

Minneapolis
City of Lakes

CIVILIAN POLICE REVIEW AUTHORITY

ANNUAL REPORT

2009

Serving civilians and police officers with honesty and integrity



Report prepared by
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CRA Manager



**CIVILIAN POLICE
REVIEW AUTHORITY**

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Dear Mayor and City Council Members,

The year 2009 was a busy and challenging one for the Minneapolis Civilian Police Review Authority. We had a number of resignations, one term expiration, policy changes and our continuing and challenging effort to be an important and integral partner in the city's police accountability effort.

All of this culminated with a record number of successfully mediated complaints. All year 2007 complaints were closed and there was a caseload reduction in year 2008. In 2009, the CRA completed the first ever review of the performance review of the Police Chief.

This annual report provides statistics and information that illustrates the crucial role that the Minneapolis Civilian Police Review Authority plays for the development of a better understanding between the residents of Minneapolis and its Police Department.

The six recommendations contained in this report, if adopted, will strengthen the relationship between the CRA, the Minneapolis Police Department and the residents of Minneapolis. The recommendations will lay a foundation and foster a better relationship between the residents of Minneapolis and the Police Department. They will assure transparency and assure citizens that their police complaints have been thoroughly investigated, seriously evaluated, and impartially considered.

The work and progress has been accomplished through the unwavering commitment of the CRA staff and Board members who have dedicated themselves to fairly investigate and adjudicate the complaints. Our highest priority has always been to treat parties without bias and in the most respectful manner.

I am proud of the work that the CRA staff and Board members have done to provide the residents of Minneapolis efficient and effective police oversight. I also look forward to continuing our work with the Minneapolis Police Department in the pursuit of fostering better relations with the Board and citizenry.

Sincerely,

A handwritten signature in black ink that reads "Donald L. Bellfield".

Donald L. Bellfield
Chair



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Minneapolis Civilian Police Review Authority Mission Statement

Adopted May 4, 2005

The Minneapolis Civilian Police Review Authority Board 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 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.

Executive Summary

In 2009, the CRA continued to be an important and integral partner in the City of Minneapolis' police accountability effort. The year ended on a high note with a record number of successfully mediated complaints. Investigators closed all year 2007 complaints and reduced the year 2008 complaints to below 23 percent of the caseload. The CRA handled 468 initial complaints, which represented a 20 percent increase in the number of initial complaints received in 2008. In addition, complaints sent to civilians for signature rose by 40 percent, while signed complaints increased by 68 percent.

The CRA Board completed the first ever review of a Minneapolis Chief of Police performance as it related to the CRA ordinance. The board determined that the Chief had not fully complied with the CRA ordinance during the review period. The board also held 52 hearings and, by the end of the year, completed 50 of the 52 hearing determinations.

Despite the highlights, 2009 proved to be another challenging year for the CRA. First, while the Chief increased his rate of discipline from 0 percent in 2008 to 13 percent in 2009, the Chief's discipline rate on CRA complaints remained well below the 2006 rate of 51 percent and far below City Council's 2006 Resolution requiring the CRA and MPD to reach the shared goal of 100 percent discipline rate on CRA complaints. Second, the most notable change in the MPD's handling of CRA sustained complaints involved the establishment of a policy to not discipline on sustained CRA complaints that the MPD deemed to "too old" to impose discipline against an officer, also referred to as the expiration of the "reckoning period." Third, the Chief failed to use his reconsideration option as an opportunity to resolve sustained complaints where discipline was denied because the MPD believed the evidence was insufficient to support discipline or disagreed with the facts. On a positive note, the Chief reduced the number of days to deliver a disciplinary decision from 195 days in 2008 to 66 days in 2009.

In light of these issues, the CRA strongly recommends the addition of an investigator and a paid mediator, the discontinuance of the "statute of limitations" on sustained CRA complaints, the use of the Chief's reconsideration option, and balanced assessments of the internal and external misconduct complaints.

Introduction

This report provides the Minneapolis Civilian Police Review Authority's (CRA) 2009 police misconduct data to the public and the City of Minneapolis' policy makers. The report will present notable changes in misconduct complaints against Minneapolis police officers, the Minneapolis Police Chief's handling of sustained civilian complaints of police misconduct, the challenges facing the CRA, and CRA recommendations for policy makers' consideration.

The CRA serves a positive and important function for the City of Minneapolis. Complaint filings against Minneapolis police officers present an opportunity for the MPD to examine its practices, training, and policies. Complaints also provide feedback to the MPD on how officers' actions are being viewed by the public, independent of the Minneapolis Police Department (MPD) Internal Affairs Unit (IAU).

In addition to providing information and statistics, this report will answer questions that many citizens and policy makers have asked concerning the CRA operation, such as: why the complaint process takes so long; who is affected by police misconduct and why; and how can civilian police oversight work better in Minneapolis.

The report is divided into five sections. The first section discusses the CRA agency. The second section highlights the most requested CRA data. The third section discusses the Chief's discipline. The fourth section discusses the most significant challenges that faced the CRA in 2009. The fifth section provides recommendations for the improvement of the CRA operation.

Section I: The Agency

The CRA is an investigative unit of the Minneapolis Department of Civil Rights. The CRA is committed to providing civilians and officers professional service that is thorough and impartial in its investigations and adjudications. In 2009, the CRA continued to support the city's goals and strategic directions of "A Safe Place to Call Home" and "One Minneapolis." The CRA demonstrated its support of the goals by bringing civilians and officers together to resolve conflicts through the mediation program, conducting fair and

impartial investigations and hearings on civilian complaints, and engaging the community through community education. Through those activities, the CRA advised civilians of their rights, cleared officers of unsubstantiated complaint allegations, sought reconciliation between community members and police officers, and held officers accountable for their misconduct actions.

Often individuals who come to the CRA come after a personally disturbing encounter with a Minneapolis police officer that did not go as well as the civilian expected. Many of these individuals come from the same areas and are of the same race or ethnic group. Moreover, many of these individuals do not have the means or connections to hire an attorney or to speak directly with the officer's supervisors or elected officials, as they would like. Nevertheless, they seek someone in an official city capacity who will listen to their concerns, evaluate their concerns, and provide fair and just conclusions. The CRA is instrumental in making the city "one Minneapolis" where even those who are concerned about mistreatment by the police can call Minneapolis "a safe place to call home."

CRA Jurisdiction

The CRA is an investigative authority, independent of the police department, established by Section 172 of the Minneapolis Code of Ordinances. The ordinance states that the CRA was created "for the purpose of investigating allegations of misconduct on the part of officers of the Minneapolis Police Department and making findings of fact and conclusions based on those findings of fact."

The CRA accepts allegations including, but not limited to, the following:

- (1) excessive force,
- (2) discrimination,
- (3) harassment,
- (4) inappropriate conduct,
- (4) inappropriate language,
- (5) retaliation,
- (6) theft,
- (7) failure to provide adequate or timely police protection, and

(8) any MPD policy or procedure violation.

While the unit conducts investigations independently of the Minneapolis Police Department, the CRA ordinance requires the MPD to comply with CRA investigations. The MPD's compliance with the CRA investigations is critical to the efficient operation of the CRA. Compliance with investigations includes providing MPD records, videos, officer appearances upon requests.

It should be noted that the CRA and the MPD have continued to make steady progress in relationship building. This is evident by the CRA's continued participation in the MPD's Citizen Academy and Recruit Training and stronger and clearer lines of communication between the MPD and CRA. However, the CRA and MPD still differ on the issue of the discipline rate on CRA complaints.

CRA Composition

The CRA comprises a city staff and civilian board. City staff consists of a manager who must be a licensed attorney, two investigators who cannot be former MPD officers, a program assistant, and a transcriptionist. The staff's primary responsibilities are receiving and investigating complaints, conducting community outreach, facilitating mediations, participating in policy recommendations, staffing board meetings and complaint hearings, and responding to data requests.

The board consists of 11 board members appointed by the Mayor and the City Council to four-year terms. Members must be residents of Minneapolis and cannot be current or former employees of the MPD. Board members are responsible for conducting hearings and making adjudications on complaints, making policy recommendations to the MPD, holding monthly public meetings, and participating in community outreach. The CRA Board is not involved in management decisions or daily operation matters. The City Attorney's office provides the board legal advice, board member training, and assistance with drafting administrative rules, as needed.

CRA Process

The CRA investigative process involves eight steps.

1. Initial Complaint By Civilian

Civilian contacts the CRA by phone, mail, walk-in, or online complaint.

2. Preliminary investigation

Staff gathers initial evidence and statements.

3. Complaint sent for signature

Initial evidence supports drafting of a complaint for the civilian's signature.

4. Complaint returned signed

Civilian returns signed complaint, which authorizes the CRA to take official action. If complaint is not returned, no further CRA action. CRA forwards a notice of the complaint to the MPD Chief of Police and the subject officer.

5. Investigation or Mediation

Investigation – Investigators gather additional information and take complainant, officer, and witness statements. Investigators prepare a summary and recommendation. Manager reviews and sets for Panel Hearing.

