

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

**I. Call to Order**

Chair Bellfield called the role:

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

Board Members Absent: Hall

Also Present:

CRA Manager Samuel L. Reid, II

Assistant City Attorney Lisa Needham

Lt. Sue Piontek, MPD

Michael Salchert, POFM

**II. Approval of Agenda**

Kvidera **moved** the agenda be approved. Terrell seconded. **Motion passed unanimously.**

**III. Acceptance of the minutes of the regular Board meeting of April 1, 2009**

Bicking **moved** the April 1, 2009 minutes be accepted. Benson seconded.

**Motion passed unanimously.**

**IV. Reports**

Manager

- Reid reviewed the [CRA Workload Report](#) for April 2009. Beginning this month, Reid will report the number of intakes and signed complaints received quarterly with comparison to the same period last year.
- Zuege asked that the CRA Workload Report Item #3 report on officers who have had a prior complaint within the last 3 years. Reid offered to report on officers with more than one complaint within the last three years, as well as officers with an earlier complaint at any time.
- Kvidera asked that CRA Workload Report item #8 indicate whether officers who have sustained findings within the past month have received earlier sustained findings. Reid will consider adding that information to his report.
- The MPD has responded to the Board's request for training materials. Reid will review it and make it available for the Board's review.
- At last month's PACC meeting, the MPD received the Board's inquiry regarding Taser information.

**Committee Reports**

- Reports and Statistics Committee – Benson  
The Committee met May 5. They are continuing to work on the web summary and the quarterly report for the PS&RS Committee.

- Policy Committee – Bicking  
The Committee met April 30. The Committee is thinking about collaborating with other Board committees on a community outreach meeting to discuss Taser policy. There may be additional changes or improvements they will want to recommend for the MPD Taser policy and they can get some idea of that from community outreach. On July 22, the City Council will be considering some recommendations from the MPD. The Committee would like to have something prepared for that, too. The Committee is also considering an outreach event to discuss policies related to the RNC. There is a memo from the Mayor asking several departments to look at policy in light of the RNC and Bicking thinks that is something the Policy Committee should add its voice to and learn what, if any, policy changes other departments are suggesting. Bicking would like to hold the Taser community outreach before July 22 and would like to hold the RNC outreach within the near future. The RNC outreach will be to discuss policies related to the RNC, such as officer identification and treatment of journalists, as well as current policies on civil disturbances, less-lethal weapons and City Council policy passed shortly before the RNC, as well as others of interest and concern to the broader community. Bicking asked for Board feedback on whether these are good ideas and which should take priority.

Zuege said these proposals have been raised in Policy Committee discussion in the context of having town hall style events, to seek public comment or feedback in context of the Taser policy and the policies related to the RNC. This will lend credibility and give the Board more context in making recommendations to the PACC. There is no other organization within the City gathering that information from the public.

Piontek believes the MPD should be concerned about what the public thinks. But she has a concern that the Board's dual role of listening to public opinion and hearing Taser cases gives the appearance to officers that Board members are being swayed by public opinion and not looking at the policy. As head of Internal Affairs, she would never go to a public meeting and discuss MPD policies. She will discuss process, but not policy. It is important for officers to know she makes decisions on the policies as they are written.

Terrell suggested the Board identify community partners and work with populations that have information on these subjects. He said that the Board is in the position to talk to the public about these issues. If the Board were to use something other than policy to guide their complaint determinations, the Board would hear about it from the MPD at the meetings where they discuss the Chief's disciplinary decisions. He added that the Board needs to do outreach with MPD as well as the public about the Taser policy and the RNC policies. Every Board member needs to do a ride-along and interact with officers to get their feedback.

Turner suggested partnering with City Council for the town hall meeting regarding the Taser issue, since they will be meeting about this in the next few months. She supports getting public comments on both issues. The Taser issue would be her

priority. Turner added that all the hearings panels that she has served on have talked strictly in terms of the policy. The ordinance allows for the Board to look at what best practices might be and make recommendations. One step in the process is deciding what recommendations might be good for this community. The Board sees issues that other citizens may not be aware of. It is the Board's duty to follow up on issues they see come up time and again.

