinks the board should go ahead and clarify – he would rather not wait a month.

Kvidera **moved** Bicking's motion be tabled until the March 3, 2010 board meeting.

Wetternach seconded. **Motion passed.**

Yes – Benson, Kvidera, Terrell, Wetternach

No – Bicking, Zuege

Abstain - Franklin

Bicking presented his **motion regarding Chair Bellfield's 1/25/2010 email to the board.** Franklin seconded.

Bicking referred to an email sent out by Bellfield, calling for Bicking to resign if he participates in the New Broom Coalition Forum scheduled for January 26, 2010. Bicking believes that since he did participate in the forum, Bellfield's call for Bicking to resign is still out there. This is a reason why he wishes the board to act on this motion tonight instead of tabling it. The situation involves the same issue of what can board members say in public, as themselves, not speaking for the board. It brings up the issue of how a board member is removed or told to resign. He is not speculating on Bellfield's motives; that is not important to this discussion and to how the board resolves the issue. Since there is a statement out there to all board members from the chair saying that, given what Bicking did, he must resign from the board, he would like to see some action taken on that tonight, even if it's only a portion of the motion. Bicking stated that in reviewing the CRA ordinance, administrative rules and mission statement, statements about the importance of board member impartiality and being unbiased and giving fair treatment are related directly to the core function of the board, which is hearing and adjudicating cases. He agrees absolutely with that. He added that his impartiality in that has never been questioned by anybody. Under the administrative rules any officer coming before a hearing panel has the right to ask that a board member be removed from a hearing panel if they feel there is bias or conflict. That provision has never been invoked for anyone on the board.

Discussion

- Zuege said there is no question in his mind that Bicking has always been entirely fair and impartial in any of the hearing determinations he has been involved with or any of the formal board actions where Zuege has been involved. The concerns raised by Bellfield in his email do not relate to Bicking having a financial conflict of interest or relate to his ability to fairly and in a neutral manner decide cases before hearing panels. It seems that this has arisen out of some confusion about what those neutrality and partiality rules are about. He wishes Bellfield was here to explain where he was coming from, but nonetheless, Zuege agrees with Bicking's motion.
- Terrell said that this motion is a conversation that Bicking could have had with Bellfield.
- Bicking disagreed with Terrell's statement that this could have been a conversation between Bellfield and Bicking. When Bellfield sent his original email, he sent it to the entire board. At that point, it becomes a board matter, not a matter between Bicking and Bellfield. It is out there and it is a public call for Bicking to resign from the board.
- Terrell wants to be on record that this was not a public call.
- Wettarnach **moved** to end debate and call the question. **The motion failed.**
- Zuege said this whole issue has mushroomed into much bigger proportions than anyone wished it had. He understands Bicking's position that once this went to the entire board, he feels the need to justify or defend himself. In that context, Zuege thinks it is appropriate to bring a motion like this. Any board member can differ in their opinion on how best to fulfill the CRA's mission on a whole host of topics, such as how the board best fosters respect and communication with the MPD. There will be differences of opinion on that. It seems like those issues are being conflated with issues of impartiality and neutrality and are, in his view, completely separate.
- Kvidera said the conduct of a group and something that calls into question the neutrality of the board should be discussed well ahead of time and should be part of the ordinance.
- Bicking stated that part of the difficulty is that Bellfield became aware of the community forum a day or two before it was to take place. It's been suggested that

Bicking should have announced it to the whole board. However, because it is a community forum, and is not a board event, he has been trying to keep those separate, as people have wished to do. When he ran for city council and as a candidate, took a position on police issues, he kept that separate and never came to a board meeting wearing a button or announcing any function of the council campaign at board meetings. Because this community forum comes out of some of the other people and Bicking, who have run city council campaigns, his natural inclination right in the beginning was to keep it separate from the board, which is the whole point that people want to stress here. That may not have been the right decision, and Bicking is open to criticism for that. He has no objection to announcing things to the board, if that is what the board wants. He does object to the board as a whole telling him ahead of time what he can participate in, as long as he keeps it separate and expresses his views as his own.

