

Minneapolis
City of Lakes

CIVILIAN POLICE REVIEW AUTHORITY

**CRA PARTICIPATION IN PERFORMANCE REVIEW
OF MPD CHIEF DOLAN**

November 2010

Serving citizens and police officers with honesty and integrity

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Executive Summary

The Minneapolis Civilian Police Review Authority Board members are residents of Minneapolis appointed by the Minneapolis City Council and Mayor to fairly, objectively and independently consider complaints of misconduct by members of the Minneapolis Police Department, and to issue determinations based on findings of fact and evidence to promote adherence to the highest standard of police conduct and to foster mutual respect between the Minneapolis Police Department and all the populations of the city of Minneapolis.

This document presents in detail the Minneapolis Civilian Police Review Authority's input and participation in the performance review of the Minneapolis Chief of Police. It addresses problems and issues as well as gives feedback, suggests areas of improvement and makes recommendations of actions which should be undertaken to preserve, improve and expand upon the relationship between the Minneapolis Police Department and the Minneapolis Civilian Police Review Authority.

Some improvements were made since the last evaluation period addressed by the Minneapolis Civilian Police Review Authority, but little or no progress was made in some of the most critical areas of evaluation—primarily the issuance of discipline on sustained allegations of misconduct. In total, the Minneapolis Civilian Police Review Authority Board found:

Unsatisfactory performance in the following areas:

- ISSUANCE OF DISCIPLINE IN SUSTAINED CASES

Improvement desired in performance in the following areas:

- DE NOVO REVIEW OF SUSTAINED CASES
- REASONS GIVEN FOR DISCIPLINE DECISIONS
- USE OF RECONSIDERATION OPTION
- NOTIFICATION OF FINAL DISPOSITION OF DISCIPLINARY DECISION
- TIMELINESS OF DISCIPLINARY DECISIONS
- OFFICER AVAILABILITY FOR INTERVIEWS
- OFFICER AVAILABILITY FOR HEARINGS
- OFFICER AVAILABILITY FOR MEDIATION
- AVAILABILITY OF VIDEOS
- MPD RESPONSE TO LACK OF OFFICERS' TRUTHFULNESS

Satisfactory performance in the following areas:

- COMMUNICATION OF DECISIONS
- PACC PROCESS AND MEETINGS
- EARLY INTERVENTION SYSTEM

Good performance in the following areas:

- REVISION OF CRA DETERMINATION
- AVAILABILITY OF POLICE REPORTS AND OTHER EVIDENCE
- POLICE TRAINING FOR CRA MEMBERS

Performance in the following areas was **not applicable** during the evaluation period:

- RESPONSE TO POLICY INQUIRIES
- RESPONSE TO POLICY RECOMMENDATIONS
- NOTIFICATION OF OFFICER REINSTATEMENT

Each performance area is detailed below and specifically conforms with Minneapolis Code of Ordinance Title 9, Chapter 172, Civilian Police Review Authority, and the 2006 CRA Working Group Final Report.

Introduction

It is generally accepted that all employees should have a regular performance review, for the employer to convey expectations, give feedback on performance, and suggest areas of improvement. It is not the role of the Minneapolis Civilian Police Review Authority (CRA) to provide a comprehensive performance review for Police Chief Dolan, but the CRA Ordinance recognizes that the CRA does have the duty and the power to “participate in the performance review of the chief of police.”¹ The CRA Board believes that its role is to participate in the evaluation of those actions of the Chief that directly bear on the ability of the CRA to function efficiently and accomplish its mission.

Timothy Dolan joined the Minneapolis Police Department (MPD) in 1983 and was appointed Interim Chief in April 2006 after the departure of Chief McManus. He was appointed Police Chief in October 2006 for a term that expired January 4, 2010. He was re-appointed at that time for a new term that expires January 4, 2013. In December of 2009, shortly before Chief Dolan’s reappointment, the CRA issued a report as input to the Chief’s performance review, which marked the first such report issued by the CRA.²

The CRA Board offers this participation in the performance review of MPD Chief Dolan so that its conclusions may inform the public and any decision makers who are interested in evaluating or improving the cooperation between the MPD and the CRA. The CRA has chosen an evaluation period that covers the last Quarter of 2009 and the first two Quarters of 2010.³ This evaluation considers not only the personal actions of Chief Dolan, but also the record of the MPD as a whole. Chief Dolan is ultimately responsible for the performance of the MPD and its officers.

This evaluation includes a review of the 52 allegations sustained by the CRA and sent to the Chief for disciplinary decisions from October 1, 2009 through June 30, 2010. The CRA also reviewed the Chief’s and the MPD’s interaction with the CRA, including but not limited to, the level of cooperation with the CRA Board and staff, the availability of evidence, the adherence to the CRA ordinance, and the MPD’s overall willingness to operate within the spirit of the CRA ordinance.

We hope that this report will be helpful to all those with an interest in the Chief’s performance and in the relationship between the MPD and the CRA.

¹ Minneapolis Code of Ordinances, Title 9, Sections 172.60(h) and 172.130(d). See Appendix C for text.

² See Appendix F for link to 2009 CRA Participation in Performance Review of MPD Chief Dolan.

³ Statistics for this evaluation period are publicly available in the CRA’s 2009 Annual Report, and 2010 Semi-Annual Report. Statistical summaries for each month are also available as part of the monthly board meeting minutes. See Appendix F for link. The shortened evaluation period addressed in this document was selected to allow future evaluation periods to cover a July-to-June timeframe.

Performance of Chief Dolan Relevant to CRA

172.130 DISCIPLINARY DECISIONS

ISSUANCE OF DISCIPLINE IN SUSTAINED CASES

PERFORMANCE GOAL: The Police Chief is given discretion in the imposition of discipline in cases that have been sustained by the CRA.⁴ Nevertheless, the CRA expects that, once a case has been fully investigated, and a hearing panel of three members has voted to sustain a complaint, that the MPD will impose appropriate discipline. The CRA can only accomplish its mission, and the public can only have confidence in the fairness and effectiveness of the CRA process, if sustained cases result in consistent discipline of officers who violate MPD policy.

OBSERVATIONS: Issuance of discipline on allegations sustained by the CRA is unsatisfactory. This remains a primary area of concern of the CRA Board.

