

Minneapolis

City of Lakes

**CIVILIAN POLICE REVIEW
AUTHORITY**

ANNUAL REPORT

2007



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equal opportunity
equal justice

Letter from the Board Chair

The statistics and information contained in this report show the essential role the Minneapolis Civilian Police Review Authority plays in developing better understanding between the community and the Minneapolis Police Department. In 2007, the CRA continued to strengthen its presence in the community, and it engaged in stronger, more fruitful conversations with the police department's command staff.

Our progress has been built through the unflagging commitment of the CRA staff and board to fairly investigate and adjudicate the complaints we receive. Our highest priority has been to treat each party without bias and to maintain the strength of our agency through impartiality.

Those efforts are paying off. Over the past two years, the Chief has issued discipline on sustained CRA complaints at a higher rate than at any other time in the agency's history.

But the CRA still faces great challenges. Although officers guilty of misconduct are held to account at a higher rate, many officers, who have had complaints against them sustained, never receive discipline. Moreover, because of evolving interpretations of Minnesota's data privacy laws, the ability of Minneapolis residents to know whether officers are held accountable is at risk.

The benefits of transparency in the Minneapolis Police Department are clear: citizens feel more confident that their interests are being protected, and the public becomes more willing to aid the police in fighting crime. Further, financial risks to the city are reduced when strong accountability is in place.

The terms of many CRA board members expired at the end of 2007. Several new members will join the board, and the agency will benefit from the energy of their new leadership. This is the perfect time for our city's leaders to recommit themselves to increasing the strength and effectiveness of the Minneapolis Civilian Police Review Authority.

Sincerely,

Michael Weinbeck
Chair

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Executive Summary

This report provides an analysis of the Minneapolis Civilian Police Review Authority's (CRA) statistics and accomplishments for the agency's 2007 activities. The CRA made significant gains towards the challenges it faced at the start of 2007. Presented below are summaries of the gains that were achieved.

Major Accomplishments in 2007:

- Increased community outreach – The CRA engaged in more youth outreach activities than in any of the previous years. This was made possible through the efforts of the board's community outreach committee and community partners. Community outreach continues to be an ongoing challenge.
- Decreased investigative timeline – The CRA continued to reduce the average number of days to complete an investigation. The number of days decreased from 252 in 2006 to 202 in 2007, which represents a 20% reduction in the investigative timeline. Reducing the investigative timeline is an ongoing challenge.
- Increased mediation capacity – The CRA collaborated with Gray, Plant, Mooty, a local law firm, to provide experienced mediators, which increased the mediation capacity and would help reduce the number of days to schedule mediations in 2008. With this resource, we increased the number of mediators by 10.

In addition, the CRA continued to strengthen its relationships with the public and the Minneapolis Police Department ("MPD"). The agency's work directly supported the City's Goals of "A Safe Place to Call Home" and "One Minneapolis." Presented below are the 2007 highlights and selected 2007 statistics.

2007 Highlights:

- The Police Accountability Coordinating Committee ("PACC"), established in 2006, continued to be a valuable tool to resolve issues that had the potential to impede investigations. Examples of positive gains achieved include:
 - MPD and CRA reached agreements regarding officer scheduling of and attendance at mediations;
 - A procedure was established to eliminate cross filings of complaints in order to prevent dual investigations by the MPD internal affairs unit and the CRA; and
 - Increased responsibility and accountability to ensure that the MPD response to CRA requests for squad videos and Safe Zone videos were processed faster.
- The CRA attended MPD training on Conductive Energy Devices (commonly referred to as "Tasers"), which was the first time that the MPD invited the CRA to attend MPD training.

- The CRA initiated a campaign to increase its outreach to the young people relative to police encounters. Lessons learned from these activities will be incorporated into the 2008 youth outreach effort.

2007 Selected Statistics:

- Three hundred twenty-nine members of the public contacted the CRA to express concerns about police actions.
- The CRA received 75 signed complaints, which represents 23% of the 2007 contacts.
- Blacks filed 70% (52) of complaints received in 2007.
- Eighty-three percent (72) of the complaints received were against White officers.
- Forty-nine percent of all 2007 excessive force allegations against officers occurred in the 4th Precinct.
- The most frequently filed allegation in 2007 was Inappropriate Conduct (29% = 87 allegations).
- The CRA referred 35 % (26) of signed complaints to mediation.
- Investigators closed 76 complaints

Year complaint was filed with the CRA:

2004 –	1
2005 –	13
2006 –	41
2007 –	<u>21</u>
	76

- The CRA board heard 57 complaints containing 226 allegations, averaging 4 allegations per complaint.
- The chief disciplined on 29% (4) of CRA complaints returned to the CRA, including those complaints that the CRA sent to the chief before January 1, 2007.
- Of those 4 complaints returned from the chief, 2 officers received a total of 38 hours of suspension, 1 officer received a letter of reprimand, and 1 officer received an oral reprimand.

During the year, however, the CRA faced several organizational challenges that will continue to affect the CRA operation in 2008. Those challenges include:

- Maintaining the level of transparency that the CRA can provide to the public;
- Maintaining the CRA as the final decision-maker on CRA complaints;
- Eliminating the communication delay from the City Attorney’s office ;
- Closing the gap between sustained CRA complaints and percentage of chief discipline on sustained complaints;
- Reducing the investigative timeline and length of time to receive disciplinary decisions from the MPD;
- Ensuring inclusion in the MPD’s proposed early warning system; and
- Expanding the scope of the CRA policy analysis activities.

Despite the challenges, the CRA had a moderately successful year. The outcomes of the first two challenges – reduction in the level of transparency and the police federation lawsuit – will have a significant impact on the CRA operation in 2008.

Prepared By:

Samuel L. Reid II
CRA Manager

Introduction

The Minneapolis Civilian Police Review Authority (“CRA”) is an investigative authority, independent of the police department, established by Section 172 of the Minneapolis Code of Ordinances. The CRA receives, reviews, mediates, and investigates complaints concerning the conduct of Minneapolis police officers that include, but are not limited to, the following: (1) excessive force; (2) discrimination; (3) inappropriate language, (4) attitude and conduct; (5) harassment; (6) theft; (7) failure to provide adequate or timely police protection; and (8) any MPD policy or procedure violation.

The creation of the CRA was a result of the lack of trust that communities had about the MPD Administration and Internal Affairs Unit’s ability to fairly and objectively investigate and discipline MPD officers. One of the major advantages of the CRA operation is the transparency of the CRA’s activities. The CRA provides transparency of CRA investigations through the regular release of statistics and monthly board meetings.

The daily activities of the CRA are guided by several factors. These factors include: Minneapolis’s City Strategic Goals, the Department of Civil Rights goals and values, the CRA Mission Statement, and the CRA ordinance and administrative rules. Through these goals, laws, and governing rules, the CRA provides the residents of Minneapolis and the Minneapolis police officers with civilian police oversight that allows for transparency and accountability of the citizen complaint investigation, encourages officer professionalism, and develops mutual understanding between citizens and officers.

The City of Minneapolis has several goals that guide the City in serving the citizens of Minneapolis. The CRA’s efforts contribute to the City’s Goals of “A Safe Place to Call Home” and “One Minneapolis.”

A Safe Place to Call Home – The public’s confidence in the City’s ability to ensure accountability of its police officers has a direct impact on citizens’ willingness to assist the MPD’s efforts to implement community policing to reduce guns, gangs, and graffiti.

One Minneapolis – The CRA is a formal venue for addressing allegations of police misconduct, including an officer’s failure to provide adequate or timely police protection. Equal treatment in public safety is a key component of maintaining community standards throughout the municipal limits and aids in closing the socioeconomic disparities among the City’s neighborhoods.

The Civil Rights Department's goal of enforcing the CRA ordinance and the CRA Mission Statement works in tandem to support the accomplishment of the City's Goals. The CRA Mission Statement identifies four guiding principles that are within the spirit of the CRA ordinance. The CRA's four guiding principles are to:

- Conduct fair, objective, and independent investigations of police misconduct;
- Issue determinations based on findings of fact and evidence;
- Promote the adherence to the highest standard of police conduct; and
- Foster mutual respect between the MPD and all the populations of the City of Minneapolis.

Our analysis of the CRA's performance in 2007 will include an examination of the activities and statistics in the context of how they were in line with the City's Goals, department goals, and the four guiding principles of the CRA Mission.

This report will present an overview of the CRA's structure and process. Second, it will provide the 2007 CRA statistics. Third, the report will examine the CRA 2007 statistics as they relate to the CRA's four principles. Finally, the report will set forth and analyze the challenges that were confronted in 2007.

Section I

Overview of the CRA's Structure and Process

The CRA has jurisdiction over Minneapolis police officers. CRA jurisdiction does not include Minneapolis Park Police or Metropolitan Transit Police. The unit conducts investigations independently of the Minneapolis Police Department ("MPD"); however, the CRA ordinance requires the MPD to comply with CRA investigations. This compliance includes providing MPD records, videos, and officer appearances.

The CRA is comprised of a citizen board and city staff. 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. 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 City Attorney's Office ("CAO") is responsible for providing legal advice to the CRA Board during its monthly meetings and new board member training, and assisting the Board with drafting administrative rules.

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 City staff's primary responsibilities are receiving and investigating complaints, conducting community outreach, facilitating mediations, and participating in policy recommendations. In addition, the agency utilizes law school interns throughout the year to assist with legal research.