- Terrell doesn't want to tell Bicking what he can and cannot say, but if he is identified as a CRA board member, the relationship is inferred to the business that the board does.
- Bicking replied that there are many organizations where people give organizational affiliation for identification or as credentials where it is perfectly clear they aren't speaking for the organization. If he had stated that he was there representing the CRA or if it had been advertised as being a CRA forum, that would have been totally over the line and he would never do that. Similarly, in his council campaign, every piece of literature identified him as being a member of the CRA. Distinction between identification and sponsorship is a critically important one. For anyone who has an outside political life, there is no way of doing more to keep that separate than simply not being allowed to speak at all.
- Terrell said If he were speaking publicly, representing his own ideas, he would carry himself in a manner that would make it clear that although he is a social worker and he does have professional associations, his associations are not necessarily in line with all of his positions. The issue here isn't that the board feels that Bicking is speaking for them, but people could assume that and that's where the opinion comes from. Terrell wants Bicking to know that he doesn't think he has done anything wrong.
- Bicking does not believe anyone on the board is making anything personal. He certainly does not and he does not take any of this personally. It is the issue that is involved and it is an important issue to clarify for the board as a whole. When a person is a member of certain organizations, participating in something as an expert or just as a participant, he might be identified as a member of a particular association, but that would not mean that he was speaking for the association. City council members speak constantly and are always identified as a city council member. No one assumes that they speak for the entire council or that they speak for the city as a whole. It is the norm for various boards of all sorts that members have the right to be identified as being on that group, but unless there is a very, very specific reason otherwise, their views are their own. All board members need that. As far as the issue of neutrality is concerned, if a board members says that he thinks Dolan is doing a fabulous job and should be reappointed, that board member would not wind up with a criticism or a call for resignation. It is not neutrality where there are only certain things a board member can say and others cannot be said.
- Reid agreed that board members can say what they want to say. He has stressed to every board member when they come on the board that perception is important. The CRA faces a lot of challenges. One of them is the credibility of the board in the decisions that they make. The citizens expect one thing, police administration expects another. It is a fine line to have to walk. Board members know that the MPD has

stated that they have had issues with unfairness. Reid doesn't think that the CRA board was ever meant to have one position; supporting the MPD. The board is supposed to be a cross section of the community, with different points of view. Reid attends all the hearings and he believes all the board members have acted with fairness. Everyone works hard to make the CRA work. The staff do their job every day, having to deal with the different barriers, from the City Attorney's office to the MPD to the budget to not enough staff, etc. It gets a little frustrating and it is unfortunate that this came up when it could have been resolved earlier by just some communication.

- Franklin asked if members need to clear their participation in any other community form with the CRA staff and the whole board. Reid asked board members to remember that their actions not only impact themselves, but impact the board, the staff and the CRA mission. If a member wants to do something and if they value other board members and the staff, how hard is it to let someone know what's going on? Everyone here is interested in police accountability. So if it's a forum on police accountability, wouldn't board members want to let people who deal with the same issue know about it? Maybe other board members might want to be involved. Maybe other board members could get behind the issue. Members have the prerogative to decide not to tell anyone about their participation in other things. If you do that in a climate where things are already set against you, you ask for things to happen. Make sure you have back up and support before something happens. Reid values Bicking – he has been a great board member, but the CRA doesn't get to decide whether Bicking stays on the board.
- Franklin asked if Bicking had come to the board and explained that he was going to participate in a forum that didn't have anything to do directly with CRA or the complaints brought to CRA, whether that that would have made a difference.
- Reid said he can't speak to whether it would have made a difference to the chair, he's speaking for how he looks at it. If it affects what the CRA does, have some respect and at least say something. Bicking and Reid have had these conversations and Bicking knows the issues that Reid has and he knows that Reid supports him. The CRA has serious work to do and it can't be jeopardized by doing things that give the people that don't want the CRA to do its work an opportunity to say, that's why we're not going to do it. He referred to an interview of Chief Dolan on Channel 4 TV where the chief said that CRA is unfair with their investigations, unfair with the process. There is a good showing of community members here now, but many more people heard the chief speak on TV and they will believe that.
- Bicking said he did not initiate this except in the sense of the forum, but what went out in public to the city council was absolutely unrelated to the forum. The conversation with Steve Brandt occurred before the forum happened. He respects Reid's feelings and the point he makes about strategy and conducting ourselves is a very important point. The CRA does have to be very careful as the CRA is constantly under siege. There are issues of the rights of individual board members to speak out and there are issues of strategy.
- Terrell stated that Bellfield cannot force Bicking to resign. Ultimately, there is no weight to that request.
- Terrell called the question.

