

**MINNEAPOLIS CIVILIAN
POLICE REVIEW AUTHORITY**

ANNUAL REPORT

2006

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Executive Summary

The Minneapolis Civilian Police Review Authority (CRA) ordinance requires the CRA to compile statistics relating to police officer misconduct and present results of such analysis on a quarterly basis to the Public Safety and Regulatory Services Committee. The purpose of this report is to provide an analysis of the CRA's 2006 statistics and to review current CRA operations. This report will also examine the Minneapolis Police Chief's discipline on sustained CRA cases for 2006.

By every important measure, the CRA made noticeable gains. The CRA decreased the investigative timeline, staff closed more complaints than complaints received, and the Chief of Police imposed more discipline on sustained CRA cases than in the past three years.

The following are the CRA's 2006 highlights:

- 331 contacts with the public
- 89 signed complaints
- African Americans filed 69% of complaints
- White officers received 87% of the complaints
- 25% of the complaints filed involved incidences that occurred in City of Minneapolis Ward 5
- Precinct 4 received 34% of the complaints
- 45% of the excessive force allegations occurred in Precinct 4
- Most frequently filed allegations were Inappropriate Conduct (27%) and Inappropriate Language (27%)
- 39% of signed complaints referred to mediation with a 71% success rate of mediated complaints
- 18% reduction in investigative timelines
- 90 cases closed
- CRA Board heard 87 complaints containing 352 allegations
- Taser policy recommendation presented to the Minneapolis Police Department and the Minneapolis City Council Public Safety and Regulatory Services Committee
- 51% of CRA cases returned from the Chief received discipline
- Officers received 220 hours of suspension, 3 letters of reprimand, and 16 oral reprimands

During 2006, the Minneapolis City Council approved several key CRA ordinance changes. The most significant change to the ordinance established a procedure for additional accountability regarding the Chief's discipline on sustained CRA cases. The City Council also approved CRA administrative dismissals and a 30-day notification of officer reinstatement. The 30-day notification will ensure that the MPD timely notifies the CRA when a charged officer returns to the department.

In 2007, the CRA will face significant challenges in light of the ordinance requirements and the CRA's limited resources. The challenges include continuing to strengthen our community outreach efforts, decreasing the investigative timeline without sacrificing the quality of the investigations, and evaluating creative ways to address mediation issues.

Minneapolis Department of Civil Rights

MISSION

Through vigorous enforcement of the Federal, State and local civil rights laws, as well as education, mediation and conciliation, the Minneapolis Department of Civil Rights strives to eliminate unlawful discriminatory practices, thus promoting the health, economic stability, access, welfare, peace, and safety of the community.

VALUES

We value our commitments to:

- Equal opportunity and workforce diversity.
- Promoting non-discriminatory practices.
- Leadership in social justice and systems change.
- A productive and professional work ethic.
- A respectful work environment.
- Problem solving focused on solutions.
- Building collaborative partnerships with City departments and other entities.
- Consistent ordinance enforcement.
- Excellence in delivering public service.

MOTTO

*equal access
equal opportunity
equal justice*

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 Team

CRA Staff

Samuel L. Reid II, Manager
Robin Lolar, Investigator
Stephanie Mosher, Transcriptionist
Sharon Pelka, Program Assistant
Adam Richardson, Investigator

Minneapolis Department of Civil Rights

Michael K. Browne, Interim Civil Rights Director

CRA Board Members (2006)

Michael Weinbeck, Chair
Sharlee Benson
Anne Cross
Michael Friedman
Julian Johnson
Gregory Langason
Tina Oskey
Justin Terrell
Robert Velez

Mediators

Alan Bachman
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CRA Manager

Introduction

This Annual Report will provide statistical information related to the actions of the Minneapolis Civilian Police Review Authority (CRA) during 2006.

The Minneapolis CRA ordinance requires the CRA to compile statistics relating to police officer misconduct and present the statistics on a quarterly basis to the Public Safety and Regulatory Services Committee.¹ This report will also serve as a communication tool to improve and strengthen communication between the public and the CRA.

The CRA tracks data from every complaint filed with the unit. This data is a valuable resource for internal and external partners interested in police accountability within the City of Minneapolis.

This report is divided into seven sections. Section I provides an overview of the CRA process. Section II provides an analysis of the complaints received during 2006. This section also includes statistics from 2004 and 2005 to provide a historical comparisons. Section III provides an explanation and analysis of the CRA mediation program. Section IV discusses the staff activities during 2006. Section V highlights the CRA Board's activities. Section VI provides an examination of the Police Chief discipline on sustained CRA complaints. Lastly, Section VII provides an overview of an independent consultant's evaluation of the CRA process and the results of the 2006 CRA Working Group that convened to address the consultant's recommendations.

I. CRA Overview

The CRA is an investigative unit of the Minneapolis Department of Civil Rights. The CRA's primary function is to address civilian allegations of police misconduct by receiving, investigating, and adjudicating civilian complaints against MPD officers.

The unit conducts investigations independently of the Minneapolis Police Department; however, the unit depends on the cooperation of the Minneapolis Police Department to deliver information to the unit in a timely manner. This cooperation also includes maintaining clear channels of communication, which allows the CRA to assist civilians with police customer service issues.

CRA investigations are considered personnel actions. As such, the CRA does not investigate complaints involving criminal allegations against MPD officers until after a MPD criminal investigation has been completed. Complaints involving criminal allegations that could lead to an officer being criminally charged are held in abeyance (investigation temporary halted) and referred to the MPD Homicide unit for investigation of the criminal issue. Once the MPD criminal investigation is completed, the CRA continues its investigation. The reason behind this practice is that every officer who gives a statement to a CRA investigator receives a *Garrity* Warning prior to providing

¹ See MINNEAPOLIS, MINN., FIRE AND POLICE PROTECTION CODE TITLE 9, § 172.60 (2006).

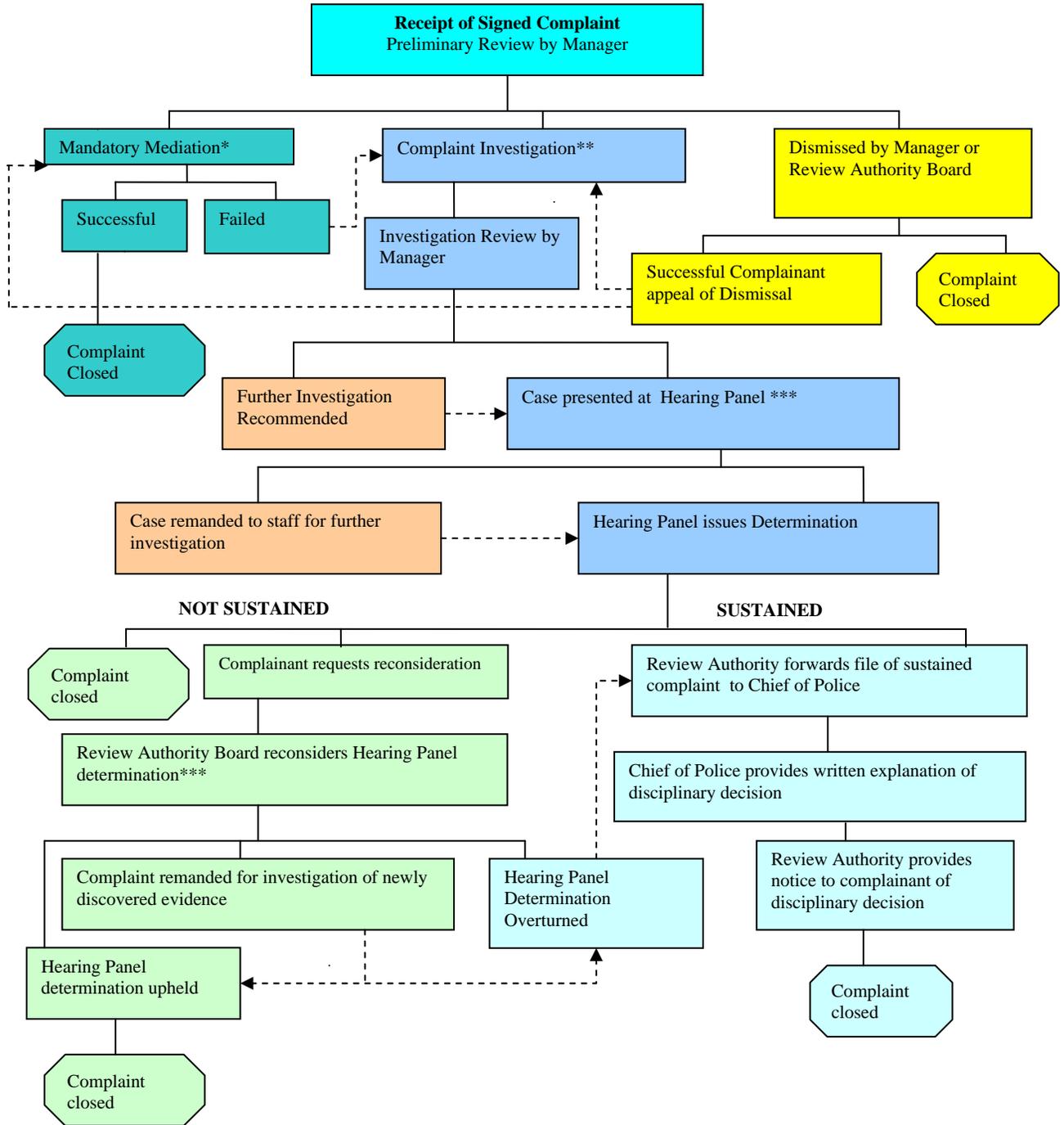
information. This *Garrity* Warning protects the officer from any criminal prosecution, other than perjury, that could result from information provided during a personnel investigation.² This means that if an officer is interviewed by a CRA investigator prior to the completion of a parallel criminal investigation, the officer may be able to avoid criminal prosecution for acts that were discussed during the CRA investigation. While this practice causes delays on certain complaints, it is a necessary delay that benefits overall police accountability.

A. CRA Process

The CRA complaint process is designed to be efficient. The complaint process allows the public and police officers to participate with minimal contacts. As illustrated in Flow Chart “A” on the next page, signed complaints may initially follow one of three paths within the CRA process.

² Minneapolis Civilian Police Rev. Auth. Admin. R. 3. See *Garrity v. New Jersey*, 385 U.S. 493 (1967).