Mediation – Manager reviews all complaints for mediation qualification. If selected for mediation, officer and civilian must participate. If resolved, complaint closed.

6. Hearing held

Three-member panel conducts hearing. Officer and complainant requested to attend.

7. Hearing Decision

Hearing Panel determines Findings of Fact and Conclusions – sustain, not sustain, or dismiss. Sustained complaints sent to the Chief for a disciplinary decision.

8. Chief's Discipline Decision

Discipline
No Discipline
Reconsideration

Section II: 2009 Selected Complaint Data

In 2009, crime in Minneapolis decreased significantly. There is no doubt the decreases in the crime rate are the result of the hard work that the MPD and the community have done to reduce criminal activity. While the MPD should be acknowledged for its work in reducing the city's crime rate, during the same period, the CRA received more initial complaints and signed complaints of police misconduct than in any other year since 2003 and 2004, respectively.

When crime rates decrease and misconduct allegations increase during the same period, arguments have been made that the misconduct allegations are a byproduct of effective policing. However, the 2009 CRA data does not indicate a strong correlation between the types of and number of misconduct allegations received against MPD officers and the decrease in the number of Part I offenses of the Uniform Crime Reporting (UCR) crimes in 2009. Misconduct allegations received in the CRA office are not typically associated with Part I crimes, such as, Criminal Homicide, Forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny Theft, Motor Vehicle Theft and Arson. Most of the misconduct allegations arise from MPD actions related to proactive enforcement and the maintenance of community standards of order. The overwhelming majority of CRA complaints received against MPD officers involves Part II UCR offenses; for example, assaults, narcotics, DWI, disorderly, trespassing, domestic violence, traffic violations, and local ordinance violations. This is important because it shows that many of the individuals who file complaints with the CRA are not the hardened criminals that some individuals might believe get what they deserve.

The CRA collects data related to civilian complaints in several categories. This data allows the CRA to maintain a record of police officer actions as they relate to civilians' expectations of appropriate police conduct. While this data is being presented as an annual compilation of data, the data is present in many documents and reports created throughout the year. This section will discuss the following six categories of data:

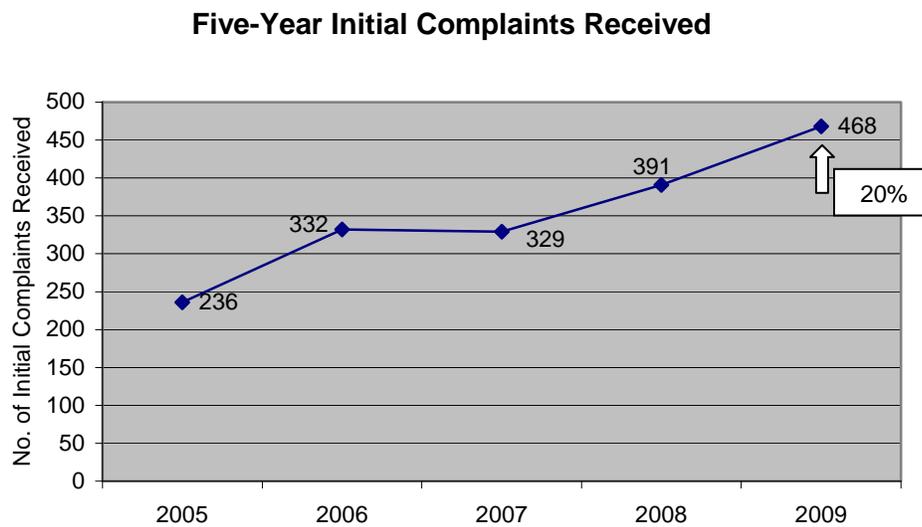
1. Initial Complaints
2. Complaints sent for Civilian Signature
3. Signed Complaints Received

- 4. Complaint Allegations
- 5. Race
- 6. Location of Complaints

The below charts highlight data that civilians and policy makers most often request. See Appendix A for complete 2009 complaint data.

1. Initial Complaints

Chart 1

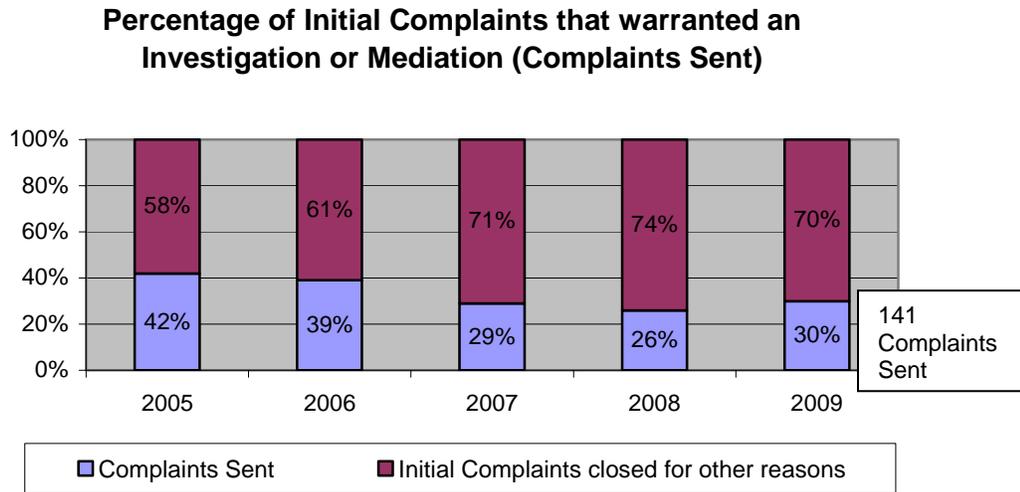


Initial complaints are important because they represent civilians who believed that a Minneapolis police officer behaved in a manner that was inconsistent with what the civilian expected from an officer. However, this number does not indicate that the officers involved in the initial complaints acted in a way inconsistent with MPD policies or state and federal constitutional protections.

It should be noted that increases in initial complaints directly affect the timeliness of ongoing complaint investigations. Each initial complaint requires a preliminary investigation to determine how the initial complaint should be handled. Initial complaints are closed as one of the following: complaint drafted and sent, referred, no basis, or advised. In 2009, twenty-five percent of the initial complaints filed became signed complaints.

2. Complaints Sent for Civilian Signature

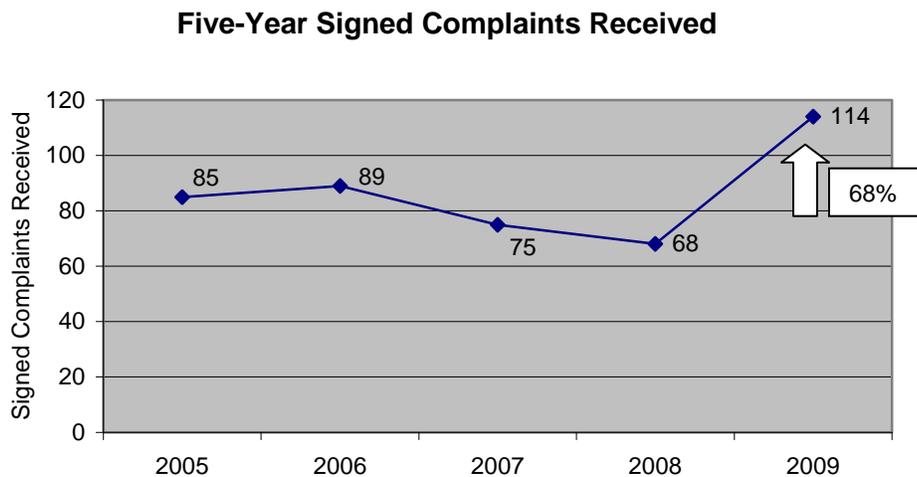
Chart 2



The chart above illustrates the percentage of initial complaints that, after a preliminary investigation, a CRA investigator believed involved officer actions that warranted a formal complaint be drafted and sent for the civilian's signature. From 2008 to 2009, Complaints Sent increased by 40 percent, from 101 to 141. Once the complaint is returned, the CRA can begin official action.

3. Signed Complaints Received

Chart 3



A signed complaint authorizes the CRA to conduct an investigation or schedule mediation. The 68 percent increase in signed complaints may signal that officer misconduct increased during 2009. Several factors that may have contributed to the increase include a lack of meaningful discipline on civilian complaints, increase in civilian frustration regarding officers' actions, more police contact with civilians related to increased law enforcement activities, increased awareness of the CRA, and training issues. It should be noted that, in examining the 2009 complaints for the 2009 Semi Annual report, the CRA noticed an increase in the number of complaints received by new officers. At the end of 2009, complaints against new officers had more than doubled, increasing by 142 percent from the 19 complaints received in 2008. The increase in complaints against new officers may be attributed to new officers settling into the MPD culture, training issues, decrease in appropriate supervisory involvement during field training, and a lack of meaningful discipline and correction.

4. Complaint Allegations

Each complaint contains at least one allegation of misconduct. Complaints containing multiple allegations remained constant with 2008 at 77 percent. The percentages of inappropriate conduct, inappropriate language, and excessive force of the total allegations received in 2009 increased as compared to their respective percentages of the 2008 allegation totals.