Motion failed.

Yes -2

No – 4

Abstain – 1

Bicking is willing to move that the board begin the process of clarifying what their position is in terms of where neutrality is required. He is willing to move that members rights to free speech and free association should not be limited unless they preclude objective and impartial adjudication of cases, or unless the member represents his/her personal views as being those of the CRA board as a whole.

This takes it out of the instances of this case and out of the particular personality of Bellfield or out of the particular email he sent. He is willing to do this but he wants to keep in mind board timeframe and whether that should be held until next month. Whatever the decision is, the board does not have clarity at this point and it would be good for the board and future board members to have this clarity. He is thinking of bringing a motion forward a month from now and he would be interested in board and public input. Wettenschlag requested that Bicking email board members with the wording of the motion. Kvidera suggested the appropriate committee work on this topic before the next board meeting. Bicking **moved** an ad hoc committee be formed to work on a policy that clarifies issues of impartiality and members private participation. Kvidera seconded. Bicking, Franklin and Kvidera volunteered to serve on the committee. Bicking suggested other board members and the public may also wish to participate.

Motion passed unanimously.

Kvidera

Kvidera requested the policy committee consider reviewing the MPD policy on smoking, since the use of chewing tobacco by police officers is not covered in the policy. This was brought up in a CRA complaint. Benson seconded.

Discussion

Terrell agreed. It is an oversight that policy does not address.

As chair of the policy committee, Bicking is glad to have any suggestions or involvement in the policy committee. He hopes for other suggestions from the board and the public.

Motion passed unanimously.

Terrell

He said that no one since past chair Michael Weinbeck has pushed this board harder to do more work than Bicking. He really appreciates the work that Bicking has pushed the board to do. He thinks that Bicking needs to know that he supports him. He does think that Bicking should exercise some discretion. It is his hope and prayer that the CRA does not lose Bicking as a board member; he is needed. He has let his council member know that it is important to him that Bicking be reappointed.

VI. Public Invitation – Comments to be limited to three minutes

Darrell Robinson – vice president Communities United Against Police Brutality

He said everyone is here for the same reason, police accountability. Michael Friedman pushed these type of issues. He stepped down and the board got away from that. The police force is out of control. Community members are dying. There are false raids and the police chief gives out medals to those officers. Now, we see his political side. He shows up here tonight for three minutes to let the board know he wants to talk – he has never met with the CRA board before. He could have been doing that since 2006. The community sees through the charade. He is appalled at the current chair. He thought there would be a relationship. He is a person of color. The communities of color in this city are under siege. To start knocking down a person that works hard, has been totally positive and is bringing a lot to the table, that wasn't cool. Robinson spoke on the forum with Bicking. That was an open community forum that everyone was invited to. Everyone here could have spoken at the forum. Robinson respects Bicking because he knows what he brings to the table. He makes it clear what he is about. He says he's about police accountability issues. Whatever goes on after this, the community should be united or there will still be problems. They are going to show up.

