

**Minutes**  
**Minneapolis Civilian Police Review Authority**  
**Regular Monthly Board Meeting**  
**Wednesday, July 7, 2010**  
**333 City Hall**  
**5:30 p.m.**

**Board members present:** Bellfield, Benson, Elayaperumal, Franklin, Kallenbach, Kvidera, Pargo, Santiago, Terrell, Wetternach, Zuege

**Also present:** CRA Manager Lee Reid  
Assistant City Attorney Joel Fussy  
MPD Deputy Chief Scott Gerlicher  
Sherman Patterson, Mayor's policy aide

**I. Call to Order**

Chair Bellfield called the meeting to order.

**II. Approval of Agenda**

Wetternach **moved** the agenda be adopted. Terrell seconded. **Motion passed unanimously.**

**III. Review Of Disciplinary Decisions**

Zuege **moved** to close this portion of the meeting to the public pursuant to the Minnesota Government Data Practices Act. Kvidera seconded.

**Motion passed unanimously.**

Zuege **moved** to reopen the meeting. Terrell seconded.

**Motion passed unanimously.**

**IV. Approval Of Minutes**

May 5, 2010 and June 2, 2010 Civilian Police Review Authority board meetings

Zuege asked that his comments on Page 4 of the June 2, 2010 minutes be amended as follows:

Zuege added that he spoke with a former CRA board chair about six weeks ago and he gave the same recommendation that Turchick has just stated, that the board should refuse to hold further hearings ~~(rest of comments inaudible)~~ if the board was not getting discipline on sustained cases.

Wetternach **moved** to approve the minutes of the May 5, 2010 board meeting and the minutes of the June 2, 2010 board meeting, as amended. Zuege seconded.

**Motion passed unanimously.**

**V. Reports**

**Chair**

Bellfield said the board is trying to decide on a location to hold their August 14 retreat. They are considering a location in a Public Works building on Currie Avenue.

**CRA Members**

There were no member reports.

**Manager**

- Reid reviewed the [CRA Workload Report](#) for June 2010. Kallenbach requested future reports show "Complaints in Investigation" for the three prior months.

- Reid reminded board members to state their names before speaking at the board meetings, as well as to speak louder. This will help staff in transcribing minutes.
- There will be a PACC meeting later this month.
- New board members will have training on July 19 at 6:00 p.m. at the MPD training facility, 4119 Dupont Avenue North. All new board members need to attend this training, in order to be assigned to hearing panels.
- Reid talked to a citizen who expressed concern about MPD mounted patrol doing crowd control. The citizen requests that the CRA board look into MPD policy on mounted patrol in regard to crowd control. Board members discussed whether there is a need for a review of this MPD policy. Kallenbach asked Reid for an estimate of the number of complaints which concerned the mounted patrol over the last two years. Reid believes there have may have been two complaints over the last two years. Reid advised the board that the MPD policy on the mounted patrol should be in the MPD policy and procedure manual, which is available online to the public. Reid will make the information he has about MPD policy on the mounted patrol available to the board.

### **Committees**

Zuege asked if board members have been assigned to committees. Bellfield will appoint members to committees and plans on discussing this at the board retreat.

#### Data Practices working group – Zuege

They met last month and held an organizational meeting. They plan to meet again this month.

#### Board retreat – Terrell

The working group met a couple of times to discuss location and guest speakers.

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

### Michelle Gross – Communities United Against Police Brutality

- The CUAPB gets a lot of complaints about the mounted patrol and they have quite a bit of Cop Watch footage that the board can view, if they are interested, to see how the horses operate downtown at bar close. Gross invited board members to come to community training, to go to Cop Watch with CUAPB members, to attend one or more CUAPB meetings, and learn more about what the community is interested in talking about. Gross has extended this invitation before and asks board members let her know if they are interested in coming out on Cop Watch.
- Gross said that for three years and one month, the CRA was not able to notify people about the status of their complaints. She would like to know what the CRA plans to do now about notifying those people and allowing them to appeal any non-sustained cases.

Reid responded that two weeks ago letters were sent to complainants who had received a not-sustained finding within this time period. The CRA has started receiving some reconsideration requests from those individuals.

### Chuck Turchick

He relayed a quote he heard, “I don’t know what’s your beef, or why you give me grief, complaints you sustain, but your facts I disdain, after all, I am the chief.”

