

Minutes
Minneapolis Civilian Police Review Authority
Regular Monthly Board Meeting
Wednesday, June 1, 2011
241 City Hall
5:30 p.m.

Board members present: Bellfield, Elayaperumal, Kvidera, Pargo, Terrell, Wetternach, Zuege
Board members absent: Santiago
Also present: CRA Manager Lee Reid
Deputy Chief Scott Gerlicher
Assistant City Attorney Joel Fussy

I. Call to Order

Chair Bellfield called the meeting to order.

II. Approval of Agenda

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

Motion passed unanimously.

III. Approval Of Minutes – May 4, 2011 Board meeting

Terrell **moved** approval of the minutes of the May 4, 2011 Board meeting. Zuege seconded.

Motion passed unanimously.

IV. Recognition of Board members who have resigned this year

Bellfield presented to Dean Kallenbach a Certificate of Recognition from the Minneapolis Department of Civil Rights:

With great respect and appreciation from the City of Minneapolis in recognition of your public service to the Minneapolis Civilian Police Review Authority Board. Your time and talent aided the Board in continuing its mission of providing civilian oversight of law enforcement.

The certificate was signed by Velma Korbelt, Director of Minneapolis Department of Civil Rights. Former Board members Sharlee Benson and Pam Franklin were also recognized.

V. Reports

Chair

- Bellfield asked Board members to advise CRA staff of any changes to the June hearing panel schedule.
- The Board will hold reconsideration hearings and discipline discussions in July and August. Bellfield asked members to advise CRA staff of their July and August vacation schedules.

Manager

Reid reviewed the [CRA Workload Report](#) for May 2011.

Committees

There were no committee reports.

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

Dave Bicking

- He reviewed the last 12 monthly CRA workload reports. It has been eight months since there has been any discipline of any officer. Of 39 officers in the last year, five have been disciplined, one of which was a termination which had nothing to do with the CRA. In September there were four officers disciplined with a Letter of Reprimand. Essentially, there have been four Letters of Reprimand in one year. Board members are doing a lot of work and Bicking appreciates their dedication, but it is leading to nothing. The CRA as a means of assuring accountability for discipline essentially does not exist at this point. There are ways for the Board to work on that and Bicking hopes the Board will follow suggestions made by Chuck Turchick a couple of months ago. The Board proposed no changes to the part of the CRA ordinance regarding discipline and had almost no discussion about it at last month's meeting. This is not a good sign if the Board is serious about working on changing that.
- Bicking was glad to see that a quarterly report was submitted by CRA staff to the Public Safety, Civil Rights and Health Committee for the first quarter of 2011. He was disturbed to see that the Committee didn't like the initial report and wanted it to be watered down. When there was supposed to be public discussion, the chair of the Committee decided to have private discussion. The Board should think strategically about how it can carry out its mission. If it is not discipline of MPD officers, how can the word be gotten out to the community at large and to the City Council, so the complaints don't just disappear entirely.

Chuck Turchick

Turchick passed out a [statement](#) to the Board. Turchick sent an email to Chief Dolan last Thursday and Dolan responded to him within 22 minutes. The next day Deputy Chief Gerlicher followed up with a full answer to Turchick's suggestion. Since Chair Bellfield hasn't been able to get Dolan to respond to an email in eight months, Turchick offered to arrange a meeting between Bellfield and Dolan within the next week. Other than a comment from Wetternach in February 2010 that this meeting should occur as soon as possible, no member of the Board has asked the chair about the status of Dolan's offer to meet.

Virtually all of the paths the Board has available to resolve these differences with the Chief require making the City Council, the Executive Committee, the Public Safety Committee, the Mayor and the public aware of the issues. The Board has not followed through on either meeting with the Chief to discuss disagreement over de novo review and the reckoning period or submitting suggested amendments to the ordinance on this issue to the City Council.

VII. Old Business

- Zuege **moved to take from the table** proposed change to 172.30(a). Bellfield stated that research into how the mayoral and council appointments would be divided between terms has not yet been finalized, but should be completed by next month's Board meeting. Zuege **withdrew his motion**.