Police Accountability Coordinating Committee (PACC)

PACC was created by the 2006 CRA Working Group as a forum where internal police accountability partners could address issues related to the efficient operation of the CRA. The Working Group recognized that many issues affecting the effectiveness and timeliness of CRA investigations were related to a lack of communication and internal accountability among the internal partners. The PACC forum allows the partners to strengthen and maintain communication and internal accountability with each other as a matter of course. The following positions or their designees are authorized to attend PACC meetings:

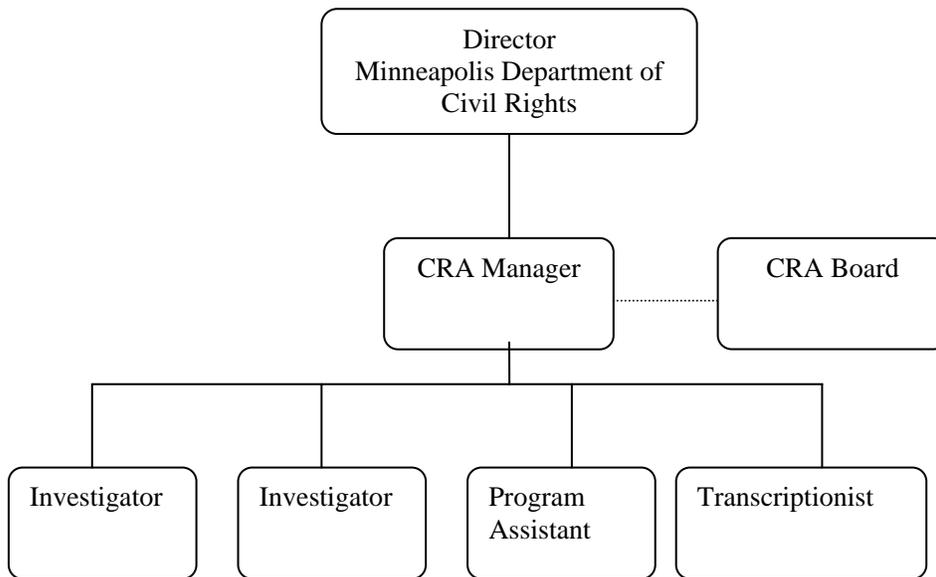
- Civil Rights Director
- CRA Board Chair
- CRA Manager
- Minneapolis City Council Health, Energy, and Environment Committee Chair
- Minneapolis City Council Public Safety and Regulatory Services Committee Chair
- Internal Affairs Unit Commander
- Mayoral Aide
- MPD/CRA Command-Level Liaison

Issues resolved through PACC meetings in 2007:

- Offering of evening mediations
- CRA/MPD video requests procedures
- Officer attendance at mediations
- Scheduling of mediations

While PACC meetings serve to aid in resolving process issues between CRA and MPD, the committee also serves as an additional relationship building opportunity among the police accountability partners.

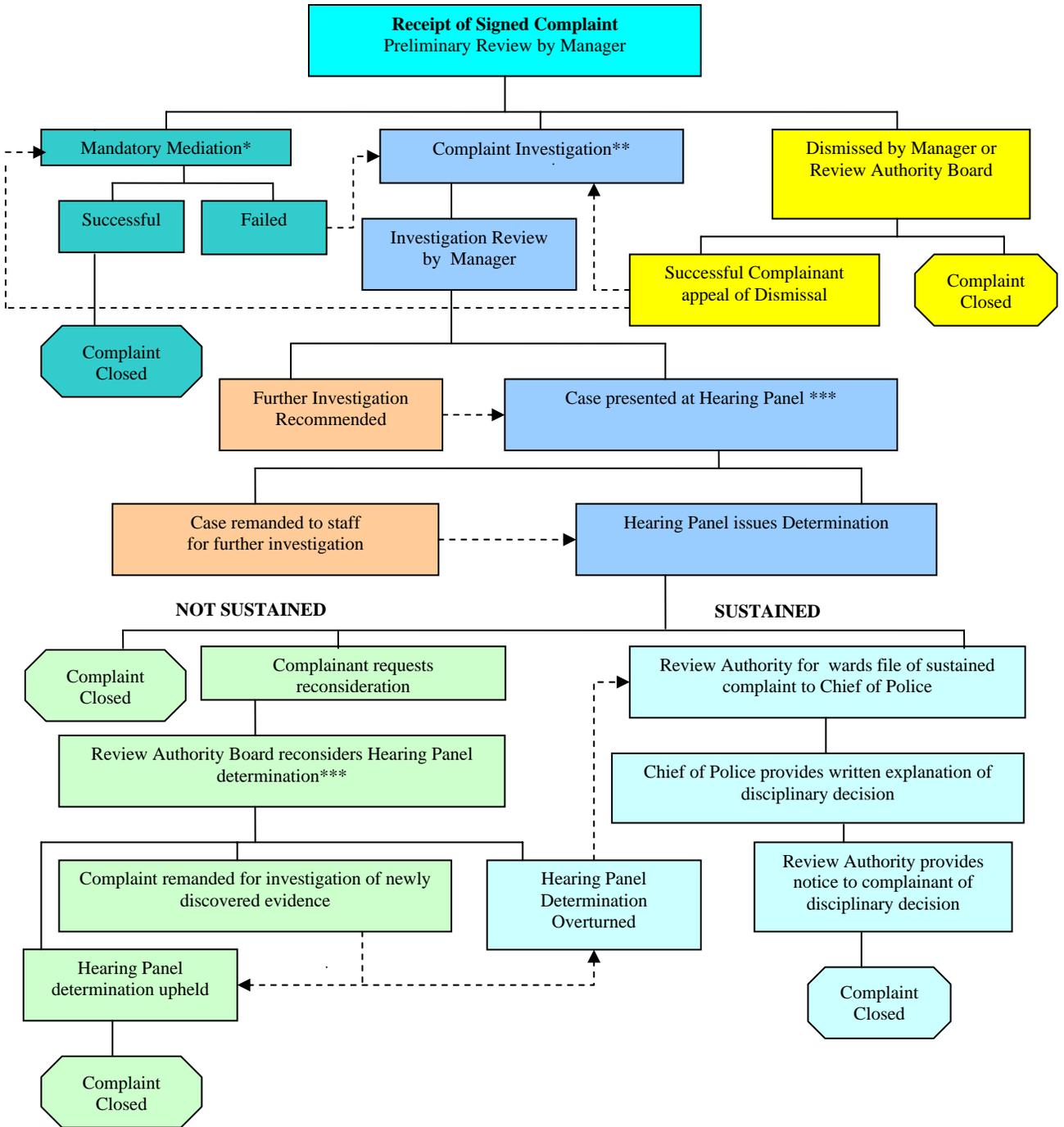
CRA Organizational Chart



The CRA board is not involved in management decisions or daily operation matters.

CRA Flowchart

The CRA ordinance provides the operating structure and timelines of the CRA process. The flowchart below illustrates the CRA process.



- * Complainant and Officer must participate
- ** Complainant and Officer must provide statements
- *** Complainant and Officer attendance optional, but encouraged

Section II

2007 Statistics

The CRA identifies and tracks statistics that allow the public to assess the CRA’s work. In this report, the CRA has included two additional statistics in the annual report table – number of complaints sent for signature and officer years on the police force. This report will use statistics from 2004 – 2007 to provide historical context for the 2007 statistics. Year 2004 was the first full year that the CRA operated after the 2002 CRA shutdown.

	2004	2005	2006	2007
1. Number of intakes received	401	236	332	329
2. Number of complaints sent for signature	125	98	131	95
3. Number of signed complaints received	128	85	89	75
4. Number of complaints withdrawn	1	2	3	2
5. Number of complaints referred to mediation	13	15	35	26
Number of successful mediations	9	9	15	7
6. Percentage of complaints containing multiple allegations	87%	86%	82%	77%
7. Total number of allegations by type				
• Inappropriate Conduct	114	91	88	87
• Inappropriate Language	161	111	88	60
• Harassment	98	30	36	52
• Excessive Force	130	80	64	76
• Failure to Provide Adequate or Timely Police Protection	33	20	31	18
• Discrimination	6	7	11	6
• Failure to Report Use of Force	0	0	0	1
• Retaliation	3	3	2	0
• Theft	1	2	3	0
8. Location of complaints by precinct				
• Precinct 1	35	19	22	20
• Precinct 2	11	7	7	6
• Precinct 3	29	19	21	12
• Precinct 4	30	29	30	30
• Precinct 5	23	11	9	7
9. Location of complaint by ward				
• Ward 1	5	2	3	2
• Ward 2	2	4	4	3
• Ward 3	18	11	14	12
• Ward 4	6	15	11	15
• Ward 5	25	16	22	13
• Ward 6	17	11	6	8
• Ward 7	22	7	8	13
• Ward 8	11	5	13	3
• Ward 9	9	5	1	3
• Ward 10	9	2	2	1
• Ward 11	2	3	3	1
• Ward 12	2	1	1	1

	2004	2005	2006	2007
• Ward 13	0	3	1	0
10. Race of Complainants (includes victims) ¹				
• Asian	2	1	0	0
• Black	86	67	73	67
• Latino	1	8	2	2
• American Indian	4	6	1	2
• Unknown	4	5	10	8
• White	59	33	20	17
11. Age of Complainants				
• Under 21	13	23	9	14
• 21 – 40	91	54	54	53
• Over 40	45	34	37	21
• Unknown	7	10	6	8
12. Gender of Complainants				
• Female	46	45	42	36
• Male	110	74	64	60
13. Race of Officer				
• Asian	4	4	5	5
• Black	7	4	3	7
• Latino	5	5	4	3
• American Indian	2	6	1	1
• White	127	88	103	72
• Unknown	0	2	2	0
14. Officers time on force				
• Less than 5 years	14	11	9	19
• 5 or more years	131	98	107	69
15. Disposition of Complaints				
• Number of complaints heard by panel	85	179	86	57
○ Number of complaints fully sustained	9	10	6	2
○ Number of complaints partially sustained	22	29	14	2
○ Number of complaints not sustained	37	91	43	20
○ Number of complaints dismissed ²	16	60	17	44
○ Number of complaints determination pending	0	0	6	5
• Number of allegations contained in complaints heard ³	657	947	352	226
○ Number of allegations sustained	109	112	72	15
○ Number of allegations not sustained	424	602	198	71
○ Number of allegations dismissed	88	233	63	170
• Types of allegations sustained				
○ Inappropriate conduct	28	26	15	3
○ Inappropriate language	31	44	27	6
○ Harassment	15	11	5	3
○ Excessive force	22	22	20	1

¹ Because the CRA ordinance allows any person with personal knowledge to file a complaint, the term “victim” is used to describe the individual who experienced the police action contained in the complaint.

