

**Minutes  
Minneapolis Civilian Police Review Authority  
Regular Monthly Board Meeting  
Wednesday, December 2, 2009  
333 City Hall  
6:00 p.m.**

**Board members present:** Bellfield, Benson, Bicking, Franklin, Kvidera, Terrell, Wetternach, Zuege  
**Board members absent:** Hall  
**Also present:** Lee Reid, CRA manager  
Deputy Chief Rob Allen

**I. Call to Order**

Chair Bellfield called the meeting to order.

**II. Approval of Agenda**

Kvidera **moved** the agenda be adopted. Benson seconded. **Motion passed unanimously.**

**III. Discussion of Report “CRA Participation in Minneapolis Police Department Chief of Police Performance Review”**

Bellfield respectfully disagrees with the opinion of Assistant City Attorney Joel Fussy that this discussion should not take place in a closed session.

Benson **moved** Item III of the meeting be closed to the public pursuant to the Minnesota Government Data Practices Act. Kvidera seconded. **Motion passed unanimously.**

Zuege **moved** the meeting be re-opened. Bicking seconded. **Motion passed unanimously.**

**IV. Acceptance of the minutes of the regular Board meeting of November 4, 2009**

This item was not addressed.

**V. Reports**

CRA Members

Bicking stated that last month the board voted to establish a working group to work on the CRA's participation in the chief's performance review. The working group consists of four board members: Bellfield, Bicking, Terrell and Zuege. They have also worked with Reid on this. At this time, a draft is still being written.

Manager

- Reid reviewed the [CRA Workload Report](#) for November 2009.
- Reid reminded board members that it is important to maintain a professional demeanor during hearing panels.
- Reid asks that all board members complete the City survey of board and commission members.
- The City Clerk's office has received only two applications for the four vacancies on the board. He asked board members to contact people they think would be good candidates and urge them to apply. Bellfield will be sending out a letter to some organizations regarding the vacancies.
- Reid asked board members to submit their stipend request forms for 2009 before December 21.

- Reid advised members that there are only two hearings scheduled for December 16. The second hour is set aside for board members to complete any outstanding hearing panel determinations. Reid would like to start 2010 with no outstanding board determinations.

### Committee Reports

#### **Policy Committee – Bicking**

The committee has not met. They did receive replies from MPD to their inquiries about a month ago. Bicking has started to review that information but has not yet completed his review. There were a series of questions that the committee posed to the MPD regarding MPD policy. The response contains a summary that answers all of those questions and then refers to other documents. Bicking asked Reid to scan the questions and answers, the MPD training manual information and data from 2007 and 2008 on Taser usage and send that to the board. From what Bicking has been able to review so far, it seems that all the questions were answered.

#### **VI. Public Invitation – Comments to be limited to three minutes**

##### Dwight – Communities United Against Police Brutality (CUAPB)

If given a chance to meet with Chief Dolan, he would ask these questions: Why does the MPD waste the money of the Minneapolis citizens on excessive force? Therefore resulting in a civil suit, costing the taxpayers even more money. Why does the state continue to allow it? It seems protecting people is not an issue. A police officer is only as great as the police chief. It makes him sick to know his sense of well being is in the hands of a state and a police chief that do not care about what happens to him.

##### Michelle Gross – Communities United Against Police Brutality

She is President of CUAPB. She congratulated the board on following up on her request from last month to get involved with the re-appointment process of Chief Dolan. It is an important position for the board to take. She wants the board to be aware that there is right now an anti-war demonstration going on in downtown Minneapolis. There is a phalanx of helicopters flying overhead. There are huge numbers of bicycle police, police on horseback, vans of police officers. They have issued warnings that if people don't stop marching, they're going to start pepper-spraying. She is telling this to the board as she gets reports from people on the scene. She thinks it is atrocious that these things go on. She thinks we are close to being in a police state. It is somewhat like what she saw during the RNC, which was an egregious and grotesque abuse of police power. That was Minneapolis police, in St. Paul, engaged in some of that conduct. It lets you know the kinds of things that happen in Minneapolis at the hands of the Minneapolis police. The CUAPB gets reports every day about things that happen to individuals. She asked the board to understand how important their work is and but for the work the CRA and the CUAPB do, this misconduct would be even more rampant and out of control. It is clear to her that the chief has no interest in stopping it. CUAPB plans to have their own report and their own documentation regarding the police chief re-appointment.

##### Chuck Turchick

He can bring in 100 lawyers to tell the board that the legal advice they have been given about de novo review is bad. It is good that Assistant City Attorney Fussy is not at this meeting to provide more bad advice. Turchick read from the November 4, 2009 minutes, "He [Fussy] explained that the phrase refers to brand new, from scratch, investigation." Turchick stated that that statement is patently false. A de novo trial is a brand new investigation. A de novo review is a review of the facts. It is not a new investigation. If the police department comes up in their Lauderhill hearing with a new fact, and they throw that into the facts that the CRA has determined and in effect, reverse a sustained CRA decision, they have to look at all of the facts to determine if that one fact that they have overrides all the other adjudicated facts. That is a de novo review. They have

to look at all the facts. They can't just say this one fact, out of the blue. They have to look at all the facts in conjunction to determine if the CRA's ruling is going to be overruled. It is not a de novo hearing or a de novo investigation. It is upsetting that this advice would be given by an assistant city attorney.