B. Flow Chart “A” – CRA COMPLAINT PROCESS



* Complainant and Officer must participate

** Complainant and Officer must provide statements

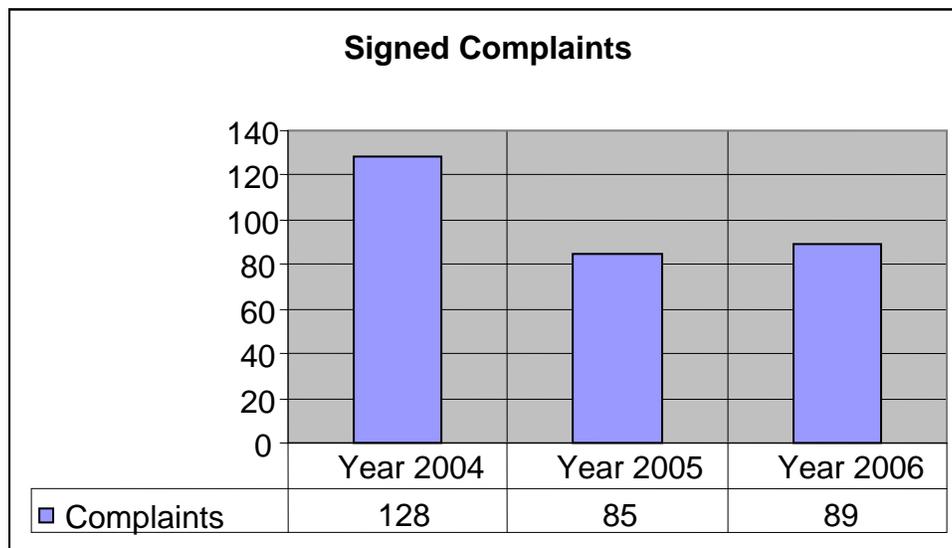
*** Complainant and Officer attendance optional, but encouraged

II. Complaint Analysis

A. Signed Complaints 2004 – 2006

A signed complaint is when a citizen has sworn and signed a document containing an allegation against a MPD officer(s) and the CRA has received the document. In 2006, the CRA received 89 signed complaints, which represents a 5% increase from 2005. You will notice a sharp decrease in the number of filings from 2004 through 2005, which was caused by at least four factors. First, the CRA received a significant amount of media exposure in 2003 and 2004 due to the closing and reopening of the CRA, as a result, the public filed more complaints; however, the increased number of complaints and lack of resources created a backlog of complaints. This backlog consisted of the 2001 and 2002 complaints that were placed on hold due to the closing and new complaints that were still being accepted during the closing. Second, the MPD administered very little discipline on CRA sustained cases under past leadership during 2004 and 2005. Third, many community members expressed that the process was ineffective because the Police Chief did not act on CRA sustained complaints. Fourth, the CRA did not have a formal community outreach program to address the public's perception of the CRA. Chart 1 below reflects the number of signed complaints received each year from 2004 through 2006.

Chart 1:



B. Location of 2006 Incidents

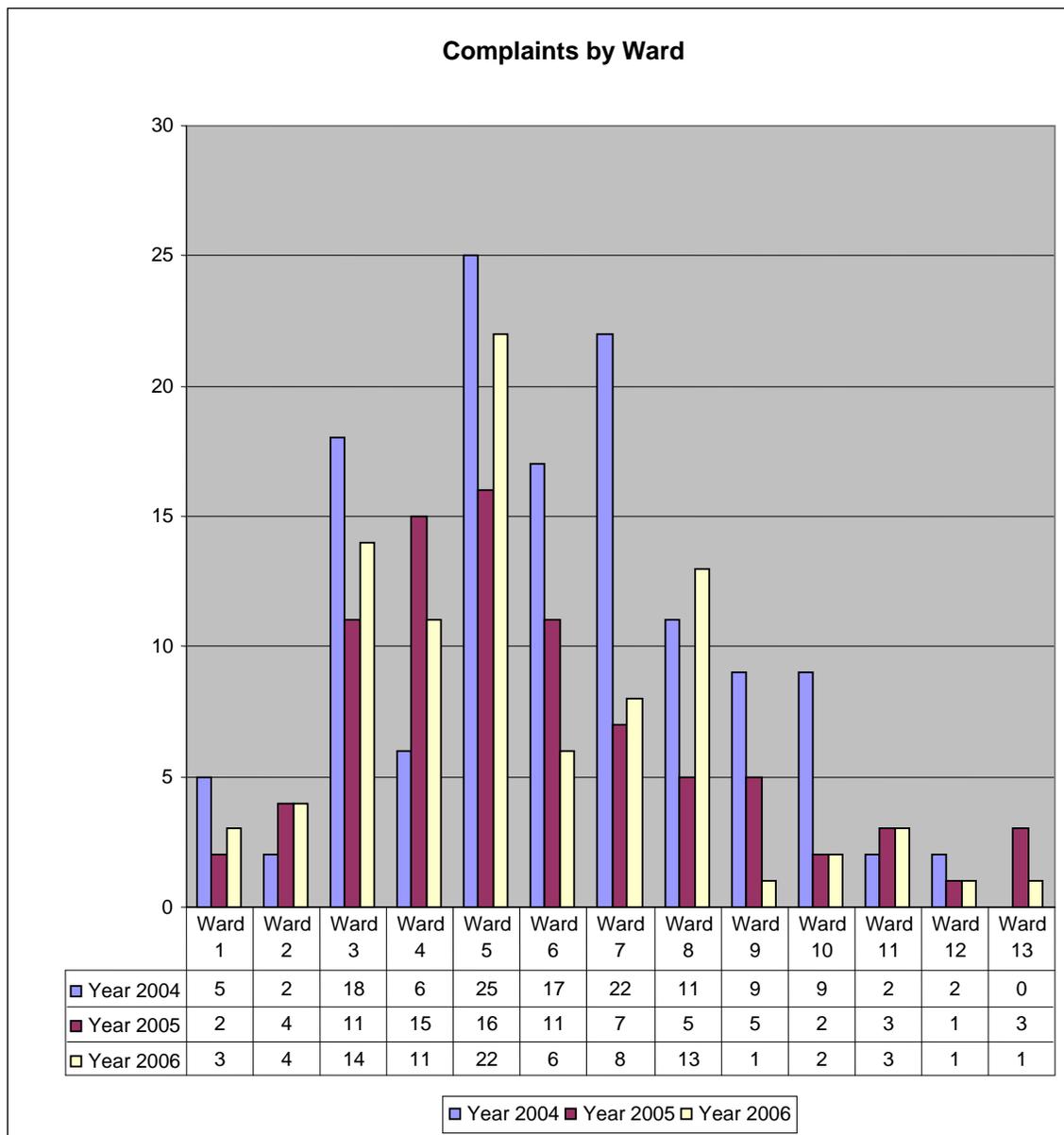
The map below depicts the location of incidents filed with the CRA during 2006. The map shows the incidents by both police precinct and city ward. The blue lines and blue numbers indicate the location of incidents by police precinct. The red lines and red numbers indicate the location of incidents by city ward. As the map shows, a concentration of incidences occurred in North Minneapolis and in the Downtown areas.

C. Complaints by Ward 2004 – 2006

The CRA tracks the location where each incident of alleged police misconduct occurred. Complaints from Ward 8 had the most noticeable percentage increase from 2005 through 2006, rising from five complaints to thirteen. In 2006, Ward 5 received more complaints than any other ward, which has remained the same since 2003. While the number of complaints in Ward 5 has been decreasing since 2004, Ward 5 still received approximately 25% of the total 2006 complaints.

Chart 2 below reflects the number of complaints received from 2004 through 2006

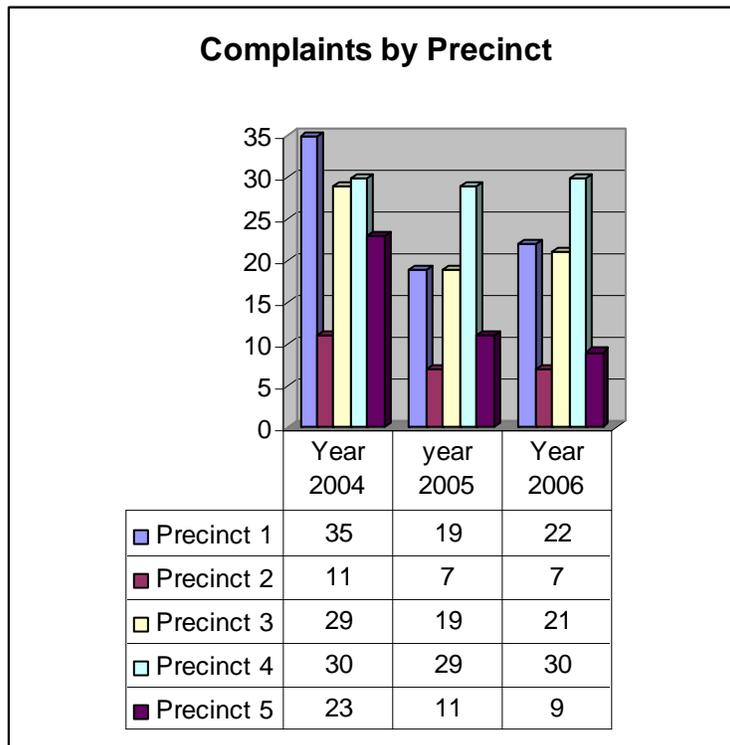
Chart 2:



D. Complaints by Precinct 2004 – 2006

The CRA also tracks the precinct where the incident of alleged police misconduct occurred. Precinct 4 received the most complaints in 2006. Complaints from Precinct 4 accounted for approximately 34% of all complaints received in 2006. This percentage remained consistent with the 2005 percentage. Precinct 5 was the only precinct to recognize a decrease in the number of complaint filings in 2006. Chart 3 below reflects the number of complaints received from 2004 through 2006.

Chart 3:



E. Race of Complainants 2004 – 2006

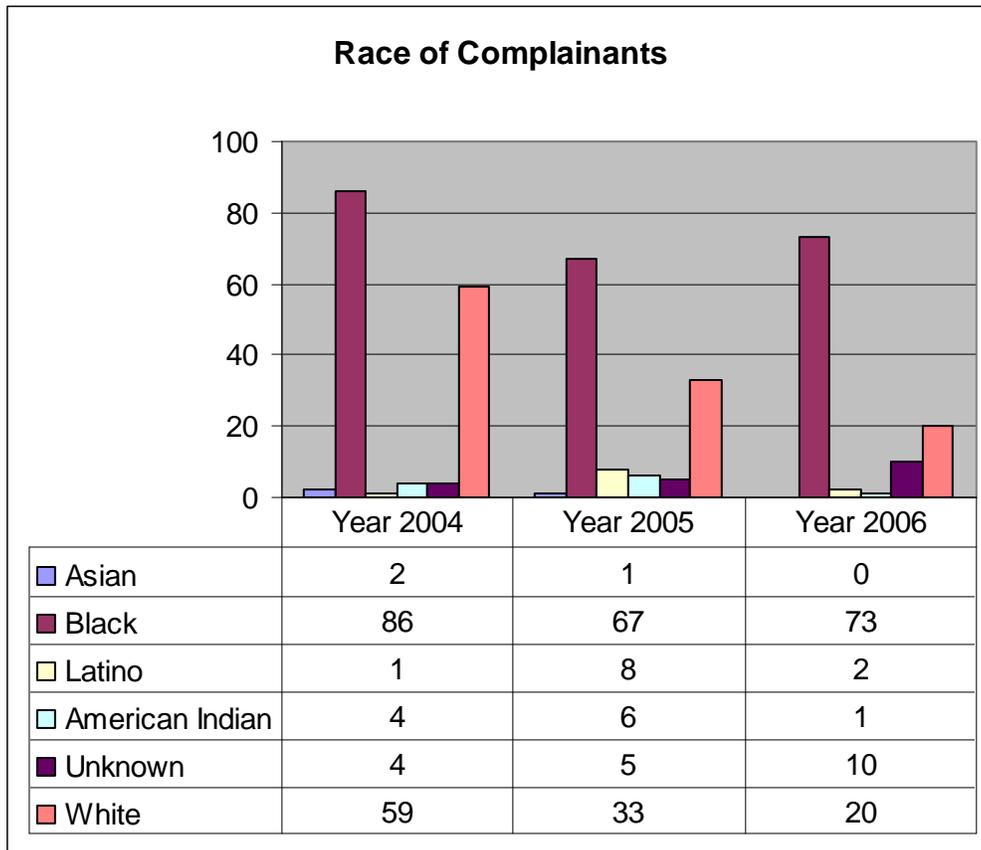
The CRA attempts to track the race of every individual who files a CRA complaint; however, because race is a sensitive issue to some individuals the unit is unable to capture the racial identity of every one. When an individual chooses not to reveal his or her racial identity, the CRA places the individual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

In 2006, complainants who identified themselves as Blacks or African-Americans filed more complaints than any other racial group. Blacks account for 18% of the Minneapolis population, but have historically filed a significantly higher number of CRA complaints.³ Blacks filed approximately 69% of all complaints in 2006, which is a 9% increase from

³ 2000 Census Report, Population, Race, Ethnicity, Publication #1, October 2001, prepared by the Minneapolis Planning Department Research and Strategic Planning Division.