Outcomes of CRA Matters (10/1/09-6/30/10)

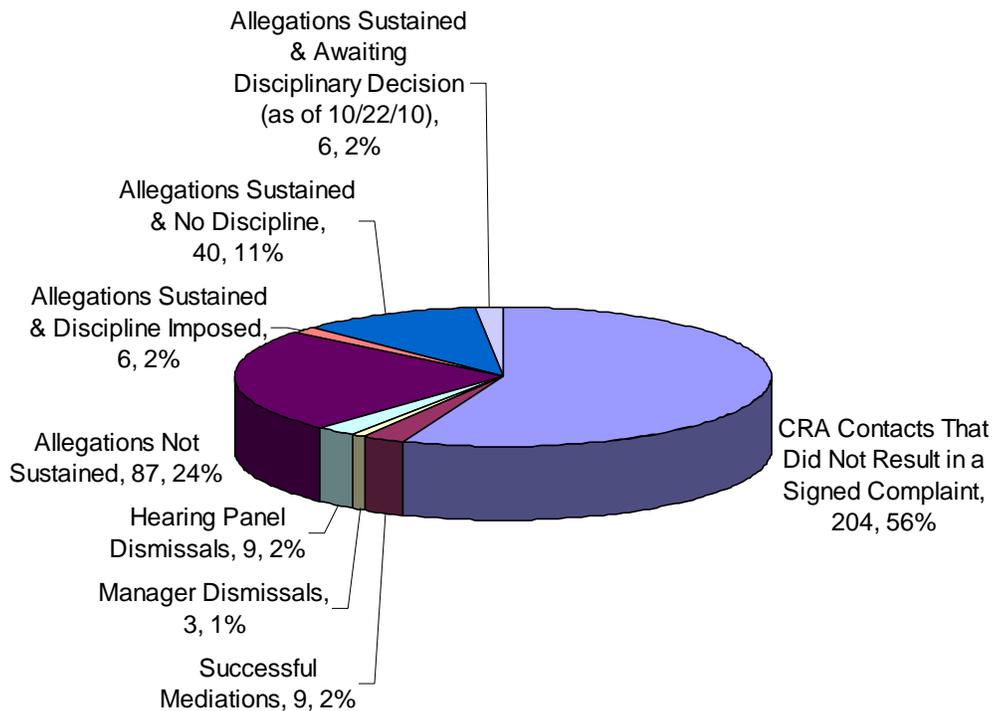


Figure 1.

Figure 1 illustrates the outcomes of all CRA actions taken during the evaluation period.⁵ Of all citizen contacts with the CRA, an allegation of misconduct was sustained by the CRA and sent to the Chief for a disciplinary decision only 14.3% (52 of 364) of the time. Only 2% (6 of 364) of citizen contacts with the CRA resulted in officer discipline during the evaluation period.

⁴ The CRA can sustain, not sustain or dismiss an allegation of misconduct, provided mediation was not successful. See Appendices C and F for further information on the CRA process.

⁵ Data in Figure 1 (and Figure 2 below) is considered part of the evaluation if the date of the CRA hearing, mediation, dismissal or last citizen contact occurred within the evaluation period.

Chief's Disciplinary Decisions on Allegations Sustained by CRA (10/1/09-6/30/10)

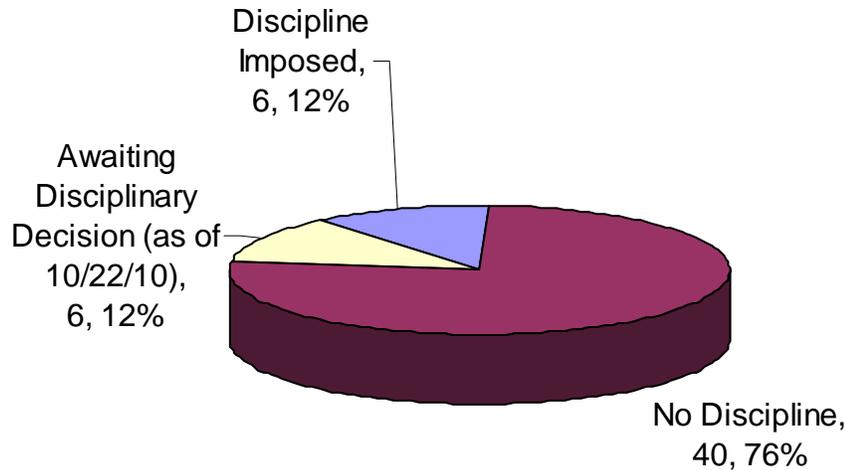


Figure 2.

A total of 52 allegations were sustained by the CRA and sent to the Chief for a disciplinary decision during the evaluation period. Figure 2 illustrates action by the Chief on allegations sustained by the CRA during the evaluation period. The Chief issued discipline on only 12% (6 of 52) of the allegations sustained by the CRA. As of October 22, 2010, the Chief had not yet issued a disciplinary decision on six (6) of the allegations sustained by the CRA during the evaluation period. All six (6) outstanding disciplinary decisions have passed the 30-day deadline established by ordinance.⁶

Last year, the CRA stated that “[c]onsistent and meaningful discipline in cases of documented misconduct is important to deter future misconduct. The MPD has seriously undermined the most important function of the CRA by nearly always refusing to discipline its officers in response to sustained civilian complaints.” This concern has not been redressed in 2010. The MPD under Chief Dolan has not made discipline of officer misconduct a priority, and the CRA Board has no confidence that Chief Dolan and the MPD command staff will issue discipline on sustained allegations of misconduct going forward. Even in cases where discipline is initially issued, the MPD has settled grievances filed by the affected officer(s) by reducing or removing discipline—without defending those disciplinary decisions through the established arbitration process.⁷ Discussions between the CRA and the MPD have also revealed that the MPD places great concern about the negative effects of discipline on officer’s records, but little or no corresponding concern for the effects of officer misconduct on citizens bringing complaints before the CRA. In some instances, the MPD has acknowledged problems with officer conduct, yet in response has chosen to pursue only officer training instead of discipline.⁸ In sum, this means that citizens of Minneapolis cannot expect the city’s police officers to be held to MPD policies—throwing the legitimacy of those policies in doubt. The City of Minneapolis had paid out large sums of money to settle litigation involving allegations of police misconduct

⁶ Minneapolis Code of Ordinances, Title 9, Section 172.130(b). See Appendix C.

⁷ 2009 CRA Annual Report, pp. 22-23. See Appendix F for link.

⁸ While the CRA Board does believe additional or improved training is often a desirable response to incidents of misconduct, it should not wholly displace disciplinary measures.

of late.⁹ A lack of discipline in the MPD fosters a culture of impunity, which will likely lead to further cash payouts related to police misconduct lawsuits for the foreseeable future. While the CRA is in a position to call attention to these issues and sustain allegations of misconduct supported by the CRA's investigations, current city ordinances do not allow the CRA to remedy unwillingness by the Chief to impose discipline. The MPD has not demonstrated a desire or ability to change its disciplinary practices of its own accord. Only with action by the Mayor and City Council, and with continued concern and input from citizens of Minneapolis, will this situation improve.

PERFORMANCE RATING: *Unsatisfactory.*

DE NOVO REVIEW OF SUSTAINED CASES

PERFORMANCE GOAL: Compliance with CRA Ordinance Section 172.130(a): "The chief's disciplinary decision shall be based on the adjudicated facts as determined by the civilian review authority board, and shall not include a de novo review of the facts by the Minneapolis Police Department's internal affairs unit or any other police officer, unit, or division." If the Chief does not agree with the adjudicated facts, the Chief may request reconsideration under Ordinance Section 172.130(b)(3) and present additional evidence and argument.

OBSERVATIONS: In 2010 the MPD has reduced its reliance on "insufficient evidence" as grounds for not issuing discipline on sustained CRA complaints. However, discipline is still not being imposed where CRA investigations reveal conclusive evidence of misconduct. Disciplinary decisions are not being made based on the adjudicated facts as determined by the civilian review authority board, but on independent review of allegations by the MPD. In some instances, the MPD has directly disputed CRA findings of fact.