Bellfield stated that the Board looks at the policy in cases, but also has a responsibility to talk to and respond to the public and advise policymakers. He believes control and management of the town hall meeting is important. It must be time-limited and focused. The Taser outreach would be his priority. He would prefer that if the Board invites others to partner with them, the Board retain control of the meeting.

Reid suggested the Board may want to partner with the MPD on some aspect of this. Board members can speak to officers to see if they have some suggestions regarding the policy recommendation that the Board is going to make.

Bicking and Terrell agreed the Policy and Outreach Committees should meet and hold further discussion.

Bicking clarified that discussion of the RNC issues will be relevant to future mass gatherings. He will see if there is any interest on the City Council in partnering with the Board on these issues. He asked for suggestions of other organizations the Board could partner with.

Bicking explained the [September 11, 2008 memo from Mayor Rybak and Council President Johnson](#) was addressed to the City Attorney, Chief Dolan and Civil Rights Director Jordan. He will send other members a copy of the letter. The letter is of interest to the Policy Committee because it shows that CRA Board members are not the only ones thinking about these issues. Bicking suggested the Board find out more about whether the MPD or City Attorney's Office has followed up on the Mayor's memo, and if so, what portions are public and what relates to the Board. Bellfield and Reid will look into that.

Piontek said these are interesting policies. The media should be witnesses, but it can be difficult to know who the media are. There are also street attorneys and street medics. It is hard to know who is who. On the one hand, there is freedom of the press and on the other they could be protestors in disguise. It is a difficult situation to try to sort through. How do you determine if someone is a legitimate media representative or if they're just trying to get into the area to cause havoc on the inside?

**V. Public Invitation – Comments to be limited to three minutes**

Michael Salchert, Police Officers Federation of Minneapolis

There is a legitimate concern that the Board's neutrality will be compromised if they are doing outreach about Tasers in a political, rather than educational way. He

cautioned the Board that if it is political, they lose credibility and the respect of the officers.

Terrell responded that the Board does play an educational role when it engages with the community to help them understand that officers have to take into account the totality of the circumstances and what the policies are. In addition, the Board needs to listen to feedback from the public. Terrell did a ride-along in the Third Precinct, and he feels the CRA is like the squad cameras. At first, officers thought the cameras were a terrible idea, but most of the time it helps the officer out. The officers don't see the overall data that show the CRA does a good job and the Board is impartial.

Bicking agrees that the educational role is important and that is what the Board focused on with the last community outreach forum that they held. If they have only an educational role, they have no means to ever listen to the public. It is not political to listen to the public. The Board should hear from the whole public, and not just a certain segment where people have preconceived notions. Partnering with organizations should be done very carefully, if done at all, because the Board's neutrality is jealously guarded. Other organizations don't have the need to do that and oftentimes are explicitly not neutral.

Turner suggested Board members who are directly involved in working on Taser policy issues may want to recuse themselves from cases involving Tasers.

Zuege envisions this outreach forum as a conduit to accept comments from the public. The Board would leave the door open for representatives from the MPD or individual officers or POFM representatives to attend. He wants the public forum to be as inclusive as possible. He understands there may be practical concerns that some police representatives might have about the way the forum is conducted and whether it becomes adversarial, as opposed to a neutral forum. He doesn't agree with the concerns he has heard aired about the Board being impartial because they've listened to comments from the community. It seems analogous to saying the Board is biased because they take information from complainants in a hearing. They listen to comments, they use their judgment. He is quite certain that a public forum would draw a lot of hair-brained theories from members of the public who are uninformed on these issues, but none the less, there is the potential to have lots of good and useful comments come from this.