2005. Whites account for 65% of the Minneapolis population and filed approximately 19% of all complaints.⁴ From 2005 through 2006, complaint filings by Whites decreased by 39%. American Indian and Latino filings also had a significant reduction in complaint filings. However, the Unknown category doubled. Chart 4 provides a graphic of the racial composition of CRA complainants from 2004 through 2006.

Chart 4:

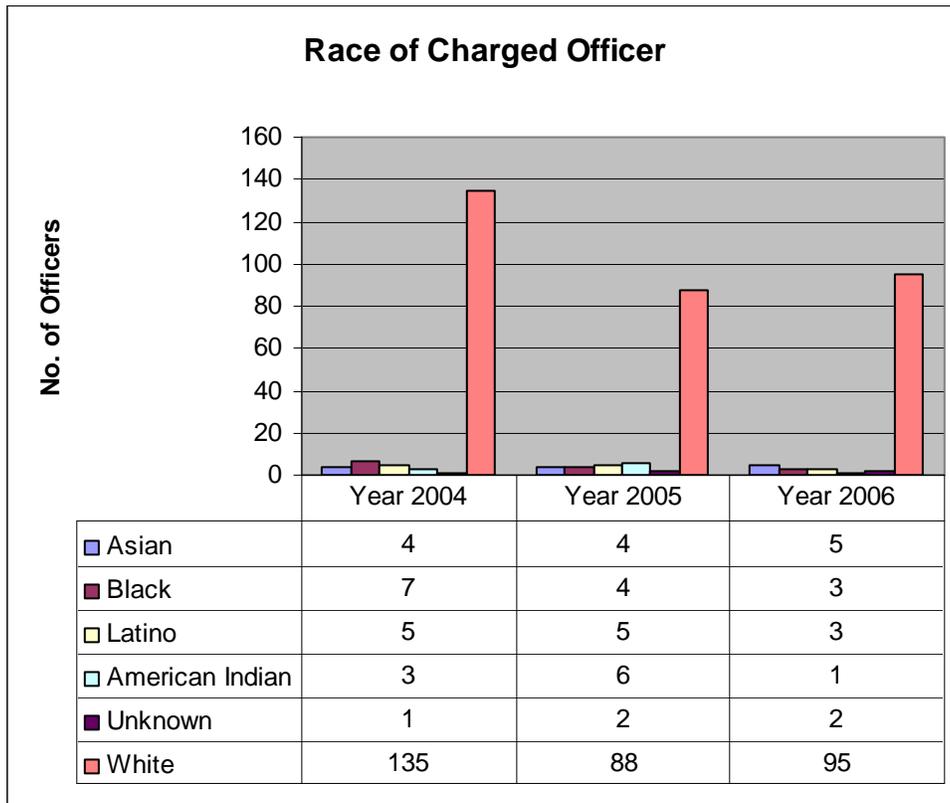


F. Race of Officers Charged in Complaints 2004 – 2006

The CRA also tracks the race of officers who receive complaints. One hundred and nine MPD officers had a CRA complaint filed against them in 2006. White officers received the most CRA complaints, approximately 87 % of all CRA complaints in 2006; however, White officers account for approximately 84 % of the Minneapolis police force. In 2006, the number of White officers receiving CRA complaints increased by 8% from 2005. Chart 5 provides a graphic of the racial composition of officers receiving CRA complaints from 2004 through 2006.

⁴ *Id.*

Chart 5:



G. Repeat Officers

The CRA tracks the number of complaints that officers receive. From 1991 through 2006, 574 officers have received two or more CRA complaints. In 2006, twenty officers received two or more complaints.

H. Repeat Complainants

The CRA tracks each time an individual files a signed complaint with the unit. From 1991 through 2006, eighty-five complainants have filed two or more complaints against MPD officers. In 2006, five complainants filed two or more complaints.

I. Complaint Allegations

Eighty-two percent of the complaints filed with the CRA in 2006 contained multiple allegations. The CRA received 323 allegations of police misconduct. “Inappropriate Language” and “Inappropriate Conduct” were the most filed allegations in 2006. The most significant increases in allegations filed from 2005 through 2006 were discrimination and the failure to provide adequate or timely police protection. These categories increased by 57% and 55%, respectively. “Excessive Force” and “Inappropriate Language” recognized a noticeable decrease in the number of allegations

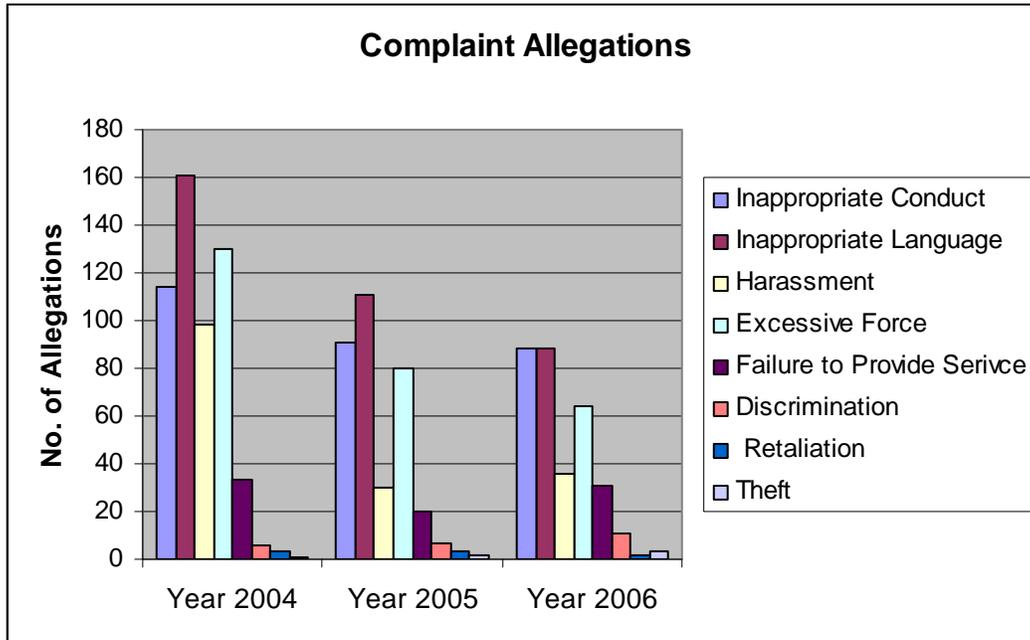
filed. Table 3 and Chart 7 below show the distribution of complaint allegations from 2004 through 2006.

Table 3:

Complaint Allegations

Year	Inapp. Cond.	Inapp. Lang.	Harass.	Ex. Force	Fail. to Provide	Discri.	Ret.	Theft	Total
2004	114	161	98	130	33	6	3	1	546
2005	91	111	30	80	20	7	3	2	344
2006	88	88	36	64	31	11	2	3	323

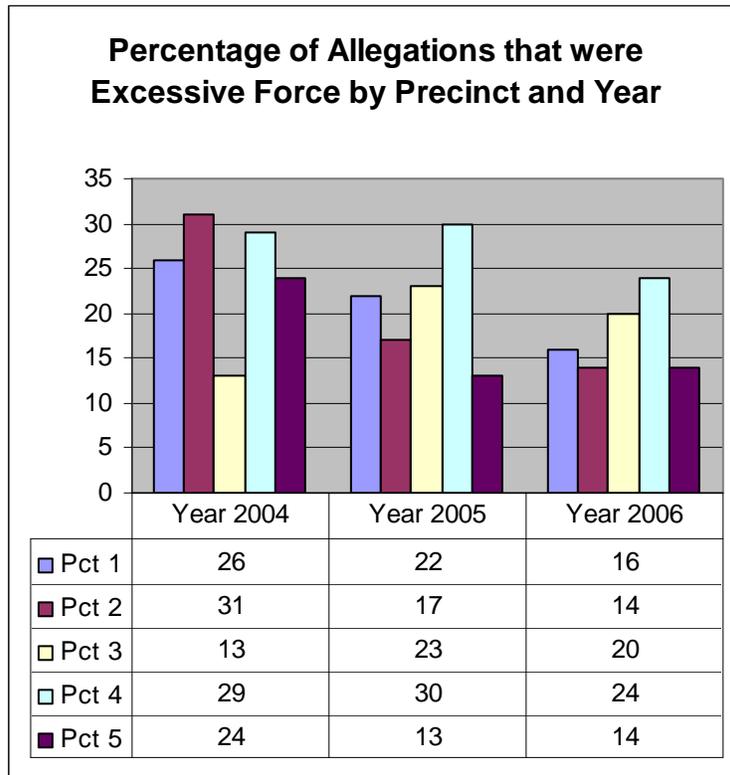
Chart 7:



J. Excessive Force Allegations by Precinct 2004-2006

Chart 5 below shows the percentage of allegations that were excessive force by both precinct and year. The number of excessive force allegations filed with the CRA decreased for all precincts in 2006, except for Precinct 5, which increased slightly. Comparing individual precinct allegation totals for 2006, Precinct 4 had the highest percentage of excessive force allegations. In addition, excessive force allegations in Precinct 4 accounted for 45% of all the excessive force allegations brought against the MPD in 2006.

Chart 5:



III. Mediations

In 2004, the CRA implemented a mandatory mediation program. The mediation program is intended to provide the complainant and the officer an opportunity to mutually resolve the complaint in the initial stages of the complaint process. All complaints are referred to mediation except:

1. Complaints where there are multiple allegations against the same officer and not all allegations qualify for mediation.
2. Allegations against multiple officers and all officers do not qualify for mediation.
3. The officer has a prior sustained complaint involving same or similar allegations, which occurred within one year prior to the date of the current complaint.
4. Complaints where there are excessive force allegations with more than minor injuries and medical treatment is required.
5. Complaints where there are wrongful search and seizure allegations involving custodial arrest or significant interference with the complainant's liberty.
6. Complaints where there are theft and intentional damage allegations.
7. Where the CRA manager determines that the departure is warranted based on good cause.