² Includes complaints dismissed by CRA manager 172.85.(b)

³ No probable cause was found for 27 of the 657 allegations contained in complaints heard in 2004, under the previous CRA ordinance.

		2004	2005	2006	2007
	○ Failure to provide adequate or timely police protection	11	7	3	2
	○ Discrimination	0	0	1	0
	○ Failure to report use of force	0	2	0	0
	○ Retaliation	2	0	1	0
16.	Number of sustained complaints receiving discipline ⁴				
	• Discipline assigned	9	16	5	0
	○ Number of officers disciplined	12	19	6	0
	• No discipline assigned	22	23	12	2
	○ Number of officers not disciplined	31	33	16	3
	• Undecided	0	0	3	2

Please note that some of the totals presented within this report will change due to pending hearing panel determinations and subsequent disciplinary actions.

The CRA is interested in the public's requests for additional statistical information and will attempt to include requests to the extent permitted under Minnesota Government Data Practices Act, Minn. Stat. § 13.

⁴ The chief of police is responsible for all disciplinary decisions related to Civilian Police Review Authority complaints.

Section III

Analysis of 2007 Statistics and Outcomes

A. Conduct Fair, Objective, and Independent Investigations of Police Misconduct

A major part of the CRA's value to the public as a credible and effective investigative agency is measured by its ability to fairly, objectively, and independently investigate citizens' allegations of police misconduct in a timely manner. As a neutral and independent examiner of police action, the CRA conducts investigations without regard to the individual characteristics of citizens, the criminal background of citizens, and the past misconduct allegations brought against officers.

The investigative staff is comprised of former non-MPD police officers who are experienced in the areas of policing policy and procedures as well as constitutional rights. The advantage of having CRA investigators who are former police officers, a manager who is an attorney, and a diverse multi-member citizen board touching nearly every file is that it allows the CRA to have internal checks and balances that ensures that citizens and officers receive fair and objective treatment during the investigative and adjudicative stage. The integrity of CRA investigations is continuously reviewed and issues of concern are resolved quickly and equitably.

From a historical view, intakes and signed complaints have steadily decreased. It is difficult to identify the exact causes for the decrease; however, several factors may be contributing to the decreasing trend. These factors include: a lack of awareness of the CRA, which is directly tied to the amount of CRA publicity and outreach; the MPD's Professional Standards Bureau, which may have had an impact on the officers' training and standards of conduct; citizen apathy related to the disappointing outcomes of misconduct complaints, i.e., no discipline on sustained CRA complaints; and citizen reports that some officers discourage citizens from filing complaints with the CRA.

1. Intakes and Signed Complaints

In 2007, ninety-five of the 329 intakes contained allegations that led to the drafting and sending of a complaint, which is 17 less than the 2004 – 2007 four-year mean. One of the reasons for the decrease in signed complaints in 2007 was an increase in the number of citizens who failed to provide additional information after their initial contact with the CRA.

The more significant reason for the decrease is due to the CRA's efforts to request MPD's squad and Safe Zone videotapes immediately after receiving the citizen's intake information. With the availability of the videos in the early stages of the CRA process, CRA investigators were in a better position to determine how the events of the reported misconduct allegations unfolded, and this occasionally resulted in a complainant not pursuing the allegation.

While the early availability of the video aids in the intake process, the video is not the only determining factor in the investigator’s decision to draft a complaint. The investigator also reviews all available reports and the complainant and witness’s initial statements.

Last year, the MPD improved its overall response time to investigators’ video requests. However, several issues still exist relative to the receipt of requested investigative information. These issues include delays caused by precincts changing the officers in charge of responding to CRA requests without CRA notification; misplaced tapes; and certain officers’ slow responses, which caused the CRA to have to make multiple requests. These issues will continue to be addressed with the MPD administration.

2. Complaint Allegations

Complaint allegations data is used to identify potential trends and may be used to initiate policy analysis studies. The most notable changes in 2007 were harassment and excessive force allegations. Harassment allegations usually involve allegations where an officer has used language or gestures or other conduct intended to annoy, alarm, intimidate, or abuse a citizen. Harassment allegations increased from 36 in 2006 to 52 in 2007.

Excessive force allegations involve officers’ actions that allegedly exceed constitutional protections and violate MPD Use of Force policies and procedures. Historically, excessive force allegations have generated the greatest concern among the public and elected officials. After three years of consistent reduction, excessive force allegations increased in 2007, from 64 in 2006 to 76 in 2007. The percentage of excessive force allegations increased for all precincts in 2007, except for the 4th Precinct. However, excessive force allegations in the 4th Precinct still accounted for 49% of all the excessive force allegations against MPD officers that were filed with the CRA in 2007.

Table 1 – Precinct-to-Precinct Comparison of Excessive Force Allegations

	Total Precinct Allegations	Precinct Excessive Force Allegations	Excessive force percentage of total allegations brought against the precinct
Precinct 1	66	17	26%
Precinct 2	12	2	17%
Precinct 3	50	14	28%
Precinct 4	146	37	25%
Precinct 5	26	6	23%

Table 2 – Total Citywide Excessive Force Allegations by Precinct Percentage

	Precinct Excessive Force Allegations	Percentage of Total City-wide Excessive Force Allegations
Precinct 1	17	22%
Precinct 2	2	3%
Precinct 3	14	18%
Precinct 4	37	49%
Precinct 5	<u>6</u>	<u>8%</u>
Total	76	100%

3. Complaint Demographics⁵

a. Officers

Eighty-eight MPD officers received CRA complaints in 2007, which was 28 less than 2006. Sixty-three officers had one or more complaints in years prior to 2007, which represents 72% of the 2007 officers who received complaints. The number of officers who received two or more complaints decreased from 22 in 2006 to 15 in 2007.

Older, more experienced officers received an overwhelming majority of CRA complaints. In 2007, seventy-eight percent of the officers who received complaints had over five years of service with the MPD, which is contrary to the commonly held belief that less experienced officers receive the most complaints. A review of the past four years reveals that officers with 5 or more years of experience received 88% of the CRA complaints between 2004 through 2007.

⁵ For CRA purposes, complaint demographics include race, gender, age of complainant and officers, officer years on the force, officer rank, and location of the incident.

Table 3 – Officer Years on Force

Years	2004	2005	2006	2007
Less than 2	4	1	3	13
2-5	10	10	5	6
6-10	81	42	33	24
11+	50	47	70	45
Unknown	<u>9</u>	<u>6</u>	<u>5</u>	<u>0</u>
Total	154	106	116	88

Additionally, a review of the ages of officers who received complaints over the past four years shows that officers over thirty years of age received 80% of the CRA complaints between 2004 through 2007. This finding is contrary to the commonly held belief that younger officers receive more complaints.

Table 4 – Officer Age

Age	2004	2005	2006	2007
22-25	3	6	5	10
26-30	21	16	13	17
31-35	50	31	35	23
36-45	58	37	51	25
46+	13	10	12	13
Unknown	<u>9</u>	<u>6</u>	<u>0</u>	<u>0</u>
Total	154	106	116	88

We would suggest a joint study between the MPD and CRA examining why older, more experienced officers receive the vast majority of CRA complaints. Such a study may reveal valuable information that could aid in reducing the overall number of complaints. Several factors that may need to be included in the study are the type of allegations involving experienced officers, the type of and availability of refresher training offered to experienced officers, and the location and length of work assignments, to name a few.

Another concern is that 13 of the officers, equaling 15% of the 2007 officers, who received complaints in 2007, were supervisors, versus 19 in 2006. However, in 2005, only five officers in a supervisory capacity received complaints, which may be a statistical anomaly. The 2005 numbers prompted us to review data involving supervisors. After reviewing data from 2004 through 2007, we found that the highest number of complaints against supervisors occurred in 2006 with 19 supervisors, and the lowest number of complaints against supervisors occurred in 2005.

Table 5 – Number of Complaints against Supervisory-Level Officers (2004 – 2007)

	2004	2005	2006	2007
MPD Supervisors	18	5	19	13

At this time, the CRA is unable to identify the cause for the fluctuations in the number of supervisory level officers who received CRA complaints; this may be another area for further study. Because supervisors set the level of expectations for behavior, the study would need to examine the circumstances under which the supervisors received the complaints. In 2008, the CRA will monitor the circumstances surrounding incidences where allegations of police misconduct are made against supervisory level officers. The CRA will also begin tracking the supervisors of officers who receive complaints.

The CRA also tracks the race and gender of officers who receive complaints. White officers received the most CRA complaints, approximately 81% of all CRA complaints in 2007; however, White officers account for approximately 82% of the Minneapolis police force. Male officers received 62% of the complaints in 2007, while representing approximately 85% of the police force. Females, representing approximately 15% of the police force, received 38% of the 2007 complaints.

b. Complainants

The CRA attempts to track the race of every individual who files a CRA complaint. However, race is a sensitive issue to some individuals, and the unit is unable to capture the racial identity of every individual who files a complaint. When an individual chooses not to reveal his or her racial identity, the CRA places the individual in the “Unknown” category.

In 2007, individuals who identified themselves as African Americans or Black filed the majority of complaints against MPD officers. Blacks filed 70% of all complaints in 2007. Blacks account for roughly 18% of the Minneapolis population, but have historically filed a significantly higher number of CRA complaints.⁶ Whites account for 65% of the Minneapolis population and filed approximately 18% of all complaints.⁷ Generally, complaints from other ethnic groups did not change from 2006 to 2007. Asians did not file any complaints with the CRA in 2007. Latinos and American Indians filed two complaints each. The CRA received several complaints from the Somali immigrant community; however, those complaints were included in the African American or Black category. We realize that the CRA will need to continue and intensify its efforts to conduct community engagement with immigrant communities through key community contacts that focuses on increasing the immigrant communities’ awareness of the CRA and building trustful relationships.

