

Minneapolis
City of Lakes

CIVILIAN POLICE REVIEW AUTHORITY

FIRST QUARTER REPORT

2011

Table of Contents

Introduction	4
Section I First Quarter 2011 Statistics	5
Section II Complaint Data Discussion	7
Complaints	7
Allegations	7
Location of Complaints	8
Complainants	8
Mediation	9
Board Activity	9
Section III Discipline Discussion	10
First Quarter Corrective Actions	12
Section IV Other Information	13
Section V Recommendations	14
Appendix A: First Quarter 2011 data related to complaints filed in the First Precinct and Ward 7	15
Appendix B: Location of Wards within Police Precincts	16
Appendix C: Ward and Precinct Map	17

List of Tables

Table 1 Complaint Data.....	5
Table 2 Board Data – Disposition of Complaints.....	9

List of Charts

Chart 1 Complainants and Victims (First Quarter 2009 – 2011).....	8
Chart 2 Chief of Police Corrective Actions on Complaints (First Quarter 2009 – 2011).....	11
Chart 3 Chief of Police Corrective Actions against Officers with Sustained CRA Complaints (First Quarter 2009 – 2011).....	12

Introduction

The Minneapolis Civilian Police Review Authority (CRA) is responsible for receiving, investigating, mediating, and adjudicating civilian complaints against Minneapolis Police Department (MPD) officers. This report will provide information about citizen complaints involving the actions of MPD officers. This report will present data from the first quarter, the disciplinary actions of the chief of police, and other information that the Civil Rights Department believes is important to share regarding our quest to continue to improve the work of the CRA. It should be noted that the data contained in this report is a snapshot of the data at the end of the quarter. This report does not include data from the MPD Internal Affairs Unit or the lawsuits filed against MPD officers.

The report is divided into four sections. Section I will provide CRA data collected from January through March 2011. Section II will discuss select complaint data for closer examination. Section III will discuss discipline decisions of the chief of police in the first quarter. Section IV will discuss the highlights of the CRA's process improvement activities. Section V will provide five recommendations for the CRA.

Section I First Quarter 2011 Statistics

The table below provides CRA data related to the number of civilian contacts, the demographics of the civilian contacts, and the allegations contained in complaints during the first quarter of 2011.

Table 1 Complaint Data

Minneapolis Civilian Police Review Authority	
January 1 through March 31, 2011 statistics	
1. Number of initial complaints received	75
2. Number of complaints sent for signature	20
3. Number of signed complaints received	22
4. Number of complaints withdrawn	0
5. Percentage of complaints containing multiple allegations	59%
6. Total number of allegations by type	76
• Inappropriate Conduct	20
• Inappropriate Language	18
• Harassment	1
• Excessive Force	34
• Failure to Provide Adequate or Timely Police Protection	3
• Discrimination	0
• Failure to Report Use of Force	0
• Retaliation	0
• Theft	0
7. Location of complaints by precinct	
• Precinct 1	11
• Precinct 2	1
• Precinct 3	3
• Precinct 4	3
• Precinct 5	4
• Outside City	0

8.	Location of complaint by ward	
	• Ward 1	1
	• Ward 2	1
	• Ward 3	0
	• Ward 4	0
	• Ward 5	3
	• Ward 6	1
	• Ward 7	10
	• Ward 8	2
	• Ward 9	0
	• Ward 10	3
	• Ward 11	1
	• Ward 12	0
	• Ward 13	0
	• Outside City	0
9.	Race of Complainants (includes victims) ¹	
	• Asian	3
	• Black	18
	• Latino	1
	• American Indian	0
	• Unknown	3
	• White	4
10.	Age of Complainants	
	• Under 21	1
	• 21 – 40	19
	• Over 40	6
	• Unknown	3
11.	Gender of Complainants	
	• Female	11

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 alleged police action contained in the complaint.

• Male	18
12. Race of Officer	
• Asian	1
• Black	4
• Latino	1
• American Indian	0
• White	25
13. Officers time on force	
• Less than 5 years	13
• 5 or more years	18

Section II Complaint Data Discussion

Complaints

Staff closed 73% of the initial complaints received during intake in the first quarter. Twenty-seven percent of the initial complaints resulted in a complaint for signature. A complaint for signature is a complaint that (after initial screening by CRA staff) is sent for a citizen signature because the alleged actions by a police officer may have violated MPD policy and procedures.

