

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

Board members present: Bellfield, Kvidera, Pargo, Terrell, Wetternach and Zuege

Also present: Assistant Civil Rights Director Lee Reid
Assistant City Attorney Joel Fussy
Deputy Police Chief Scott Gerlicher
Sherman Patterson, Mayor's Office
Kevin Carpenter, Finance Department

I. Call to Order

Chair Bellfield called the meeting to order.

II. Approval of Agenda

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

Motion passed unanimously.

III. Reconsideration Hearing

Kvidera **moved** the meeting be closed to the public pursuant to the Minnesota Government Data Practices Act. Zuege seconded.

Motion passed unanimously.

Kvidera **moved** the meeting be re-opened to the public. Zuege seconded.

Motion passed unanimously.

IV. Approval Of Minutes – September 7, 2011 Board meeting

Zuege **moved** the minutes of the September 7, 2011 Board meeting be amended to strike "Board members absent – Arlene Santiago." Zuege stated that Santiago is no longer a board member. She has missed the April, June and August board meetings and is automatically removed from the Board under the CRA ordinance. Terrell seconded.

Motion passed unanimously.

The minutes as amended were adopted.

V. Reports

Chair

- There will be hearings held on October 19. Terrell will substitute for Kvidera.
- There was a PACC meeting held today. DC Gerlicher and Lt. Glampe, as well as a representative from the Mayor's office, attended. They discussed a reconsideration.

Assistant Director

- Reid reviewed the [CRA Workload Report](#) for September 2011.
- The Civil Rights Department has several items to bring to Council, along with CRA board-proposed ordinance amendments. The instruction from Chair of the

Ways and Means Committee is that the Council is focusing on budget deliberations at this time. Other items can be considered at a later date.

- On October 12, Ward 3 is having their Neighborhood Fest. Board members will be participating in that, which will give them a chance to speak to city residents about what the CRA does.
- The application deadline for [board vacancies](#) has been extended to October 28.

Committees

Outreach Committee – Terrell

Terrell will be talking to students at Plymouth Youth Center about police accountability and the CRA process on October 28 from 12 Noon to 2:30 p.m. He invited other board members to participate.

Chief Dolan Performance Review – Bellfield

The group Bellfield appointed to prepare a report for the board's participation in the performance review of MPD Chief Dolan met to discuss how they will proceed. They will meet again in October.

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

Dave Bicking

He has been looking at statistics about the CRA in the Department of Civil Rights Results Minneapolis report and finds it interesting that the number of complaints for the CRA rose dramatically in 2009 and has been dropping since. There is a projection for 2012 and 2014 which shows the complaints continuing to drop. This is worrisome because complaints coming to the CRA are based on the amount of police misconduct and the extent to which people are aware of the CRA process and feel it is a worthwhile outlet for them. It is hard to know whether incidents of police misconduct are increasing or decreasing. He hasn't seen any sign of a decrease. It seems from other statistics in the Results Minneapolis report that the First Precinct has been particularly troublesome. Other precincts seem to be improving, so there may be some programs which are helping. Bicking also reviewed the MPD data in Results Minneapolis. The number of cases which are equivalent to the CRA cases reported for IAU dropped significantly in 2009 as CRA cases went up. The number of cases for IAU is on track to increase in 2011, which appears to be a matter of people shifting from coming to CRA to IAU. Bicking speculated that this could be due to people not being aware of the CRA or an unfavorable perception of the CRA's effectiveness. The Department of Civil Rights Results Minneapolis report (Page 20) shows that many sustained complaints involve officers who have had previous sustained complaints and that those officers have had very little discipline for those sustained complaints.

Chuck Turchick

The Department of Civil Rights Results Minneapolis report discusses the MPD reckoning period which Chief Dolan gives as a reason for not issuing discipline or coaching in some CRA cases. The CRA has mentioned other reasons the chief has given for not issuing discipline in almost all their reports as well as both of the board's reports on participation in the chief's performance review. Turchick was surprised the Civil Rights Department's report made no mention and no criticism of these other reasons given by the chief.