⁶ 2000 Census Report, Population, Race, Ethnicity, Publication #1, October 2001, prepared by the Minneapolis Planning Department Research and Strategic Planning Division.

⁷ *Id.*

Citizens of Minneapolis have expressed concerns about the police officers' treatment of minority citizens. Many citizens have asserted that the treatment is based on the race of the citizen. Residents of the 4th Precinct have been especially vocal about police conduct during police contacts.

Community organizations and individuals often ask for the statistical breakdown of the race of the complainants and victims by precinct location. The table on the next page provides data from 2004 – 2007 related to the complainants and victims and where the alleged incident of police misconduct occurred.

Table 6 – Race of Complainants and Victims by Precinct

MPD Precincts	Race	2004	2005	2006	2007	Totals
Pct 1	Am. Indian	0	0	0	0	0
	Asian	1	1	0	0	2
	Black	22	15	19	13	69
	Latino	1	1	0	0	2
	White	16	7	5	7	35
	Unknown	0	2	1	3	6
Pct 1 Total Complainants and Victims		40	26	25	23	114
Pct 2	Am. Indian	1	0	0	0	1
	Asian	0	0	0	0	0
	Black	7	3	3	3	16
	Latino	0	1	0	0	1
	White	11	5	5	3	24
	Unknown	0	0	0	0	0
Pct 2 Total Complainants and Victims		19	9	8	6	42
Pct 3	Am. Indian	2	6	1	2	11
	Asian	1	0	0	0	1
	Black	22	10	12	11	55
	Latino	0	2	1	1	4
	White	9	10	3	4	26
	Unknown	0	0	9	1	10
Pct 3 Total Complainants and Victims		34	28	26	19	107
Pct 4	Am. Indian	0	0	0	0	0
	Asian	0	0	0	0	0
	Black	26	34	31	32	123
	Latino	0	1	1	1	3
	White	12	9	4	2	27
	Unknown	0	0	0	4	4
Pct 4 Total Complainants and Victims		38	44	36	39	157
Pct 5	Am. Indian	1	0	0	0	1

	Asian	0	0	0	0	0
	Black	10	5	8	8	31
	Latino	0	3	0	0	3
	White	11	2	3	1	17
	Unknown	3	3	0	0	6
Pct 5 Total Complainants and Victims		25	13	11	9	58
Total Complainants and Victims		156	120	106	96	478

As the table shows, from 2004 through 2007, Blacks filed more complaints of misconduct in every precinct except for the 2nd Precinct. In order to provide context for the above data, the CRA compiled the precinct racial data from the Minneapolis Community Planning and Economic Development’s (“CPED”) 2000 Census Race Data Compilation. The 2000 CPED Compilation is the most current data available that allowed the CRA to compile the precinct racial composition based on the neighborhood populations within the precinct boundaries.

The 1st Precinct encompasses the downtown district, where many complaints originate because of enforcement of livability standards and officer interaction with the weekend bar closing crowds. Most of Ward 7 and part of Wards 2 and 5 are within the 1st Precinct boundaries. The 1st Precinct is the least populated precinct and has fewer minorities than all other precincts. The minority population of the 1st Precinct is approximately 8% of the city’s total minority population. Despite the lack of a significant number of minorities living within the 1st Precinct, minorities filed 56% of the complaints from the 1st Precinct, which represents 13 out of the 23 complaints filed in 2007. It should be noted that Blacks were the only minority group to file complaints involving incidents that occurred within the 1st Precinct.

The 2nd Precinct encompasses Ward 1 and parts of Wards 2 and 3. Historically, complaints from the 2nd Precinct have been comparatively lower than all other precincts. Asians, Latinos, and Blacks are nearly equally represented in the precinct. The minority population of the 2nd Precinct is approximately 10% of the City’s total minority population. In the past, this is the only precinct where Whites have filed more complaints than Blacks have. In 2007, Blacks and Whites filed three complaints each.

The 3rd Precinct includes Wards 9 and 12, and parts of Wards 2, 6, 8 and 11. The 3rd Precinct is the city’s largest precinct geographically and has a diverse minority population including Blacks, American Indians, Asian-Pacific Islanders, Latinos, and immigrant populations. The minority population of the 3rd Precinct is approximately 35% of the City’s total minority population. The precinct has the largest Latino minority population and the second highest percentage of Blacks living within its precinct boundaries. It also has a large concentration of Minneapolis’ immigrant community. In 2007, minorities filed 74% of the 3rd Precinct’s complaints. Blacks filed 11 of the 19 complaints filed in the 3rd Precinct.

The 4th Precinct encompasses Ward 4, most of Ward 5 and parts of Wards 3 and 7. The 4th Precinct provides police services to one-fifth of the city of Minneapolis. The largest percentage of Minneapolis' African American/Black and Asian-Pacific Islanders minority populations reside within the boundaries of the 4th Precinct. The 4th Precinct's minority population accounts for approximately 30% of the City's total minority population. Historically, more complaints of police misconduct have come from within the 4th Precinct boundaries. In 2007, minorities filed 85% of the complaints filed in the 4th Precinct. Blacks filed 32 out of the 33 complaints filed.

The 5th Precinct includes Wards 10 and 13, and parts of Wards 6, 7, 8, and 11. The minority population of the 5th Precinct is approximately 17% of the City' total minority population. Minorities filed 89% of the complaints from 5th Precinct, eight out of the nine complaints filed. Blacks filed those eight complaints.

Based on the CRA statistics, it is indisputable that historically Blacks have and continue to file a disproportionate number of CRA complaints. However, identifying race as a major contributing factor of police misconduct requires substantial data collection and analysis. CRA data combined with data from other sources may assist in the determination of the strength of the relationship between police misconduct and race of the citizen, and the relationship between police misconduct and the communities' crime patterns and socio-economic factors.

Women filed approximately 38% of the 2007 complaints of police misconduct. This percentage has remained consistent over the past three years. However, in 2004, women filed approximately 29% of the 2004 complaints.

4. Location of the Incident

The CRA tracks the precinct location of every complaint filed with the office. Nearly every precinct recognized a reduction in the number of complaints filed from 2006 through 2007. The 3rd Precinct had the most noticeable change with a surprisingly sharp decrease in 2007 with 12 complaints filed, compared to 21 in 2006. The 1st Precinct received 20 complaints, the second highest number of complaints in 2007. Historically, the second highest number of complaints filed has come from the 1st or 3rd Precincts. While all other precincts had a reduction in the number of complaints filed, there was no reduction in the number of complaints filed from the 4th Precinct. Complaints from the 4th Precinct accounted for 40% (30) of the 2007 complaints. The consistently high percentage of police misconduct allegations from communities with significant minority representation has caused some community members to continue to criticize the MPD for the perceived difference in treatment of residents because of the residents' race and ethnicity.

The Police Federation and others have asserted that citizens' perceived difference in treatment may be related to aggressive policing needed to address area crime rates, which has resulted in more arrests in certain precincts and correlative complaints of police misconduct in those same precincts. However, aggressive policing can be accomplished

without excessive force or rude treatment as evidenced by the comparison of the number of CRA complaints received in the 1st, 3rd, and 4th Precincts to the number of calls and arrests in the respective precincts.⁸

Comparing the number of service calls answered and arrests made in the 3rd and 4th Precincts, we found that the MPD answered approximately 12,000 more service calls in the 3rd Precinct than in the 4th Precinct and answered approximately 39,000 more service calls in 3rd Precinct than in the 1st Precinct. In regards to arrests, the 3rd Precinct made more than 3,400 arrests as compared to the 1st Precinct, and approximately 1400 fewer arrests than in the 4th Precinct. Yet, despite more activity in the 3rd Precinct (more arrests than the 1st and more service calls than the 4th), the 3rd Precinct experienced a significant reduction in the number of complaints filed between 2006 and 2007. These comparisons tend to provide support that successful aggressive policing does not have to include excessive force, inappropriate conduct/language, or rude behavior.

In addition to the above assertions of different police treatment based on the race of the citizen and aggressive policing as causes for the disparity among the precinct complaint totals, the CRA identified four additional causes that may have an effect on a precinct's number of complaints: (1) attitudes of precinct leaders and street-level supervisors; (2) precinct personnel changes; (3) MPD policing initiatives; and (4) elected official involvement.

a. Attitudes of Precinct Leaders and Street-Level Supervisors

Many citizens report to the CRA that they had attempted to resolve issues with an officer through contact with the officer's supervisor and/or the precinct leadership. Citizens have reported that some supervisors were indifferent, condescending, or dismissive toward the citizens, which added to the citizens' frustrations and desire to file a complaint against the officer and, at times, against the supervisor.

b. Precinct Personnel Changes

The CRA is aware that the MPD made several key leadership changes at the 3rd Precinct at the end of 2006 and the beginning of 2007, which may have affected the number of complaints filed from the precinct. At the end of 2006, the 3rd Precinct received a new Precinct Inspector and the immediate past commander of MPD Internal Affairs Unit was reassigned to the 3rd Precinct in the beginning of 2007. With those personnel changes in the 3rd Precinct, potential complaints may have been addressed within the precinct structure or officers may have adjusted their actions in response to the personnel changes. In 2008, the CRA will monitor the changes of precinct leadership and whether there are changes in the number of citizen complaints from the respective precincts. Tracking and analyzing precinct leadership changes and the subsequent changes in the number of

⁸ It should be noted that the CRA receives complaints that are not associated with an emergency call or arrest. These complaints typically involve officer off-duty employment and non-recorded stops and detentions.

complaints from those precincts may reveal additional information that would aid in the reduction of police misconduct allegations in all precincts.

c. MPD Policing Initiatives

In 2007, the MPD introduced Neighborhood Policing Plans as a part of the MPD's effort to collaborate with communities to focus on neighborhood concerns. Neighborhoods and their respective MPD precincts worked together to develop the policing plans.