The CRA received 22 signed complaints, which was a significant increase in the number of complaints received during the same period last year. It should be noted that the 22 complaints received included complaints sent for signature during 2010. Eight of the complaints received during the first quarter qualified for priority complaint processing.

Allegations

Excessive force allegations against MPD officers accounted for 45 % of the complaint allegations filed during the first quarter of 2011. In the same period last year, excessive force allegations accounted for 14 % of complaint allegations.

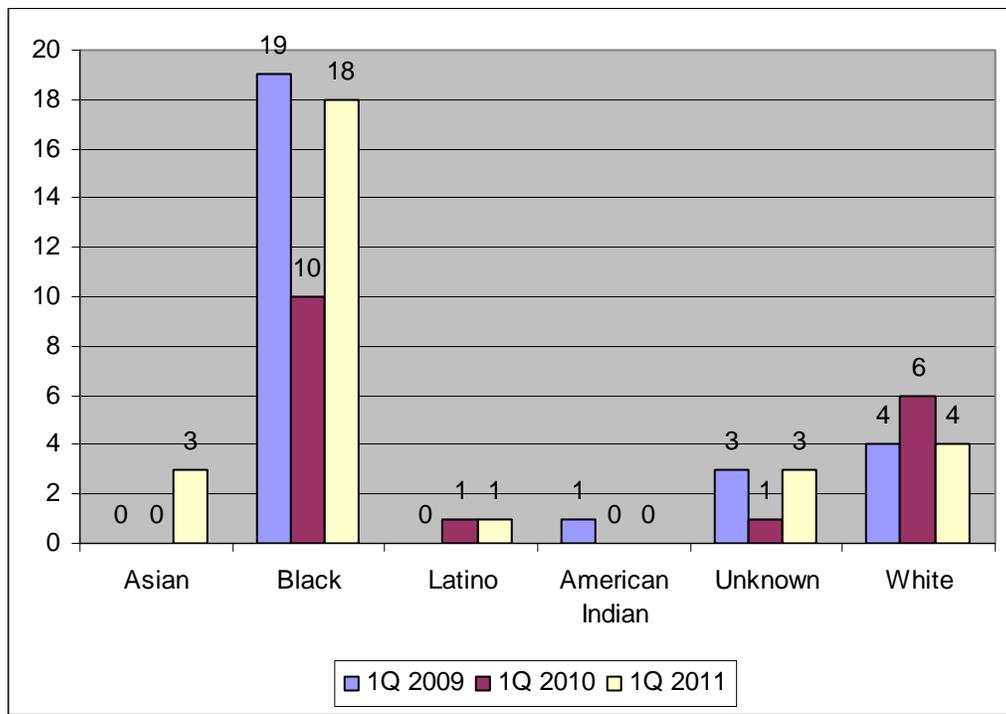
Location of Complaints

The majority of the first quarter complaints involved incidents that occurred in the First Precinct and Ward 7. Most of those complaints involved police conduct that occurred in the downtown business and entertainment district. Complaints from the downtown business district accounted for 61 % of the excessive force allegations. **Appendix A** provides additional data related to the First Precinct and Ward 7. Appendix B provides the location of wards within the police precincts.

Complainants

There has been no change in the distribution of “who” files the majority of complaints against Minneapolis police officers. During the first quarter, blacks filed the most complaints. This is consistent with the historical average of nearly 65% of all CRA police misconduct complaints involving blacks as the complainants or victims of police misconduct allegations. The chart below shows the distribution of complaints during the first quarters of 2009 through 2011.

Chart 1 Complainants and Victims (First Quarter 2009 – 2011)



Mediation

Two complaints were referred to mediation (one complaint from 2010 and one complaint from the first quarter of 2011). Mediations were held on both complaints. Of these, one complaint was successfully mediated; the other complaint went back to the CRA staff for an investigation.

Board Activity

The CRA board consists of 11 board members appointed by the Mayor and the City Council to four-year terms. Members must be residents of Minneapolis and cannot be current or former employees of the MPD. Board members are responsible for conducting hearings and determining the facts of complaints, making policy recommendations to the MPD, holding monthly public meetings, and participating in community outreach. Public meetings and community outreach are essential to the board's ability to receive comments from the public regarding the relations between the public and the MPD and to explain the agency's role in addressing police misconduct.

Once CRA staff completes a complaint investigation, the complaint is sent to the CRA board to schedule a hearing. Board hearings are conducted to adjudicate the complaints. The board conducted hearings on 18 complaints during the first quarter of 2011, of which 12 reached a determination. The board also completed 2 determinations from hearings held in a previous quarter. Hearing panel activity is shown in Table 2.