PERFORMANCE RATING: *Improvement Desired.*

REASONS GIVEN FOR DISCIPLINE DECISIONS

PERFORMANCE GOAL: The CRA ordinance anticipates that the Chief has cause to impose discipline once the CRA has sustained an allegation of misconduct.

OBSERVATIONS: As noted above, the MPD has reduced its reliance on "insufficient evidence" as grounds for not issuing discipline on sustained CRA complaints. The MPD has also acknowledged in some cases that officer conduct was problematic and that a training response would be pursued rather than a disciplinary action. While these are positive steps, the reasons given for not imposing discipline on sustained cases are often inadequate and unconvincing. For example, the MPD has disputed CRA findings of fact, which is not permitted under the CRA ordinance. Moreover, the MPD has demonstrated a fundamental reluctance to utilize the disciplinary process, as a matter of principle, which runs counter to the procedures established by the CRA ordinance.

PERFORMANCE RATING: *Improvement Desired.*

⁹ E.g., Randy Furst, "Minneapolis Will Pay \$165,000 to Zombies," Star Tribune, Aug. 23, 2010 at <http://www.startribune.com/local/101273159.html>, Brandt Williams, "Minneapolis Police Settle Excessive Force Lawsuit," MPR News, May 28, 2010 at <http://minnesota.publicradio.org/display/web/2010/05/28/mplspolice-settlement/>, Steve Brandt, "Whistle Blows on Police, Then Silence," Star Tribune, March 21, 2010, section B1 available at <http://www.startribune.com/local/88738997.html>, Matt McKinney, "\$75,000 Settlement Set in Minneapolis Taser Lawsuit," Star Tribune, March 11, 2010 at <http://www.startribune.com/local/87417462.html>, Brandt Williams, "Mpls Settles Another Police Misconduct Suit," MPR News, Feb. 12, 2010 at <http://minnesota.publicradio.org/display/web/2010/02/12/mppls-police/>, Reg Chapman, "\$70K Settlement In 'Critical Mass' Violent Arrest," WCCO, Jan. 16, 2010 at <http://wcco.com/crime/critical.mass.settlement.2.1431254.html>.

REVISION OF CRA DETERMINATION

PERFORMANCE GOAL: Compliance with CRA Ordinance Section 172.130(a): “In cases where the civilian review authority board has determined that specific facts constitute a violation of the Minneapolis Police Department policy and procedure manual, under no circumstances should the Minneapolis Police Department internal affairs unit or any other police officer, unit, or division be allowed to alter, augment, or revise the designation.”

OBSERVATIONS: The MPD has complied; in no case has it attempted to alter a finding of “sustained.” There has been no incentive for the MPD to alter a CRA finding because under the state Data Practices Act a CRA “sustained” finding never becomes public if no discipline is issued.

PERFORMANCE RATING: *Good.*

USE OF RECONSIDERATION OPTION

PERFORMANCE GOAL: Under Section 172.130(b)(3) of the CRA Ordinance, the only alternative to disciplining in a sustained case, or not imposing discipline for a valid articulated reason, is for the MPD to “Make a one time written request that the review authority reconsider the sustained finding.”

OBSERVATIONS: The MPD utilized the reconsideration option under the CRA ordinance for the first time during the current evaluation period. While the CRA Board views this as a step in the right direction, the MPD’s use of the reconsideration option still needs improvement. The MPD has only used the reconsideration option once. In that single case, discussions between the MPD and CRA made clear early on that the MPD had no intention of issuing discipline even if the full CRA Board confirmed the three-member panel’s original sustained findings. This runs counter to the purpose of the reconsideration option, and cannot be considered a good faith exercise of the reconsideration option by the MPD.

PERFORMANCE RATING: *Improvement Desired.*

COMMUNICATION OF DECISIONS

PERFORMANCE GOAL: Compliance with CRA Ordinance Section 172.130(b)(1) & (2): The chief of police shall notify the CRA of the disciplinary decision. Compliance with CRA Ordinance Section 172.130(b)(4): “the review authority may require the chief (or his/her designee) to appear at a meeting of the full board ... to discuss the basis for the determination.”

OBSERVATIONS: The MPD has been willing to discuss disciplinary decisions upon CRA request.

PERFORMANCE RATING: *Satisfactory.*

NOTIFICATION OF FINAL DISPOSITION OF DISCIPLINARY DECISION

PERFORMANCE GOAL: The CRA has the affirmative duty to notify the Complainant of the final disciplinary decision. Because officers have certain appeal rights under their collective bargaining agreement, the CRA depends on the MPD to notify the CRA of the stage of the grievance or the completion of the grievance process.

OBSERVATIONS: The MPD process of notifying the CRA of appeals and the disposition of grieved disciplinary actions has numerous inefficiencies. While the MPD has responded promptly to CRA inquiries, an efficient process to notify the CRA automatically is not yet in place. When the CRA is not informed of the status of grievances, this hinders the ability of the CRA to properly function and provide transparency to the public, because prior to a final appeal

decision the CRA cannot release applicable information to the public under the state Data Practices statutes.

PERFORMANCE RATING: *Improvement Desired.*

TIMELINESS OF DISCIPLINARY DECISIONS

PERFORMANCE GOAL: Compliance with CRA Ordinance Section 172.130(b): The chief of police shall notify the CRA of the disciplinary decision within thirty (30) days (except where noted) of receipt of the case from the CRA.

OBSERVATIONS: Most disciplinary decisions have been made in a timely fashion during the evaluation period, but decisions in some cases have taken significantly longer than the thirty (30) day period specified by ordinance. Further improvement is desired to achieve 100% compliance with the thirty (30) day deadline.

PERFORMANCE RATING: *Improvement Desired.*

172.180 COOPERATION

OFFICER AVAILABILITY FOR INTERVIEWS

PERFORMANCE GOAL: Compliance with CRA Ordinance Section 172.180: “The Minneapolis Police Department ... shall, except as expressly prohibited by law, respond promptly to any and all reasonable requests for information, for participation in hearings and mediations, and for access to data and records...”

OBSERVATIONS: Officers have continued to appear for interviews with CRA investigators, but there are still delays for some officers to appear. Further efforts to ensure timely appearance for interviews by all officers is needed. Delays by even a few officers can impact the efficiency with which CRA staff can complete investigations, due to time wasted in scheduling and related follow-ups.

PERFORMANCE RATING: *Improvement Desired.*

OFFICER AVAILABILITY FOR HEARINGS

PERFORMANCE GOAL: Same as above for CRA Ordinance Section 172.180.

OBSERVATIONS: Officers are not required to appear for CRA hearings. Many officers choose not to appear. However, because hearings afford CRA Hearing Panels the opportunity to ask questions to both the Complainant and Officer(s), they serve a valuable function in providing clarification and assessment of credibility. It would be desired to see greater attendance by officers at hearings.