Inappropriate conduct allegations typically involve allegations of search and seizure violations, abuse of officer discretion or judgment, and disrespectful and rude behavior.

Inappropriate language allegations typically involve the use of language that contains swearing, racial, or derogatory terms.

Excessive force allegations have long been a concern of the public and policy makers because of the injuries sustained and because of the potential for excessive force actions to result in lawsuits and settlements. In recent years, CRA excessive force allegations have included face and head lacerations, fractured ribs, knocked out or broken teeth, contusions, bruising and swelling. Because users of the CRA data often request excessive force data as it relates to race, precinct, and ward, the excessive

force allegations will be discussed under those individual categories. The following table provides the breakdown of the 2009 complaint allegations.

Table 1

2009 Complaint Allegations		
Allegations	Number	Percent
Inappropriate Conduct	145	31%
Inappropriate Language	142	31%
Excessive Force	113	24%
Harassment	45	10%
Failure to Provide Service	15	3%
Retaliation	3	1%
Failure to Report	2	0%
Theft	1	0%
Discrimination	0	0%

5. Race

Police officer misconduct has the potential to affect civilians regardless of class or station. Individuals from many different economic, racial, gender, age, and sexual orientation categories have contacted the CRA to express concerns about police officer actions. Race, age, and gender are the major categories that the CRA tracks; however, the race of the individuals is the primary category that the public has expressed the most concern. Concerns of the race of the complainants and victims are rooted in the history of the MPD's relationship with minority communities and the creation of the CRA.

In 2009, blacks continued to file more complaints of police misconduct than any other racial group. The number of blacks filing complaints doubled from 2008 to 2009. Complaints by blacks accounted for the majority (74%) of the increase in 2009 complaints. See Appendix A. As the chart and table on the next page show, there may be some support for the concerns raised by some activists that blacks are more likely to experience police misconduct from Minneapolis police officers than other racial groups. However, the CRA acknowledges that other racial groups have continued to express a hesitancy to report misconduct to the agency. The CRA will continue to build awareness and trust with those underserved communities.

Chart 4

Race of Complainants and Victims

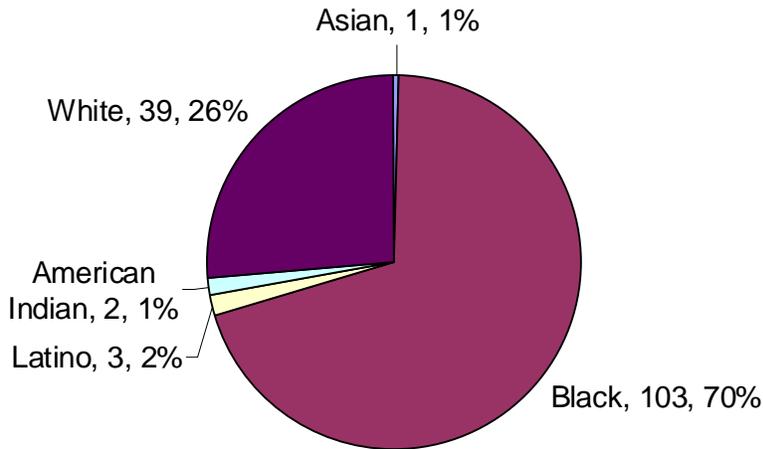


Table 2

Complainants and Victims Change Breakdown from 2008 through 2009		
Race	Number Change	Percent Change
Black	+52	102%
White	+18	85%
Latino	-2	-40%
Unknown	-2	-100%
American Indian	0	0
Asian	0	0

As the table shows, white complainants and victims increased by 18, which was an 85 percent increase. White complainants and victims have not been above 39 since 2004 when there were 59 white complainants and victims.

The table also shows that black complainants and victims increased by 52, which was a 102 percent increase. The last time black complainants and victims was above 102 was in 2003 with 105. The large number of blacks filing complaints against Minneapolis police officers could be related to a number of factors, such as increased police contact in areas with high black populations, attitudes and beliefs of some officers and some blacks, and differences in officer behavior when dealing with blacks as opposed to other racial groups. Unfortunately, without the resources to determine the reasons for the

historical differences between the number and percentages of black complaint filings relative to the percentage of the black population of Minneapolis as compared to the number of complaints filed by other races, it is reasonable to conclude that blacks will continue to file a disproportionate number of police misconduct complaints. While the CRA statistics may not directly indicate discrimination as an expressed concern, the disproportionate number of blacks filing complaints of police misconduct tends to add strength to the concerns of discriminatory treatment expressed by some community members.¹

As the data below shows, the majority of complaints from blacks come from the Third and Fourth Precincts and the Fifth and Seventh Wards. It should be noted that the Third and Fourth Precincts and the Fifth Ward have higher black populations, which may explain the higher number of complaints from blacks in those areas. While on the other hand, the majority of the complaints from blacks in the Seventh Ward (which encompasses the downtown business and entertainment district) are related to blacks who have come downtown to enjoy the amenities. Below is a breakdown of complaint filings by blacks or involving a black victim by precinct and ward.

Table 3

2009 – By Precinct					
Precinct	1	2	3	4	5
Complaint Total	28	8	31	37	7
Blacks	16	5	23	27	3
Other Races	12	3	8	10	4

Table 4

2009 – By Ward			
Ward	Complaint Total	Blacks	Other Races
1	2	2	0
2	6	3	3
3	10	7	3
4	11	9	2
5	18	13	5
6	11	10	1
7	29	16	13

¹ It should be noted that the city of Minneapolis Department of Civil Rights investigates complaints alleging officer misconduct based on race. Civilians may file with the CRA and the Civil Rights Department.

8	5	5	0
9	14	9	5
10	2	0	2
11	1	0	1
12	2	0	2
13	0	0	0

Excessive Force Allegations by Race

Since 2005, blacks have filed 80 percent of the excessive force allegations. As stated earlier, the reason behind the high percentage of excessive force allegations filed by blacks may be related to a combination of the officers' different attitudes when engaging civilians and the actions and behaviors that civilians display during police encounters.

Table 5

Excessive Force Allegations by Race for 2005 – 2009					
	2005	2006	2007	2008	2009
Black	57	54	71	37	92
White	12	3	10	7	18
Latino	6	1	1	1	2
American Indian	5	2	0	1	1
Unknown	1	2	0	1	0
Asian	0	0	0	0	0
Total	81	62	82	47	113

6. Location of Complaints

Precinct

The Fourth Precinct has historically had a high number of complaints relative to the other precincts. After a 33 percent dip in misconduct complaints in 2008, complaints from the Fourth Precinct increased by 17 to 37 complaints, which represented the most complaints since 1997, when the Fourth Precinct had 39 complaints. The Third Precinct also recognized an increase in the number of complaints. Complaints from the Third Precinct are back up near the 2004 level. The Third and Fourth Precincts accounted for 60 percent of the 2009 complaints.

It should be noted that 56 percent of the excessive force allegations came from the Fourth Precinct. The charts below show the number of complaints received from each precinct and the number of excessive force allegations from each precinct.

Chart 5

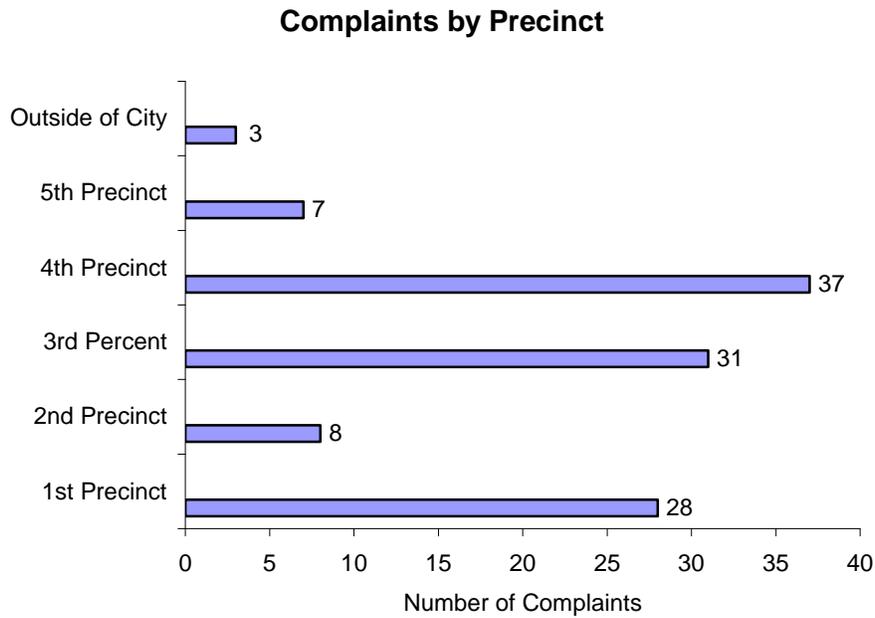
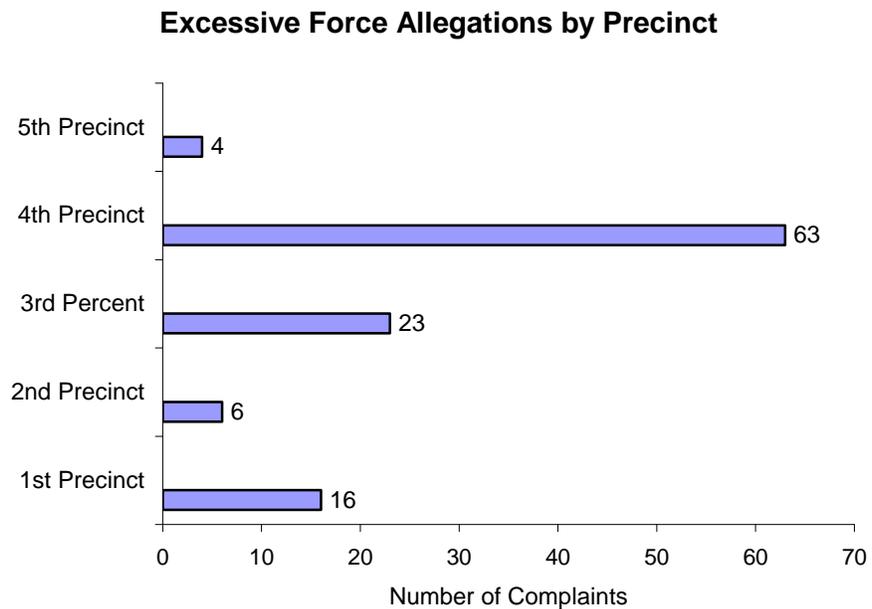