The chief has given disagreement with the facts as found by the CRA board as a reason to not issue discipline; the chief is supposed to base his decisions on the facts found by the board. The CRA's [2007 Annual Report](#) stated the chief made a disciplinary decision based on the criminal record or criminal associations of the complainant. The board should encourage the Civil Rights Department to address this issue in future Results Minneapolis reports.

VII. Old Business

There was no old business.

VIII. New Business

Terrell **moved** to add to the end of the hearing panel chair statement an invitation to hearing panel attendees to attend monthly board meetings. Zuege seconded.

Motion approved unanimously.

IX. Announcements

- Kvidera will be unavailable October 6 – October 22.
- Zuege asked Gerlicher about a settlement involving the St. Paul Police Department concerning an incident that arose during the RNC in 2008 that had to do with journalists who were detained. As part of the settlement, they talked about a training program regarding First Amendment rights that was going to take place in St. Paul. There was some mention about the St. Paul PD working with the MPD about similar training. Is anything being planned at the MPD?

Gerlicher replied that the first he and the chief heard about this was on the news broadcast. No money from the City of Minneapolis or the City of St. Paul was paid as part of that settlement. They do not have any plans to offer MPD officers any of that type of training. MPD officers receive training on legal updates each year.

- Kvidera stated that a lot of CRA cases concern officers trying to get peoples' hands out from underneath them so they can be handcuffed. Gerlicher said that over the past several months he has had many conversations with MPD training staff and IAU about that issue. It can create a very dangerous situation if someone's hands are underneath their body. They are currently trying to develop tactics to forcibly remove somebody's hands when they are underneath them that do not involve kicking or banging an individual repeatedly with a flashlight or some other device. All officers are equipped with asp batons and that is something that could, in theory, be used. As the department moves through their annual use of force and defensive tactics training this Fall, this issue that will be brought up with all officers.

- Terrell asked what's going on in the First Precinct as far as the higher number of complaints. Gerlicher responded that it is not surprising whatsoever because of the downtown Minneapolis bar scene. It can be chaos down there at bar closing time, with 50,000 to 100,000 people, most of whom have varying levels of intoxication, fighting with each other, and crowding the streets. Most MPD lawsuits and most officer complaints, especially use of force, happen in the First Precinct. There are a lot of cameras downtown so MPD are able to see what's happening and they try to

do a lot of things, such as adding more officers, because the more officers you have, the less likely you are to have large issues.

Terrell asked about the effect of the homeless population. Gerlicher is not aware of any particular issues concerning the homeless. The City and the police department have done some good things with regard to trying to do some outreach with the homeless community. Officers in the First Precinct work closely with the shelters downtown.

X. Adjournment

Terrell **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: October 5, 2011

SUBJ: Monthly Report – **September 2011**

1. Intake – 29
2. Signed Complaints – 17
3. Complaints by:

<u>Ward</u>	<u>Police Precinct</u>	
Ward 3 – 2	Precinct 1 – 4	Repeat Officers ¹ – 8
Ward 5 – 5	Precinct 3 – 4	Repeat Officers ² - 13
Ward 6 – 1	Precinct 4 – 7	New Officers – 3
Ward 7 – 4	Precinct 5 – 2	
Ward 9 – 3		
Ward 11 – 1		
Ward 12 – 1		
- Allegations

Excessive Force – 9

Inappropriate Language – 16

Harassment – 10

Theft – 3

Discrimination in Conduct or Providing Service – 24

Failure to Provide Adequate or Timely Police Protection – 3

Inappropriate Conduct – 14
4. Completed Investigations – 3

Complaints in Investigation	2009 – 32
	2010 – 44
	<u>2011 – 57</u>
	133
5. Mediations scheduled – 1

Mediations held – 1
Successful mediations – None
6. Manager dismissals – 1
7. Complaints awaiting Hearing as of 9/30/11 – 9

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 – 6
 - Determinations Completed – 7
 - Sustained – 1
 - Not sustained – 1
 - Dismissed – 5
 - Determinations Pending – 14

- 9. Discipline Decisions Received From Chief of Police – 4**
 - No Discipline imposed – 8 officers
 - No Discipline imposed, coaching – 1 officer

- 10. Complaints Awaiting Discipline Decision – 3**