Table 2 Board Data – Disposition of Complaints

	2011
• Number of complaints heard by panel	18
○ Number of complaints fully sustained	3
○ Number of complaints partially sustained	1
○ Number of complaints not sustained	4
○ Number of complaints dismissed ²	6
○ Number of complaints determination pending	6
• Number of allegations contained in complaints heard	97
○ Number of allegations sustained	19

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

	2011
○ Number of allegations not sustained	16
○ Number of allegations dismissed ³	16
• Types of allegations sustained	
○ Inappropriate conduct	7
○ Inappropriate language	1
○ Harassment	4
○ Excessive force	5
○ Failure to provide adequate or timely police protection	2
○ Discrimination	0
○ Failure to report use of force	0
○ Retaliation	0

Section III Discipline Discussion

In an August 2008 article titled “*Police Discipline and Community Policing: New models*,” found in volume one, issue eight, *Community Policing Dispatch*, an e-newsletter of the COPS (Office of Community Oriented Policing Services of the United States Department of Justice) office⁴, the authors⁵ of the article opined that:

“[h]ow police officers are disciplined for acts of misconduct affects how the community views the police and how the police view their job. An agency that routinely fails to take proper action when discovering that its officers have committed acts of misconduct will eventually lose its credibility in the community.”

The authors also noted that the handling of discipline could result in motivation issues for officers and increased citizen complaints. In addressing police misconduct, the MPD may use discipline, coaching, training, policy changes, and counseling as methods to correct officer behavior, which all may be characterized as corrective action.

³ *Id.*

⁴ http://www.cops.usdoj.gov/html/dispatch/August_2008/new_model.htm

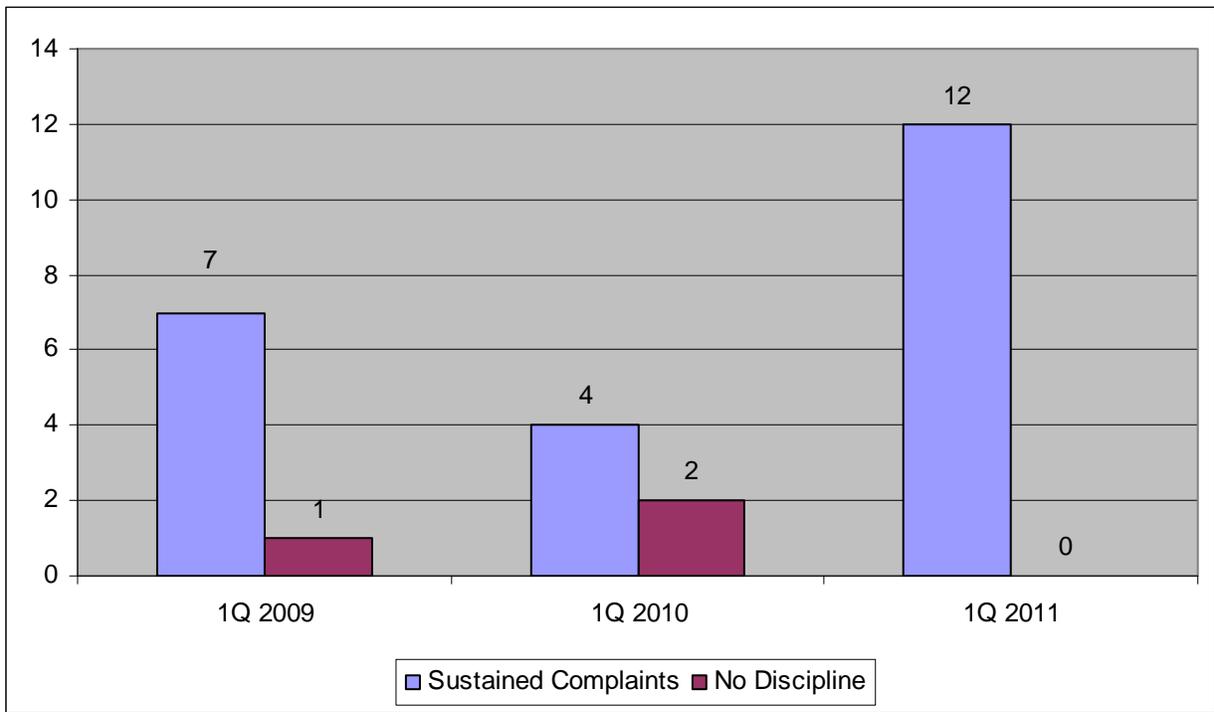
⁵ The article was written by Mark R. Perez, *Deputy Chief*, Los Angeles Police Department, in collaboration with Albert A. Pearsall III, *Police Integrity Team Leader*, The COPS Office.

