

Minutes
Minneapolis Civilian Police Review Authority
Regular Monthly Board Meeting
Wednesday, July 6, 2011
241 City Hall
5:30 p.m.

Board members present: Bellfield, Elayaperumal, Kvidera, Pargo, Santiago, Wetternach, Zuege
Board members absent: Terrell
Also present: CRA Manager Lee Reid
Assistant City Attorney Joel Fussy
Lt. Travis Glampe, MPD Internal Affairs Unit

I. Call to Order

Chair Bellfield called the meeting to order.

II. Approval of Agenda

Wetternach **moved** the agenda be adopted. Zuege seconded.

Motion passed unanimously.

III. Approval Of Minutes – June 1, 2011 Board meeting

Wetternach **moved** approval of the minutes of the June 1, 2011 Board meeting. Kvidera seconded.

Motion passed unanimously.

IV. Reports

Chair

- Bellfield responded to Kvidera's request at the June board meeting for status on a meeting with Chief Dolan. Bellfield said that he did report at the April 2010 board meeting that he had met with Chief Dolan in February 2010. Bellfield and Dolan discussed several things, including the topics referred to by Mr. Turchick in his June 2011 emails to the board. There are ongoing discussions about those issues through the PACC. Bellfield is surprised that Turchick continues to bring these topics up month after month. Bellfield has not responded to Turchick's emails because he had reported to the board previously on this meeting.
- Bellfield asked board members who are interested in preparing the board's report for participation in the next performance evaluation of Chief Dolan to notify him via email within the next week. Bellfield would like four or five volunteers. Bellfield will chair the group.
- Wetternach asked when discipline discussions and reconsiderations will be next be held. Reid answered that due to Gerlicher's absence from tonight's meeting, those have been moved forward one month.

Manager

- Reid reviewed the [CRA Workload Report](#) for June 2011.
- Reid asked board members to submit their hearing panel determinations as soon as possible.
- Reid said that the part-time investigator the CRA has had for the past few month is working out well. The investigator is handling the intake screening, and new complaints are being sent out for signature faster, which means more signed complaints will be coming back.
- Reid said that staff needs to maximize CRA investigative resources. He asked that the board reconsider Reid's past recommendation that if after a preliminary review, the assistant director determines further investigation is not warranted, s/he may dismiss the complaint.
- Reid explained that CRA administrative staff handles the mediation scheduling. He asked if board members know of people who would like to volunteer to mediate CRA complaints, and who are Rule 114 qualified neutrals, that they contact him.

- Reid explained that the City's fall cycle to accept applications to serve on the CRA board will be coming up soon. He asked board members to urge anyone interested in serving on the board to apply when the process begins in August or September. The appointments would be effective January 2012.

Committees

Reports and Statistics Committee – Elayaperumal

Elayaperumal has received the data he had requested last November from CRA, MPD Internal Affairs Unit and the City Attorney's Office covering 2007 through 2010. The purpose of his request is to draft a report that analyzes where CRA, IAU and City Attorney cases intersect to see if there is any added value to the CRA process, other than the determination process and outcomes. Elayaperumal has identified the cases and is in the process of putting the data into a document and spreadsheet. He will then schedule a committee meeting to discuss the data. Bellfield and Reid expressed interest in attending. Elayaperumal will make sure an email goes to all board members.

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

Chuck Turchick

The board has had two opportunities to attempt to settle the dispute between CRA and the chief about disciplining cases: in a meeting with the chief, which apparently has occurred, and in a proposed amendment to make the ordinance language clear so that both parties can agree on what the ordinance says. It doesn't make sense to have a law if the implementing parties can't agree on what is said.

Turchick apologized for the number of emails he sent to the board the last week of June. He asked board members who do not wish to receive emails from him to let him know.

Turchick thinks Bellfield's response to Kvidera's request at the June board meeting for an update on the meeting between Bellfield and Chief Dolan was not very professional. Bellfield's reply to Kvidera was to say that Turchick's emails are too much and too long. Turchick could not respond to Bellfield's comments at the June meeting because the public comment agenda item has already passed, so he sent an email to the City Council and the Mayor and copied Bellfield.