Chart 6



It should be noted that some complaints contained multiple excessive force allegations. For example, the Fourth Precinct had 37 complaints that contained 63 excessive force allegations.

Ward

The distribution of ward complaint filings remained consistent with previous years' filings, with a few notable exceptions. Ward 7 complaint increases have been steady since 2004. This year, however, Ward 7 received its largest increase of nine complaints. A surprising increase occurred in Ward 9 complaints, which recognized an increase of 11 complaints. Historically, Ward 9 received very few complaints. Lastly, in Ward 5, complaints increased after a two-year low. See Appendix A.

Despite receiving only 10 percent of year 2009 complaints, Ward 4 accounted for 30 percent of the 2009 excessive force allegations. While in contrast, Ward 7, which received 25 percent of year 2009 complaints, only received 13 percent of the excessive force allegations. The difference between the percentage of excessive force allegations and the percentage of total complaints among the different wards will require closer study to explain why excessive force allegations are higher in certain wards of the city. Possible reasons may be civilian and officers' individual actions and attitudes, seriousness of the criminal activity, or the responsiveness of the MPD supervision, or a combination of the three occurring in the different wards

The charts on the next page show the number of complaints received from each ward and the number of excessive force allegations from each ward. As stated above, it should be noted that some complaints contained multiple excessive force allegations. For example, the Fourth Ward had 11 complaints that contained 34 excessive force allegations.

Chart 7

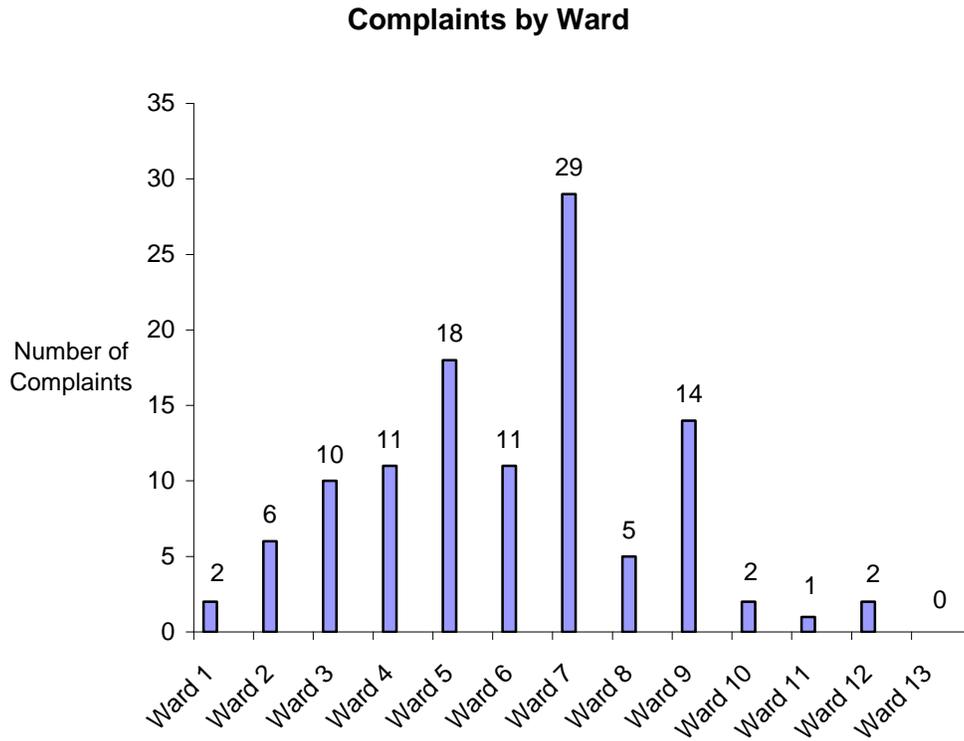
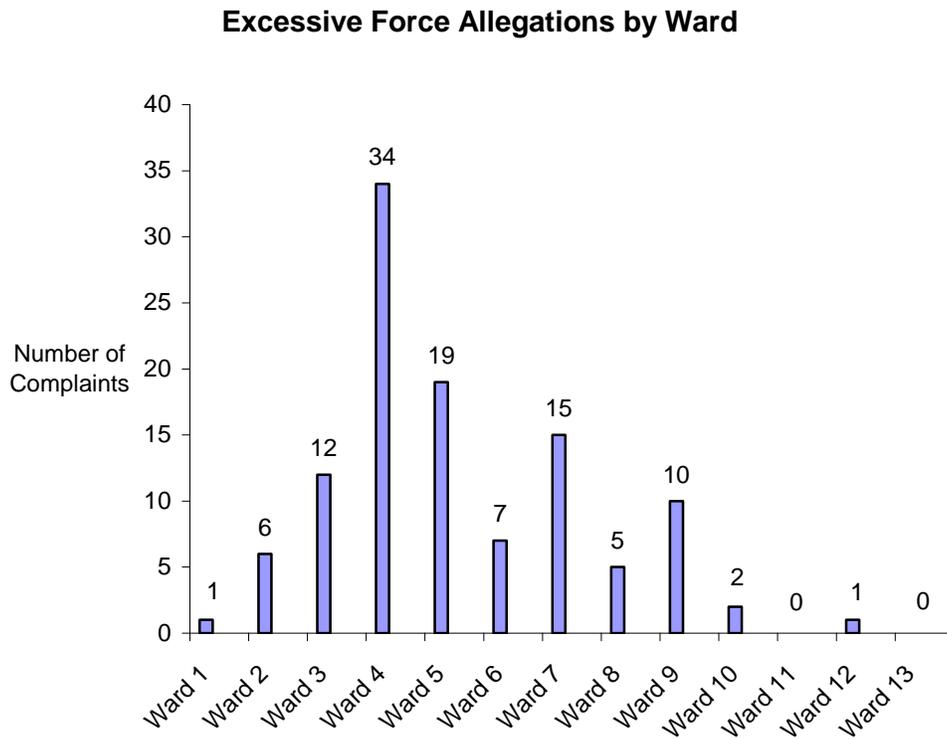


Chart 8

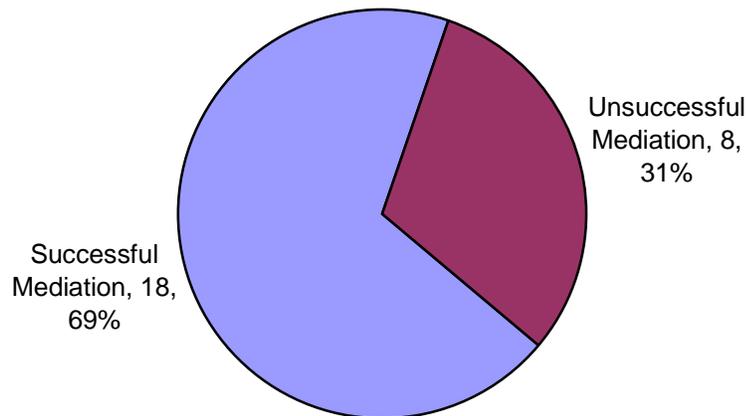


Mediations

Mediation is an opportunity for officers and civilians to meet to discuss issues that arose out of an officer/civilian encounter. CRA mediations are mandatory as required by ordinance. Once a complaint has been referred to mediation, the officer and the civilian must participate in good faith. Some officers and some civilians expressed concern about mandatory participation in mediation. Civilian concerns were typically centered on having to take time out of their schedules to meet with officers who had already cost the civilians their time, money, or dignity. Officers typically expressed that they did not do anything wrong and want a full investigation to prove it or that the civilians are being untruthful in their versions of the incident; therefore, mediation would be a waste of time. However, as the chart below shows the majority of the mediations held in 2009 were successful. The pie chart below illustrates the 2009 mediation success rate.