If Turchick has a complaint about the Northeast Little League Baseball Association and he brings it to the CRA board, and it happens that the three members of the executive committee of the Northeast Little League Baseball Association are members of the CRA board, nowhere is it going to say that Turchick brought that complaint to the executive

committee of the Northeast Little League Baseball Association. The city attorney's office has argued in court that the CRA board notified the city council in their participation in the performance review of the chief. The only thing the board said in that document on Page 5, was "The Minneapolis Police Department has routinely violated the clear language of the CRA ordinance." That is not notifying the executive committee. Turchick suggested the executive committee would be notified by the board stating, "Pursuant to city ordinance 172.130(d), we are hereby notifying the city's executive committee that we believe the police chief is out of compliance with the discipline section of the ordinance." The executive committee might have responsibilities under that section of the ordinance, because it also states that "The chief may be subject to discipline" as a result of this. It may be that it is the executive committee that recommends to the mayor that discipline be issued.

At the April board meeting, Franklin moved that Reid write a memo to the executive committee notifying them that the board thought the chief was out of compliance with the discipline section of the ordinance. The next month Reid informed the board that they cannot require him to do that. There was then some discussion that the board chair should do this, as the ordinance says. Terrell, who was chairing that meeting, put that off until the business meeting. Turchick recalls that Terrell did ask during the business portion of that meeting if anyone had a motion on the memo issue. No one responded. Six people had voted to have Reid notify the executive committee but none of those six people wanted to have the chair notify the executive committee. He cannot understand why that happened. The six people who voted for the Franklin motion were: Franklin, Santiago, Kallenbach, Pargo, Benson and Kvidera. The next month, none of them wanted to make a motion when Terrell invited someone to make a motion. He is dumbfounded by that.

## VII. Business

- Kallenbach

Kallenbach **moved** the mayor or the mayor's representative be notified of future disciplinary discussions so that they can participate. Terrell seconded.

Discussion

Kallenbach said that given that the charter and ordinance specifically give the mayor the authority to discipline on sustained findings and the mayor has the authority to delegate that responsibility, he believes it is important that either the mayor or a representative from the mayor's office be in attendance to get the full dialog of the MPD's position and the board's position regarding disciplinary decisions on sustained findings.

Terrell asked if this includes inviting the mayor's office to be at the table during reconsideration hearings. Kallenbach does not wish to amend his motion to include reconsiderations.

**Motion passed unanimously.**

Bellfield will send a letter to the mayor inviting him to future disciplinary discussions.

- Terrell

When Civil Rights Director Velma Korbel addressed the board at their June 2 meeting, she referred to the relocation of the CRA office. Terrell **moves** the following resolutions:

That the CRA is opposed to the relocation of the CRA office to City Hall, based on the following arguments:

Best practices suggest civilian oversight take place off site and away from political offices and a police department. This is to avoid influence of city politics and the police department.

Best practices also suggest that civilian oversight be housed away from the police department to avoid intimidation of complainants by officers. The current location of the CRA office provides close proximity for officers and creates enough of a buffer for complainants.

There is a firewall between CRA and Civil Rights.

The board is concerned with the logistics of where to hold hearings.

That the director is requested to address the board and tell the board and the community her reasons for relocating the office.

Zuege seconded.

#### Discussion

Wetternach asked if Terrell's motion precludes being in another city-owned building. With the issue of budget cuts and concerns that the city has, he can understand being separate from City Hall and the police department, but the city owns many other buildings which may have space for the CRA office.

Terrell has several concerns. Complainants do not want to have to go to City Hall to file complaints against police officers and have to go past the MPD. There is also the issue of the firewall.

Zuege suggested the motion be clarified that the CRA not be relocated to one of the police precinct buildings. Some of the points raised by Terrell are important, and these are well-known issues with regards to citizen oversight. There is a book by Samuel Walker called *Police Accountability: The Role of Citizen Oversight*. He brings up this very point. There was a study done a number of years ago by Michael Browne which also raised that point. These points are still valid. There has been a lot of talk about budget cuts over the last few years. The populations that the CRA serves are low-income groups, and are the types of groups that very often don't have a lot of other options. When the CRA budget is cut, for relocation, or for any other reason, it disproportionately impacts those groups.

Reid stated that the CRA is faced with budget issues. Money expended for office space can be used for the department to get additional resources, possibly another CRA investigator. Those discussions have been held and the determination has been made to relocate the CRA for budget purposes as well as management purposes. It is the best way for the department to move forward. In answer to questions, Reid stated the move will be happening in September. The current lease with the Grain Exchange expires in 2011. He doesn't know what the ramifications of the move would be for the city regarding the lease.

