

Minutes
Minneapolis Civilian Police Review Authority
Wednesday, August 1, 2007
333 City Hall
6:43 p.m.

Board Members Present: Benson, Burns, Cross, Kvidera, Langason, Oskey, Terrell, Velez, Weinbeck

Board Members Absent: Hall

Also Present: Acting CRA Manager Robin Lolar
Assistant City Attorney Lisa Needham
Mr. Bruce Lundeen
Mr. James Cannon

Chair Weinbeck announced that several board members will not be present due to traffic resulting from the I-35W bridge collapse which has occurred within the previous 45 minutes.

1. **Adoption of the Agenda**

Benson **moved** the Agenda be adopted. Velez seconded. **Motion passed unanimously.**

2. **Acceptance of the minutes of the regular board meeting of July 11, 2007**

Velez noted that he did not attend the July 11, 2007 board meeting. Weinbeck stated the minutes will be corrected to show his absence. The minutes were **adopted as amended by unanimous consent.**

3. **Chair's Report – Michael Weinbeck**

There will be three hearings held in September.

4. **Announcements**

There were no announcements.

5. **Public Comment**

Bruce Lundeen, a Minneapolis resident, addressed the board. He wishes to speak about an article entitled, "Was the police informant also the instigator?" which appeared in the Thursday, July 26, 2007 *StarTribune*. Lundeen would like to see the CRA board consider if entrapment or facilitation is something that has to be monitored by them. Most police officers have integrity, the ones who don't need to be in positions where they cannot harm people.

James F. Cannon addressed the board. He currently has a complaint before the Civilian Review Authority. He has two concerns. He filed his complaint on October 4, 2006. He has not received a notice of hearing or any indication that the investigation is complete. His concern is that under the CRA ordinance, Chapter 172.90, an investigation is to be completed in 60 days, with an additional 30 days allowed in some circumstances. Ninety days from the date the complaint was signed would have been in January 2007. He has talked to CRA Manager Lee

Reid and CRA investigator Robin Lolar. He has been told that the CRA office is short staffed and that there is a backlog of cases. No further explanation regarding the investigation of the complaint he filed was offered. Cannon believes the complaint he filed should not have involved an extensive investigation. It was a complaint of inappropriate language and harassment. He does not see a reason for the continuing delay. Cannon did discuss his appearing before the board tonight with Manager Reid, who advised it would be appropriate for him to express his concerns to the board. Cannon asked if the board can provide any assistance to move along to completion the investigation of the complaint he filed, so that he will be given a notice of hearing before a panel.

Weinbeck thanked Cannon for bringing the issue to the board. Weinbeck stated that none of the cases he has sat on during his term on the board have adhered to the deadline created by the ordinance. Weinbeck added that that is not the fault of the staff. As he understands it, it is the fault of funding and ultimately the fault of the City Council, who create the funding. The CRA has a staff of two investigators who have a caseload which far exceeds the national standards for civilian review. The investigators are unable to adhere to the requirements of the ordinance. The CRA board has approached the City Council many times and asked for funding and have not gotten it. The solution is a political one, not an administrative or bureaucratic one. The money needs to be provided so that the complaints can be completed within the timeline.

Weinbeck thinks the timeline may itself need to be adjusted to more realistically reflect what goes on. The board has talked about looking at re-writing the ordinance to increase the timeline to complete the investigations. Weinbeck added that he is not aware of this type of delay having a negative impact on the way the board adjudicates the case or the way the chief of police makes a disciplinary decision.

Cross will write a letter on Cannon's behalf to CRA Manager Reid and to the Civil Rights Director. Weinbeck will co-sign the letter and will copy the political leaders. Weinbeck encouraged Cannon to contact the Council members and the Mayor's office to make them aware that this is an important issue.

Cannon's other concern was shared earlier in the day with City Attorney Needham. As he reads Chapter 172.100d of the ordinance, once the investigation is completed and the hearing panel issues their decision, that report shall be made public, notifying whether the matter has been sustained or not sustained. Apparently, there has been an advisory opinion from the Department of Administration that indicates that once an investigation is complete, if there is no police disciplinary action taken, the complainant is not going to be advised whether the complaint was sustained, but will be advised only if it is not sustained as a disposition. Cannon has reviewed the advisory opinion which Needham forwarded to him. It is his opinion that if not sustained is within the stage to be defined as status, then sustained would be in the same stage. His interpretation is consistent with the current ordinance of the Civilian Review Authority, which is that the complainant should be entitled to find out whether a complaint is

sustained, not sustained or is being referred to a hearing panel. He would like to know if there is anything he can do to raise the matter so that once his complaint is complete, he will be able to find out if it is sustained. He does not currently have standing because the investigation is not even before a panel. How does a citizen challenge this issue?

Needham stated that Cannon may wait until standing arises and file a motion pursuant to Minn. Stat. 1308, which is an action to compel compliance under the Data Practices Act. If he doesn't want to wait until standing arises, he can follow the administrative route and request an opinion from the IPAD (Information Policy Analysis Division) of the Department of Administration. She explained that process.

Weinbeck added that there is a citizen's route that Cannon can follow and Weinbeck will address those concerns with him.

6. **Continuation**

Velez **moved** to continue the August 1, 2007 board meeting to 6:30 p.m. on September 5, 2007. Cross seconded.

Burns asked for the reason for the continuation. Weinbeck stated he is concerned that board members who are absent from tonight's meeting, due to the bridge collapse, will have this absence counted against them. If the meeting is continued to September and they appear at the September meeting, they will not be considered absent for the August 1 meeting.

Motion passed unanimously.

On September 5, 2007, Weinbeck re-opened the August 1, 2007 meeting.

7. **Adjournment**

Cross **moved** the August 1, 2007 meeting be adjourned. Burns seconded.

Motion passed unanimously.