Chart 9

2009 Mediations



The high note of 2009 was that the CRA successfully mediated 18 complaints, which set a record for the highest number of complaints mediated in a year. Those 18 complaints represented 16 percent of the 2009 signed complaints.

Mediation is a positive step toward fostering positive relationships between officers and civilians. For officers and civilians involved in successful mediations, mediation allowed the parties to resolve their concerns quicker and with a mutually acceptable resolution.

The CRA referred 39 complaints to mediation in 2009, which represented the highest number of complaints referred to mediation since the agency began. Of the 39 complaints referred to mediation, six were not scheduled for mediation because the complaint was withdrawn or the complainant did not wish to participate in mediation; therefore, the complaint was dismissed.

Board Work

The CRA Board offers civilians the ability to be intimately involved in the City's efforts to ensure police accountability. Board members have the opportunity to participate in aspects of police policy recommendations and the police disciplinary process, which are typically closed to civilians and policy makers. One of the most important aspects of the board's activities is conducting hearings on civilian complaints.

The board was fully active and engaged in CRA work during 2009. The board completed an evaluation of the Chief's performance as it related to the Chief's duties under the CRA ordinance. The board made a policy recommendation involving the use of conducted energy devices (commonly referred to as Tasers®). Additionally, the board conducted 52 panel hearings and completed 98 percent of the determinations associated with the hearings.

The board's evaluation of the Chief was the first time the CRA Board had ever completed an evaluation of a MPD Chief.² The evaluation covered the Chief's actions from 2008 through the first three quarters of 2009. The board determined that the Chief's performance was unsatisfactory during the period under review and undermined the purpose and intent of the CRA. The unsatisfactory rating was mostly attributed to the Chief's high percentage of no discipline decisions on sustained complaints.

² http://www.ci.minneapolis.mn.us/cra/docs/CRA-Board_Chief-Dolan_review_2009.pdf

The board's policy recommendation requested the MPD to revert to its original 2006 conducted energy devices policy. In 2007, the MPD removed several items related to the use of Tasers® from its Use of Conducted Energy Devices (CED) policy and amended the policy to include that the use of Tasers® shall be consistent with current MPD training. See Appendix B. The board expressed concern that the removal of those items reduced transparency of the authorized use of the Tasers® and hindered the board's ability to have reliable standards for adjudications. The board submitted several inquiries and data requests to the MPD related to the 2007 change in policy. Despite the board's efforts, the MPD declined to revert to the 2006 policy. The board's work related to the policy recommendation and additional follow-up on the rejected recommendation were hampered several times due to MPD delays in providing information to the board.

In addition to the board's work on the CED policy and the Chief's performance evaluations, the board fully or partially sustained 29 percent of the 52 complaints heard in 2009. Sustained complaints are sent to the Chief for a discipline decision. The charts below provide a breakdown of the board's 2009 complaint determinations.

Board Hearings

Chart 10

Hearing Panel Determinations

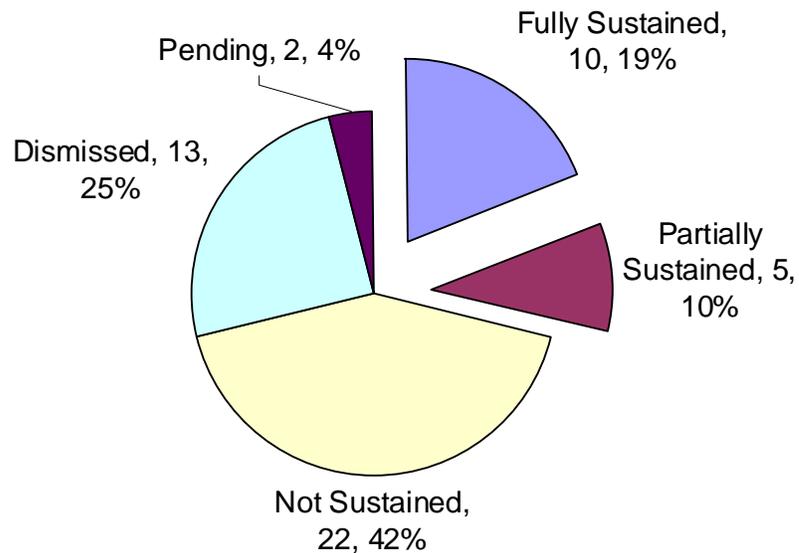
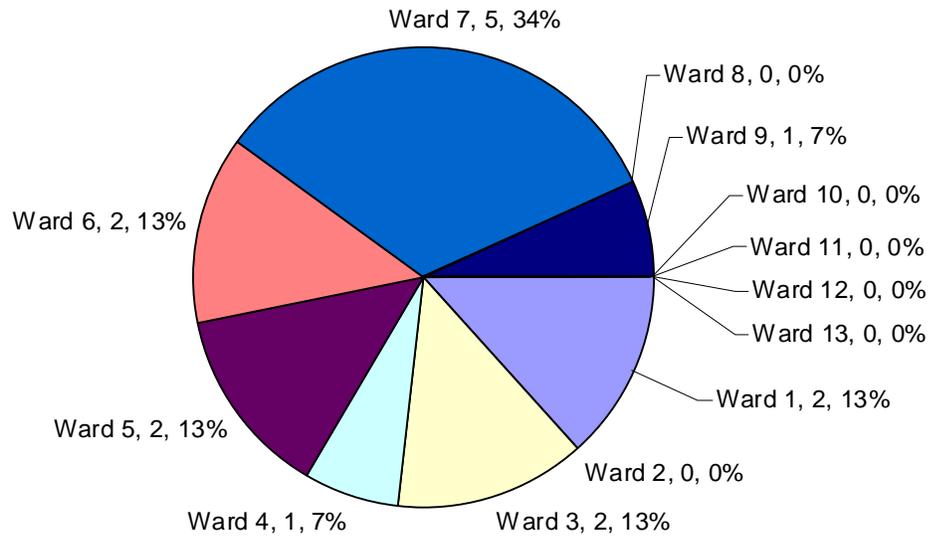


Chart 11

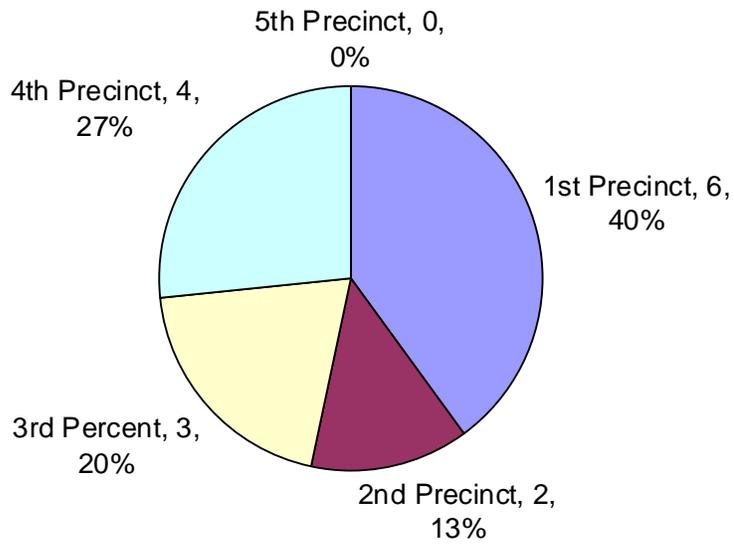
Sustained Complaints by Ward



Ward, Number of Complaints, Percent of Total Complaints

Chart 12

Sustained Complaints by Precinct



Section III: Chief's Discipline Decisions

The CRA function involves two distinct and separate processes – the CRA process (investigations and adjudications) and the MPD process (Chief's disciplinary actions on the sustained CRA complaints). The Minneapolis Police Chief has sole disciplinary discretion with regard to the discipline of MPD officers, as per the City Charter. Section 172.130 (a) of the Minneapolis Code of Ordinances provides that “the Chief's disciplinary decision shall be based on the adjudicated facts as determined by the civilian review authority board...” The Chief is only accountable to the Mayor of Minneapolis for his handling of civilian complaints. However, the city's policy makers may exert some influence on the Chief's ability to discipline through budget considerations, particularly, funding of the units responsible for investigating police misconduct – the CRA and the MPD IAU.

The Chief increased his discipline on CRA sustained complaints from zero percent in 2008 to 13 percent in 2009. However, it is very likely that the MPD would have disciplined more, but for the MPD's creation of a new barrier to discipline. In March 2009, the MPD expanded the application of the reckoning period to include a “statute of limitations” as a reason to not discipline officers who received sustained complaints beyond the MPD created reckoning period. In the past, the MPD had never used the age of a timely filed complaint to deny discipline on a current sustained complaint.

Prior to 2009, the MPD Complaint Process Manual defined the reckoning period as “the period of time in which a previous infraction may be considered for increasing discipline in a current disciplinary action.” The reckoning period begins with the date of the incident and has four categories: one year, three years, five years, and indefinitely. The reckoning period is assigned by the MPD and is a part of the MPD's progressive discipline model. Eight (30%) complaints were denied discipline because of the age of complaint. For more discussion on the “statute of limitations” on the imposition of discipline, see the Challenges section.