PERFORMANCE RATING: *Improvement Desired.*

OFFICER AVAILABILITY FOR MEDIATION

PERFORMANCE GOAL: Same as above for CRA Ordinance Section 172.180.

OBSERVATIONS: Officer availability for mediation has generally been adequate. In one instance, an officer appeared for mediation but refused to participate in the process. In order for mediation to be as useful a tool as it should be, all officers must make a good faith effort to participate. It must be noted that the CRA mediation program has the potential to resolve many more complaint that it presently does. A significant number of complainants have noted that they

would be satisfied if the officer involved, or his or her supervisor, offered an apology. These complainants merely wish for some acknowledgement of the misconduct in the particular instance with the hope that such acknowledgement discourages such conduct in the future.

PERFORMANCE RATING: *Improvement Desired.*

AVAILABILITY OF VIDEOS

PERFORMANCE GOAL: Same as above for CRA Ordinance Section 172.180. In this case, good cooperation would mean consistent availability of squad car and Safe Zone videos within a week of request.

OBSERVATIONS: Video evidence has made available to the CRA staff upon request, though issues remain with respect to the efficiency and timeliness of locating and providing copies of relevant videos. Audiovisual equipment reliability also is a lingering issue, such as repeated instances where microphones worn by officers that should capture audio to accompany squad video are inoperative or deactivated. Although some progress has been made in reminding officers to check audiovisual equipment at the beginning of their shifts, there remain a significant number of instances where audiovisual equipment does not function. Because audiovisual evidence is often extremely helpful to the CRA in verifying an officer, complainant or witness's statement or capturing events that went unnoticed by persons on the scene, the available of this kind of evidence is of great concern to the CRA.

PERFORMANCE RATING: *Improvement Desired.*

AVAILABILITY OF POLICE REPORTS AND OTHER EVIDENCE

PERFORMANCE GOAL: Same as above for videos.

OBSERVATIONS: Reports from the MPD have generally been available. The MPD uses a system called CAPRS (Computer Aided Police Reporting System) that greatly assists in the storage and retrieval of relevant reports. However, some legacy issues have remained due to inadequate availability of reports and evidence from the Metro Gang Strike Force (MGSF), from which reports and other evidence were frequently lost or unable to be located.

PERFORMANCE RATING: *Good.*

RESPONSE TO LACK OF OFFICERS' TRUTHFULNESS

PERFORMANCE GOAL: Cooperation in accordance with CRA Ordinance Section 172.180 means officers' full compliance with MPD Policy 5-101.01, Truthfulness,¹⁰ and consistent discipline for those who do not comply.

OBSERVATIONS: Officer truthfulness is a critical issue. Examples of problematic behavior include officer reports or statements that directly contradict video or other evidence, and a "code of silence" by which officers withhold relevant information.¹¹ The MPD has acknowledges the seriousness of this issue, but responses to particular instances where the CRA has raised concerns about officer truthfulness have been inconsistent and inadequate.

PERFORMANCE RATING: *Improvement Desired.*

¹⁰ MPD Policy and Procedure Manual, Section 5-100, at <http://www.ci.minneapolis.mn.us/mpdpolicy/>

¹¹ See, e.g., Michael W. Quinn, WALKING WITH THE DEVIL: THE POLICE CODE OF SILENCE (Quinn & Associates, Minneapolis 2005) (written by a former Minneapolis police officer of over twenty-three years).

RESPONSE TO POLICY INQUIRIES

PERFORMANCE GOAL: Compliance with CRA Ordinance Section 172.180. In this case, includes compliance with process and timelines outlined in recommendation #6 in the 2006 CRA Working Group Final Report.

OBSERVATIONS: The CRA did not make any policy inquiries during the relevant evaluation period.

PERFORMANCE RATING: *Not Applicable*.

RESPONSE TO POLICY RECOMMENDATIONS

PERFORMANCE GOAL: Same as above for Policy Inquiries.

OBSERVATIONS: The CRA did not make any policy recommendations during the evaluation period.¹²

PERFORMANCE RATING: *Not Applicable*.

172.185 NOTIFICATION OF OFFICER REINSTATEMENT

PERFORMANCE GOAL: “In the event that a dismissed officer has been reinstated to the Minneapolis Police Department, the chief of police shall provide notification to the civilian review authority of the officer's return to the department within thirty (30) days of the officer's reinstatement.”

OBSERVATIONS: To the knowledge of the CRA, no officers were reinstated during the evaluation period.

PERFORMANCE RATING: *Not Applicable*.

CRA WORKING GROUP REPORT¹³

POLICE TRAINING FOR CRA MEMBERS

PERFORMANCE GOAL: Implementation of Working Group recommendation #8, more training on police accountability issues for CRA Staff and Board.

OBSERVATIONS: The MPD has offered “Citizen’s Academy” training to CRA Board Members for many years. This program continues to provide excellent training to Board Members and other citizens of Minneapolis. The MPD has also been willing to provide additional information and training to the CRA as needed.

PERFORMANCE RATING: *Good*.

PACC PROCESS AND MEETINGS

PERFORMANCE GOAL: Implementation of Working Group recommendation #5, form and work with the Police Accountability Coordinating Committee (PACC).

OBSERVATIONS: The MPD has participated in PACC meetings, though consistent scheduling remains an issue. The closed-door nature of PACC meetings has raised concerns from the public.

PERFORMANCE RATING: *Satisfactory*.

¹² This does not include recommendations made in the 2009 CRA Participation in Performance Review of MPD Chief Dolan report.

¹³ CRA Working Group Final Report (2006). See Appendix F for link.

EARLY INTERVENTION SYSTEM

PERFORMANCE GOAL: Implementation of Working Group recommendation #2, improve Early Intervention System (EIS) for MPD. The CRA would like to see its data and experience used in a proactive way to prevent misconduct, not just punish it after the incident.

OBSERVATIONS: The MPD unveiled a new EIS during the current evaluation period. This represents a major achievement, and one long overdue. The CRA applauds the MPD and Chief Dolan for dedicating significant resources to the program, which has the potential to greatly reduce incidents of officer misconduct and to generally improve the wellbeing of MPD officers. Because the MPD EIS program is so new, an evaluation of its efficacy is not yet possible. However, initial observations by the CRA Board are that a more formalized process for identifying officers in trouble (e.g., a risk assessment matrix) may provide more consistent and reliable screening based on available data—such as CRA complaints—that does not rely on referrals. Also, the MPD EIS program places responsibility for action largely on the shoulders of supervisors. Although the MPD has indicated support for the program by supervisors thus far, hypothetically, if supervisors are unwilling to cooperate, or are contributing to the problem, the EIS program currently lacks work-around provisions. Lastly, the MPD EIS program has adopted a policy of avoiding written records, which could cause continuity problems such as if there is a change in staffing in the EIS program an insufficient documentation exists to provide institutional memory.