Michelle Gross

She is incredibly outraged at the conduct of the board. She finds it completely outrageous. Some people in this room have no understanding of the first amendment, they have no understanding of the rights of board members to exercise their first amendment rights and they have no understanding of neutrality. Neutrality in the context of this board means that board members are neutral as they approach individual complaints. No one on this board should be neutral on the question of police brutality: on whether it exists, on its pernicious effect on members of the community who have experienced it, on the community as a whole and on police-community relations. The false neutrality put forward by the chair and by other board members is a position in support of denial. Those who hold such a position should resign from the board quickly so they can be replaced with people who understand that police brutality does exist, does negatively impact the community and who yet maintain an open mind to individual complaints: someone like Bicking. She contrasted Bicking's conduct with that of Bellfield. Bicking made it clear that he spoke as an individual. Gross also spoke at the forum and heard Bicking state no less than five times that he was speaking only for himself and not for anyone else and not representing the CRA board. Bellfield wrote a letter, not just internally to the board, not just to the CRA staff, but to the mayor, the city council, the head of the Civil Rights department and several other people without the board's permission and put it on CRA letterhead, as if to indicate that it is a board letter. And the board throws Bicking under the bus. They critique him harshly at this meeting and then refuse to even hold the chair accountable. Over and over, what she sees from this board is a position of excessive deference to the police department and excessive deference to the city administration, which is possibly working to cut this department out. If the board thinks it is protecting this department by throwing Bicking under the bus, he is the one person on the board that is keeping the CRA in business and having the board do the things that they needed to do in the first place and that were not happening before he joined the board. She has been watching this board for a very, very, very long time and served as the chair of the outcome sub-committee for the redesign in 2001. The board holds Bicking accountable for not notifying the board about something that he was doing on his own time, not representing the board. But when Bellfield sends an outrageous letter, certainly knowing that Bicking is up for reappointment and knowing that letter will have a big impact on sabotaging his reappointment, the board refuses to even pass any kind of a provision that that letter didn't represent the board's views. So clearly, it must represent their views. It should be clear to all observers that Bellfield and a few others are chomping at the bit to get rid of Bicking because he comes to the board with the expectation that it will actually do what it's supposed to do. And he has willingly applied great effort to have it do so. Or, perhaps it's because he failed to toe some invisible line about being appropriately deferential to the MPD, the city attorney and the mayor's office. The police chief has done nothing but slash and burn CRA in the media long before Bicking was on the forum. Dolan stated in a *TC Daily Planet* article that he doesn't sustain the CRA board's complaints. He doesn't understand that he doesn't have any right to sustain or not sustain the complaints: that is the board's right. Yet, the board throws Bicking under the bus. The board refuses to pass a motion calling on the chair to hold the police chief accountable, as they should have done, even though the ordinance says the board *shall* do this. The board members who have voted to throw Bicking under the bus have outed themselves as sycophants for the current administration and for those who would turn this body into little more than a toothless shell of what it was meant to be. Removing Bicking is only the first step in their cherished goal of dismantling this agency. The community are quite aware of what they are up to, but they need to be aware that the community fought hard for the existence of the CRA and they demand that it serve its intended purpose. They will not tolerate the ouster of Bicking nor will they tolerate the continued selling out of the agency. They are prepared to take whatever action is necessary to prevent it. On that, the community will not be neutral.

Michael Cavlan

He's glad he gets to speak after the board threw the one decent man on it under the bus. He reminds the board that they have a responsibility to the community. They all have abandoned their responsibility to the community. What they just did is a perfect example of that. He is very angry and has watched this toothless tiger called the CRA. He thanks the board for reinforcing the belief of those who have lost faith in the system of this country. This is one more example that reinforces that belief. He comes from a minority community oppressed by the police. They also lost faith in the system and realized the system was stacked against them. He's not saying this as a threat or advocating it, but as a warning, that if you do not allow people to get redress from the system and throw good men under the bus, those who do not allow a peaceful revolution will guarantee a violent resolution.