During 2009, the MPD continued to use insufficient evidence and disagreement with the evidence as a reason for not imposing corrective action on officers who received

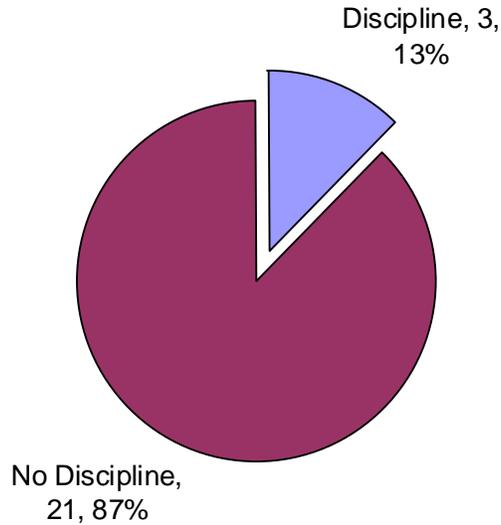
sustained complaints. The CRA strenuously disagrees with these excuses for not disciplining on CRA complaints.

Each sustained allegation that requires the Chief's disciplinary decision has been through three layers of the CRA process – first, CRA investigators (investigation), second, CRA Manager (review), and third, CRA Board (adjudication). CRA investigators possess the necessary experience and training to analyze officers' actions and determine whether the officers' actions are consistent with constitutional and case law and MPD policy. CRA investigators are former police officers: one is a retired police officer; the other is a former police sergeant. Both have received current training on investigative skills and techniques. The CRA manager is a licensed attorney with practical experience in administrative and criminal law. The CRA Board receives use of force training from the MPD and exposure to the MPD policy.

As the CRA data indicates, only 23 percent of the allegations heard by the CRA Board were sustained. That percentage does not include allegations contained in initial complaints, mediated complaints, or dismissed complaints. The MPD has never asserted that a not sustained complaint, which are the majority of the complaints, had insufficient evidence or that they disagreed with the facts of the complaint; and therefore, the complaint should have been sustained. Additionally, the Chief has never used his insufficient evidence or dispute with facts assessment as an opportunity to send the complaint back to the CRA for reconsideration to address the concerns raised during his review of the sustained complaint. The chart below shows the percentage of the Chief's discipline on sustained CRA complaints.

Chart 13

Chief’s 2009 Disciplinary Decisions on Sustained CRA Complaints



Chief’s Disciplinary Decisions on Individual Complaints

The table below shows the Chief’s 2009 disciplinary decisions on individual complaints. As the table shows, the MPD denied discipline on eight complaints because of the reckoning period. Another six were denied discipline because the MPD disputed the adjudicated facts.

Table 6

2009 Complaints	Chief’s 2009 Disciplinary Decisions on Individual Complaints
File 1	Discipline – Oral Reprimands
File 2	No Discipline – Insufficient Evidence
File 3	No Discipline – Reckoning Period
File 4	No Discipline – Reckoning Period
File 5	No Discipline – Insufficient Evidence, Reckoning Period, Dispute with Facts
File 6	No Discipline – Insufficient Evidence
File 7	No Discipline – Reckoning Period
File 8	No Discipline – Reckoning Period
File 9	No Discipline – Insufficient Evidence
File 10	No Discipline – No Reason Provided
File 11	No Discipline – No Reason Provided
File 12	Discipline – Letter of Reprimand
File 13	No Discipline – Dispute with Facts
File 14	No Discipline – Dispute with Facts

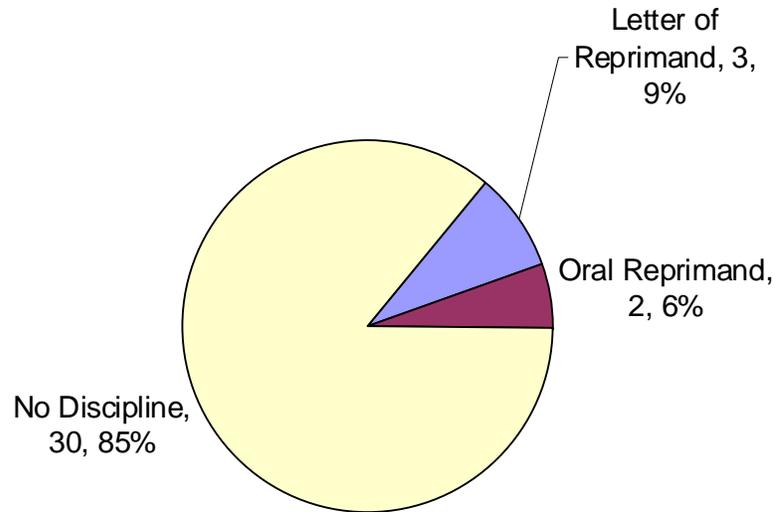
File 15	No Discipline – Dispute with Facts
File 16	No Discipline – Coaching
File 17	No Discipline – Dispute with Facts
File 18	No Discipline – Dispute with Facts
File 19	No Discipline – Reckoning Period
File 20	Discipline – Letters of Reprimand
File 21	No Discipline – Discipline removed – Settlement
File 22	No Discipline – Reckoning Period
File 23	No Discipline – Dispute with Facts
File 24	No Discipline – Reckoning Period, Dispute with Facts

Chief’s Disciplinary Decisions on Individual Officers

The discipline of a Minneapolis police officer is a very serious matter. Because of the existence of the police officers’ union and the processes that it has bargained for, disciplined officers are often able to have discipline reduced or removed. Whenever an officer receives discipline, the officer has grievance rights under the employment contract that would allow the police union and the MPD to reduce or remove the discipline through negotiation or arbitration. The CRA recognizes that the police union has adopted a zealous and steadfast rule to grieve nearly every decision based on a sustained CRA complaint that imposes discipline on an MPD officer. While the CRA acknowledges the police union’s duty to protect its members, it appears that without the MPD administration’s strong adherence to discipline, this tactic poses a significant hindrance on the corrective and preventive influence of discipline. For example, the police union and the MPD negotiated to reduce a 20-hour discipline without pay to zero hours and a no discipline decision. Clearly, the MPD, at some point, believed that the officer had engaged in misconduct to warrant the 20-hour suspension. Unfortunately, the CRA has not been privy to the rationale for the removal of the discipline. Without a rationale for the removal of the discipline, the MPD’s action to withdraw discipline leads to further questions about the MPD and union’s grievance negotiation process. The chart on the next page illustrates the distribution of the chief’s discipline on individual officers.

Chart 14

Chief's Disciplinary Decisions on Individual Officers



Chief's Discipline Decisions by Precinct and Ward

This year, the CRA received a request to provide information indicating the location of the Chief's discipline decisions. The tables on the next page provide the Chief's discipline decisions by precinct and ward. It should be noted that the Number of Complaints and the Number of Complaint Decisions differ because some complaints involved multiple officers. See Appendix C for a table of the location of wards within the five Precinct boundaries.

Table 7

2009 Chief's Discipline Decisions by Precinct		
Precinct	Number of Complaints	Number of Complaint Decisions
1	7	10 – No Discipline 2 – Letter of Reprimand
2	3	2 – No Discipline 1 – Letter of Reprimand
3	5	7 – No Discipline
4	8	10 – No Discipline 2 – Oral Reprimand
5	1	1 – No Discipline

Chief's Discipline Decisions by Ward

Table 8

2009 Chief's Discipline Decisions by Ward		
Ward	Number of Complaints	Number of Complaint Decisions
1	3	2 – No Discipline 1 – Letter of Reprimand
2	0	NA
3	5	5 – No Discipline 2 – Oral Reprimands
4	1	2 – No Discipline
5	5	9 – No Discipline
6	4	6 – No Discipline
7	5	5 – No Discipline 2 – Letter of Reprimands
8	1	1 – No Discipline
9	0	NA
10	0	NA
11	0	NA
12	0	NA
13	0	NA

Section IV: Challenges

The CRA faced several significant challenges in 2009. By far, the most serious challenge was the Chief of Police’s continued pattern of negating the work of the CRA through no discipline decisions, which has intensified the pressure on the CRA to continue to adjust its processes to ensure that it is providing meaningful oversight. The CRA has identified nine challenges that it faced in 2009. These challenges will continue to shape the CRA’s operating environment in 2010.

1. Lack of Discipline on Civilian Complaints in General

While the Chief has demonstrated a tough stance on discipline on internal complaints, discipline on civilian complaints has remained nominal. In 2009, the Chief continued the denial of discipline on civilian complaints, which is the underlying reason for low discipline on CRA complaints. It should be noted that the MPD takes little disciplinary action on civilian IAU complaints as well. The MPD’s general philosophy regarding civilian complaints is evident by the low number of civilian complaints that the MPD IAU investigates and sustains and the resultant disciplinary decisions on those complaints. The IAU’s low sustain rate on civilian complaints and the MPD’s low discipline rate on their own civilian complaints appears to indicate an unwillingness of the MPD administration to acknowledge the veracity or validity of civilian complaints and gives the appearance that the MPD does not deal fairly with civilian complaints. The MPD’s response to its own external Internal Affairs complaints creates a significant challenge for the CRA because it indicates a systemic issue related to the department’s discipline philosophy on civilian complaints, which is an issue that is beyond the CRA’s control and affects how the MPD handles CRA complaints.