PERFORMANCE RATING: *Satisfactory.*

SUMMARY OF PERFORMANCE EVALUATIONS

The CRA's evaluation of Police Chief Dolan has revealed some progress during the current evaluation period, but overall performance is less than satisfactory in most respects that impact the ability of the CRA to function effectively and to accomplish its mission. The most crucial aspect of the Chief's performance is the issuance of discipline on allegations of misconduct sustained by the CRA. The issuance of discipline by the Chief has been unsatisfactory. The CRA stands by its determinations, which are in all instances based on thorough investigations and careful analysis of all the relevant facts. The CRA is concerned that no improvement will be made in this area without intervention from key policy makers and the general public. Under the current CRA ordinance and state Data Practices Act, and given the imbalance of power between the MPD and CRA, there is little the CRA can do on its own to remedy this situation. In the future, the City of Minneapolis may wish to pursue an external audit of the disciplinary process, meaning one performed by an entity outside of the MPD and Minneapolis City Attorney's Office, which the CRA is confident will support the conclusions of this evaluation.

One area of notable improvement for the MPD in 2010 was the implementation of an Early Intervention System (EIS). The CRA applauds the use of such a program to proactively aid officers and help to prevent officer misconduct before it occurs. EIS should remain a priority for the MPD. Although the program is still in its early stages, making an assessment of its effectiveness somewhat premature at this time, it appears to be a great asset to employees of the MPD and stands to greatly benefit the citizens of Minneapolis as well.

The CRA wishes to see improvement in the performance of the MPD and Chief Dolan, while simultaneously striving to improve the CRA's own performance. All parties should seek continuous improvement. The CRA wishes to establish a relationship of cooperation and mutual respect with the MPD, so that the CRA can achieve its mission "to promote the adherence to the highest standard of police conduct and to foster mutual respect between the Minneapolis Police Department and all the populations of the city of Minneapolis." In that spirit, the CRA offers the recommendations that follow.

Recommendations for Performance Improvements

172.130 DISCIPLINARY DECISIONS

- Discipline of officer misconduct in sustained CRA cases in the manner specified in the CRA ordinance needs to be a priority. Thus far in Chief Dolan’s tenure, it has not been. The following recommendations are made by the CRA Board in this regard:
 - In cases where discipline is initially issued, the MPD needs to stand by those disciplinary decisions even if a grievance is filed by the affected officer(s). The MPD has reduced or removed discipline without even requiring arbitration when evidence of misconduct is clear and no reasonable basis for reducing/eliminating discipline is apparent.
 - The MPD should place equal concern on the effect of CRA complaints on both officers and complainants. Currently, more concern is paid to the negative effects on officer’s records than to the need for redress of citizen complaints. Citizen complaints supported by the evidence and sustained CRA finding are routinely ignored. This creates an unequal playing field and places citizens at a disadvantage, and destroys public confidence in the MPD. Many complaints appear before the CRA to say that they hold no particular ill will against the officer, but are pursuing their complaints merely to try to ensure that similar officer misconduct does not reoccur and affect other citizens. Such reasonable efforts are frustrated when the MPD undermines the process by refusing to consistently and effectively issue discipline on sustained allegations of misconduct.
 - Officer training in response to CRA complaints is a valuable tool and should remain in use, but should not displace disciplinary action.
- The reconsideration option under the CRA ordinance should be used more frequently and in good faith. In the one instance the MPD exercised this option, there was something of a lack of good faith on the part of the MPD because it was made clear that no discipline would be issued even if the full CRA Board confirmed the sustained finding of the three-member CRA that originally heard the complaint. In that instance, the MPD indicated an unwillingness to accept the factual findings of the the CRA. Such a use of the reconsideration option is not in keeping with the CRA ordinance.
- In the 2009 participation in the performance review of Chief Dolan, the CRA Board raised concerns about *de novo* review of CRA findings in sustained cases. Although the MPD has avoided using “insufficient evidence” as the sole rationale for not imposing discipline in sustained cases, the underlying substantive problems of *de novo* review have not been resolved. The CRA stands by all its previous concerns in this regard.¹⁴
- Also in the 2009 participation in the performance review of Chief Dolan, the CRA Board raised concerns about a statute of limitations imposed on disciplinary decisions on CRA cases applied under the guide of a disciplinary “reckoning period”. No change has been made in 2010, and all of the CRA’s previous objects to this policy remain. More troubling though are Chief Dolan’s comments to the City Council about this issue during his reappointment hearing. A 2009 Administrative Announcement by the MPD expressly states: “In essence, we have created a statute of limitations for imposition of discipline on sustained cases”¹⁵ In conflict with the Administrative Announcement on this policy, Chief Dolan called it “labor policy” during his testimony.¹⁶ The semantic games regarding this policy should not obscure the fact that MPD policy and practice was changed in 2009 to impose a statute of limitations (under banner of the “reckoning

¹⁴ See Appendix F for link to 2009 CRA Participation in Performance Review of MPD Chief Dolan.

¹⁵ See Appendix E for a copy of the Administrative Announcement.

¹⁶ See Appendix D for a transcript of the Chief’s testimony.

period”) that is inconsistent with the CRA ordinance and contrary to best practices and long-standing MPD policy regarding progressive discipline for repeat offenses (the traditional and accepted meaning of “reckoning period”). The CRA Board stands by its previous recommendations that this “statute of limitations” policy should be eliminated.

172.180 COOPERATION

- Chief Dolan should take a greater and more proactive role in the CRA process. For example, at the Chief’s March 3, 2010 reappointment hearing before a city council committee, it was apparent that the Chief was not fully informed about CRA issues.¹⁷ While it is understandable that the Chief has delegated responsibilities to other command staff, that fact does not relieve the Chief from ultimate responsibility or from a need to remain informed about relevant issues. The CRA and officer discipline in general needs to be a greater priority.
- Deputy Chief (DC) Scott Gerlicher from the MPD Professional Standards Bureau (which includes the Internal Affairs Unit [IAU]) has been appointed the Chief’s representative to the CRA (following the departure of Assistant Chief Lubinski), and who regularly attends CRA board meetings and deals directly with actions on sustained complaints forwarded to the MPD from the CRA. While there have been no issues related to DC Gerlicher personally, the CRA Board feels that it is inappropriate to have IAU command staff personnel serve in a representative capacity to the CRA because that calls into question the independence of the CRA from the IAU. This creates the perception in the mind of the public that the CRA is directly linked to or subordinate to the IAU, which is contrary to the purpose of the CRA as an independent citizen body within the Minneapolis Civil Rights Department.

172.185 NOTIFICATION OF OFFICER REINSTATEMENT

- Not applicable to this evaluation period.

CRA WORKING GROUP REPORT

- The CRA Board is very pleased that an EIS program has finally been implemented. In the Past an “informal” EIS program had been used, and the CRA—among others—had recommended a more formal program. After an initial review of the new EIS program, the CRA believes that continued dedication to the program will be essential to its success. Significant resources must be maintained for the program to have the positive effects I promises. Rather than simply continue the program in its current state, though, the MPD should engage in continuous improvement efforts to enhance the EIS program. To that end, the CRA offers the following suggestions:
 - Provide a more formalized process for identifying officers in trouble based on objective data, rather than merely referrals, such as the use of a risk assessment matrix or analytical software that can spot trends.
 - Provide alternate paths of action that do not rely on an officer’s immediate supervisor, who could potentially act as a “bottleneck” in the process.
 - Enhance efforts to provide “institutional memory” in the event of EIS staffing changes, etc. to ensure that actions and problems are followed through on. This may involve revisiting some “no written record” policies currently in place.