Some of the neighborhood concerns were addressed through the use of crime prevention specialists providing community education, setting up block clubs, providing block leader training, encouraging citizens to report crimes to 911 and 311, providing home security audits, and promoting personal safety techniques, to name a few. However, for neighborhood concerns that required enforcement, the MPD developed strategies to deal directly with citizens who may have been contributing to the neighborhood concerns. As a result, the CRA received complaints related to police actions used to address various neighborhood concerns. For example, communities in the 1st Precinct expressed a desire for more aggressive law enforcement regarding loitering and panhandling and other nuisance crimes and livability issues. Several complaints received from the 1st Precinct during 2007 were directly related to police interactions during bar closing hours and encounters with citizens in the downtown district who are alleged to have been loitering or trespassing during business hours. Within the 1st Precinct, the majority of the complaints related to enforcement of livability issues came from Ward 7.

Additional examples of how police response to neighborhood concerns have an effect on the number of misconduct complaints from the different precincts are presented below.

2nd Precinct

Neighborhoods located within the 2nd Precinct expressed concerns about assaults, graffiti, robberies, burglaries, drugs, theft, parties, curfew/truancy, and the inappropriate use of motor scooters.

The 2nd Precinct policing strategies involved directed patrol for truancy, curfew, and weekend parties, use of Community Response Team for drug locations, party sweeps, beat officers, late night patrols of businesses, and directed patrol for traffic stops and suspicious person stops.

The CRA did not receive any receive complaints related to the 2nd Precinct policing strategies.

3rd Precinct

Neighborhoods in the 3rd Precinct expressed concerns about aggravated assaults/simple assaults, auto theft, burglary, gangs, graffiti, livability issues/nuisance, personal safety on the street, drugs, prostitution, problem properties and curfew/truancy.

The 3rd Precinct policing strategies involved increased patrols, increased night patrols, alley patrols, targeting of drug and prostitution locations and intersections, use of

Community Response Team, use of directed patrol, beat officers, focus on repeat offenders, police presence and cooperation with Metro Transit Police, traffic and nuisance enforcement.

The CRA received complaints alleging inappropriate conduct involving a search at a problem property; complaints alleging inappropriate conduct involving a search of a person during loitering and trespass ordinance enforcement; and complaints alleging inappropriate conduct during a traffic stop.

Despite the 3rd Precinct's complaints related to the neighborhood policing strategy, Ward 8, located within the 3rd Precinct, recognized the greatest decrease in the number of complaints received, dropping from 13 complaints in 2006 to 3 in 2007.

4th Precinct

Neighborhoods in the 4th Precinct expressed concerns about aggravated assaults/simple assaults, street-level drug activity, gangs, guns, burglaries, problem properties, personal safety on the street, aggressive panhandling, trespassing, robberies, drug houses, and curfew/truancy.

The 4th Precinct policing strategies involved increased day and night patrols, warrant/probations sweeps, problem property checks, use of Community Response Team, use of directed patrol, enforcement of trespassing and panhandling ordinances, targeting gun crimes and recovery, traffic details, police presence, aggressive enforcement of curfew and truancy, and drug enforcement.

The CRA received complaints regarding police activities involving inappropriate conduct during an arrest warrant check; inappropriate conduct during the execution of a search warrant on a problem property; and inappropriate conduct involving a search during a directed patrol stop.

Although the 4th Precinct received complaints related to the neighborhood policing strategy, Ward 5, located within the 4th Precinct, received the lowest number of complaints for that ward since 2002.

5th Precinct

Neighborhoods in the 5th Precinct expressed concerns about street robberies, aggressive panhandling, loitering, bar-closing crowds, graffiti, livability issues, theft from motor vehicles, auto thefts, traffic enforcement, and burglaries.

The 5th Precinct policing strategies involved traffic enforcement, drug enforcement, late night patrols, direct patrol zones, foot beats, beat officer presence, and enforcing livability ordinances.

The CRA received complaints alleging inappropriate conduct and language during a traffic stop, inappropriate conduct involving a search during enforcement of loitering ordinances, and inappropriate conduct during curfew enforcement.

From the above brief examination of the precincts' policing strategies and complaints related to those policing strategies, we found further support from the 2nd and 3rd Precincts that tends to suggest that effective policing strategies may be implemented without an increase in the number of citizen misconduct complaints.

d. Elected Official Involvement

Some elected officials were actively engaged in addressing citizens' concerns about police activity in their Wards. The CRA is aware that several City Council members received precinct activity updates and attended meetings regularly with community groups and the police. Their involvement may have also affected how their respective precincts addressed citizen concerns about police actions.

The above examination shows that many factors may affect whether a citizen engages in the CRA process. Particularly, the examination shows that, while race may be a motivating factor for some police officers' actions against community members, the fact that the 3rd Precinct, which has a slightly larger minority population, received fewer complaints is indicative that additional factors may also influence the number of complaints a precinct receives. As such, the identification and analysis of those additional factors along with an analysis of the strength of the relationships between the race of the citizen and the police actions should be studied. Moreover, the study and implementation of the possible factors that led to the reduction of the number of complaints in 2007 in the 3rd Precinct should be applied to other precincts, specifically, the 4th Precinct in the future.

The MPD and the CRA should combine its 3rd Precinct data from 2007 to identify and analyze additional factors that may have caused the sharp decrease in the number of CRA misconduct complaints received from the 3rd Precinct. The MPD and CRA should also identify and study the reasons why the 2nd Precinct has a consistently low number of complaints over the years. These examinations also reveal some best practices that could be developed and applied to the 4th Precinct.

5. Investigative Timeline

The length of time to complete investigations affects the perception of the fairness and effectiveness of investigations, which may affect the intake and signed complaint totals. Citizens who have to wait many months for their complaint investigations to be completed question the agency's ability to attain meaningful results and the sincerity of the agency's work. In addition, officers have expressed that the length of time to complete CRA investigations prolongs the stress associated with the employee investigations. Moreover, complaints that are sustained after a lengthy time of investigation reduce the corrective intent of discipline.

The CRA ordinance requires investigations be completed within 60 days unless there is a 30-day extension. The CRA investigative timeline is beyond the 60-day requirement. However, over the last year, the CRA continued to make progress toward decreasing the average number of investigative days by shaving off 50 days. The investigative timeline went from 252 in 2006 to 202 in 2007. The CRA accomplished the reduction by adhering to stricter timelines for citizen compliance with investigative requests, intensifying efforts to complete aging cases, and with the cooperation of the MPD in more quickly providing reports, videos, officer attendance, and other investigative matter that are under their control.

It should be noted, however, that the complexity of the citizen complaint, the number of officers and witnesses involved in the complaint, and the alignment of resources directly affect the investigation timeline. In an effort to provide timely resolution to citizen complaints, the CRA constantly reviews its process to identify and remove inefficiencies.

It has been suggested that an ordinance change to increase the investigative timeline to the original, pre-2002, 180 days may address the non-compliance issue. However, even with an ordinance change, the length of time to complete the investigations would still exceed the citizens and officers' expectations of timely resolutions to citizen complaints. In fact, in 2003, the CRA Redesign committee reduced the 180 days to 90 days because the resolution of the complaints was too long under the 180-day limit. But, it should be noted that the CRA investigative staff was reduced at the same time. The investigative timeline is an on-going challenge, which will be addressed in more detail in Section IV.

6. Investigator Workload

Investigator workload is directly related to the investigative timeline. The CRA's two investigators are responsible for investigating allegations that may arise from the actions of over 850 officers. The CRA's investigative capacity is strained. This strained capacity affects the timeliness of CRA investigations and thus is a contributor to the public's concerns about the CRA's ability to address misconduct issues in a meaningful manner.

The investigators' daily activities include receiving intakes, drafting complaints, and conducting investigations. During 2007, investigators received and processed over 300 citizen contacts, of which, investigators drafted 95 complaints. They conducted 182 interviews of officers, complainants, and witnesses involved in 76 complaint investigations. Investigators drafted 104 summaries, which included 28 dismissal recommendations. The majority of the dismissal recommendations were due to non-cooperative complainants. The agency classifies complainants as non-cooperative when the complainants fail to contact investigators after the investigators have made repeated attempts to contact complainants to arrange appointments or when complainants fail to provide sworn statements.

Investigators also assisted and advised more than 50 individuals with police policy and procedure questions. Those individuals did not wish to file complaints but wanted explanations about police actions and wanted to resolve police customer service issues. The majority of the concerns raised by citizens who were advised and assisted involved police customer service related issues. Assisting and advising citizens has become an important part of the CRA investigators' responsibilities. Many of the citizens who were advised and assisted had already attempted to resolve issues with the MPD before contacting the CRA.

B. Issue Determinations based on Findings of Fact and Evidence

Citizens, officers, and MPD administration expect the CRA board to issue decisions based on the facts presented from investigations and with a sincere analysis and deliberation of those facts during the adjudicative stage. Before board members sit on a hearing panel, the City Attorney's Office ("CAO") conducts training in police use of force, Minnesota Government Data Practices Act ("MGDPA") and Ethics training. In addition, board members receive training in the Minnesota Open Meeting Law and Minnesota Public Employee Labor Relations Act.

Another effort to ensure fact-based decisions requires the board to acquire a sound knowledge of MPD policies and procedures. For example, the MPD also offers use of force training to the board members. In addition, during the board members' tenure, board members participate in police ride-a-longs and MPD Citizen Academy training. Police ride-a-longs provide board members with an opportunity to observe how officers carry out their duties when engaging with the public. The Minneapolis Citizen's Academy training exposes board members to the types of training police officers receive and police procedures, e.g., Patrol Officer Duties/Responsibilities, Juvenile Unit, Use of Force/CIT/Tasers, Traffic Stops, Homicide, Evidence and Crime Scenes, Mounted Patrol, Canine Unit, Shoot/Don't Shoot, Narcotics, Officer Training. Last year, the board had an opportunity to receive MPD internal training on Use of Force and Tasers.