The mediation program relies on volunteer mediators and the scheduling of mediations requires a significant amount of staff time to coordinate the schedules of the mediators,

complainants, and officers. Scheduling of mediations requires the cooperation and flexibility of all parties. Complaints referred to mandatory mediation are dismissed if the complainant fails to participate in the mediation in good faith. If an officer fails to participate in the mediation in good faith, the complaint is automatically forwarded to investigation, and the CRA may seek discipline against the officer for the failure to participate in the mediation program.

The investigative timeline is tolled for complaints referred to mediation. While the investigative time is tolled on the CRA side, the MPD reckoning period (time that a sustained complaint can have an impact on an officer’s future discipline) continues, which may negate the intended purpose of the MPD reckoning period. In 2006, the average number of days to schedule and conduct a mediation was 36 days. If the mediation is successful, the complaint is closed and recorded as mediated. This means that the complaints that are successfully mediated are resolved quicker than if a full investigation is required.⁵ Conversely, if the mediation fails, the complaint is forwarded to an investigator and depending on the duration of the investigation; the time lost scheduling the mediation becomes critical in regards to the reckoning period. Efforts are underway to increase the public’s and officers’ awareness of the mediation program.

A. Number of Total Cases and Mediation Cases

In 2006, the CRA referred 35 of the 89 signed complaints to mediation, which represents 39% of the signed complaints filed. The table and charts below provide a statistical breakdown of all cases referred to mediation. Table 4 provides a numerical disposition of the complaints referred to mediation. Chart 6 provides a percentage breakdown of the disposition of the 35 complaints referred to mediation. Chart 7 indicates the success percentage of those complaints where a mediation was conducted. Table 5 shows the percentage of total complaints successfully mediated from 2004 through 2006. Chart 8 provides a historical perspective of the mediation success rate from 2004 through 2006.

Table 4:

2006 Mediation Disposition

Successful Mediations	Unsuccessful Mediations	Complaint Withdrawn*	Complaints Dismissed*	Pending Scheduling
15	6	1	4	9

*Complaints were not mediated.

⁵ Under the CRA ordinance, the CRA has up to 90 days to complete an investigation.

Chart 6:

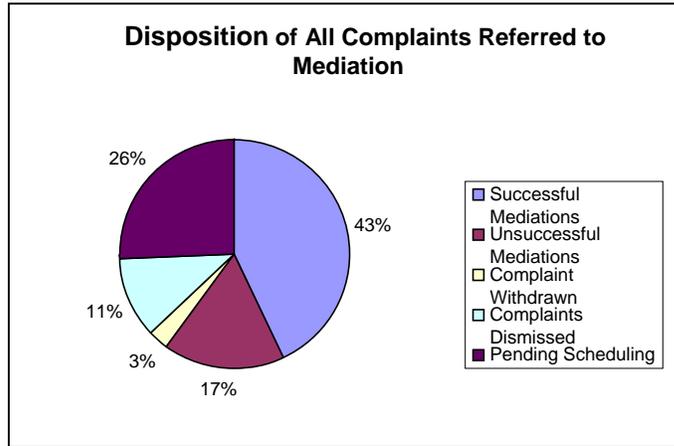


Chart 7:

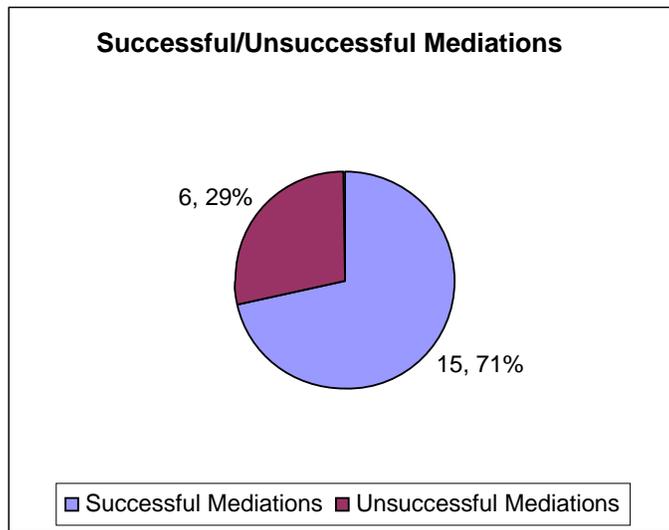
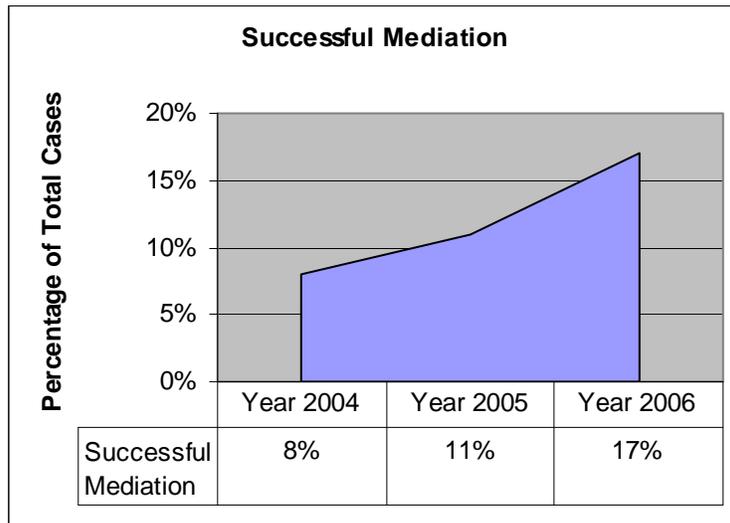


Table 5:

Percentage of Total Complaints Successfully Mediated

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

Chart 8:



As illustrated, the CRA is making positive gains in the mediation program. Complainants and officers have provided positive feedback on the mediation program. Because the CRA provides a neutral and non-threatening environment for the mediations, parties are able to attempt to resolve their issues peacefully and respectfully. The mediation program is the quickest way to resolve a complaint against officers; however, the CRA does not force parties to settle complaints. The CRA is focused on growing the mediation program in 2007.

B. Mediation Example

This example is a snapshot of the types of cases that are referred to mediation.

A husband and wife riding motorcycles were stopped at an intersection when a driver in a car behind them came within inches of their motorcycles. The motorcycle riders accelerated into the intersection to avoid being hit. A MPD officer observed the couple's actions and proceeded to verbally reprimand the couple with loud shouting, profanity, and threats. The couple filed a complaint with the CRA against the officer alleging Harassment, Inappropriate Language, and Inappropriate conduct. The case was referred to mandatory mediation. The parties attended the mediation and the mediation was successful.

This mediation was successful because both parties were willing to accept responsibility for their actions, acknowledge the other party's point of view, and offered an avenue to resolve the issue.

IV. Work Productivity

The CRA has two investigators, a program assistant, a transcriptionist (contract), and a manager. The CRA ordinance requires that the CRA complete investigations within 60 days of the date of the complaint filing, unless a one-time 30-day extension is granted or the investigative time is tolled due to a mandatory mediation or the complaint is forward to the MPD Homicide for a criminal investigation.

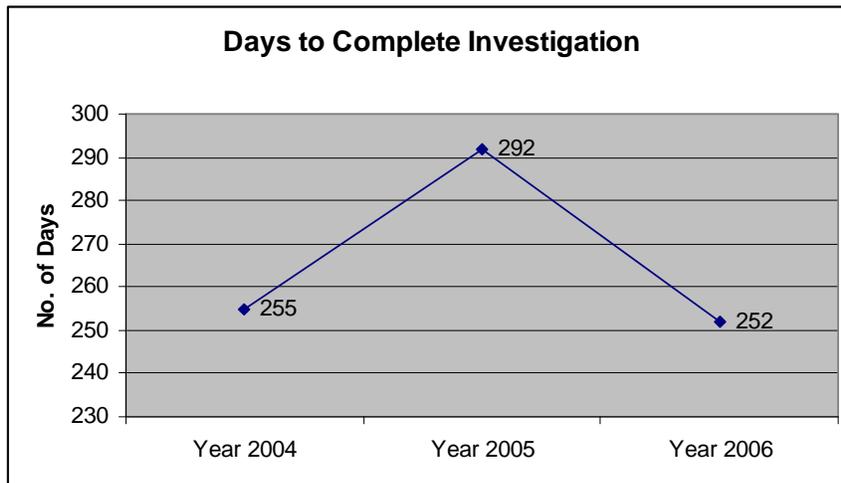
Currently, the CRA is out of compliance with the ordinance investigative timeline requirement. Several factors have contributed to this challenging noncompliance issue. Most notably, the unit is still experiencing the residual effects of the 2002 CRA shutdown. During the 2002 CRA shutdown, complaints were being accepted, but not investigated. In addition to that, when the CRA became operational in 2003, CRA staff had been reduced from three investigators to two investigators and the unit lost an office support staff person. As a result, the CRA began 2003 with a large number of complaints from 2002, as well as the new complaints in 2003. Because the CRA is not slated for any additional investigators in the near future, it may be necessary for an ordinance change to address the investigation timeline issue.

In 2006, the unit closed out all 2004 complaints, except for one because the charged officer is on military leave. The unit is focusing on closing the remainder of the 2005 complaints during the first quarter of 2007. The unit closed out 90 complaints in 2006, more complaints than the unit received.

A. Days to Complete Investigations

The unit decreased the average number of days to complete an investigation by 40 days during 2006, which represents an 18% decrease from 2005. Chart 9 below shows a three-year historical average of the investigative times.

Chart 9:



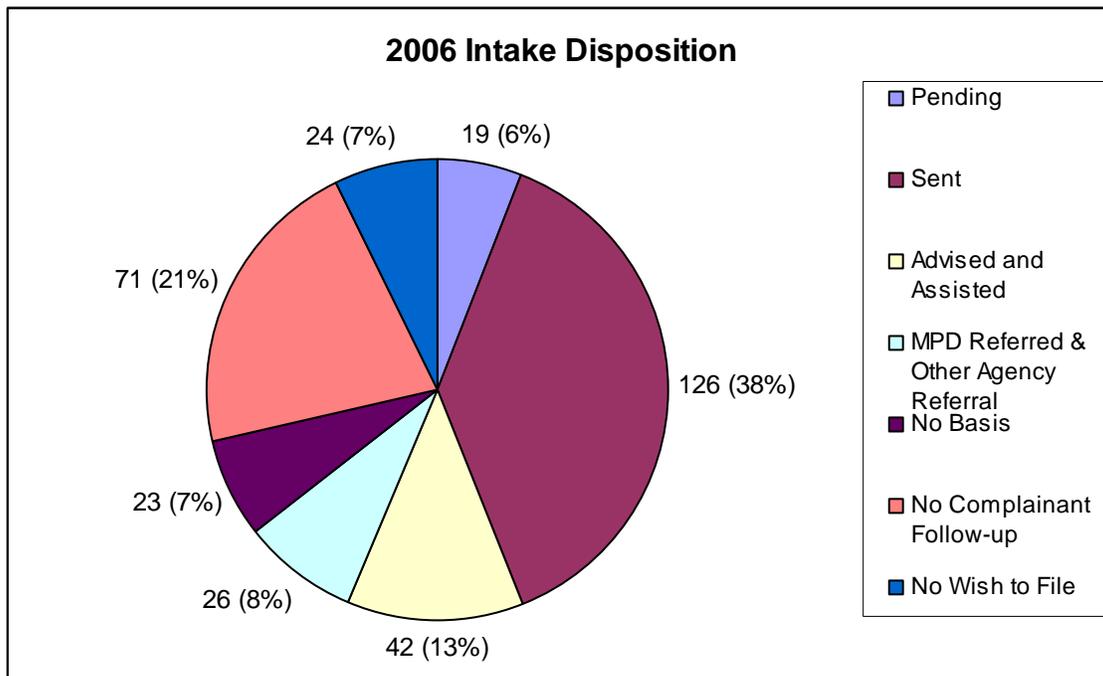
B. Intakes

The CRA receives a number of calls from citizens who report what they believe to be police misconduct. A small percentage of those calls become signed complaints.