¹⁷ See Appendix D for a transcript of the Chief’s testimony.

Approval

This report was approved by the CRA Board at a meeting on November 3, 2010, and amended at a meeting on December 1, 2010. The CRA Board consists of the following volunteer members, appointed by the Mayor and the City Council:

Donald Bellfield, <i>Chair</i>	Ward 8	Sharlee Benson	Ward 11
Pramma Elayaperumal	Ward 2	Pam Franklin	Ward 2
Dean Kallenbach	Ward 6	Patrick Kvidera	Ward 1
Mary Pargo	Ward 2	Arlene Santiago	Ward 11
Justin Terrell, <i>Vice-Chair</i>	Ward 8	Vernon Wetternach	Ward 6
Austen Zuege	Ward 10		

APPENDICES

Appendix A: Definition of Performance Ratings

Good: Performance helps the CRA accomplish its mission. Meets or exceeds all legal requirements or expectations.

Satisfactory: Meets all Ordinance requirements and meets all reasonable expectations of the CRA in those areas that are important for the CRA to accomplish its mission.

Improvement Desired: Meets minimum standard required by the CRA Ordinance, but performance is a hindrance to the success or functioning of the CRA.

Unsatisfactory: Performance does not meet minimum standards and/or does not comply with city ordinances. Performance may constitute misconduct.

Appendix B: CRA Mission Statement

The Minneapolis Civilian Police Review Authority Board are citizens of Minneapolis appointed by the Minneapolis City Council and Mayor to fairly, objectively and independently consider complaints of misconduct by members of the Minneapolis Police Department, and to issue determinations based on findings of fact and evidence to promote the adherence to the highest standard of police conduct and to foster mutual respect between the Minneapolis Police Department and all the populations of the city of Minneapolis.

Appendix C: Full Text of Relevant Sections of CRA Ordinance

Minneapolis Code of Ordinance, Title 9, Chapter 172, Civilian Police Review Authority, available online at: http://www.ci.minneapolis.mn.us/cra/docs/CRA_ORDINANCE_CHAPTER_172_03-27-09.pdf.

172.60. Review authority--Substantive duties and powers.

- (a) Receive complaints alleging misconduct on the part of a Minneapolis police officer and conduct such investigations and inquiries as may reasonably appear necessary to find the facts with respect to the complaints.
- (b) Conduct hearings related to complaints as provided in this chapter.
- (c) Forward all investigatory findings and case recommendations to the chief of police.
- (d) Conduct a program of research and study for the purpose of ascertaining how the objectives of this title may be attained and sustained.
- (e) Compile statistics relating to complaints of police officer misconduct and present results of such analysis on a quarterly basis to the Public Safety and Regulatory Services Committee.
- (f) Review Minneapolis Police Department policies and training procedures and make recommendations for change.
- (g) Facilitate, along with Minneapolis Police Department, appropriate cultural awareness training for sworn officers as determined by the review authority.
- (h) Participate in the performance review of the chief of police.
- (i) Create and implement a community outreach program. Coordinate outreach activities with the Minneapolis Commission on Civil Rights.
- (j) Submit quarterly reports to the public safety and regulatory services committee as to the activities of the review authority.

172.130. Disciplinary Decision.

- (a) Upon conclusion of the hearing and request for reconsideration process, the review authority shall forward the investigatory file, the findings of fact and the panel determination to the chief of police. The chief's disciplinary decision shall be based on the adjudicated facts as determined by the civilian review authority board, and shall not include a de novo review of the facts by the Minneapolis

Police Department's internal affairs unit or any other police officer, unit, or division. In cases where the civilian review authority board has determined that specific facts constitute a violation of the Minneapolis Police Department policy and procedure manual, under no circumstances should the Minneapolis Police Department internal affairs unit or any other police officer, unit, or division be allowed to alter, augment, or revise the designation.

(b) In all cases where the review authority sustained the complaint, the chief of police shall do one of the following within thirty (30) days (except where noted) of receipt of the case from the review authority:

- (1) Impose discipline and notify the review authority in writing that discipline has been imposed; or
- (2) Determine that no discipline will be imposed and notify the review authority in writing of such determination and the reasons for such determination; or
- (3) Make a one time written request that the review authority reconsider the sustained finding; or
- (4) Submit in writing to the review authority a request for an extension of time, not to exceed an additional thirty (30) days, to take one of the actions in subparagraphs (1) through (3) with a statement of the reason for the extension and a proposed date by which one of such actions will be taken. If the chief has determined that no discipline will be imposed pursuant to subparagraph (2), the review authority may require the chief (or his/her designee) to appear at a meeting of the full board, which shall be closed to the public pursuant to Minnesota Statutes Section 13D.05, subdivision 2, to discuss the basis for the determination. If the chief has requested that the review authority reconsider a sustained finding, the

chief or his/her designee shall appear before the entire review authority board to present the factual and legal basis on which the chief asserts that the complaint(s) should be not sustained. After the review authority has reconsidered the matter, the decision of the review authority shall be provided to the chief in writing. If the review authority again determines that the complaint(s) should be sustained, the chief may then take one of the actions specified in subparagraphs (1), (2) or (4), above.

(c) The review authority shall provide notice to the complainant of the final disciplinary decision.

(d) The level of compliance with this section shall be included as an element of the chief's annual performance evaluation, pursuant to section 172.60(h) of this section. The civilian police review authority 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.

172.180. Requirement of cooperation by the Minneapolis Police Department and all other city employees and officials with the review authority. The Minneapolis Police Department and all other City of Minneapolis employees and officials shall, except as expressly prohibited by law, respond promptly to any and all reasonable requests for information, for participation in hearings and mediations, and for access to data and records for the purpose of enabling the review authority to carry out its responsibilities under this chapter. The failure by any official or employee of the Minneapolis Police Department or by any other City of Minneapolis employee or official to comply with such requests for information, participation, or access shall be deemed an act of misconduct. The police officer identified in the complaint may, but shall not be required to, attend the public portion of the scheduled hearing.

172.185. Notification of officer's reinstatement. In the event that a dismissed officer has been reinstated to the Minneapolis Police Department, the chief of police shall provide notification to the civilian review authority of the officer's return to the department within thirty (30) days of the officer's reinstatement.

Appendix D: Partial Transcript of January 2010 Dolan Reappointment Hearing

STATEMENT OF **Tim Dolan, Police Chief**
SUBJECT: Public Safety & Health - Police Chief Reappointment
DATE: March 3, 2010
EXCERPT: 2:10:45 – 2:25:41
INTERVIEWER: Betsy Hodges, City Council - Ward 13

BH: Um, so my first question is: what do you understand be your responsibility, um, to disciplining sustained CRA cases under the CRA ordinance?

TD: Uh, to the Chair, Council Members, I have a responsibility not to cha—I cannot change the finding of CRA, so if they sustain a case, it stays sustained. Um, the – my authority comes into what level of discipline, um, I'm going to issue on that case. Um, and so, uh, I have to make a determination of what that level of discipline would be and if that discipline exists.