M.C.O. § 172.130 provides, in relevant part, that upon conclusion of the panel hearing and or board reconsideration, the CRA shall forward the investigatory file, the findings of fact and the determination to the chief of police. The disciplinary decision of the chief of police must be based on the adjudicated facts as determined by the board. The ordinance does not allow the chief of police to conduct a de novo review of the facts. Further, the chief of police has 30 days from receipt of the case to impose discipline, determine that no discipline will be imposed, request a reconsideration, or request an extension of time.

During the first quarter of 2011, the chief of police delivered 12 decisions with no corrective actions imposed against the 17 officers involved in those complaints. The CRA board heard the complaints of those decisions between 2009 and 2010. On those complaints, the CRA process (investigation, board hearing, and complaint determination) ranged from 204 days to 779 days.

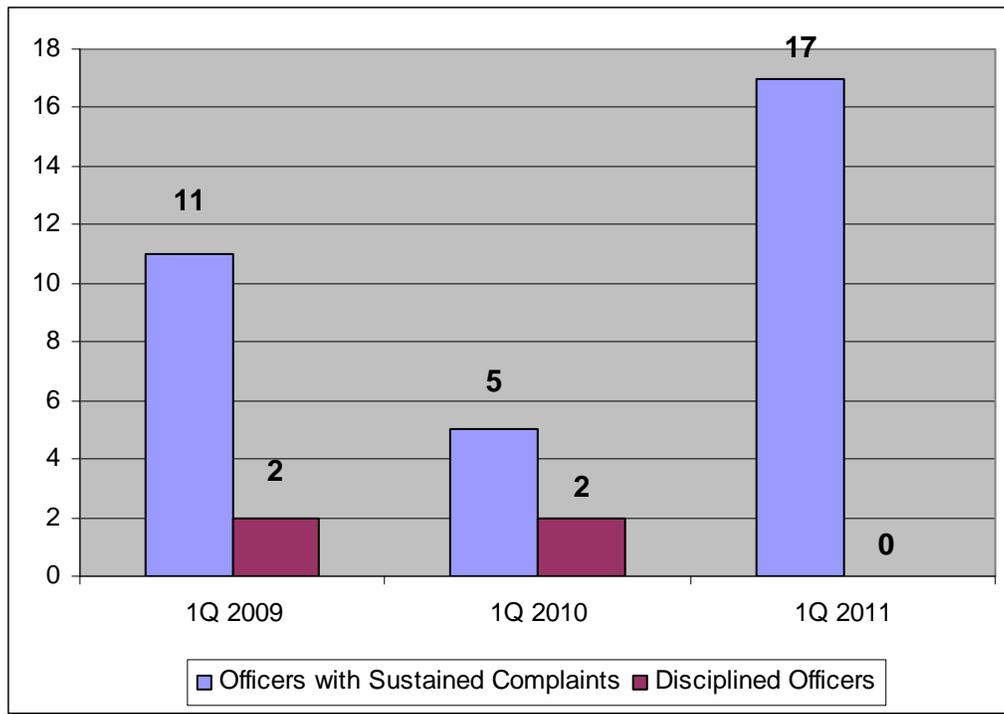
The below chart provides the handling of complaints by the chief of police during the first quarters of 2009 through 2011.

Chart 2 Chief of Police Corrective Actions on Complaints (First Quarter 2009 – 2011)



The chart below shows the distribution of officer discipline determinations by the chief of police for the first quarters of 2009 through 2011.

Chart 3 Chief of Police Corrective Actions against Officers with Sustained CRA Complaints (First Quarter 2009 – 2011)



First Quarter Corrective Actions

Once the CRA investigates and renders a sustained determination on a misconduct allegation, the file is forwarded to the chief of police for a disciplinary decision.

Seventy-five percent of the sustained complaints did not receive any corrective action because they were determined to be “too old” for corrective action or outside of the reckoning period.⁶ The MPD Complaint Processing Manual defines the Reckoning Period as:

⁶ The MPD has four levels of corrective action on the MPD Disciplinary Matrix. Level A has one-year reckoning period from the date of the incident. A-Level violations typically include coaching, training, counseling, and are not considered discipline. Level B has a three-year reckoning period. Level C has a five-year reckoning period. Level D stays on the officer’s record indefinitely.