There are many reasons why an intake call does not generate into a signed complaint. Some individuals call with questions about proper police procedure. As a result, investigators spend a substantial amount of time clarifying issues and providing the callers with helpful information. The CRA also receives calls from individuals outside the jurisdiction seeking information and referral to other agencies. Quite often, citizens call seeking assistance with matters that are not necessarily complaints of police misconduct, but are more police customer service related. In those instances, investigators and staff contact members of the police department to address the customer service issues. The CRA also receives a significant number of calls from citizens who initially desire to file a complaint, but later fail to return the signed complaint. The CRA is evaluating ways to increase the complaint response rate. Lastly, some callers report incidents with facts that do not support the filing of a complaint.

Intake duties are shared among the entire staff, which interrupts staff's overall workflow. The CRA is aware that not every call and assistance provided to the public is logged into the complaint management system; staff is continuing to improve the tracking of contacts to allow for the capture of all contacts. Table 6 below shows the disposition of all intake calls that were tracked in 2006.

Table 6:



C. Public Inquiries

The public and City departments submit data and file requests to CRA on a regular basis. These requests typically involve multiple officers and multiple files.

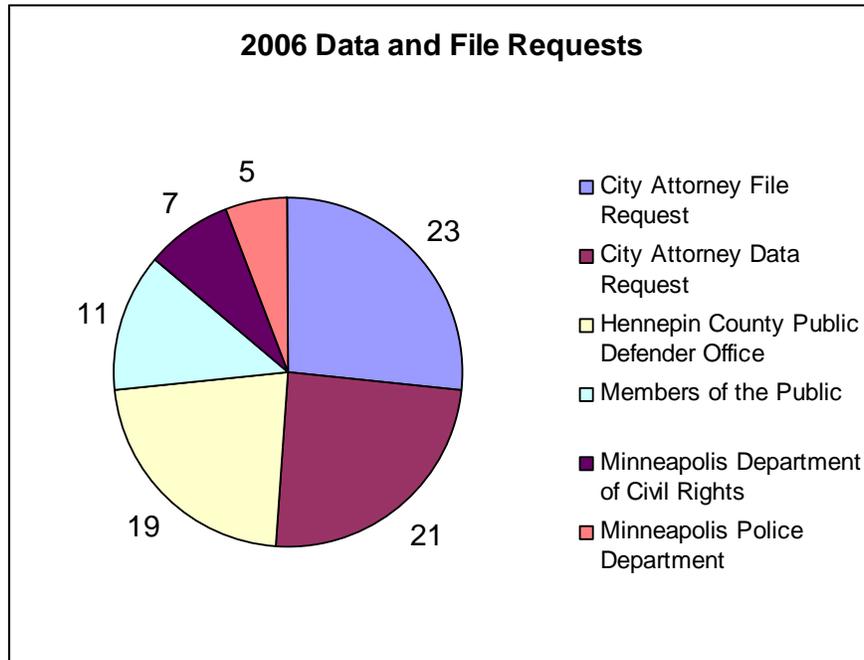
Under the Minnesota Government Data Practices Act, the CRA is prohibited from releasing a CRA file or data on a particular incident unless discipline has been issued against an officer. In cases where discipline was not issued, the data is considered non-public data; however, the CRA can release the public data. The following data created and collected by the CRA is public:

- The name and address of the Complainant
- The name, badge number, rank and job description of the Officer
- The fact that a complaint has been filed against the Officer
- The status of a Complaint. The following shall be considered status information:
 - fact that a complaint has been withdrawn by the Complainant
 - fact that a Complaint has been dismissed
 - fact that a Complaint is in mediation
 - fact that a mediation agreement has been reached
 - fact that a Complaint is being investigated
 - fact that a Complaint has been referred to a panel of the board for hearing
 - fact that a Request for Reconsideration to the full board is pending
 - fact that a complaint was not sustained, or that a complaint was sustained
 - fact that a Complaint has been referred to the Chief
- The final disposition of any disciplinary action, together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the City of Minneapolis.

Because the CRA investigation is an employee personnel action, the public and government entities requesting files during litigation that contain non-public data must have the authority from the Court to view the files. The City Attorney's office often requests files to answer Minneapolis Department of Civil Rights and Minnesota Department of Human Rights discrimination charges. In those cases, the CRA is careful to ensure that officer interviews have been taken prior to the release of a pending file.

Chart 7 shows the entity requesting data and files from the CRA and the number of requests made during 2006.

Chart 7:



D. Outreach

The CRA ordinance requires that the CRA create and implement a community outreach program and hire a community outreach advocate. Since the inception of the CRA, the community advocate position has not been funded. Nevertheless, the CRA made significant strides in its community outreach during 2006. Staff and board members attended various community meetings and established contact with several community organizations. While there is more work to be done in this area, the CRA is committed in 2007 to conducting community outreach to underserved populations such as the Latino, Somali, American Indian, and Asian communities, as well as the homeless population.

In September 2006, the CRA contacted the City’s Communication Department for assistance in creating a community outreach program that would allow the CRA to maximize the effectiveness of its limited resources to address the community outreach requirement. As a result, a formal program is under development.

E. Training

In 2006, the CRA sent two investigators to the “Reid Technique of Interviewing of Interrogation” and one investigator attended the Institute for Law Enforcement Administration’s “Internal Affairs, Professional Standards, and Ethics” training. Investigators also attended a “Police Liability in Minnesota Seminar”.

V. Board Activity

The CRA ordinance requires that the CRA Board be comprised of eleven members, who must reside within the City of Minneapolis. During most of 2006, the Board operated with only seven of the required eleven members. The Board heard 87 complaints containing 352 allegations during 2006. The Board averaged 63 days to issue a determination in during that time.

Board members attended community outreach events and training. New board members receive training in police use of force, Minnesota Government Data Practices Act, Open Meeting law, Minnesota Public Employee Labor Relations Act, and conflict of interests. All board members receive annual training and must attend portions of the MPD Citizen's Academy.

In 2007, the Board will present several administrative rules to City Council. The proposed administrative rules will formally address some of CRA's current procedures and the new ordinance changes that resulted from the 2006 CRA working group.

Chart 10 shows the number of Board hearings and the average number of days for a hearing panel determination from 2004 through 2006. Table 8 shows the disposition of complaints from 2004 through 2006. Table 9 shows the disposition of allegations from 2004 through 2006. Table 10 shows the number of sustained allegations by allegations category from 2004 through 2006.

Chart 10:

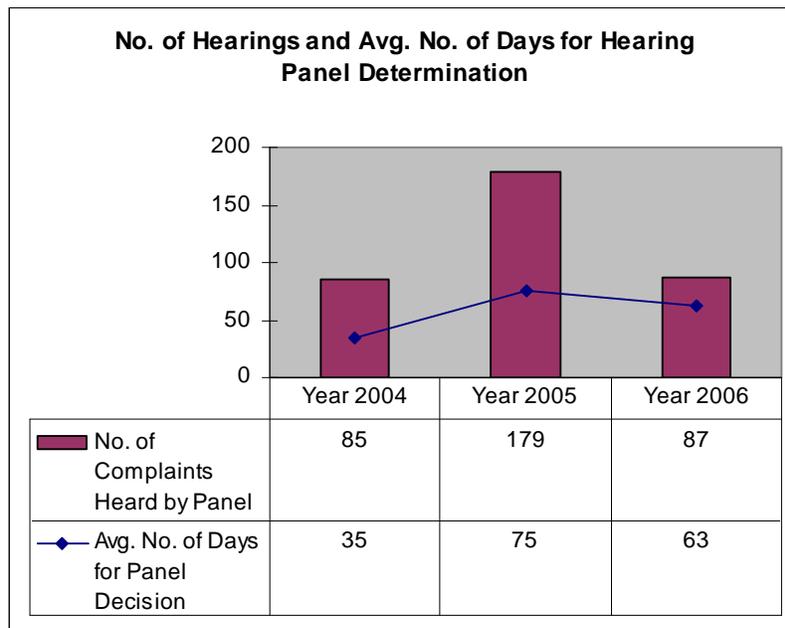


Table 8:

Board Complaint Determinations

Year	Fully Sustained	Partially Sustained	Not Sustained	Dismissed	Pending	Withdrawn
2004	9	22	37	16	0	1
2005	10	29	90	60	0	2
2006	<u>6</u>	<u>11</u>	<u>31</u>	<u>17</u>	<u>22</u>	<u>3</u>
TOTAL	25	62	158	93	22	6

Table 9:

Complaint Allegations Disposition

Year	Total allegations	Sustained allegations	Not Sustained	Dismissed	Withdrawn
2004	657	109	424	88	9
2005	947	111	598	233	8
2006	<u>352</u>	<u>65</u>	<u>145</u>	<u>62</u>	<u>20</u>
TOTAL	1956	285	1167	383	37

Table 10:

Types of Allegations Sustained

	Year <u>2004</u>	Year <u>2005</u>	Year <u>2006</u>
Inappropriate Conduct	28	25	13
Inappropriate Language	31	44	27
Harassment	15	11	5
Excessive Force	22	22	17
Failure to Provide Adequate or Timely Police Service	11	7	3
Discrimination	0	0	0
Failure to Report Use of Force	0	2	0
Retaliation	<u>2</u>	<u>0</u>	<u>0</u>
TOTAL	109	111	65

VI. Officer Discipline

Officer discipline resulting from CRA complaints has a direct impact on the public's perception of and confidence in the CRA process; however, the CRA does not control the imposition of discipline. The Chief of Police has the sole discretion to impose discipline on an officer when allegations have been sustained against an officer. In 2006, the Chief

imposed discipline on 51% of the sustained CRA complaints returned from the MPD. The discipline on those cases included three officers receiving 220 hours of suspension, 3 letters of reprimand, and 16 oral reprimands.⁶

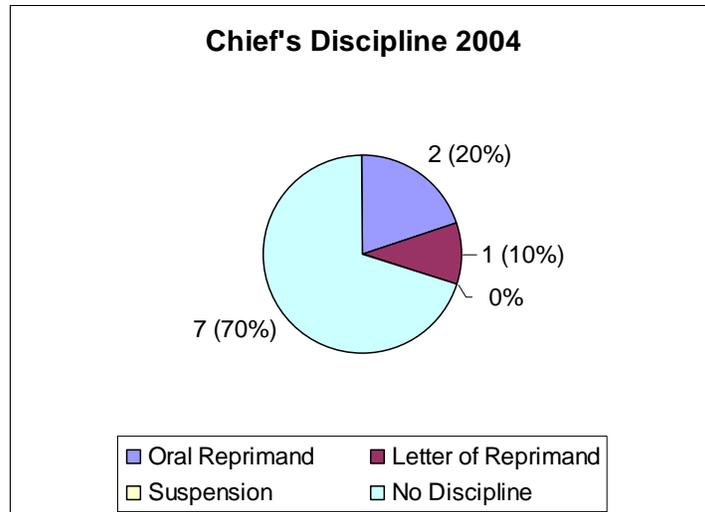
The charts and tables below show the MPD’s activities related to CRA sustained complaints. Table 11 shows the Chief’s decision on sustained CRA complaints. Charts 11-13 display the types of discipline the Chief issued on sustained case from 2004 through 2006. Chart 14 shows a historical perspective of the number of days for the Chief to deliver a disciplinary decision on sustained CRA cases. Chart 15 shows the year and the number of cases sent to the Chief for a disciplinary decision.