The comment that Bellfield made earlier in tonight's meeting about Turchick's sending everybody emails makes Turchick believe Bellfield does not want comments from the public. Symbolic of that is that the public comment portion of the board meetings has been shortened from five minutes to three minutes per speaker, since Bellfield has been appointed chair of the board.

The MPD Complaint Process Manual, Page 7, says that if a case comes in beyond the reckoning period, it will be closed before a preliminary investigation is done and it will be labeled "reckoning period expired prior to complaint being filed." If the MPD treats IAU cases like that, why don't they treat CRA cases the same? None of the CRA complaints would fall under that category, because the CRA has a one year statute of limitation, which is the shortest reckoning period. Turchick suggested the board ask Assistant City Attorney Fussy if the chief can make a distinction between IAU cases and CRA sustained cases.

Turchick asked when the meeting between Bellfield and Dolan occurred. Turchick added that his emails on this topic went to the entire board, and no board member ever responded by telling Turchick that the meeting had occurred. One member responded to Turchick's last email saying that he had been told by Reid that the meeting had occurred, but later Reid told him the meeting had not occurred. Turchick has not heard anything of substance that came out of these meetings, just that they are ongoing. Turchick referred the board to the October 2010 minutes where Bellfield says he sent a letter to the chief replying to the chief's offer to meet. That is six months after Bellfield now

says he reported to the board on a meeting with the chief. Turchick will be checking the April 2010 minutes. If he is wrong, he apologizes.

Turchick has two suggestions regarding the board's participation in the performance review of Chief Dolan. The chief should get two to three weeks to respond to the board's report before it goes out to the public or is posted on the CRA website. If the chief submits something in writing, that could be included in the report. Second, the first time the board did this report, the chief had his performance review in August of 2009 and the board did not complete the report until December 2009. The ordinance gives the board the right and the duty to *participate* in the performance review, not just submit input as any other citizen or organization can do. Turchick suggests the board ask the mayor that a representative of the CRA board be allowed to participate in the portion of the chief's performance review where he discusses CRA issues.

VI. Old Business

Zuege stated that a proposed change to 172.30(a), which discusses how mayoral and city council appointments will be divided between staggered terms, was tabled two months ago. It was to have been addressed at the June board meeting but research was not completed and it was to be discussed at tonight's meeting. Reid stated that Kvidera's suggestion of how to stagger terms is what the board should propose: two "Term A" positions, one "Term B" position, two "Term C" positions and one "Term D" position as City Council appointees. The Mayor would have one "Term A" position, two "Term B" positions, one "Term C" position and one "Term D" position. The fall appointment cycle will be starting soon, so if the board want to implement this, the ordinance would need to be changed soon. Kvidera suggested the appointment process implement the new A-B-C-D cycle in such a way that will fit best with terms of current board members. Wetternach recommended talking to Civil Rights Director Velma Korbelt to see what the are the pros and cons about proceeding with the term changes versus all the proposed ordinance changes. She may wish to discuss this with Council Member Samuels.

Zuege understood that the ordinance changes discussed were voted on and that the recommendations have already been passed along to the City Council. Reid stated that budget discussions have taken precedence over working on presenting the ordinance change recommendations. The Council is focusing on budget issues right now – it is a timing issue. Bellfield suggested Reid talk to Korbelt about the timing as well as appointment staggering.

Zuege doesn't see the need to pass this through Director Korbelt. The board has the authority to make these kind of recommendations. Bellfield agreed that the board is independent, but Korbelt will have to bring it to the council committee for passage, through her office. Fussy agrees with Zuege that the language on those items that haven't been tabled has been finalized and should in the very near future be presented in some package through the Civil Rights Department to the Public Safety, Civil Rights and Health Committee. The chair of the council committee has ultimate discretion to set the agenda. Fussy doesn't think there would be any authority for the Civil Rights Department to alter any of the approvals that were made by the board. The department may say they see an issue in a different way, but what was approved by the board has to be presented as an independent document to the City Council. Bellfield said that if the board approves the final item at the August meeting, the total package of ordinance change recommendations should be put before the Public Safety, Civil Rights and Health Committee as soon as possible.