- Kvidera asked for status on the meeting with Chief Dolan. Bellfield said a meeting will be set up before the July Board meeting.
- Bellfield said he does not read all of the many emails that Turchick sends to the Board, because they are too long and too much. Turchick comes to monthly Board meetings, which is his right. Turchick is very critical of the work that the CRA does. Bellfield thinks the CRA does good work. Turchick reminds the Board of some of their failings and that should make the Board a little bit better.

VIII. New Business

- Related to a document written by Assistant City Attorney Fussy, which was discussed at the May 4 Board meeting, Zuege requested the City Attorney's Office provide clarification on what portions, if any, of Section 172.130 are in conflict with the City Charter and if there are any such conflicts, an explanation as to what effect that has on the CRA and the MPD.

Fussy responded that the memorandum addressed proposed amendments to the ordinance. It is not the position of the City Attorney's Office that the current iteration of the ordinance is in conflict with the City Charter. An opinion of Deputy City Attorney Peter Ginder addresses the de novo review language of Section 172.130, and it is his conclusion that the section can be read as operative and not in conflict with the charter.

In Ginder's memorandum to the City Council when they adopted that provision, he stated that the de novo review of the facts language prohibits the MPD from looking at the facts from a complete fresh start, but nothing in the proposed language prohibits the Chief from conducting further investigation if he believes the record provided by the CRA is for some reason incomplete or if he believes other evidence is or may become available and is relevant to the complaint. Fussy added that there may be a way to draft it better, as it has led to litigation and a lot of misunderstanding and conflict.

- Wetternach asked to get a clean copy of the ordinance with all the changes the Board has recommended for the July meeting, and that Chuck Turchick be provided a copy, as well.

IX. Announcements

Zuege suggested a committee be formed at the July Board meeting to begin the process for participation in the performance review of Chief Dolan for the period July 2010 – June 2011. Bellfield agreed.

X. Adjournment

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

MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY
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TO: CRA Board
FROM: Samuel L. Reid II
Assistant Director
DATE: June 1, 2011
SUBJ: Monthly Report – **May 2011**

1. Intake – 31
2. Signed Complaints – 7

3. Complaints by:

<u>Ward</u>	<u>Police Precinct</u>
Ward 2 – 1	Precinct 1 – 2
Ward 3 – 2	Precinct 2 – 1
Ward 5 – 1	Precinct 3 – 2
Ward 7 – 2	Precinct 4 – 2
Ward 9 – 1	

Repeat Officers¹ – 5
Repeat Officers² - 7
New Officers – 2

Allegations

Excessive Force – 6
Inappropriate Language – 3
Theft – 2
Inappropriate Conduct – 10
Failure to Report Use of Force – 2

4. Completed Investigations – 5

Complaints in Investigation	2009– 35
	2010 – 50
	<u>2011 – 30</u>
	115

5. Mediations scheduled – None
6. Manager dismissals – None
7. Complaints withdrawn – 1

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

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

8. Complaints awaiting Hearing as of 5/31/11 – 13
9. Hearing Panels
 - Complaints heard – 10
 - Determinations Completed – 4
 - Partially Sustained – 1
 - Not Sustained – 3
 - Determinations Pending – 14
 - Hearings held in 2011 – 14
10. Discipline Decisions Received From Chief of Police – 1
 - No Discipline imposed – 2 officers
11. Complaints Awaiting Discipline Decision – 11

Laws should be clear, at least clear enough so that those responsible for implementing them can agree on what they mean.

The CRA Board -- with the possible exception of Chair Bellfield -- disagrees with Chief Dolan on the meaning of Minneapolis ordinance 172.130(a), viz., whether it requires the Chief to accept CRA findings and determinations when making his discipline decisions. On numerous occasions -- both orally and in written reports -- the CRA Board has pointed out this disagreement.

On February 3, 2010, Chief Dolan said he would be willing to meet with the CRA Board's Chair to discuss these differences.

Such a meeting has yet to occur, and the Board has publicly shown little interest in having its Chair pursue the Chief's invitation.

On May 4, 2011, the Board rejected its Steering Committee proposals on how to make 172.130(a) clearer for all parties, and no Board member offered alternative clarifying language.

Conclusion: The CRA Board is not serious about resolving this disagreement.