Table 11:

Chief's Decision on Sustained CRA Complaints

Year	Total Decisions	No Discipline	Discipline	% Discipline
2004	10	7	3	30%
2005	27	24	3	11%
2006	<u>41</u>	<u>20</u>	<u>21</u>	51%
TOTAL	78	51	27	35%

Chart 11:



⁶ It should be noted that the final number of officer suspension hours might change because of subsequent MPD and Police Federation grievance settlements and arbitrators’ decisions.

Chart 12:

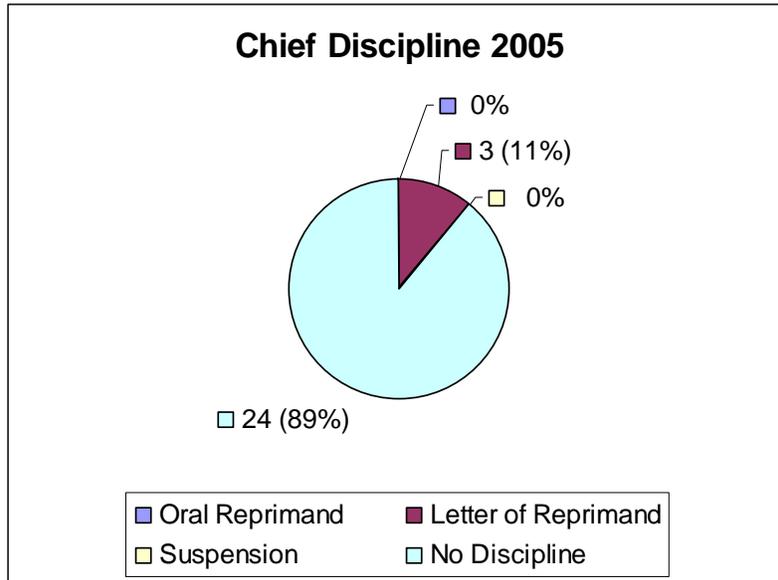


Chart 13:

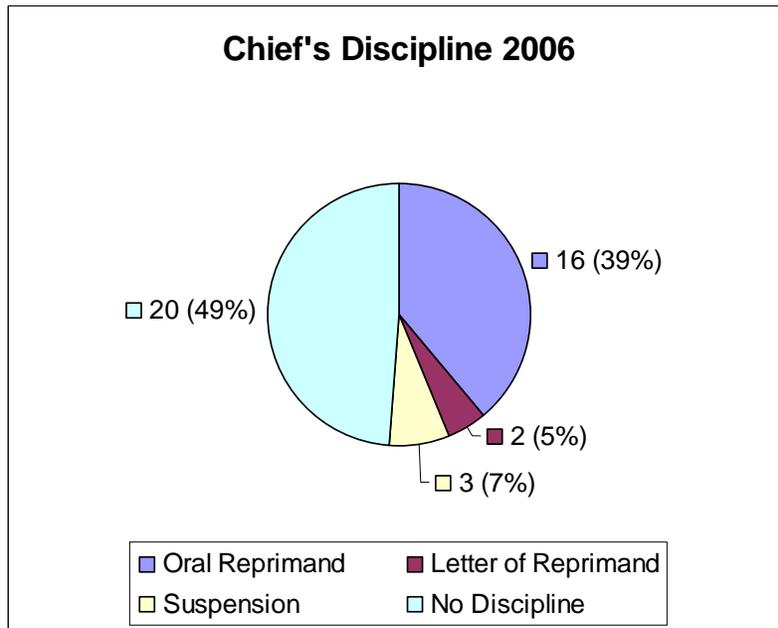


Chart 14:

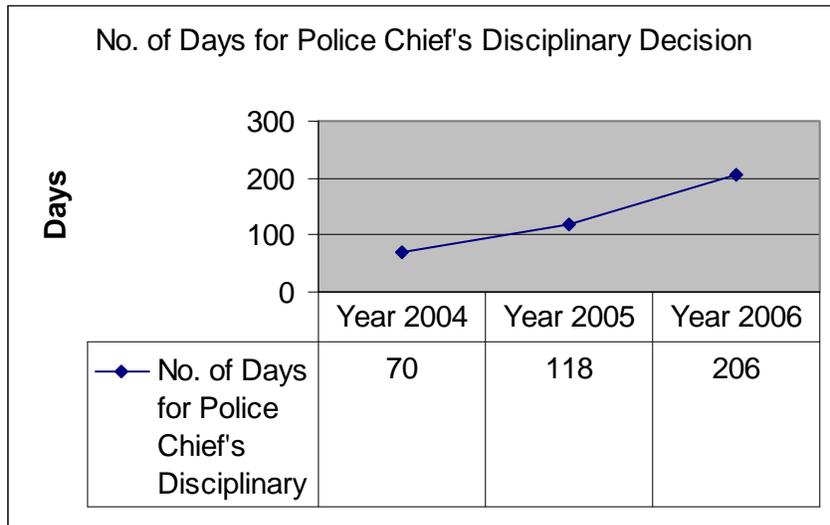
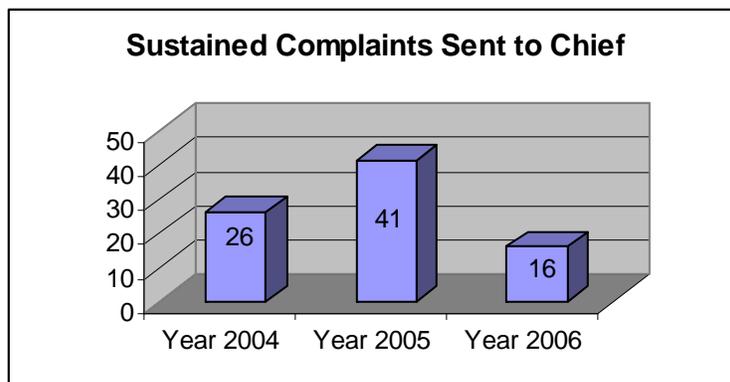


Chart 15:



Discipline Case Example

The following case is an example of the full CRA process at work.

A male driver and female passenger turned on a “No Turn on Red” in order to get the attention of a nearby police squad to report a domestic assault in progress. After the turn, the driver pulled to the curb and stopped. Officers # 1 and # 2 pulled behind the driver. The driver exited the car and began waving at the officers. The officers instructed the driver to get back into the car. When the Officer # 1 approached the driver’s car, the driver admitted that his driver’s license was revoked. Officer # 1 placed the driver in the rear of the police squad. While in the back of the squad, the driver explained why he made the illegal turn and observed Officer # 2’s action with his female passenger.

Officer # 2 asked the passenger to exit the vehicle. The passenger had on a white tank top and jeans and tried to cover her chest as she stood on the sidewalk in the rain and cold

talking to the officer. Officer # 2 proceeded to ask the female if she had drugs on her person and if she was wearing a bra. The passenger stated that she was not wearing a bra and did not have any drugs on her. Officer # 2 placed his hands into the woman's front and back jeans pockets, touched her breasts, and pulled open the woman's tank top several inches from her body, illuminated the inside of the woman's top with his flashlight, and looked down into the top exposing the woman's breasts.

After the street incident, the officers, driver, and passenger went to the house where the domestic assault occurred. Officer # 2 used profanities and insulting racial remarks while he was at the house. The driver filed a CRA complaint against Officer # 2 alleging Inappropriate Language, Inappropriate Conduct, and Harassment. In the beginning of the investigation, the investigator pulled and reviewed the police reports and created an investigation plan. During the investigation, the driver and police officers provided statements. The victim also provided a statement and allowed pictures to be taken of what she was wearing during the incident.

During Officer #2's interview, Officer # 2 denied that he inappropriately touched the woman during his pat frisk. Officer # 2 further denied pulling out the woman's top, using the flashlight to illuminate the inside of the top, and looking down the female's top exposing her breasts. He also denied using profanity and racial slurs. After a review of the photos, police reports, and statements of the driver, victim, and officers, the investigator recommended that the allegations be sustained. A hearing panel heard the case and voted to sustain the allegations against the officer. The Chief of Police exercised his discretion and imposed a twenty-hour suspension on the officer.

The above example shows that, when the system components are working properly, the CRA process is effective and fair.

VII. CRA Process Evaluation

A. CRA Report

In 2005, the Director of the Minneapolis Department of Civil Rights commissioned a study of the CRA process. The study addressed the MPD's allegations that the CRA investigations were deficient, assessed the implementation of the CRA's governing ordinance, and made recommendations for improving the CRA administrative process.⁷

The consultant found that CRA investigations were thorough and complete, and, in fact, the study revealed that sustained CRA cases were being reviewed by the IAD and that IAD was substituting its credibility judgment of witnesses for the CRA staff and board's opinions. The consultant also found that the CRA did not satisfy a few of its ordinance requirements. To address the concerns raised by the consultant, the consultant made the following recommendations:

⁷ Michael K. Browne, *A Study of the Policy and Process of the Minneapolis Civilian Police Review Authority* (2006).

- (1) CRA staff was recommended to:
 - a. establish a clear dismissal process;
 - b. develop a standardized investigative report form; and
 - c. train CRA staff investigators to employ standards other than MPD Policy and Procedure manual;
- (2) CRA Board was recommended to issue outcome-based decisions;
- (3) The Chief of Police was recommend to:
 - a. adopt an appropriate policy on police discipline based on final CRA determinations; and
 - b. designate a senior commend officer to serve as a “CRA liaison;”
- (4) City Council was recommend to:
 - a. commission another CRA “Quality Service Audit; and
 - b. establish an internal working group made up of City Council Members, Civil Rights staff, the CRA Board Chair, MPD senior command officers, a Police Federation representative, and the City Attorney’s office; and
- (5) commission an independent review of the MPD Internal Affairs Unit by a qualified consultant to determine the efficacy of the IAU’s investigations of officer misconduct.⁸

B. CRA 2006 Work Plan

The CRA manager developed a work plan in order to focus the CRA’s efforts on addressing the concerns raised in the consultant’s study. The work plan contained several goals including addressing the study’s CRA recommendations, community outreach, and decreasing investigative times.

