

**Minutes**  
**Minneapolis Civilian Police Review Authority**  
**Wednesday, December 5, 2007**  
**333 City Hall**  
**6:00 p.m.**

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

Also Present: CRA Manager Samuel L. Reid, II  
Assistant Chief Sharon Lubinski  
Assistant City Attorney Lisa Needham  
Mr. Michael Salchert

**1. Acceptance of the Agenda**

Weinbeck **moved** the Agenda be revised to place Item 5, Chair's Report, between Item 2 and Item 3 and that the board go into a closed session for a discussion protected under attorney-client privilege. Kvidera seconded.

Terrell **moved** the Outreach Report be added to the agenda, following Item 4. Benson seconded. **Motion passed unanimously.**

**The motion to revise the agenda was passed unanimously.**

**2. Reconsideration Hearing**

Terrell **moved** the meeting be closed for the reconsideration hearing and to discuss attorney-client privileged matters. Benson seconded.

**Motion passed unanimously.**

Benson **moved** the meeting be re-opened to the public. Oskey seconded.

**Motion passed unanimously.**

**5. Chair's Report**

- Langason **moved** the board waive attorney-client privilege regarding communication after May 2, 2007 related to board indemnification. Benson seconded.

**Motion passed unanimously.**

Needham advised that there is a Data Practices request pending from Michelle Gross. There is no specific timeframe for timeliness in answering data requests not related to the individual requesting the data, but there are restrictions of promptness and reasonableness. Weinbeck stated that Gross had asked to review the requested information by December 12, or to be notified by that date if it is not available. Needham's data is ready to be released to Gross. Needham asked the board make an effort in the next week to assemble whatever data they have and to get it to her or Weinbeck.

- Reid has been working on the request for an opinion from IPAD and will have the opinion to Weinbeck by Friday.
- Weinbeck stated that there was a memo sent to some City Council members and Mayor Rybak from the board in November. Upon reviewing that memo, Ann Walther of Rice, Michels and Walther contacted IPAD and made them aware that the CRA was going to be requesting an opinion. Weinbeck quoted from Walther's letter, "The Federation has learned that the CRA intends to seek an opinion from IPAD regarding the status of its data, which is, in all cases, prior to the imposition of discipline.... The purpose of the request is to obtain IPAD's approval to provide private personnel data on Federation members to complainants (which would be the same as making the data public)including findings where complaints have been "not sustained" and where complaints have been fully or partially sustained but no disciplinary decision has been rendered, nor has the grievance procedure been completed. Obviously, such an opinion would

have a profound effect on the Federation's members and additionally, could impact the terms and conditions of employment of the Federation's members. For that reason, the Federation is requesting that it be allowed to respond to any request made by or on behalf of the CRA regarding the classification of its data."

- Weinbeck was interviewed by a student about his experiences with conflict resolution while on the CRA. Weinbeck has had several phone contacts with college students who are studying the CRA.
- Weinbeck had advised the board at the November meeting that he would bring up Taser policy questions raised at that meeting at the next PACC meeting and report back this month. The issue discussed was that the CRA had made recommendations on the MPD Taser policy in February 2006 and current MPD Taser policy does not reflect those recommendations. Weinbeck found that the current Taser policy was adopted in August 2007 and is about three quarters of a printed page. Earlier policy was about four printed pages and included many of the elements that the CRA board recommended in February 2006. There is now an administrative tendency to decrease the length of the policy and procedure manual but to give training the same force and effect as policy. The Taser policy now says that officers must comply with the training they have received in using Tasers. Non-compliance with their training would have the same force and effect as non-compliance with the policy. The question is how can the CRA board make sure that what is going on in training jibes with the recommendations that the board made and how can the board hold officers accountable to their training. Weinbeck has asked for copies of the Taser curriculum to review it for the CRA recommendations of February 2006. Weinbeck voiced his concern to Lubinski and the PACC group that the board need to be able to see and understand the curriculum. As the CRA tries to reach preponderance of evidence decisions, they need to know what conduct violates the training that officers have received. The board needs to encourage training materials be made available and posted online in the same way as policies have been.

Weinbeck suggested that if an officer is alleged to have committed misconduct and the officer says he was complying with training, training today might be different from training the officer had received up to the point of the incident. So the board would have to look back at the training that the officer received leading up to the incident. Does the MPD keep record of changes in curriculum? Lubinski replied that they will need to. There are different philosophies in how much is put in a policy manual; if there is a lot of detail, every time there is any change, the policy has to be changed and it becomes very large. The MPD went with the philosophy of making the policy shorter by referring to the training materials. That assumes that the training materials are kept up to date. Piontek and Lubinski have some questions about who is responsible for that.

- Reid asked if the last policy change discussed related to mediation has been added to the manual. Lubinski said that it went out on concurrence but it has not yet been issued. It should be very soon. She will check on it and let Reid know.
- Weinbeck said that December 31 is the end of terms of several board members, but terms are not really up until members have been replaced. There are enough board members continuing, and with Benson and Terrell seeking re-appointment, hearings could be held in January. Weinbeck is waiting for advice from Needham about whether people who are not technically appointed anymore can conduct board business. Needham will respond to the question of what status is of all board members whose terms expire December 31, but who continue to serve, within the next few days. Terrell, Benson and Oskey advised Weinbeck that, if allowed, they would be willing to serve on hearing panels in January.

Reid explained that the vacancy announcement is being extended past its original deadline of December 7. Weinbeck expects that February or March would be the first meeting the new members would attend.

**3. Acceptance of the minutes of the regular board meeting of November 7, 2007  
The minutes were adopted by unanimous consent.**

**4. CRA Manager's Presentation – Samuel L. Reid**

- Reid reviewed the CRA workload report for November 2007.
- Reid asked board members to turn in all stipend request forms for 2007 before year's end.
- Reid thanked the board members who are not seeking re-appointment for their service.

**Outreach Report – Justin Terrell**

- Reid and Terrell made a presentation to and answered questions from the staff and youth at the Brian Coyle Center.
- Terrell went to a UBS forum about youth violence at MPR. He spoke about his experiences as a CRA board member and answered questions about the CRA process.
- Terrell spoke to Legal Aid about opportunities for community members to learn their rights.
- Terrell spoke to fellow members of the Minneapolis Public Schools Safe and Drug Free Communities advisory committee.
- Terrell will compile a list of the various outreach activities the board have participated in throughout the year, to be included in the CRA's 2007 annual report.

**6. Announcements**

Reid did a presentation about the CRA mediation process at Gray, Plant, Moody on November 20 to potential mediators. Several attorneys have expressed interest in volunteering.

**7. Public Comment**

Michael Salchert

He asked for clarification of the board's motion to waive privilege. Weinbeck referred the question to Needham. Needham stated there is a public data request made by Ms. Gross for all data generated in response to and relating to the May 2 memo, from that date onward. Needham's files included material she believed to be attorney-client privileged where the board asked a legal question on which she provided advice. The board have decided to waive that privilege, so that data will be released to Ms. Gross.

**8. Review of disciplinary decisions**

There were no disciplinary decisions to be discussed.

**9. Adjournment**

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

**Motion passed unanimously.**