In 2008, the CRA will continue to take advantage of MPD training and will attempt to broaden its training opportunities by establishing relationships with individuals and organizations that have a variety of perspectives regarding police accountability.

1. Board Activity

During most of 2007, the board operated with nine members. The board heard 57 complaints containing 226 allegations and dismissed 28 complaints containing 122 allegations. The majority of the dismissed allegations were due to complainants' failures to cooperate with the investigations.

The number of panel hearings decreased from 86 in 2006 to 57 in 2007. There are three reasons for the decrease in the number of complaints heard: (1) difficulty in notifying citizens of the hearing panels' sustained hearing determinations in light of the CAO directive to cease releasing sustained determinations; (2) for two months no hearings were scheduled in order to allow the board to reduce the number of outstanding hearing determinations; and (3) an increase in the number of dismissed complaints heard.

In regard to the issue of citizen notification, in May 2007, the CAO directed the CRA to stop releasing the sustained status of CRA complaints at the time of the hearing panel's decision and to change the hearing panel's sustained designation on officers' public records where the chief did not discipline the officer. When the CAO informed the CRA that it could no longer release sustained hearing determinations until after discipline had been imposed, it reversed a 16-year practice. As a result of the CAO's advisory opinion, the CRA had to stop releasing determinations and change the way the CRA notified complainants about the hearing panel determinations and change its designations for public data requests. The hearing schedule was delayed as the board worked through ways to comply with the CAO's advisory opinion while attempting to maintain an adequate level of transparency of the CRA operation. (For a detailed discussion, see the Challenges section, Transparency in the CRA Process).

The second reason for fewer complaints being heard in 2007 was due to the board members being overloaded and needing time to reduce the number of outstanding hearing determinations. To address this issue, the CRA did not hold hearings in August and December 2007.

Finally, in 2007, the number of dismissed complaints increased. The CRA initiated efforts to dismiss complaints where the complainant demonstrated a documented unwillingness to participate in the investigative process. The complainant was notified in writing that within 30 days of the notice, he or she could submit a written request to the board for a reconsideration of the dismissal. In 2007, the CRA did not receive any reconsiderations to reactivate complaints.

The board averaged 32 days to issue determinations on complaints heard in 2007, which was a major accomplishment when compared to 84 days in 2006. Currently, the board has six outstanding complaints from 2006 and five from 2007. In 2007, the CRA board sustained 17% of the allegations heard. It should be noted this rate might be adjusted due to outstanding determinations due on several complaints heard in 2007.

The CRA plans to add seven new board members during the second quarter of 2008 and operate at full strength. However, with a majority of new board members in 2008, the CRA board will be challenged over the next year with conducting public meetings, trainings, and hearings. The board will also be faced with addressing ordinance requirements of conducting studies and policy analysis.

C. Promote the Adherence to the Highest Standard of Police Conduct

The CRA's mission to promote the adherence to the highest standard of police conduct supports two of the City's Strategic Directions – "Guns, Gangs, Graffiti Gone" and "Crime Reduction: Community Policing, Accountability, and Partnership" – under the city goal "A Safe Place to Call Home." A central part of accomplishing the above Strategic Directions is dependent on the communities' involvement in crime prevention and crime reporting, which the CRA could aid by increasing the public's trust in the MPD through the adjudication of CRA complaints and the subsequent discipline on sustained CRA complaints. However, the level of CRA's aid is greatly determined by the chief's actions on sustained CRA complaints.

The amount of community involvement in crime reduction strategies is affected by the level of trust the communities have that the City, specifically the MPD, will take appropriate action on officers who are found to have violated MPD policy and procedure, or the law. Officer discipline resulting from sustained CRA complaints has a direct impact on the public's perception of and confidence in the MPD and the City's overall commitment to addressing police accountability issues and enforcing the highest levels of appropriate police conduct.

The CRA's potential to promote the adherence to the highest standard of police conduct is mostly accomplished through its ability to produce quality investigations and adjudications of citizen complaints, which enhances the City's efforts to address police accountability concerns. A sustained complaint promotes adherence to the highest standard of police conduct by bringing to the MPD's attention an officer's actions or departmental policies that need to be changed. Additionally, a sustained complaint against an officer is an opportunity for the MPD to gauge what citizens (CRA board members) believe – based on the complaint evidence and board members' experiences and training – violated expected standards of police officer conduct. Under the best conditions, the CRA and MPD would address citizen complaints in a seamless manner, which would be evident by a small percentage difference between the number of sustained complaints sent to the chief for discipline and the number of those sustained complaints that the chief imposed discipline. In the end, the CRA's promotion of the highest standard of police conduct, through the discipline imposed on officers who receive sustained CRA complaints, aids in increasing the public's trust in the MPD's willingness to deal effectively with officer misconduct arising from citizen complaints.

In the past, the MPD raised concerns about sustained complaints by asserting that the quality of investigations and board member bias were reasons for not disciplining officers. Those concerns have been effectively rebutted, and the CRA has made it clear that the MPD and citizens are welcome to discuss concerns about the quality of an investigation or investigator and board member biases. The CRA believes that addressing quality and bias concerns immediately will strengthen the CRA process and ensure that officers and citizens are receiving fair and appropriate treatment in regards to sustained CRA complaints and the chief's subsequent disciplinary decisions.

Other functions of the CRA as they relate to promoting the adherence to the highest standard of police conduct are to advocate for maximum transparency of the CRA process and the full utilization of CRA data. The CRA’s advocacy for the maximum transparency of the CRA process aids in promoting the adherence to the highest standards of conduct by allowing the public, particularly the individual complainant, to review the CRA’s actions on citizens’ complaints and the subsequent disciplinary actions of the chief on sustained CRA complaints.

The full utilization of CRA data involves the use of CRA data as an accountability and transparency tool through the release of CRA data, in accordance with the MGDPA. The release of CRA data allows the public to measure how effectively the MPD is addressing police misconduct issues. The availability of the CRA data also allows the public to engage in meaningful dialogue with elected officials regarding the City’s commitment to addressing police accountability issues. In addition, the full utilization of CRA data involves the inclusion of CRA data in the MPD’s proposed early warning system, and vice versa.

1. Chief’s Discipline

The chief of police has the sole discretion to impose discipline on an officer when allegations have been sustained against an officer and thus enforces the adherence to the highest standards of police conduct. The chief imposed discipline on 4 of 18 (22%) officers who received sustained CRA allegations, which relates to the 14 complaints returned by the chief in 2007. The discipline imposed on Year 2007 officers included 30 hours of work without pay, a one-day suspension, letter of reprimand, and oral reprimand. It should be noted that the amount of discipline that the chief imposes on an officer does not become final, if an officer chooses to appeal the chief’s decision, until the officer has exhausted his appeal rights under the City’s employment contract with the Police Officer’s Federation of Minneapolis (“Police Federation”). Frequently, the Police Federation is successful in arbitrations and settlements with the MPD to reduce the original disciplinary decisions. The Police Federation is organized, fully funded, and has aggressive legal representation to protect the membership and ensure that the membership’s concerns are adequately addressed.

The table below shows the distribution of discipline.

Table 7 – 2007 Distribution of Chief’s Discipline

Type of Discipline	Number of Officers
30 hours of suspension	1
One day suspension (8 hours)	1
Letter of reprimand	1
Oral reprimand	1

In 2007, the MPD imposed discipline on 29% of the sustained CRA complaints that were returned to the CRA, which was a sharp decrease from the 51% in 2006. The table below

shows the last four years of MPD’s decision on sustained CRA complaints from 2004 through 2007.

Table 8 – All MPD Decisions on Sustained CRA Complaints*

Year Decision Rendered	Total Decisions	No Discipline	Discipline	% Discipline
2004	10	7	3	30%
2005	27	24	3	11%
2006	41	20	21	51%
2007	14	10	4	29%
TOTAL	92	61	31	34%

* Includes disciplinary decisions by different chiefs: 2004 – Chief Olsen; 2005 – Chief McManus; 2006 – Chief McManus/Chief Dolan; 2007 – Chief Dolan

To reflect the current chief’s average number of days for the chief to make a disciplinary decision, the CRA separated the current chief’s discipline record from the overall MPD disciplinary record. The current chief was appointed on April 4, 2006. From April 4, 2006 through December 31, 2007, the average number of days for the current chief to make a disciplinary decision was 145 days on 14 sustained complaints.

Table 9 – 2007 Current Chief’s Disciplinary Record

Discipline	4
No Discipline	10
Awaiting Disciplinary Decision	0
Avg. # of days to respond w/ with a disciplinary decision on complaints sent to the MPD from April 4, 2006 through December 31, 2007.	145

Focusing on the 2007 statistics, of the above 14 complaints, nine complaints were sent to the MPD for review and a disciplinary decision in 2007. The chief took the following actions on those nine complaints:

Discipline	1
No Discipline	7
Awaiting Disciplinary Decision	1
Avg. # of days for chief to respond with a disciplinary decision on complaints sent in 2007.	90

To date, the chief imposed discipline on 14% of the complaints sent to the chief in 2007. The chief provided several reasons for not imposing discipline on officers – perceived investigator bias, policy failure, age of the case, criminal records or criminal associations of the complainant, credibility of the complainant and witnesses, and mitigating circumstances. Despite a 2006 ordinance change that allows the chief to request a reconsideration of the hearing panel’s sustained determination based on a factual or legal basis, the chief did not exercise the option.

In 2006, the Minneapolis City Council changed the CRA ordinance to include a reconsideration option for the chief. Reconsideration is an option that citizens and the chief can exercise when they believe that a hearing panel determination is incorrect. The written request for a reconsideration is submitted to the CRA, and the reconsideration is heard by the full board. The board may affirm the hearing panel’s decision, reverse the decision, or refer the file back to CRA staff for additional investigation.