At the end of the year, the CRA had completed most of the work plan targets and had contacted the City’s Communication Department to assist in developing methods to maximize the unit’s community outreach efforts.

C. CRA Working Group

In April 2006, a CRA working group convened to address issues raised in a Minneapolis Department of Civil Rights study of the CRA process. The working group consisted of representation from the Minneapolis City Council, Human Resources, the Police Officers Federation of Minneapolis, Minneapolis Department of Civil Rights and the CRA. The members of the working group met weekly for over three months to discuss ways to improve the CRA process. The highlights of the CRA Working Group’s work included the creation of a Police Accountability Coordinating Committee, the development of a formalized CRA Board policy recommendation process, an appointment of a MPD

⁸ *Id.*

Senior Command Officer as Liaison to the CRA. The Working Group also approved and forwarded several recommendations for CRA ordinance changes to the Minneapolis City Council for approval.⁹ The City Council approved most of the recommended ordinance changes.

Conclusion

Minneapolis/St. Paul have been selected to host the 2008 Republican National Convention. The CRA anticipates that political protests will accompany the Republican National Convention. Like many cities, Minneapolis will be faced with controlling the protesters, which will lead to increased police and civilian contact. The CRA will begin exploring its role in addressing potential police misconduct complaints arising from protests during the 2008 Republican National Convention. The CRA will contact other cities to learn of the best practices for handling a potential spike in police misconduct complaints that are related to political protests. The CRA will also routinely address this issue during the Police Accountability Coordinating Committee monthly meetings.

In 2007, the CRA expects to build on the successes of 2006. The CRA will continue to find creative ways to address its community outreach duties and investigations with its limited resources. The CRA will also begin to consider the impact of pursuing additional changes to the CRA ordinance to address the investigative time requirement without sacrificing the quality of the investigations. The CRA will also continue to explain the benefits of the mediation program to the public and MPD officers, and expand its training opportunities to the MPD and the other agencies.

⁹ Civilian Review Authority Working Group, *Civilian Review Authority Working Group Final Report* (2006).

Appendix

CHAPTER 172. CIVILIAN POLICE REVIEW AUTHORITY

172.10. Civilian police review authority established. There is hereby created a Minneapolis Civilian Police Review Authority for the purpose of investigating allegations of misconduct on the part of officers of the Minneapolis Police Department and making findings of fact and conclusions based upon those findings of fact. (90-Or-043, § 1, 1-26-90; 90-Or-188, § 1, 7-27-90; 2003-Or-028, § 1, 3-21-03)

172.20. Scope of authority. The review authority shall receive complaints that allege misconduct by an individual police officer or officers, including, but 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. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 2, 3-21-03; 2006-Or-064, § 1, 6-16-06; 2006-Or-114, § 1, 10-20-06)

172.30. Review authority membership. (a) *Composition.* The review authority shall be comprised of eleven (11) members, six (6) of whom shall be appointed by the city council, and five (5) of whom shall be appointed by the mayor, subject to the approval of a majority of the city council. The members shall serve for terms of four (4) years. From the members, a chairperson of the review authority shall be appointed by the mayor, for a term of two (2) years, subject to the approval of a majority of the city council. All members shall continue to serve until their successors have been appointed. A majority of the members shall constitute a quorum.

(b) *Qualifications.* All members shall be residents of the city. Residents currently or previously employed by the Minneapolis Police Department are ineligible to serve as members of the authority.

(c) *Minimum training requirements.*

(1) All members must participate in an annual training session as arranged by the Minneapolis Department of Civil Rights.

(2) All new members must complete training in the following subject areas as arranged by the Minneapolis Department of Civil Rights: police use of force, Minnesota Government Data Practices Act, Open Meeting law and Minnesota Public Employee Labor Relations Act, conflict of interest.

(3) Within two (2) years of appointment, all new members must complete the portions of the Citizen's Academy as determined by the Minneapolis Department of Civil Rights. Members will be compensated fifty dollars (\$50.00) for each Citizen's Academy session attended.

(d) *Removal.* Any member of the review authority may be removed, by vote of a majority of the city council and approval of the mayor, for incompetence, neglect of duty, misconduct or malfeasance, failure to participate in and complete minimum training requirements. Any vacancy occasioned by resignation, death, or removal of a member shall be filled for the balance of the unexpired term by appointment by the mayor subject to approval of the city council. A member who has three (3) absences from meetings or complaint hearings in a calendar year shall automatically cease to be a member of the authority.

(e) *Compensation--Limitation.* Each member shall be paid fifty dollars (\$50.00) for each day when the member attends one (1) or more meetings or hearings, and shall be reimbursed for expenses incurred in the performance of duties in the same manner and amount as other city boards and commission members. The total amount of per diem, payment for file review, and reimbursable expenses payable under this section shall not exceed the total annual budget allocation for such costs. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 3, 3-21-03; 2003-Or-112, § 1, 9-12-03; 2004-Or-068, § 1, 6-18-04)

172.35. Reserved.

Editor's note: Ord. No. 2003-Or-028, § 4, adopted March 21, 2003, repealed § 172.35, which pertained to compensation--Limitation. See the Code Comparative Table.

172.40. Review authority--Administrative duties. (a) *Rulemaking notice and hearing.* The review authority shall adopt rules governing its operation. All rules, and any amendments thereto shall be enacted after a public hearing, at which interested persons may present written and oral evidence. The review authority shall, at least thirty (30) days prior to the date set for the hearing, give notice of its intention to adopt rules by publishing notice of the proposed rule, the date and location of the hearing. The notice shall also be provided to the mayor, city council and chief of police.

(b) *Rulemaking hearing procedure.* Rulemaking hearings shall be presided over by the chairperson of the review authority. The chairperson shall ensure that all persons involved in the hearing are treated fairly and impartially. After hearing and considering evidence, the review authority may choose to enact the proposed rule, enact an amended rule, or to not enact a rule. If the review authority chooses to enact a rule, the review authority shall enter into the record any written exhibits in support of the rule, along with a brief statement explaining why the review authority has adopted the rule and shall submit such rule for approval by the city council. Rules adopted by the review authority shall not be effective until approved by the city council.

(c) The review authority shall cooperate with the chief of police in developing procedures pursuant to *Garrity v. New Jersey*, 385 U.S. 493 (1967) and *Gardner v. Broderick* Police Commissioner NY, 392 U.S. 273 (1968). (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 5, 3-21-03)

172.50. Meetings. (a) The review authority shall meet once every month at a regularly scheduled time and place for the purpose of hearing requests for reconsideration, establishing the next month's hearing panel(s) and/or to conduct any other business necessary to the operation of the review authority. The review authority may meet at such additional times and places deemed necessary by its members, or on the call of the chairperson.

(b) Each month the chairperson of the review authority shall appoint panel(s) of three (3) members to conduct hearings related to complaints as necessary during the subsequent month. The chairperson of the review authority shall designate a chairperson of each panel. The panels of three review authority members shall meet at scheduled times and places for the purpose of conducting hearings related to complaints. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 6, 3-21-03)

172.60. Review authority--Substantive duties and powers.(a) Receive complaints alleging misconduct on the part of a Minneapolis police officer and conduct such investigations and inquiries as may reasonably appear necessary to find the facts with respect to the complaints.

(b) Conduct hearings related to complaints as provided in this chapter.

(c) Forward all investigatory findings and case recommendations to the chief of police.

(d) Conduct a program of research and study for the purpose of ascertaining how the objectives of this title may be attained and sustained.

- (e) Compile statistics relating to complaints of police officer misconduct and present results of such analysis on a quarterly basis to the Public Safety and Regulatory Services Committee.
- (f) Review Minneapolis Police Department policies and training procedures and make recommendations for change.
- (g) Facilitate, along with Minneapolis Police Department, appropriate cultural awareness training for sworn officers as determined by the review authority.
- (h) Participate in the performance review of the chief of police.
- (i) Create and implement a community outreach program. Coordinate outreach activities with the Minneapolis Commission on Civil Rights.
- (j) Submit quarterly reports to the public safety and regulatory services committee as to the activities of the review authority. (90-Or-043, § 1, 1-26-90; 2003-Or-028, §§ 7, 8, 3-21-03)

172.70. Complaint filing. Any person who has personal knowledge of alleged misconduct on the part of a Minneapolis police officer may file a complaint with the review authority by submitting said complaint at locations to be determined by the review authority. The review authority shall select at least one location for the receipt of complaints that is not affiliated with the Minneapolis Police Department, nor staffed by Minneapolis Police Department employees. (90-Or-043, § 1, 1-26-90)

172.80. Preliminary review. Within seven (7) days of the date that a complaint was filed, review authority staff shall make a preliminary review of each complaint and determine whether an investigation of the alleged misconduct is warranted, whether mediation is appropriate or whether no further action is necessary. All complaints shall be kept on file regardless of whether an investigation is initiated. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 9, 3-21-03)

172.85. Dismissal after the Preliminary Review. (a) If after the preliminary review, the manager determines that further investigation is not warranted, the manager may request a dismissal from the chair of the board. The dismissal request must state the basis for the dismissal. The chair shall schedule a hearing for the dismissal.

- (b) The manager may administratively dismiss complaints against misidentified officers, officers out-of-jurisdiction, and officers no longer with the Minneapolis Police Department. The manager shall notify the civilian review authority board of the administrative dismissal. (2006-Or-114, § 1, 10-20-06)

172.90. Investigations. If review authority staff determines that further investigation is warranted, the complaint shall be investigated by a review authority investigator. The investigator shall prepare recommended findings of fact and a recommendation of sustained or not sustained in a written summary. Such investigation shall be completed within sixty (60) days of the date that the complaint was filed. The review authority manager may once extend this deadline by an additional thirty (30) days, with a written explanation of the reason(s) for the extension. The application of this deadline may be held in abeyance during such time as the complainant and officer are participating in mediation or the review authority staff determine that an investigation might impede or harm a criminal investigation. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 10, 3-21-03)

172.95. Investigation review. Within seven (7) days of the date the written summary is submitted, the review authority manager shall review the investigative file and written summary. The review authority manager may recommend further investigation that shall be completed within thirty (30) days. In all cases in which no further investigation is recommended, the review authority manager shall present the case at the next meeting of a hearing panel of the review authority allowing for proper notice to the complainant and the police officer. (2003-Or-028, § 11, 3-21-03; 2004-Or-068, § 2, 6-18-04)

172.100. Hearings related to complaints.(a) Upon the completion of the investigation of a complaint, a three (3) member panel of the review authority shall weigh and consider all reliable and credible evidence presented. The review authority shall make reasonable efforts to conduct hearings related to complaints within thirty (30) days of the completion of the investigation.

(b) Prior to the hearing, a review authority investigator or the manager shall present the investigatory findings of fact and recommendations to the panel. No person other than a review authority investigator or the manager and the panel members shall be present during the presentation and discussion of the case.