Turchick said that back in the mid '90s it was noted that the CRA was established to solve a problem. The board was not doing any evaluation to see if the problem was being solved. He suggested at that time that the board get some feedback from the officers and complainants about whether they thought the process was fair. Finally, a board member contacted a criminology professor at the University of Omaha, Samuel Walker. He came up with a survey that was distributed to the complainants and officers at the hearings to get some feedback. Now, the hearing process has changed to be other than an evidentiary hearing. No one has come up with a questionnaire to determine if the complainants and officers consider the process to be fair. He suggests the board come up with a simple evaluation form to find out if they are solving a problem that was present in the past. The board is negligent if they do not do that. He will save his favorable comment for the January meeting.

Darryl Robinson – Communities United Against Police Brutality

He is Vice President of CUAPB. The police force is not showing support to communities of color. Former Chief McManus started diversifying the force. He hired people in Internal Affairs, hired commanders of color. Dolan did the compete opposite: firing all of the commanders of color, people of color started losing their jobs and it went so far that all the police of color started suing. Now, they are paying out all this money to police of color because they're suing their own force because they're not getting promotions. It's like it's a good old boy police force. This needs to be turned around, there needs to be people that represent the community. We don't need all these Caucasian officers on our force with no sensitivity training, coming from the suburbs, coming up in our communities, executing our community members. Some of them have as many as 30 complaints against them and nothing is being done. We need to get this turned around and get our police force diversified.

**VII. Business**

Bicking

At last month's meeting, Bicking talked about the possibility of the board proceeding with their responsibility, under the ordinance, that, "The CRA chairperson shall notify the executive committee of the chief's failure to comply with the requirements of this section, and such failure may subject the chief to disciplinary action." At this point, the board is working on their participation in the chief's performance review. But it may be time for the board to go ahead with using this section of the ordinance. He noted that it is not the board that does this, it is the chair, so he doesn't know that it requires a board vote. He suggested the chair may want to get a sense of whether board members support doing this.

Bicking **moved** the board support Chair Bellfield should he decide to notify the executive committee of the chief's failure to comply with the ordinance in accordance with 172.130(d).

Terrell seconded.

Discussion

- Zuege said that since the board is already working on input into the chief's performance review, waiting until that effort is finalized may be advisable.
- Bicking agreed that it might be advisable to do that. On the other hand, the board may want to do something before the next board meeting, giving a sense that the board would support the chair in such an action, should the chair find that this is the right time

to do it. It might be useful. It is still up to the chair's discretion, as per the ordinance. That is why he has brought it up at this time.

- Terrell thinks it is a good idea. They could roll it into their presentation of the chief's review if they wanted to. They could also handle it separately and do it sooner. The board needs more communication with the executive committee and more communication with council members. It is an opportunity to jump-start the conversation.
- Wetternach thinks that it would have more impact if this is done once the evaluation is completed. That would give the chairperson something to refer to.
- Bicking added that the ordinance states the Civilian Police Review Authority chair person *shall* notify the executive committee. The board and the chair have been aware for a number of months that the police chief has been in violation of this ordinance, so the board has actually not done their duty. It is more than just the chair's discretion. It is time for the board to start taking that seriously. It's within the last few months that the board as a whole has become much more aware that the level of non-cooperation actually goes to the point of failure to comply with the requirements of the ordinance.
- Bellfield agrees with Zuege and Wetternach and he commits to doing this after the evaluation report is completed.

Bellfield called the question. **The motion carried unanimously.**

#### **VIII. Announcements**

- Terrell read a letter thanking him for his participation in the PYC Health Fair.
- Reid stated that the CRA has taken in 107 complaints in 2009. The total complaints taken in 2008 was 68.
- Terrell reminded board members to be in contact with their council members.

#### **IX. Adjournment**

Zuege **moved** the meeting be adjourned. Terrell 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:** December 2, 2009

**SUBJ:** Monthly Report – **November 2009**

1. Intake – 29

2. Signed Complaints – 9

3. Complaints by:

<u>Ward</u>	<u>Police Precinct</u>
Ward 2 – 1	Precinct 1 – 3
Ward 4 – 2	Precinct 3 – 1
Ward 5 – 2	Precinct 4 – 4
Ward 7 – 3	Precinct 5 - 1
Ward 10 -1	

Repeat Officers<sup>1</sup> – 7  
Repeat Officers<sup>2</sup> – 6

Allegations

Excessive Force – 6

Inappropriate Language – 5

Harassment – 6

Inappropriate Conduct – 7

4. Completed Investigations – 5

Complaints in Investigation	2007 – 3
	2008 – 18
	2009 – <u>76</u>
	97

5. Mediations Scheduled – 1

Mediations Held – 1

Unsuccessful Mediations – 1

6. Manager dismissals – None

7. Complaints awaiting Hearing as of 11/30/09 – 10

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<sup>1</sup> Officers with one or more prior complaint 1991 through 2005.

<sup>2</sup> Officers with one or more prior complaint 2006 - present.

- 8. Hearing Panels**
  - Complaints heard – 4
  - Determinations Completed – 1
    - Not Sustained – 1
  - Determinations Pending – 14
    - Hearings held in 2008 – 4
    - Hearings held in 2009 – 10
- 9. Discipline Decisions Received From Chief of Police – 1**
  - No discipline (1 officer)
- 10. Complaints Awaiting Discipline Decision – 3**