Table 9

Chief’s Discipline on Civilian Complaints From CRA and IAU 2006 – 2009		
Year	CRA	IAU
2006	26	5
2007	4	3
2008	0	2
2009	5	3

2. Lack of Discipline on CRA sustained complaints

The lack of discipline on CRA cases continues to be an issue that shapes some policy makers and civilians' views of the effectiveness of the CRA. Unfortunately, the CRA has been placed in a situation where discipline of officers is the primary measure of its effectiveness, despite the lack of control over the Chief's disciplinary decisions. The discipline rate overshadows the additional value that the CRA provides to the community, such as promoting community trust through impartial and respectful investigations, opening of the police accountability investigative process, facilitating mediations, and providing community education and engagement.

Over the past year, the MPD has reasserted some of their old arguments and asserted an additional reason for not disciplining officers. The old arguments included unfairness of the process and unfairness of the investigations. The recent argument for no discipline focused on the timing of the hearing panel determination as creating unfairness to the officers.

The unfairness of the investigations and process had been raised by the MPD in 2005 and 2006 and reasserted during 2009. In response to the past criticisms of the fairness of the CRA investigations and process, the Minneapolis Civil Rights Department conducted an independent study of the CRA to determine the validity of the MPD's argument. The study determined that the investigations and process were fair.³

The MPD's argument of unfairness of the process and the investigations is also rebuffed by the MPD's non-use of the Chief's reconsideration option, which was a recommendation from the study. The 2006 CRA Working Group, which involved all stakeholders responsible for police accountability, created a reconsideration provision to the CRA ordinance that provides the MPD a process to dispute a hearing panel's determination when it has a legal or factual basis. In addition, the Working Group created the Police Accountability Coordinating Committee to address CRA MPD investigation and process concerns on a continuous basis. In 2009, the MPD expressed concern about a former investigator who had been with the CRA from 2003 through

³ Michael K. Browne, *A Study of the Policy and Process of the Minneapolis Civilian Police Review Authority* (2006), rec'd by Minneapolis City Council on Feb. 15, 2006.

2007 as displaying bias toward civilians. At the time the MPD introduced this argument for no discipline, the investigator was no longer with the CRA.

Another assertion of unfairness is related to the MPD's claim that the overwhelming majority of the CRA sustained complaints show that the CRA believed the civilian. The MPD receives a copy of the hearing panel determinations for both sustained and not sustained complaints. Both contain assessments of credibility that clearly explain how the CRA weighed the investigative evidence, inconsistencies, and the logical inferences that were made. In fact, the assessment of credibility section of the investigative summaries was added in 2006 to address the MPD's complaint that the MPD did not understand how the CRA reached a certain conclusion. The MPD's assertion of CRA bias toward the civilian fails to acknowledge that more than 50 percent of the complaints are not sustained or dismissed. The MPD has never questioned the fairness of these investigations and determinations.

The MPD's publicly stated position of unfairness in the CRA investigations and process undermines the city's police accountability efforts by potentially providing officers with an unfounded reason to justify resistance to the CRA process. It also can lead to apathy among officers who receive misconduct complaints, which decreases the corrective affect of the accountability system.

Another barrier to discipline on sustained CRA complaints is the MPD's recent assertion that the timing of the receipt of the hearing panel determination dictates whether discipline should be imposed on a sustained complaint. This assertion does not take into account that the complaint has been timely filed; and that the MPD as well as the charged officer are noticed at the time of the filing. The MPD's assertion that discipline on an "old" complaint is unfair to the officer led to the MPD's "statute of limitations" on the imposition of discipline. See Statute of Limitations on the Imposition of Discipline below.

3. Statute of Limitations on the Imposition of Discipline

In early 2009, the MPD started denying discipline on complaints that it considered “too old” for discipline. In September 2009, the MPD issued an Administrative Announcement stating,

“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 the imposition of discipline on sustained cases which is consistent with the established reckoning period for that policy violation.”

The practical application of this statement means that the MPD will not base its decision for corrective action on the facts of the timely filed sustained complaint, but, first, determine the level of the discipline and then determine if receipt of the sustained complaint is beyond the “statute of limitations” for discipline.⁴ Essentially, the MPD will ignore the infraction if it determines that the date of the sustained determination is beyond its “statute of limitations.”

The CRA did not have the opportunity to provide input during the development of the MPD policy. In February 2009, when the CRA received the first letter denying discipline because a complaint was “too old,” the CRA immediately expressed objections to the MPD’s actions.

The CRA expressed concerns that the policy would further reduce the city’s efforts to provide the public effective police accountability. The CRA also expressed concern about the motivation behind this new policy, considering that it was a radical change from MPD’s past practice. In fact, the policy was not implemented until after the MPD increased resources to the IAU, which causes an inference that the policy was created solely to reduce the CRA’s impact on police accountability. Essentially, the MPD policy takes direct advantage of the CRA’s resource limitations. Lastly, the CRA advised the

⁴ The MPD has four levels of corrective action on the MPD Disciplinary Matrix. The MPD has sole discretion to assign the discipline level to all misconduct complaints. Level A has one-year reckoning period. A-Level violations typically include coaching, training, counseling, and are not considered discipline. Level B has a three-year reckoning period. Level C has a five-year reckoning period. Level D stays on the officer’s record indefinitely.

MPD and the city's policy makers that the MPD policy negates the civilian's right under the ordinance to file a complaint within a year of the date of the incident.⁵

The most troubling aspect of the establishment of the new policy is that it allows the MPD (without external input) to usurp the requirements imposed on the MPD under the CRA ordinance. Moreover, the CRA ordinance neither provides nor contemplates the authorization of the MPD's position. The policy is in direct conflict with the CRA ordinance and the 2006 City Council Resolution for the MPD to work collaboratively with the CRA to reach the shared goal of 100% discipline on CRA complaints. The Chief's actions of essentially negating the period of limitation on filing a CRA complaint is an expansion of the Chief's powers that appears to need an official ordinance change by the policy makers and the Mayor.

In addition, the policy allows the MPD the unintended discretion to reject CRA sustained complaints, not on the timeliness of the filing or a legal or factual basis, but because it determined that a complaint is "too old" after the complaint had been investigated and adjudicated. In light of the increase in the number of misconduct complaints filed with the CRA, the timing of, the creation of, and rationale for this policy appear to be contrary to the city's stand on police accountability and may prove to further erode the public's trust. The policy assures that the CRA and ultimately the city will waste resources investigating and adjudicating complaints that the MPD deems to be beyond their self-created "statute of limitations."

Lastly, the policy creates an unfair situation for those officers who would have complaints of same or similar conduct investigated within the timeframe because those officers would be subject to discipline. The policy does not take into account an officer's intentional delays to comply with the investigation, delays of evidence, and officer leaves of absence or mediation efforts. In fact, the policy may encourage officers to delay their participation in order to get a pass on the potential misconduct.

In December 2009, the CRA submitted a request for a City Attorney opinion on whether the MPD's actions were appropriate and whether the MPD's actions are in alignment

⁵ See Minneapolis, Minn., Fire and Police Protection Code Title 9, § 172.160 (2010).

with the spirit of the CRA ordinance. The CRA has not received an opinion from the City Attorney at writing of this report.

In light of the MPD's actions and the silence in response to their actions, the CRA will need to make hard decisions during 2010, specifically, how to maximize and stretch the investigative resources to do more to counteract the MPD's actions against the CRA's mission.

4. Chief's Failure to Use the Reconsideration Option

Another challenge for the CRA involves the Chief's continued unwillingness to exercise the reconsideration option. For the third year since 2006, the MPD has not used the reconsideration option, despite their assertions that some hearing panel determinations are based on insufficient evidence and a dispute with facts. The reconsideration option provides an avenue for the CRA and the MPD to possibly resolve differences between the hearing panel determination and the Chief's reason for a denial of discipline. The MPD's failure to use the reconsideration option gives the appearance of an unwillingness to work with the CRA to resolve issues involving investigations and adjudications, which ultimately, prevents the CRA and MPD from moving closer to alignment on sustained complaints and discipline.⁶

5. Lack of Mediators

The CRA is faced with a challenge of securing and maintaining qualified mediators. The CRA continues to rely on volunteer mediators to mediate civilian complaints. While the agency is pleased with the success of the mediation program, the growth of the program is limited due to the overreliance on volunteers.