Piontek brought up the neutrality issue because perception is everything to officers. Their jobs depend on the CRA – MPD decisions. She thinks that the Board's mandate puts them in a difficult position because the Board's listening to what the public has to say will decrease the confidence officers have that the Board is actually going by the policy. That is the reality. Piontek has reviewed CRA cases and she believes the Board does go by what the policy says. She is saying that if officers thought the CRA partnered with Urban League, for example, for a town hall meeting on Tasers, they would be suspect of that.

Reid emphasized the importance of the Reports and Statistics Committee and the CRA getting their reports out, because the statistics help the argument that the Board

does at all times try to be impartial. They need to make a better effort to see that everyone gets those reports and understands that even if the Board gets this information from the public, the Board will still make a decision based upon the facts in the case brought before them, involving the specific policy, as it has done in the past. The Reports Committee is working on getting the numbers out there and explaining why the panels made the decisions they did on certain cases. A lot of this has to do with the public not understanding why the police do things as they do, and why when they make a complaint, the Board may not sustain it. That goes back to the education piece. You can get feedback, but at some point the public does need to be educated that if there is a policy in place and the officer has not violated that policy, there is nothing that can be done with it.

Kvidera suggested the MPD training department might like to make an opening presentation at the town hall meeting to say what the basis is for the Taser policy. Piontek will provide Reid with contact information for the director of training and he can check to see if they are interested in participating.

#### **VI. Business**

There was no other business discussed.

#### **VII. Announcements**

- Turner announced that she will be moving out of town at the end of July. Bellfield expressed the Board's appreciation for all the good work she has done for the CRA.
- Bicking reminded the Board that there was a discussion about the change to the ordinance regarding the chair and vice-chair positions. He explained the Mayor appoints the chair and the vice-chair. If there is a sitting chair or a sitting vice-chair, that person would delegate the acting chair, if necessary. If that is not possible, the acting chair is chosen by the Board. He believes it accomplishes everything the Board wanted to do. The [Ordinance](#) is on the CRA web site.

#### **VIII. Adjournment**

Zuege **moved** the meeting be adjourned. Kvidera seconded.

**Motion passed unanimously.**

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

**TO:** CRA Board

**FROM:** Samuel L. Reid, II  
Manager

**DATE:** May 6, 2009

**SUBJ:** Monthly Report – **APRIL 2009**

1. April Intake – 47  
January – April 2009 – 149  
January – April 2008 – 108

2. April Signed Complaints – 14  
January – April 2009 – 37  
January – April 2008 – 19

3. April Complaints by:

<u>Ward</u>	<u>Police Precinct</u>	
Ward 2 – 1	Precinct 1 – 1	Repeat Officers – 14
Ward 3 – 1	Precinct 2 – 2	New Officers – 5
Ward 4 – 1	Precinct 3 – 3	
Ward 5 – 2	Precinct 4 – 4	
Ward 6 – 1	Precinct 5 – 2	
Ward 7 – 2		
Ward 8 – 2		
Ward 9 – 1		
Ward 11 – 1		
Outside City – 2		

Allegations

Excessive Force – 12  
Inappropriate Language – 18  
Harassment – 6  
Failure to Provide Adequate or Timely Police Protection – 2  
Inappropriate Conduct – 20  
Retaliation – 1

4. Completed Investigations – 12

Complaints in Investigation	2006 – 1
	2007 – 15
	2008 – 29
	2009 – <u>32</u>
	<u>77</u>

5. Mediations Scheduled – 2  
Mediations Held – 1  
Successful Mediations – None
6. Manager Dismissals – 2
7. Complaints awaiting Hearing as of 4/30/09 – 10  
(Four are scheduled for May)
8. Hearing Panels  
Complaints heard – 7  
Determinations Completed – 9  
Sustained or Partially Sustained – 3  
Not Sustained – 2  
Dismissed – 4  
  
Determinations Pending – 20  
Hearings held in 2008 – 10  
Hearings held in 2009 – 10
9. Discipline Decisions Received From Chief of Police – None
10. Complaints Awaiting Discipline Decision – 6