BH: And Chief, what do you believe are appropriate reasons under the ordinance for not issuing discipline in a case sustained by the CRA?

TD: To the Chair, Council Members, my belief is that I have the authority to make that final decision um, so it's if- if I believe that discipline is, is not warranted, uh, based on, um, the fact that we – the investigation, uh, is not, uh, not a fair investigation or that there's a, uh, we are long passed the period of reckoning that we've been – used in this department for many, many years, uh, then that discipline would not be, uh, not be [metal?]. So it's, um, I think that falls on my shoulders.

BH: Okay so do you believe that under the CRA ordinance, you have the authority to do a new review of the evidence in an assisting case forwarded to you by the CRA for disciplinary decision?

TD: To Chair, Council Members, I think it's been reaffirmed by our City Attorney that I have a responsibility to make my decision based on that, based on the evidence that's there. And I do that based on the evidence that's in that case. I don't reinvestigate that case. I d-do determine whether the, whether the evidence that's in there is appropriate for a level of discipline.

BH: Well in 9 of 22 cases between January 1st and October 31st, uh – January 1, 2008 and October 31, 2009 – you issued no discipline and cited insufficient evidence as the reason for that decision. Um, do you believe you can determine a case did not have sufficient evidence without conducting a de novo review of the case?

TD: Chair, Council Members, I believe that is supported, uh, by our, um, by our legal findings is that we're basing that decision based on what's being presented to us with the evidence. We're not reinvestigating that case; that's what we can't do. We are saying that the evidence there does not support discipline.

BH: Okay and can you describe how the reckoning period is used in determining discipline for cases brought through the Internal Affairs division?

TD: To Chair, Council Members, yes, it's, um, we have a reckoning period which is about fairness in discipline based on the basic premise that if discipline is not timely, uh, it is not going to be fair. So for an A Level – A Level violation, which is going to be in the lowest level violation which is going to be like language, attitude, whatever – there is a 1-year period of reckoning from the time of that offense to get that done. That's something that's going to end up in a coaching mode or, uh, letter of warning or whatever. Uh, for B Level, it's a three-year period of reckoning. For a C Level, that's a five, five-year period of reckoning. For a D Level, it's a lifetime period of reckoning and D Level being the highest level. So, something that's been in our policy for a long, long time, something that's referenced in our contract, and something that, in a past-practice state, something that we need to honor. It's also about fairness. It's also about fairness in discipline and fairness in process.

BH: And – thank you chief – do you consider that a statute of limitations?

TD: To Chair, Council Members, that is not a – that is not a legal standard, it's not a statute, you know, in law you have statute of limitations. This is, this is about, um, labor, uh, labor policy.

BH: And do you believe the reckoning period applies to cases brought through the CRA?

TD: Uh, through the Chair, Council Members, it applies to me as far as discipline so it-it, uh, and since I'm the one that's in charge of making that decision on discipline, it applies to me in making that decision.

BH: Okay. And if you disagree with the CRA that a case they sustain constitutes a violation of MPD policy, what do you believe is the proper course of action?

TD: Through Chair, Council Members, I cannot... cannot change their, their decision in CRA. So I mean from your question, I don't tell them that this is not a violation. I tell them that I'm not going to discipline for this or that reason, or I am going to discipline and this is the decision, so um, I don't know if that answers your question.

BH: Well, I mean, it does. It-it tells me where you're coming from on it which I appreciate. Um, but the-the alternative to discipline provided the Chief under the ordinance is to make a one-time written request that the Review Authority reconsider the sustained finding and so how many times have you asked – since that was put in place – how many times have you asked the CRA, um, when you believed the case did not involve a violation of policy? How many times have you asked for that reconsideration?

TD: Uh, I don't have that number. I wasn't involved with-with it at that level, uh, so, um. Assistant Chief Lubinski handled those and she handled those conversations with, uh, CRA for the last several years. I could try to find out how often she brought those things in front of CRA.

BH: Okay. That would be helpful. I mean, I-I have information about that but it may not be accurate so, um, I would like to hear. When your disciplinary decision is to issue no discipline, what do you believe is the proper course of action? I mean, what do you – do you feel like there's anything you need to do in addition to just not issuing discipline?

TD: Uh, to council, Chair, if I think there's not discipline that's not warranted in a case, what else would you expect us to do?

BH: Um, for example, provide the CRA with the reasons.

TD: Uh, I believe we do do that. Like I said, it's not something, it's a communication that I have personally but I believe we do do – we do tell them what the outcome was, the final outcome as far as the discipline in a case from the MPD.

BH: Okay. And, um –.

TD: As a matter of fact I know we do that because I actually have a copy of a form which Scott gave me which actually lists the case and what those notes are.

BH: And what would you consider – so if you're, if you're giving the CRA valid reasons for not disciplining, what would you consider a valid reason for not disciplining a CRA case?

TD: Uh, to Chair, Council Members, I think that's been discussed. We talked about either the, the findings of the case do not support the findings of discipline, warrant discipline against the individual. Uh, might be for something that is not a policy violation, or not a violation of the law. Um, it might be a case where we're talking about a-a, an old case that's violating what I consider a fair period of reckoning. Um, and it could be just a subjective finding of fact that, uh, that I cannot support.

BH: Would you consider the age of the complaint a valid reason for not issuing discipline?

TD: Uh, to Chair, Council Members, if it's something that's where you're talking about a period of reckoning. If you've got a four-year-old case for a language violation, that's an A violation, that is something we have been very clear that it is not – if we issued a violation on that, um, it would go back four years, it would actually be removed from their file before we even put it in their file so it's-it's not something that... [INAUDIBLE].

BH: And would you consider the criminal history of the complainant a valid reason for not issuing discipline on a sustained CRA case?

TD: Uh, Chair, Council Members, I don't know where that would come into play. I mean it's, uh, a finding should be based on fact. The fact that the incident, not the backgrounds of the complainants or the employees. Those are things that are taken into consideration afterwards if you're looking at mitigating circumstances.

BH: Okay and do you believe the MPD has the responsibility to provide CRA investigators with requested video evidence in a timely manner?

TD: Uh, to Chair, Council Members, I think we have a responsibility to provide it in a timely manner, yes I do. So. I mean if they're asking us for anything: reports, video evidence, we do have a responsibility to get that to them in a timely manner.

BH: Um, and what do you believe the MPD's responsibility is to provide a response to a policy inquiry by the CRA through the Police Accountability Coordinating Committee process? If you recall that was established through the CRA work group.

TD: Uh, can you repeat that question?

BH: What do you think is the department's responsibility to provide a response to a policy inquiry, um, by the CRA through the Police Accountability Coordinating Committee process? In other words, if the CRA makes a policy inquiry, what do you think, um, the MPD's responsibility is to provide that information?

TD: Um, to the Chair, Council Members, I know that there was, were situations and I know that, uh, Sharon, Assistant Chief Lubinski did handle those inquiries. I saw copies of those responses to those inquiries. Um, and I know that she also was very aware of the process and used the process that was set up from that committee.