(c) At the hearing, the complainant and the police officer, or their representatives, shall each be permitted ten (10) minutes to address the review authority, in the presence of each other, regarding the complaint. Other paid or volunteer review authority staff may attend with and assist the complainant, but will not otherwise participate in the hearing.

(d) Within thirty (30) days of the completion of a hearing, the hearing panel shall either remand the complaint to review authority staff for further investigation or issue a written report containing findings of fact and a determination of whether the complaint is sustained. This report shall be made public when permitted by the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes.

(e) Notice.

(1) At least ten (10) days prior to the scheduled hearing, the review authority shall provide written notification to the complainant and the police officer of the date, time and place of the hearing.

(2) The review authority shall provide written notification of the hearing panel's decision to the complainant and officer. (90-Or-043, § 1, 1-26-90; 2003-Or-028, §§ 12, 13, 3-21-03; 2004-Or-068, § 3, 6-18-04)

172.110. Standard of proof. The standard of proof necessary to sustain a complaint is preponderance of the evidence. Preponderance of the evidence means that the greater weight of the evidence supports the decision. (90-Or-043, § 1, 1-26-90; 2003-Or-028, §§ 14, 15, 3-21-03)

172.120. Request for reconsideration by complainant.(a) Within thirty (30) days of receipt of the hearing panel's decision to not sustain a complaint, a complainant may submit a written request for reconsideration to the review authority.

(b) The review authority shall reconsider the complaint at its next regularly scheduled meeting that is not less than ten (10) days after the filing of the request. If the review authority determines that the request for reconsideration alleges newly discovered evidence, the complaint should be remanded to authority staff to investigate and resubmit findings within thirty (30) days. The review authority may sustain or reject the prior hearing panel decision regarding the complaint.

(c) The complainant and the police officer, or their representatives, shall be permitted ten (10) minutes each in the presence of each other to address the review authority regarding the request for reconsideration.

(d) Notice.

(1) The review authority staff shall provide written notification to the officer of the request for reconsideration.

(2) At least ten (10) days prior to the reconsideration hearing, the review authority shall provide written notification to the complainant and the police officer of the date, time and place of the reconsideration hearing.

(3) The review authority shall provide written notification of its reconsideration decision to the complainant and officer. (90-Or-043, § 1, 1-26-90; 2003-Or-028, §§ 16, 17, 3-21-03; 2004-Or-068, § 4, 6-18-04)

172.130. Disciplinary Decision.(a) Upon conclusion of the hearing and request for reconsideration process, the review authority shall forward the investigatory file, the findings of fact and the panel determination to the chief of police. The chief's disciplinary decision shall be based on the adjudicated facts as determined by the civilian review authority board, and shall not include a de novo review of the facts by the Minneapolis Police Department's internal affairs unit or any other police officer, unit, or division.

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

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

- (1) Impose discipline and notify the review authority in writing that discipline has been imposed; or
- (2) Determine that no discipline will be imposed and notify the review authority in writing of such determination and the reasons for such determination; or
- (3) Make a one time written request that the review authority reconsider the sustained finding; or
- (4) Submit in writing to the review authority a request for an extension of time, not to exceed an additional thirty (30) days, to take one of the actions in subparagraphs (1) through (3) with a statement of the reason for the extension and a proposed date by which one of such actions will be taken.

If the chief has determined that no discipline will be imposed pursuant to subparagraph (2), the review authority may require the chief (or his/her designee) to appear at a meeting of the full board, which shall be closed to the public pursuant to Minnesota Statutes Section 13D.05, subdivision 2, to discuss the basis for the determination.

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

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

(d) The level of compliance with this section shall be included as an element of the chief's annual performance evaluation, pursuant to section 172.60(h) of this section. The civilian police review authority chairperson shall notify the executive committee of the chief's failure to comply with the requirements of this section, and such failure may subject the chief to disciplinary action. (90-Or-043, § 1, 1-26-90; 2003-Or-028, §§ 18, 19, 3-21-03; 2006-Or-114, § 1, 10-20-06)

172.140. Confidentiality. The members, staff, and contractors of the review authority shall comply with all of the provisions of the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes. All members and contractors, paid and volunteer, of the review authority shall sign a contract agreeing to comply with the provisions of the Minnesota Government Data Practices Act, currently Chapter 13 of Minnesota Statutes. In return, the city will afford to such member or contractor the same legal protection that any other agent or employee of the city receives who performs duties within the scope of employment. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 20, 3-21-03; 2004-Or-068, § 5, 6-18-04)

172.150. Mediation. (a) The review authority manager shall refer complaints to mediation subject to the terms of this section. Referral to mediation may be made upon preliminary review of the complaint or at any other time in the course of investigation when the manager deems mediation to be appropriate. Referral to mediation shall be in the discretion of the review authority manager, and shall not be appealable.

(b) The complainant and the subject police officer(s) shall be required to participate in good faith in the mediation process. The mediation process shall continue for as long as the mediator believes it may result in the resolution of the complaint, except that it shall not extend beyond thirty (30) days from the date of the initial mediation session without approval of the review authority manager.

(c) The complainant and the subject police officer(s) shall attend the mediation session.

(d) If mediation is successful, the mediator and the parties shall sign a mediation agreement.

(e) If mediation is unsuccessful, the complaint shall be referred back to the review authority for further investigation, hearing and review pursuant to this chapter.

(f) If, after referral to mediation, the complainant fails or refuses to participate in mediation in good faith and without a valid excuse, the review authority manager shall dismiss the complaint.

(g) If, after referral to mediation, a subject police officer fails or refuses to participate in mediation in good faith, such failure or refusal shall constitute misconduct and grounds

for disciplinary action. If warranted by the evidence, the chief of police shall cause appropriate disciplinary action to be initiated against the officer and shall notify the review authority manager of the outcome of such action. If a police officer fails or refuses to participate in mediation in good faith, the review authority manager shall refer the complaint for further investigation, hearing, and review under this chapter.

(h) The review authority manager shall inform the chief of police of a decision to proceed to mediation.

(i) Mediation tolls the timelines established for the review authority investigation and hearing processes.

(j) No record will be made of the mediation proceedings, and no information discussed will be used in subsequent proceedings.

(k) All complaints shall be referred to mediation with the following exceptions and limitations:

(1) Where there are multiple allegations against the same officer, all allegations must qualify for mediation.

(2) Where the complaint contains allegations against multiple officers, all officers must qualify for mediation.

(3) Mediation is not appropriate if the officer has a prior sustained complaint involving the same or similar allegations arising from an incident which occurred within one (1) year prior to the date of the incident from which the current complaint arises.

(4) Excessive force complaints are eligible only if physical injuries are de minimus and medical treatment is not required.

(5) Wrongful search or seizure complaints involving custodial arrest or other interference with liberty of significant duration are not eligible.

(6) Theft and intentional damage to property complaints are not eligible.

(7) The review authority manager may depart from the above guidelines for good cause.

(l) The mediators shall be neutral trained mediators unaffiliated with the review authority, the civil rights department or any other department of the City of Minneapolis.

(m) This section shall apply to complaints filed on and after the effective date of this section. (90-Or-043, § 1, 1-26-90; 2003-Or-028, §§ 21, 22, 3-21-03; 2005-Or-091, § 1, 9-23-05)

172.160. Period of limitation. No person may file a complaint with the review authority if one year has elapsed since the alleged misconduct. (90-Or-043, § 1, 1-26-90)

172.170. Staff. (a) The Minneapolis Department of Civil Rights shall provide staff to support the objectives of this chapter. Review authority staff shall consist of a manager and a community outreach advocate and other positions as necessary. The manager may employ unpaid volunteers to perform the duties of the community outreach advocate on a temporary basis.

(b) *General duties of the manager.* The manager of the review authority shall be an attorney and shall report to the director of the department of civil rights. The manager shall administer the day-to-day operation of the review authority and aid the review authority in carrying out its purpose, including the implementation of a community outreach program.

(c) *General duties of the review authority community outreach advocate.* The community outreach advocate shall report to the manager of the authority and shall perform administrative duties as assigned including:

- (1) Timely and regular communications with complainant from complaint intake through final determination of case.
- (2) Consultation with the manager regarding case review process prior to the manager's recommendation of sustained or not sustained.
- (3) Implementation of community outreach program.
- (4) Attendance at hearings when requested by the manager of the authority.
- (5) Other duties as assigned by the manager of the authority.

(d) *Firewall* . Department of civil rights staff with access to review authority files shall not have access to civil rights investigation files. Department of civil rights staff with access to civil rights investigation files shall not have access to the review authority files. Information from civil rights investigations shall not be shared with staff assigned to the review authority. Information from review authority investigations shall be shared only with staff assigned to the review authority. The director of the department of civil rights shall have an administrative role with regards to the review authority. The director shall have access to review authority investigative files for administrative purposes consistent with establishing management goals and objectives, evaluating employee performance, providing case management support, and making budgetary decisions, but shall not participate in the decision-making process regarding individual complaint files. (2003-Or-028, § 23, 3-21-03; 2004-Or-068, § 6, 6-18-04; 2005-Or-053, § 1, 7-1-05)

172.180. Requirement of cooperation by the Minneapolis Police Department and all other city employees and officials with the review authority. The Minneapolis Police Department and all other City of Minneapolis employees and officials shall, except as expressly prohibited by law, respond promptly to any and all reasonable requests for information, for participation in hearings and mediations, and for access to data and records for the purpose of enabling the review authority to carry out its responsibilities under this chapter. The failure by any official or employee of the Minneapolis Police Department or by any other City of Minneapolis employee or official to comply with such requests for information, participation, or access shall be deemed an act of misconduct. The police officer identified in the complaint may, but shall not be required to, attend the public portion of the scheduled hearing. (2003-Or-028, § 25, 3-21-03; 2005-Or-053, § 2, 7-1-05; 2005-Or-091, § 2, 9-23-05)

172.185. Notification of officer's reinstatement. In the event that a dismissed officer has been reinstated to the Minneapolis Police Department, the chief of police shall provide notification to the civilian review authority of the officer's return to the department within thirty (30) days of the officer's reinstatement. (2006-Or-114, § 1, 10-20-06)

172.190. Complainant's choice. A complainant shall be offered the choice to proceed under this title or go to the Minneapolis Police Department internal affairs division. (2003-Or-028, § 25, 3-21-03)

The CRA ordinance can also be found at the CRA website:
<http://www.ci.minneapolis.mn.us/cra/index.asp>

2006 CRA Community Outreach and Media

Juneteenth Celebration
Twin Cities Jazz Festival
Ashley Rukes GLBT Pride Parade and Festival
Minneapolis Urban League Family Day
NAACP Meeting
Channel 3 KDLH, CBS affiliate, Duluth, MN
The Spokesman Recorder
CRA Working Group Public Hearing
Jordan Area Community Forum
MPD Trainings
Star Tribune
KFAI Fresh Air Radio 90.3 FM
Downtown Journal
Southwest Journal
Communities United Against Police Brutality
Minneapolis Police Federation
San Francisco CIA
National Association for Civilian Oversight of Law Enforcement (NACOLE)
Hennepin County Public Defenders Office
Guiaunica 2006
Minneapolis Urban League's Minnesota Pipeline "False Reporting Law" Forum