Bellfield said that the director was here and announced that the CRA office would be relocated and combined with the rest of the Civil Rights department to improve communication. As Reid said, it is budgetary, too. If moving the CRA will lead to the CRA getting another investigator, Bellfield is all for it. From a management standpoint, it makes sense for the CRA mission, which is to adjudicate cases of alleged misconduct. Staff is needed to investigate the cases. There are more and more cases coming through the CRA. It is definitely the prudent thing to do. He stated the board

should ask the director to talk about this with them before the board opposes the move.

Kallenbach suggested the board consider stating that it would have less objection if the CRA office was moved to another city building. The board's objection is to the City Hall location. He understands the resource issue, but doesn't know what the tradeoff is for rent cost and savings – is it even realistic to think that what the city pays for renting the CRA office is enough to hire another investigator, with salary and benefits?

Patterson said that Terrell should research whether the Civil Rights department and IAU have had any issues with the public coming to City Hall to file complaints and how they have handled them.

Terrell is opposed to relocating the office to City Hall, but not to another city building, as long as it's not a police precinct. He would be open to accepting a motion that just invites the civil right director to the August meeting to tell the board what she is thinking about this issue. Then the board could take a position after they have had the conversation. Even if the board opposes the move, they will not, and should not necessarily be able to stop it. This is the business of the department. As a civilian board, part of their duties is to acknowledge these best practices exist and that moving to City Hall is a concern.

Benson stated the motion should be amended to send a letter stating the board's views and opinion, as opposed to having the director come to a meeting and explain herself. Time is of the essence.

Terrell would like to invite the director either way. The board can send a letter stating they are opposed to this and give the reasons why and can still ask the director to come and speak to the board.

Kallenbach **moved to substitute** Terrell's motion with the following:

That the board chair send a letter to the Civil Rights director expressing the board's concerns and inviting the director of the Civil Rights department to come forward at the August 4, 2010 CRA board meeting to give more background regarding her position. Terrell seconded.

**Motion to substitute passed unanimously**

Bellfield asked for a vote on Kallenbach's motion.

**Motion passed unanimously**

- Kallenbach  
The board has sent out a public invitation to the community and the police officers federation to forward any questions, comments or issues that they may want the board to address during their retreat prior to August 14. Bellfield asked that those be forwarded to Reid.

### VIII. Announcements

Santiago announced that she and Michelle Monteiro, chair of the Civil Rights Commission, did a presentation for the Hennepin County Public Defender's office about Civil Rights and the CRA. She added that Michelle Gross, CUAPB, also did a

presentation which was very well received. She encouraged board members to do the same at other community meetings.

**IX. Adjournment**

Kallenbach **moved** the meeting be adjourned. Zuege 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:** July 7, 2010

**SUBJ:** Monthly Report – **June 2010**

1. Intake – 34
2. Signed Complaints – 6
3. Complaints by:

<u>Ward</u>	<u>Police Precinct</u>	
Ward 2 – 2	Precinct 1 – 3	Repeat Officers <sup>1</sup> – 4
Ward 3 – 1	Precinct 2 – 1	Repeat Officers <sup>2</sup> – 5
Ward 5 – 1	Precinct 4 – 2	New Officers – 1
Ward 7 – 2		
- Allegations

  - Excessive Force – 1
  - Harassment – 6
  - Failure to Provide Service – 3
  - Inappropriate Conduct – 5
4. Completed Investigations – 7

Complaints in Investigation	2008 – 9
	2009 – 61
	2010 – <u>25</u>
	95
5. Mediations scheduled – 2
  - Mediations held – 2
  - Mediations successful – 2
6. Manager dismissals – None
7. Complaints awaiting Hearing as of 6/30/10 – 15

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<sup>1</sup> Officers with one or more prior complaint 1991 through 2006.

<sup>2</sup> Officers with one or more prior complaint 2007 - present.

- 8. Hearing Panels**
  - Complaints heard – 3
  - Determinations Completed – 1
  - Partially Sustained – 1
  
  - Determinations Pending – 7
  - Hearings held in 2009 – 1
  - Hearings held in 2010 – 6
  - Remands – 3
  
- 9. Discipline Decisions Received From Chief of Police – 4**
  - No discipline imposed – 9 officers
  
- 10. Complaints Awaiting Discipline Decision – 8**