In regards to the chief’s disciplinary decision timeline, the chief has 30 days to make the disciplinary decision on a sustained complaint. The length of time for the chief to make a disciplinary decision combined with the investigation time can have serious implications on the significance of the chief’s disciplinary decision. The length of time to impose discipline is especially crucial for a complaint that may fall within the MPD’s “A” violation category.

Under the MPD’s disciplinary decision model, an “A” violation is not discipline and has a one-year reckoning period from the day of the incident. The reckoning period defines the time in which a previous infraction may be considered in a present disciplinary action, thus enhancing a present infraction. An “A” violation has the effect of a corrective motivator because it remains in the officer’s service jacket for one year; however, when a sustained CRA allegation falls within the “A” violation and a disciplinary decision is made beyond the one-year reckoning period, its effect as a corrective tool is minimal, if at all.

D. To Foster Mutual Respect between the Minneapolis Police Department and all the Populations of the City of Minneapolis.

According to the 2005 Minneapolis Resident Survey Report, approximately sixty-one percent (61%) of citizens who had experienced discrimination “in dealing with the City” identified law enforcement officers as the municipal employees involved.

From the CRA’s participation in community outreach events and informal conversations with community members and organizations during 2007, the CRA confirmed that citizens expressed far greater concerns about police misconduct than the number of intake and signed complaints data indicates. When individuals were asked why they did not contact the CRA to report an incident of police misconduct, those individuals expressed a lack of awareness of the CRA or distrust in the City’s commitment to address police misconduct because the investigations took too long and the results were often disappointing due to the lack of disciplinary action.

The accomplishment of the City's Goals of "One Minneapolis" and "A Safe Place to Call Home" requires community engagement from all City departments. The CRA's independence of the MPD makes it perfectly suitable to contribute to the accomplishment of the Goals. Furthermore, the CRA's mission statement includes fostering mutual respect between the MPD and citizens and the CRA ordinance mandates that the CRA participate in improving community police relationships, which directly aids the MPD in its community policing initiatives. The CRA ordinance provides several mechanisms for the CRA to foster mutual respect between the MPD and citizens: (1) community outreach, (2) mediations, and (3) cultural sensitivity training.

1. Community Outreach

CRA's community outreach is focused on five objectives:

- a. Increase the public's awareness of the CRA;
- b. Relieve citizens and officers concerns about the fairness and impartiality of the CRA process;
- c. Educate the public of the do's, don'ts, and rights of citizen police encounters;
- d. Provide transparency of the CRA operation and answer citizens' questions and concerns; and
- e. Increase officer understanding of the CRA operation and process.

a. Public Awareness

To increase the public's knowledge and understanding of the CRA, the CRA conducts outreach to the communities of Minneapolis through staff and board members' attendance and participation in various community meetings and events. During 2007, the CRA established contact with several community organizations, and some board members arranged additional outreach opportunities through personal contacts. The CRA also continued to reach out to communities that have historically been skeptical of reporting police misconduct, e.g., immigrant communities. However, in 2007, the CRA did not receive any complaints from the Asian community and received very few complaints from American Indians, Latinos, and Somalis. These communities will require more focused outreach in 2008. For an example of the CRA's 2007 community outreach activities, see the 2007 Outreach and Presentation Appendix.

b. Fairness and Impartiality

The CRA attempts to relieve citizens' concerns about fairness and impartiality of the CRA operation by informing citizens of the CRA process, board composition, board member and staff training, and the uniqueness of the CRA's independence of the MPD with regard to its investigations and adjudications.

CRA community outreach also involves addressing the hesitancy of immigrants to file complaints against police officers. In conversations with members of Minneapolis' immigrant communities, members of the immigrant communities communicated concerns about police treatment, but expressed fears of retaliation for filing a complaint against a police officer and that they were not accustomed to filing complaints against police officers.

Lastly, the CRA has been positioning itself as a reliable and trusted City resource to answer citizens' questions and concerns about police actions. The CRA resolves a number of intake calls by providing citizens with information regarding police officers' actions and MPD policy and procedure. Because of the CRA's independent and neutral status, the unit is able to communicate with the public in a non-threatening and unbiased manner.

c. Education

To educate the public about police encounters, the CRA created short, citizen-friendly tips and reminders for citizens on how to behave when dealing with the police. This information is provided during community outreach sessions. In 2007, the CRA initiated an effort to approach citizen/police encounters proactively by educating youth of the "Do's, Don'ts and Rights" regarding police encounters and increasing the youth awareness of the CRA process in the event that a situation results in a negative experience.

d. Transparency

To provide transparency of the CRA operation, the CRA releases statistics during its monthly public meetings and during community outreach sessions to the extent allowed under the MGDPA. The CRA also provides public information to the media, legal professionals, organizations, and other agencies. CRA staff has an open door policy that encourages meeting with community members to discuss the CRA operations and clarify misunderstandings about the CRA.

e. Officer Outreach

CRA's community outreach also includes outreach to MPD officers. The CRA participates in new officer training, which provides an opportunity for the CRA to inform new officers about the CRA, its processes and expectations, dispel rumors, clarify the CRA's role, and answer the new officers' questions.

2. Mediation Activity

The CRA also contributes to fostering mutual respect between the MPD and citizens through its mediation program. Mediations offer citizens and officers an opportunity to discuss the incident involved in the CRA complaint in a neutral, non-threatening atmosphere. The CRA believes this promotes perspective sharing and understanding, which may help both parties in future police and citizen encounters.

In 2007, the CRA referred 26 of the 75 signed complaints to mediation, which represents 35% of the signed complaints, down from 39% in 2006. Of the 75 signed complaints in 2007, 9% were successfully mediated, a drop from 17% successfully mediated complaints in 2006, yet statistically comparable to other oversight agencies that have a similar mandatory mediation program.

Table 10 – Historical Perspective of Successfully Mediated Complaints

Year	Total Complaints	Successfully Mediated Complaints	Success Percentage
2004	128	10	8%
2005	85	9	11%
2006	89	15	17%
2007	75	7	9%

Last year, the CRA learned that several mediation participants needed a clearer understanding of what could be achieved from mediation and that some others had reluctantly complied with the mandatory mediation requirement, which may explain the decrease in the successfully mediated rate between 2006 and 2007. In 2008, during the initial contact with the citizen, the CRA will focus on managing the parties' expectations of the outcomes that can be achieved from the mediation process. To reinforce the verbal message, the CRA created mediation brochures for the complainants and the officers that explain the benefits of the program for each.

In addition, the CRA will begin an evaluation of the mediation program. The goal of the evaluation will be to assess the satisfaction, usefulness, and process of the mandatory mediation program through direct and immediate feedback from the citizens and officers who use the program as well as those who facilitate the program. The CRA will also request feedback from the volunteer mediators.

3. Cultural Awareness

Lastly, the CRA could contribute to fostering mutual respect between the Minneapolis Police Department and all the populations of the city of Minneapolis through participation in the MPD cultural awareness training. As the Minneapolis population continues to become more diverse, the need for officer cultural enrichment will become increasingly important. The CRA ordinance requires the CRA to “facilitate, along with Minneapolis Police Department, appropriate cultural awareness training for sworn officers as determined by [CRA].” However, the CRA has not had a role in the MPD cultural awareness training since the inception of the CRA in 1991.

The CRA will make efforts to collaborate with the MPD to develop an effective cultural awareness program, in compliance with the CRA ordinance. To accomplish this, the CRA will approach community leaders and MPD administration to identify community and MPD administration requirements for an effective cultural awareness training program. The CRA will also consult with other civilian oversight agencies and police departments to learn best practices that may be incorporated into the CRA’s training program. Finally, the CRA will advocate for appropriate funding for the program.

The ability to conduct cultural awareness training with the MPD will enable the CRA to assist the MPD in its efforts to have a more culturally sensitive police force. This will aid in creating bridges of understanding between the City’s police officers and those communities that have historically perceived the City, because of treatment by the police, as two cities, rather than “One Minneapolis.”

Section IV

Challenges

This section will describe the challenges that faced the CRA in 2007, how the CRA addressed those challenges, and how the CRA will continue to address the challenges in 2008.

While the CRA made strides to provide timely and objective investigations for the citizens of Minneapolis and the MPD, the agency faced seven major challenges in 2007 that have shaped the CRA operating environment for 2008:

- A. Maintaining the level of transparency that the CRA can provide to the public;
- B. Maintaining the CRA as the final decision-maker on CRA complaints;
- C. Eliminating the communication delay from the City Attorney's office ;
- D. Closing the gap between sustained CRA complaints and percentage of chief discipline on sustained complaints;
- E. Reducing the investigative timeline and length of time to receive disciplinary decisions from the MPD;
- F. Ensuring inclusion in the MPD's proposed early warning system; and
- G. Expanding the scope of the CRA policy analysis activities.

- A. Maintaining the level of transparency that the CRA can provide to the public

Since 1991, a hearing panel's determination (sustained, dismissed, not sustained) was considered a status and was released to the public. Citizens expect that once the board has decided a matter the public would be able to learn of the board's actions. The public's access to CRA board determinations is critical to the transparency of the CRA activities because it aids in increasing the public's level of trust that the agency is addressing citizens' concerns. Over the years, the general public, civil and criminal attorneys, media, and police watchdog groups have requested the public portions of officers' CRA records, which included all hearing panel determinations. More importantly for the individual aggrieved citizen, he or she was able to be notified of the hearing panel's determination in order to consider whether to file for a reconsideration of the complaint.

In May 2007, in response to a Police Officers Federation of Minneapolis ("Police Federation") request, the City Attorney's Office ("CAO") advised the CRA that it could no longer release the sustained status of CRA complaints unless discipline had been imposed and the discipline had survived the appeals process. Due to the change in the 16-year practice, the CRA had concerns about the reduced level of transparency and sought an advisory opinion from the Department of Administration's Information and Policy Analysis Division ("IPAD"). However, IPAD initially refused the CRA request stating that request appeared to involve an internal difference. Nonetheless, IPAD stated that it would accept a request from the CAO concerning the issues.