Wetternach volunteered to draft the necessary language so the board can vote on this item at the next board meeting.

VII. New Business

Elayaperumal had questions about information contained in an email sent out to the board by Chuck Turchick regarding the MPD officers' collective bargaining agreement. The email quoted language

from the collective bargaining agreement between the City and the Police Officers' Federation of Minneapolis, Section 5.4, Subd. 2 - Step 2, "The Manager of the CRA shall be authorized to negotiate with the Federation and resolve the grievance over just cause as to finding that misconduct occurred. The Manager of the CRA, in consultation with the Chair of the CRA, using rules established by the CRA, shall have the authority to modify the CRA finding(s)." Elayaperumal asked how many of these meetings have taken place, what results came out of them and how they reconcile with the chief's option to proceed with a reconsideration hearing. Reid explained that the chief's reconsideration option is before the grievance stage. The provision in the collective bargaining agreement is related to the grievance stage. There was one held last year but no changes were made to the CRA hearing panel findings. It is not an option that comes up very often. The reconsideration is at the point where the chief has already made up his mind that he's not going to discipline and wants to come back to the board. In a case that is part of the grievance stage, the chief has already disciplined and it is a question of whether the discipline should be at the level that it is. Elayaperumal added that there is no provision in the CRA's Administrative Rules for the manager and chair to modify CRA findings. Does the wording of this agreement conflict with the CRA ordinance and if such a conflict does arise, which takes precedence?

Fussy replied that this is a unique circumstance in which the chief has already issued discipline and a grievance has been filed. There is always an option once a grievance has been filed and an arbitration has started to refer the matter to mediation. Fussy does not think once it reaches that stage that both sides agree to mediate those grievances very often, if ever. They may settle it on their own without a mediator but Fussy doesn't think they agree to mediate. It would only come into effect if they both agreed to go to mediation. At that point, it seems to empower the CRA manager and chair to participate in that mediation and if necessary, to change the determination of the CRA hearing panel. He doesn't know if that is in conflict with ordinances. His initial thought is that it has probably never happened.

VIII. Announcements

Kvidera warned board members about opening emails that seem to come from him, as his email account has been compromised.

IX. Adjournment

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

Motion passed unanimously.

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

TO: CRA Board

FROM: Samuel L. Reid II
Assistant Director

DATE: July 6, 2011

SUBJ: Monthly Report – **June 2011**

1. Intake – 22
2. Signed Complaints – 8
3. Complaints by:

| <u>Ward</u> | <u>Police Precinct</u> | |
|-------------|------------------------|----------------------------------|
| Ward 3 – 1 | Precinct 1 – 4 | Repeat Officers ¹ – 8 |
| Ward 6 – 1 | Precinct 2 – 1 | Repeat Officers ² - 7 |
| Ward 7 – 4 | Precinct 3 – 1 | New Officers – None |
| Ward 9 – 1 | Precinct 5 – 2 | |
| Ward 13 – 1 | | |
- Allegations

Excessive Force – 7

Inappropriate Language – 3

Harassment – 1

Theft – 2

Failure to Provide Service – 1

Inappropriate Conduct – 10
4. Completed Investigations – 3

| | |
|-----------------------------|------------------|
| Complaints in Investigation | 2009 – 35 |
| | 2010 – 48 |
| | <u>2011 – 36</u> |
| | 119 |
5. Mediations scheduled – 1
Mediations held – 1
Successful mediations – 1
6. Manager dismissals – None
7. Complaints awaiting Hearing as of 6/30/11 – 13

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

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

- 8. Hearing Panels**
 - Complaints heard – 3
 - Determinations Completed – 5
 - Partially sustained – 1
 - Dismissed – 4

 - Determinations Pending – 12

- 9. Discipline Decisions Received From Chief of Police – 3**
 - 80-hour suspension/re-assignment – 1 officer
 - 24-hour suspension – 1 officer
 - Letter of Reprimand – 1 officer
 - No Discipline imposed – 1 officer

- 10. Complaints Awaiting Discipline Decision – 9**