Community member

This forum that Bicking was at was about Chief Dolan's reappointment. The CRA board has already taken a position and did a report on Dolan which is on the CRA web site. She doesn't see what Bicking violated by being at a forum that was about the reappointment of Dolan.

Amber Garland

She was a volunteer on Bicking's campaign. She wants to say he is a very reasonable, rational man. He is an encyclopedia of knowledge. He is not someone who flies off and says something irrational. She has been listening and what she has been hearing is fear. She is hearing fear of the city council, fear of the police and fear of Chief Dolan. It is the board's job is to speak truth to power. She knows the board is giving their time and energy to be here, but she just wishes the board would work through their fear.

Paul Hanson

He doesn't know how this can be called a meeting. He thinks this was nothing but a negative roast. Bicking is one of the most honorable men he has ever met. He has more integrity than all of the rest of the board members combined.

Jan

She is not neutral because Bicking is her partner. She was very disappointed to hear the word disrespect associated with him because he is one of the most respectful people she has ever met. He listens very impartially and he is an extremely bright man. He is most concerned with justice and free speech, which people on this board really need to think about. She doesn't care what Bellfield was thinking when he wrote this letter. If Bellfield did this without the knowledge of the rest of the board, then she would ask why he would take it upon himself to speak for the entire board. She was at the forum and Bicking quoted from the board's evaluation, which is out there already. He did not ever say he was representing the CRA. She feels the board is not respecting a person's right to free speech.

David Weisberg

When an issue comes before the board, there is an expectation the board members are neutral until the facts come in. Once a decision has been made, at that point members are free to express their opinions. Bicking did nothing more than that. Bicking has been a very active and beneficial member of the board and he thinks the board owes it to Bicking to try to encourage the council to support his reappointment rather than attacking him for things which seem to be very minor and are not violations at all.

Tom Zalen

He was at the forum and Bicking stated repeatedly that he was there as a private citizen and not speaking on behalf of the CRA. It's about freedom of speech. How can there be an informed citizenry when the brightest citizens are censored from voicing their opinions? He is sure Bicking is an asset to CRA. Someone could have consulted with the city attorney who is present about neutrality.

Michelle

She is interested in the CRA board subcommittee and she is part of a charter school board. They would never list their affiliations when stating their personal beliefs in public. The issue of clarity is key. This is something relatively small but the CRA board chair felt very strongly that it was outside of the norm. She is glad the board is going to have a retreat and settle the norms amongst themselves. If someone on the team is feeling disrespected, that means regardless of what is happening, there is something dysfunctional taking place on the team. If the CRA board is going to be who she goes to if her students are being mistreated, that needs to be something that is a unified decision. She agrees that the board should have policies before there is an issue.

Dory Alden

She has known Bicking for years and he has never disrespected anyone. He researches everything and he knows what he talks about all the time. Everybody knows who the members of the commission are and everybody knew who Bicking was and they respect his opinions. He kept saying it was his opinion and not that of the board.

Chuck Turchick

If this is about disrespect of board members or CRA staff because Bicking didn't notify them ahead of time, an hour and a half of public meeting time has been wasted. That should be dealt with in a retreat. It was more than a matter of respect. When the chair of the board writes a member, participate and you will need to resign your membership from the CRA, it is another issue – a more important issue. Turchick read a portion of Bellfield's letter to the council, "With Mr. Bicking publicly stating his opposition to the reappointment of Chief Dolan, he has again put the CRA in a position where our mission, credibility and integrity are brought into question."

Chief Dolan was on Channel 4 reaching thousands more people than this meeting saying that this board was unfair. If anything, *that* statement would put the CRA in the position where the mission, credibility and integrity are brought into question. Why did no one write a letter critical of the chief? If perception is the issue and people felt Bicking was perceived in that public forum as representing the ideas of the board, the burden is on them to say, this is what you did that made it look like you were speaking for the board. Just the listing of the affiliation would not be sufficient for that. Nothing Turchick saw in the *StarTribune* article indicated Bicking was speaking on behalf of the board.