BH: And that question comes from an issue, um, where a request was made regarding the taser policy and a response wasn't received for quite some time and so I just wanted to see if that was a... um, part of the overall policy in thinking of the department regarding those kinds of requests.

TD: Not that I know of.

BH: Okay. Mr. Chair, I do have more questions, if that's alright. I don't see folks in queue. I know that I have a lot of them but this is an, uh, pretty big decision we are all being asked to make. I just have a couple questions about the Early Intervention System. Um, is it operative?

TD: Uh, Chair, Council Members it is not currently operative. It is something that we are, um, we were about ready to put out. We went back to supervisors and we had many, many complaints about what was going to be set out. Had further conversations with them as late – as recent as a few weeks ago. Um, they had some very good suggestions that we want to implement into that policy and maybe even get the support of the union in that, uh, in that process which I think is very important, because it hinges on their cooperation and their use of that system and those are being incorporated into a final draft.

BH: Okay. Um, I know it was a matter in the, in the safe cities resolution three years ago and the goal was to centralize data from a range of performance criteria that includes but is not limited to residential complaints. Does the planned EIS system do that?

TD: I have Scott, who could talk in detail about that process. I don't have that level of detail that I can answer you here and now. If you want, he could.

BH: Um, and it may be, the-the question, my understanding is that it's based on referrals only. Does that correspond with what you understand?

TD: No, that doesn't.

BH: Okay, so it may be that Deputy Chief Gerlicher might answer those questions in a, in a second. Uh... there's a squad car camera system and I know it's being transferred from video, uh, into digital. Did the department at any point change policy regarding squad, squad car camera videos and who was allowed to review them? I think we had a discussion at one point last year that the policy around that had changed and there were limitations on who could view the squad car video.

TD: Uh, Chair, Council Members there were actually two changes to the squad car video and, uh, for an interim piece of time there was a labor, uh, negotiated piece that was not, uh, finally approved by the City Attorney and was reversed back to a more general policy which was recommended by the City Attorney.

BH: Okay. And have you asked anyone in Internal Affairs to proactively review tapes to look for and alert you and other command staff to misconduct?

TD: Uh, Chair, Council Members, yes I have.

BH: And are there any sort of prescriptions or anything on that? I mean, what-what direction do folks have to do that?

TD: We have a – we had changed policy. If there's a, um, reported use of force or an injury then we've mandated that Internal Affairs review that tape.

BH: So that policy is reactive to reports as opposed to sort of randomly looking, checking through things or something like that?

TD: That's correct.

BH: Okay and so I guess my only other questions are about the Early Intervention System and it may be that D.C. Gerlicher is in a position to answer those.

Appendix E: MPD Administrative Announcement

MINNEAPOLIS POLICE DEPARTMENT
BY ORDER OF THE CHIEF OF POLICE



ADMINISTRATIVE ANNOUNCEMENT

DATE ISSUED: September 24th, 2009	DATE EFFECTIVE: October, 1 st , 2009	NUMBER: AA09-057	PAGE: 1 of 1
ISSUED BY: Deputy Chief Scott Gerlicher		ASSIGNMENT/LOCATION: Administration	
TO: All Units, Divisions and Precincts			RETENTION DATE: Until Rescinded
SUBJECT: Establishment of Discipline Matrix			APPROVED BY:

MP-3407

For the past year, the MPD has been working to establish a formal discipline matrix for the Department. The purpose of the discipline matrix is to clearly outline for all employees guidelines for discipline for specific types of policy violations and to aspire to issue discipline for sustained policy violations in a fair and consistent manner. During an audit of our Internal Affairs Unit late last year by the Police Executive Research Forum (PERF), it was recommended that the MPD establish such a matrix. Similar discipline matrix systems are in use in several major police departments across the country.

The MPD's discipline matrix was designed after months of work and input from all levels of MPD command staff, research into national standards and best practices from other law enforcement agencies, and input from PERF. The MPD also solicited input from the MPD Federation on several occasions without receiving a response.

It will be important that all MPD employees carefully read and understand the matrix. When doing so, please keep in mind the following:

- The matrix is meant to offer guidelines for disciplinary decisions. All final decisions on discipline rest with the Chief of Police.
- The matrix may be revised and changed based upon changing values of our organization moving forward.
- Regardless of past disciplinary practices, employees should be aware that the discipline matrix is now the new standard for discipline within the MPD.
- A -Violations (Coaching Documents) are not considered discipline and are not listed in the discipline matrix.
- Not all policy violations are listed in the discipline matrix.

Simultaneous to establishment of the discipline matrix, we will also be formalizing in writing what has been our practice in recent years to offer more clarification to employees on cases that may be sustained after lengthy investigations either from CRA or IAU. Specifically, **the MPD will not impose discipline for infractions which are determined to be SUSTAINED beyond the reckoning period for that violation as defined by the MPD in the complaint process manual and policy and procedure manual.** In essence, we have created a statute of limitations for imposition of discipline on sustained cases which is consistent with the established reckoning period for that policy violation. The reckoning periods are as follows:

A- Violation- One year (non-disciplinary)

B- Violation- Three years

C- Violation- Five years

D- Violation- remains in effect while employee remains with the Police Department

We hope that this assures that any discipline that is imposed as a result of a policy violation is done so in a timely manner so as to be corrective in nature.

The new discipline matrix and narrative description is attached and will also be posted on the MPD Net. I encourage you all to review the documents carefully.

The MPD Discipline Matrix will be effective October 1st, 2009.

Appendix F: Listing of Additional Resources

CRA Web Site:

<http://www.ci.minneapolis.mn.us/cra/>

2009 CRA Annual Report available online at:

<http://www.ci.minneapolis.mn.us/cra/docs/2009-Annual-Report043010.pdf>

2010 CRA Semi-Annual Report available online at:

http://www.ci.minneapolis.mn.us/cra/docs/2010_1st&2nd_qtr_stats_8-18-10.pdf

Minneapolis Civil Rights Department Results Minneapolis Report, September 21, 2010 available online at:

<http://www.ci.minneapolis.mn.us/results-oriented-minneapolis/docs/civilrights-results.pdf> (pp. 11-16)

2009 CRA Participation in Performance Review of MPD Chief Dolan available online at:

http://www.ci.minneapolis.mn.us/cra/docs/CRA-Board_Chief-Dolan_review_2009.pdf

Monthly statistical summaries are available as part of CRA Board meeting minutes, available online at:

<http://www.ci.minneapolis.mn.us/cra/meeting-minutes.asp>

CRA Working Group Final Report available online at:

http://www.ci.minneapolis.mn.us/cra/docs/CRA_WorkingGroupReport.pdf

PERF Audit of MPD Internal Affairs, December 2008, available online at:

<http://www.ci.minneapolis.mn.us/council/2009-meetings/20090123/docs/Internal-Affairs-Rpt.pdf>

2008 MPD Internal Affairs Unit Annual Report available online at:

<http://www.ci.minneapolis.mn.us/police/about/docs/IADAnnualReport2008.pdf> (most recent available)