...the period of time in which a previous infraction may be considered for increasing discipline in a current disciplinary action. Also, if a complaint if [sic] filed on an employee and the reckoning period for the complaint would already be expired even if the complaint was sustained, the Internal Affairs Unit will not open a formal case on the matter. The complaint will be closed as a preliminary case with the notation "reckoning period expired prior to complaint being filed". The reckoning period is set by the Minneapolis Police Department.

The remaining 25% of the complaints that were returned from the chief of police were not disciplined because of disagreements with the facts and law that was raised by the chief of police.

Section IV Other Information

Priority Complaints

During the fourth quarter of 2010, the CRA began a pilot priority complaint process for complaints that met certain screening criteria. During the fourth quarter of 2010, twenty-eight complaints were entered into the priority investigation process, and eight more were added during the first quarter of 2011. The CRA completed 15 priority complaint investigations during the first quarter of 2011. Those investigations averaged 98 days from the priority investigation start date. The CRA is hopeful that this new process will address citizen and officer concerns about CRA investigations.

During the second quarter, the CRA will begin developing a process to handle non-priority complaints in a manner that is effective, but efficient.

Ordinance Changes

The CRA has been working diligently on proposed ordinance changes that will allow the agency to process complaints timelier and provide additional structure to the communication of disciplinary decisions. The CRA anticipates significant ordinance changes during the third quarter of 2011.

CRA Investigative Resources

During the first quarter of 2011, the CRA continued to be challenged with the ordinance requirement of 60 days to complete an investigation. With the addition of a part-time investigator to

focus on initial complaints during the first quarter, the full-time investigators were able to concentrate on priority complaints. While the priority processing will help ensure that some complaint investigations will be expedited and completed within the 60-day requirement, the 60-day target will continue to be a challenge going forward.

Section V Recommendations

The CRA recommends the following actions:

1. Develop a method with the MPD where the level of discipline that would be associated with an initial complaint allegation is determined during the initial complaint stage. This would allow the CRA to include this information in the assessment for priority complaint processing.
2. Continue with the priority complaint process.
3. Develop an efficient and effective process to shorten the investigative time of complaints lower-level complaints.
4. Continue with the assistance of a part-time investigator for initial complaint processing.
5. Continue to enforce the 30-day requirement for completion of hearing panel determinations.

Appendix A: First Quarter 2011 data related to complaints filed in the First Precinct and Ward 7

Signed Complaints First Quarter		
Allegations	Ward 7	Pct 1
Excessive Force	21	23
Inappropriate Language	8	11
Harassment	1	1
Failure to provide service	3	3
Inappropriate Language	10	13

Signed Complaints First Quarter		
Race	Ward 7	Pct 1
Asian	3	3
Black	5	5
Latino	2	2
White	4	5

Criminal Charges involved in Signed Complaints First Quarter Ward 7/Pct 1	
Complaint	Criminal Charge
1	Traffic violations
2	None
3	Unlawful smoking
4	ASLT4/Obstruct
5	Curfew/Obstruct
6	Disorderly Conduct
7	Disorderly Conduct
8	Fight
9	Suspicious person
10	None
11	Disorderly Conduct

Complaint Day/Time Q1 2011 Ward 7/Pct 1			
Day Of Week Occurred	Time Occurred	Ward	Precinct
MON	0019	7	1
MON	0205	7	1
MON	0250	7	1
WED	0043	7	1
FRI	0110	7	1
FRI	0203	7	1
FRI	1620	7	1
SAT	0340	7	1
SUN	0035	7	1
SUN	0200	7	1
SUN	0100	2	1

Appendix B: Location of Wards within Police Precincts

The table provides information related to the location of wards within Precinct boundaries and the breakdown of discipline decisions of the chief of police on complaints from the precincts and wards.

Wards divided by Precincts

Most of the City of Minneapolis wards are located in multiple police precincts. The below table shows the precinct and the corresponding wards located within the precinct boundaries.

Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5
Ward 2	Ward 1	Ward 2	Ward 3	Ward 7
Ward 5	Ward 2	Ward 6	Ward 4	Ward 6
Ward 7	Ward 3	Ward 8	Ward 5	Ward 8
		Ward 9	Ward 7	Ward 10
		Ward 11		Ward 11
		Ward 12		Ward 13

Appendix C: Ward and Precinct Map