Recently IPAD issued an opinion advising the City Attorney that the CRA's release of the sustained and not sustained hearing panel decisions and the fact that a complaint had been referred to the chief for discipline violated the Minnesota Data Practices Act.

The reality of the IPAD and CAO's opinion effectively prevents complainants and the public from learning about sustained complaints against police officers, in some cases for years. Furthermore, in cases where the police department declines to discipline an officer, the complainant and public would never know how the CRA hearing panel addressed the complaint. Considering the low percentage of discipline imposed on officers in 2007, the majority of complaints where the CRA hearing panel sustained an allegation of misconduct may never be released to the public, thus reducing the transparency of the CRA process and reducing the citizens' ability to track the chief's discipline of individual officers.

B. Maintaining the CRA as the final decision-maker on CRA complaints

Several months after the previously mentioned CAO opinion, the Police Federation filed a lawsuit against the City demanding the City "to name a person or persons who will have the authority on behalf of the City to negotiate and enter into a final and binding grievance settlement agreement that may provide for overturning or amending CRA findings and order such person(s) to negotiate in good faith." Essentially, what the police union is asking for is the name of a person who would be in a position to negate the citizen board's decisions, which would remove the citizen board as the final arbitrator of CRA complaints. We propose that if the City must provide the name of an individual to enter into a final and binding grievance settlement agreement that may provide for overturning or amending CRA findings that the City provide the name of the CRA manager or CRA board chairperson.

C. Eliminating the communication delay from the City Attorney's office

The City Attorney's office appeared to be reluctant to communicate with the CRA or the Civil Rights Department on issues that had a significant impact on the CRA operation, specifically the directive to stop releasing sustained hearing panel determinations without any consultation with the CRA regarding the affect of the CAO directive and the Police Federation lawsuit.

Upon learning about the lawsuit, the CRA board expressed concern about the lack of communication between the CRA and the CAO. In response to the board's concerns about the CAO's decision to not advise the board of pending litigation involving CRA practices, the CAO stated that the City of Minneapolis City Council was the CAO's client in the particular lawsuit, and therefore, the CRA was not entitled to be informed or consulted.

While the CRA understands the role and responsibility of the CAO, the impact of their actions without some degree of communication about CAO actions that affect CRA operations exposes the CRA and City to additional public criticism regarding the

commitment to police accountability, which will most certainly result in increased distrust in the CRA process. This lack of communication does not allow the CRA to prepare for changes that the CAO imposes on the CRA process without interruptions of service to the public. The CRA expects to have the communication issue resolved in 2008. In fact, at the time of the printing of this report, communication with the CAO appears to have improved.

D. Closing the gap between sustained CRA complaints and percentage of chief discipline on sustained complaints

Another major challenge in 2007 was how to reduce the number of complaints where the CRA and the MPD differ on the number of sustained complaints and number of those sustained complaints that had discipline imposed by the chief. In 2006, City Council enacted changes to the CRA ordinance that would assist the CRA board and MPD in resolving barriers to the imposition of discipline on sustained CRA complaints. The chief can request the CRA board to reconsider sustained hearing panel determinations, which would allow the chief to present new facts or a legal basis to the board to consider before the chief makes his final disciplinary decision. In 2007, this option was not exercised. The CRA will initiate discussions on this challenge during the PACC meetings in 2008.

E. Reducing the investigative timeline and length of time to receive disciplinary decisions from the MPD

The CRA ordinance requires the CRA to complete investigations within 60 days, unless there is a 30-day extension. The ordinance also requires the MPD to make a disciplinary decision within 30 days. Neither the CRA nor the MPD are in compliance with the ordinance requirement.

The cumulative effect of the length of time it takes for the CRA to investigate a complaint and for the chief to make a disciplinary decision is a major challenge that affects the credibility and integrity of the agency. First, it requires citizens and officers, in many cases, to wait a year or more for an outcome for their complaint, thereby increasing the citizen and officer frustrations with the process. Second, it affects the corrective nature of complaints that are deemed “A” violations, since “A” violations are only effective as progressive discipline for a year from the date of the incident.

The Civil Rights Department and the CRA should consider hiring a third investigator and/or proposing an ordinance change to adjust the investigative time to fit the investigative capacity. Prior to the 2003 CRA Redesign, the CRA had three investigators and an investigative time limit of 120 days with a one-time 60-day extension. When the CRA was restructured, the staff was reduced and the investigative time was shortened. Nationally, comparable-sized civilian oversight agencies that have independent investigative authority have, on average, one investigator for approximately every 225 officers. Many of these agencies also have additional support staff, such as intake coordinators, community outreach coordinators, and policy analysts. Currently,

Minneapolis has one investigator for approximately every 425 officers and no intake or outreach coordinators or policy analysts.

In regards to the MPD 30-day requirement to make a disciplinary decision, the CRA does not have authority to enforce the 30-day requirement. The issues surrounding this challenge may have to ultimately be addressed by elected officials.

F. Ensuring inclusion in the MPD's proposed early warning system

The MPD is proposing to establish an early warning system to identify officers who may be experiencing job performance difficulties. The CRA is seeking to have its data included in the MPD early warning system. CRA data combined with MPD data would provide a more complete picture of an officer's conduct. The CRA would advocate for such a combination of data. A final determination of this matter has not been made.

G. Expanding the scope of the CRA policy analysis activities

The CRA is responsible for reviewing MPD policies and training procedures and making recommendations for change. Policy analysis can take three forms within the CRA process. Most often, discovery of a flawed policy occurs when an officer received a sustained complaint from the CRA hearing panel and the chief does not impose discipline because the officer acted according to policy, but the policy was flawed. This is referred to as a policy failure. In those instances, the CRA should suggest policy changes and monitor the MPD's progress in changing the policy.

The second method of policy analysis involves a CRA board review of new MPD policy related to new police equipment and policing initiatives. In 2006, the CRA conducted research on the use of tasers and submitted policy recommendations to the MPD.

The third method of policy analysis should involve a systematic review of sections of the MPD Policy and Procedure Manual, comparing the MPD policies to the "best practices" of law enforcement agencies nation-wide. The CRA has not done a systematic review of MPD policy for over 10 years.

The policy analysis requirement presents a resource challenge because at the current staffing levels the CRA concentrates the bulk of its hours on investigations. Policy review requires statistical compilations, legal and policy research, and time to analyze the information and draft policy recommendations to be submitted to the PACC. The CRA realizes that the policy analysis mandate requires more focused effort. However, with the current staffing and a majority of new board members, it will be several months before the board will be trained and able to participate with staff in MPD policy review and appropriate policy recommendations.

Conclusion

The shaping of the CRA's operating environment is reliant on engagement from parties with an interest in police accountability. It is critical that citizens, MPD, other city departments, and elected officials are aware of the statistics, outcomes, and challenges related to the CRA operation in order to ensure enforcement of the CRA ordinance and to make changes in MPD policies and procedures that will benefit the City's commitment to civilian police oversight. The CRA information in this annual report provided citizens, the MPD, and elected officials with the ability to measure CRA's work within the context of the CRA's operating environment.

The preparation of this annual report has served as an opportunity for the CRA to stop and review its work over the past year, enjoy its successes, and renew its efforts to confront its internal and external challenges.

Appendices

Minneapolis Civilian Police Review Authority Mission Statement

Adopted May 4, 2005

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.

CRA Scope of Authority and Definitions

The Minneapolis Civilian Review Authority scope of authority includes, but is not limited to, the following:

- (a) Use of excessive force.
- (b) Inappropriate language or attitude.
- (c) Harassment.
- (d) Discrimination in the provision of police services or other discriminatory conduct on the basis of race, color, creed, religion, ancestry, national origin, sex, disability or age or sexual orientation.
- (e) Theft.
- (f) Failure to provide adequate or timely police protection.
- (g) Retaliation for filing a complaint with the review authority.
- (h) Any violation of the Minneapolis Police Department's policy and procedure manual.

Definitions:

Adequate and timely – Such length of time as may fairly, properly, and reasonably be allowed or required, having regard to the nature of the act or duty, or of the subject matter, and to the attending circumstances.

Excessive Force – The officer's particular use of force was not "objectively reasonable" in light of the facts and circumstances confronting the Officer without regard to the officer's underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. Factors to be considered include the following: 1) the severity of the crime at issue; 2) whether the subject posed an immediate threat to the safety of officers or others, and 3) whether the subject was actively resisting arrest or attempting to evade arrest by flight. (*Graham v. Connor*, 490 U.S. 386 (1989)).

Harassment – Inappropriate words, gestures, and other actions which are intended to annoy, alarm or abuse another person.

Inappropriate language, attitude or conduct – That language or action, which under the circumstances may be rendered unnecessarily confrontational or otherwise inappropriate. This may include, but is not limited to such conduct as racial, sexual or ethnic slurs (i.e. the use of any common or slang terms, which are generally perceived to be derogatory in nature to refer to any member of a racial, ethnic, religious group, or to refer to any person's nationality, sex, sexual orientation, or affectional preference, or which may constitute sexual harassment).

2007 Outreach and Presentation Activities

Youth Outreach

Phillips Community TV – the CRA participated in a youth filming project on Police Misconduct

Brian Coyle Center – presentation to Somali youth center program

Green Central Middle School – presentation to 7th and 8th graders

Bridge for Runaway Youth – presentation to homeless youth

Community Outreach

International Visitors – presentation to visitors from the Ukraine

Somali Resource Fair – attendance and materials

Juneteenth Celebration – attendance and materials

Ashley Rukes GLBT Pride Parade and Festival – attendance and materials

Minneapolis Urban League Family Day – attendance and materials

Presentations

Gray, Plant, Mooty – presentation on CRA mediations

MPD Police Academy Training – presentation of the CRA process to new MPD recruits

MPD Citizens Academy – presentation of the CRA process to Citizen Academy participants

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If you feel your Civil Rights have been violated
or if you wish to receive more information concerning the
Minneapolis Department of Civil Rights and/or the
Minneapolis Civilian Police Review Authority, please contact us.