6. Effect of Resource Limitations

At a time when the economy presents very serious challenges for government and civilians, the expenditure of funds to prevent and reduce unnecessary costs associated with police misconduct is more important than ever. Timely investigations and swift and consistent consequences for sustained complaints will over time prevent and reduce

⁶ It should be noted that during the drafting of this report the MPD submitted its first reconsideration request.

police misconduct complaints and lawsuits, ultimately, reducing the settlement amounts that are deducted from the city's general fund. While accidents and unfortunate incidents will always happen, the thrust behind the CRA's work is to prevent and discourage patterns of officer behavior that erode public trust, reduce civilian cooperation with law enforcement, and increase the city's costs for defense and liability related to police misconduct. The CRA is in an excellent position to contribute to the prevention and reduction of police misconduct complaints, if funded at a level that would allow the CRA to participate in police accountability proactively and equally.

A quick comparison of Minneapolis' civilian oversight investigative resources to other cities offering investigative resources shows that Minneapolis is deficient in this area. The CRA's two investigators are responsible for investigating citizen complaint allegations that may arise from over 850 sworn officers. Nationally, civilian oversight agencies of comparable-sized police departments that have independent investigative authority have, on average, one investigator for approximately every 225 officers. In fact, San Francisco has a mandated requirement of one investigator for every 150 officers.

7. Release of Hearing Complaint Decisions

Despite the limitations of knowing the outcome of the CRA hearings, many civilians understand that filing a complaint with the city agency is needed to bring attention to officer conduct. However, civilians continued to express dissatisfaction with the inability to know the hearing panel determinations on their complaints. Some civilians have expressed that the bar to the information is another example of how MPD officers are able to avoid accountability for their actions, especially, on sustained complaints when the Chief does not discipline the officer. Some civilians have stated that the Chief's decision to not discipline on a sustained complaint serves as a filter that reduces the amount of information that the complainant and the public can learn about the MPD's efforts to monitor and correct officers patrolling their communities.

8. Imbalance of Power

As reported last year, the CRA still suffers from a significant imbalance of power between the CRA and the MPD. This imbalance of power is most recognized in the MPD's ability to make changes to its internal policies that have a direct impact on the CRA's ability to be an effective partner in the city's effort to hold officers accountable.

Some of the source of this imbalance of power comes directly from the Minneapolis Charter, which provides that the Chief is only accountable to the Mayor of Minneapolis. Another source of the imbalance of power is the MPD's ability to marshal the city's financial and legal resources as needed to avert the consequences of police officer misconduct.

The effect of the imbalance of power is evident in some individuals' expressions that the CRA is powerless to make effective police accountability a reality in Minneapolis.

9. City Attorney

The City Attorney's office is in the difficult position of representing the interest of the city and providing advice and consultation to the CRA and the MPD. This difficulty presents a challenge for the CRA in that what is best for the CRA and effective police accountability has to be measured against what is best for the MPD and, ultimately, for the city.

Section V: Recommendations

1. The MPD should be encouraged to discontinue the use of the "statute of limitations" on the imposition of discipline.
2. If the MPD does not stop the use of the "statute of limitations" on the imposition of discipline, the MPD should be directed to provide funding for additional CRA investigators to meet the CRA ordinance timeframes.
3. The CRA should secure an additional investigator.
4. The CRA should contract for paid mediators.
5. The Chief should be encouraged to use the reconsideration option.

6. The Chief should be encouraged to assess internal and external complaints equally.
7. The Chief should be encouraged to meet personally with the CRA Board on a quarterly basis to discuss discipline decisions and to facilitate relationship building and mutual understanding.

Conclusion

The CRA will continue to advocate for maintaining and increasing civilian oversight in Minneapolis. Like most city agencies, the CRA faces the possibility of budget reductions. This challenge is compounded by the MPD's ability to take advantage of the agency's limited resources and the imbalance of power that exist between the CRA and the MPD. Nevertheless, the CRA will continue to adjust the CRA process and make necessary ordinance recommendations to allow the civilians of Minneapolis to continue to have oversight of police accountability.

Appendix A

Complaint Data

	2005	2006	2007	2008	2009
1. Number of initial complaints received	236	332	329	391	468
2. Number of complaints sent for signature	98	131	95	101	141
3. Number of signed complaints received	85	89	75	68	114
4. Number of complaints withdrawn	2	3	2	3	1
5. Number of complaints referred to mediation	15	35	26	20	39
Number of successful mediations	9	15	7	8	18
6. Percentage of complaints containing multiple allegations	86%	82%	77%	76%	77%
7. Total number of allegations by type					
• Inappropriate Conduct	91	88	87	58	145
• Inappropriate Language	111	88	60	56	142
• Harassment	30	36	52	46	45
• Excessive Force	80	64	76	47	113
• Failure to Provide Adequate or Timely Police Protection	20	31	18	15	15
• Discrimination	7	11	6	13	0
• Failure to Report Use of Force	0	0	1	3	2
• Retaliation	3	2	0	1	3
• Theft	2	3	0	0	1
8. Location of complaints by precinct					
• Precinct 1	19	22	20	22	28
• Precinct 2	7	7	6	11	8
• Precinct 3	19	21	12	13	31
• Precinct 4	29	30	30	20	37
• Precinct 5	11	9	7	2	7
• Outside of City					3
9. Location of complaint by ward					
• Ward 1	2	3	2	6	2
• Ward 2	4	4	3	2	6
• Ward 3	11	14	12	7	10
• Ward 4	15	11	15	5	11
• Ward 5	16	22	13	13	18
• Ward 6	11	6	8	5	11
• Ward 7	7	8	13	20	29
• Ward 8	5	13	3	4	5
• Ward 9	5	1	3	3	14
• Ward 10	2	2	1	2	2
• Ward 11	3	3	1	0	1
• Ward 12	1	1	1	1	2
• Ward 13	3	1	0	0	0
10. Race of Complainants					
• Asian	1	0	0	1	1

	2005	2006	2007	2008	2009
• Black	67	73	67	51	103
• Latino	8	2	2	5	3
• American Indian	6	1	2	2	2
• Unknown	5	10	8	2	0
• White	33	20	17	21	39
11. Age of Complainants					
• Under 21	23	9	14	7	15
• 21 – 40	54	54	53	49	69
• over 40	34	37	21	20	47
• Unknown	10	6	8	6	17
12. Gender of Complainants					
• Female	45	42	36	25	50
• Male	74	64	60	57	98
13. Race of Officer					
• Asian	4	5	5	9	7
• Black	4	3	7	5	7
• Latino	5	4	3	5	7
• American Indian	6	1	1	2	2
• White	88	103	72	52	103
• unknown	2	2	0	0	0
14. Officers time on force					
• Less than 5 years	11	9	19	19	46
• 5 or more years	98	107	69	54	80

Board Data

Disposition of Complaints	2005	2006	2007	2008	2009
• Number of complaints heard by panel	179	86	57	57	52
○ Number of complaints fully sustained	10	7	3	2	10
○ Number of complaints partially sustained	29	14	4	6	5
○ Number of complaints not sustained	91	48	22	19	22
○ Number of complaints dismissed ⁷	60	17	44	28 ⁸	26
○ Number of complaints determination pending ⁹	0	0	0	9	2
• Number of allegations contained in complaints heard	947	351	226	191	192
○ Number of allegations	112	74	22	21	46

⁷ Includes complaints dismissed by CRA manager 172.85(b).

⁸ Seventy-one percent of the dismissals were due to complainant's failure to continue with the CRA process.

⁹ Pending at the end of year.

Disposition of Complaints	2005	2006	2007	2008	2009
sustained					
○ Number of allegations not sustained	602	215	82	70	89
○ Number of allegations dismissed	233	62	171	86	72
• Types of allegations sustained					
○ Inappropriate conduct	26	15	7	11	14
○ Inappropriate language	44	27	6	2	12
○ Harassment	11	5	4	2	6
○ Excessive force	22	22	3	6	8
○ Failure to provide adequate or timely police protection	7	3	2	0	4
○ Discrimination	0	1	0	0	2
○ Failure to report use of force	2	0	0	0	0
○ Retaliation	0	1	0	0	0

Appendix B

Items removed from the current MPD Conducted Energy Device Policy

- a) "Tasers shall not be used on passive subjects or as a come-along tool."
- b) "When activating a Taser, officers should use it for one standard cycle and stop to evaluate the effectiveness and the situation (a standard cycle is five seconds). Tasers should only be used for more than two cycles if the subject continues to be serious threat of bodily harm to the officers or citizens. If the Taser is being effective, a longer cycle facilitating handcuffing is appropriate."
- c) "The Taser shall not be intentionally aimed at the head neck, face or genitalia."
- d) "Only one officer should activate a Taser against a person at a time."
- e) "Tasers may only be used on fleeing persons if the subject's actions justify the use of hard empty hand or "intermediate weapons" as outlined on the MPD Use of Force Continuum. This level is appropriate for fleeing felons or the arrest of a subject who is actively aggressive, i.e., actually fighting against police officers."
- f) "Tasers may only be used on children, visibly frail persons, women who are known to be pregnant, and people with known heart problems when other hard empty-hand control methods have failed or deadly force is justified."
- g) "Tasers may only be used on those in control of a motorized vehicle or bicycle in motion or those in a location where a fall may cause substantial injury or death when the subject's actions justify deadly force."

Appendix C

Wards divided by Precincts