Turchick quoted from Page 10 of the Complaint Process Manual of the MPD Internal Affairs Unit, "The Internal Affairs Unit does not have authority to re-investigate CRA cases or to change the case finding." He hopes someone from the board will speak at the chief's reappointment hearing, without taking a position on the reappointment, to explain the board's evaluation. He feels the board would have to recuse themselves if anyone brought a complaint against the chief to the CRA. He updated the board about the complaint he filed against the chief on October 20, 2009. It has been referred to the city attorney's office.

Terrell thanked those who came and spoke.

Bicking said he doesn't want this to be personal. He particularly does not want to be compared to other board members. Members of the public see certain things in board meetings but what they don't see is the main work of the board: the hearing panels, the review of the files, the writing of the determinations. It is a huge project. In that respect, everyone on the CRA board has put in a lot of time and effort and has done an excellent job. That said, the other work of the board is very important also, because the board can do all that and they can wind up with a 14 percent discipline rate. They can do all that and still be called biased. They can do all that and they can have their resources cut by the city council. He had questions from the very first moment he applied to be on the board – is this window dressing or is this something real? He is here to make it real and he wouldn't be here if he didn't think that was still possible. He appreciates the comments of everyone who came out. He didn't organize that, their comments are their own.

VII. Announcements

- Bicking stated that the appointment to the chair of the CRA is a two year term. Bellfield's term as chair was up December 31, 2009. He continues to serve as chair until an appointment is made. He hopes Bellfield or Reid will notify the mayor that he needs to appoint a chair and a vice-chair. Reid advised that those appointments will be made at the same time new members are appointed. Reid asked that any member interested in serving as chair or vice chair make that known.
- Bicking said that the executive committee is expected to act on the chief's appointment on February 17 at 9:30 a.m. Then the public safety committee will set the public hearing date, which will be March 3 at 1:30 p.m. and final council action would happen on March 12. Bicking does plan to testify at the public hearing. Bicking will not be speaking for the board. The board's communications go through its chair.
- Kvidera announced there will be a meeting February 11 at River Village concerning the shots that were fired in Northeast Minneapolis.
- Terrell **moved** that the chair or his designee present the report at the hearing on March 3. Bicking seconded. **Motion passed unanimously.**

VIII. Adjournment

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

MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY
301 4th Avenue South, Suite 670
Minneapolis MN 55415
(612) 673-5500

TO: CRA Board

FROM: Samuel L. Reid, II
Manager

DATE: February 3, 2010

SUBJ: Monthly Report – **January 2010**

1. Intake – 27
2. Signed Complaints – 4
3. Complaints by:

<u>Ward</u>	<u>Police Precinct</u>	
Ward 6 – 1	Precinct 1 – 2	Repeat Officers ¹ – 5
Ward 7 – 2	Precinct 3 – 1	Repeat Officers ² – 0
Ward 9 – 1	Precinct 5 – 1	New Officers – 0

Allegations
Excessive Force – 4
Inappropriate Language – 1
Harassment – 1
Inappropriate Conduct – 4
Failure to Report Use of Force – 2
4. Completed Investigations – 3

Complaints in Investigation	2008 – 16
	2009 – 78
	2010 – <u>4</u>
	98
5. Mediations Scheduled – 3
 Mediations Held – 3
 Successful Mediations – 1
6. Manager dismissals – None
7. Complaints awaiting Hearing as of 1/29/10 – 10

¹ Officers with one or more prior complaint 1991 through 2006.

² Officers with one or more prior complaint 2007 - present.

- 8. Hearing Panels**
 - Complaints heard – 8
 - Determinations Completed – 2
 - Not Sustained – 2
 - Determinations Pending – 10
 - Hearings held in 2008 – 2
 - Hearings held in 2009 – 2
 - Hearings held in 2010 – 6
- 9. Discipline Decisions Received From Chief of Police – None**
- 10. Complaints Awaiting Discipline Decision – 6**