



Minneapolis
City of Lakes

CIVILIAN POLICE REVIEW AUTHORITY

FOURTH QUARTER REPORT

2010

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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 does not include data from the MPD Internal Affairs Unit or the lawsuits filed against MPD police officers.

The report is divided into four sections. Section I will provide CRA data collected from January through December 2010, broken down by the quarter that the data was collected. Section II will discuss select complaint data for closer examination. Section III will discuss the Chief's discipline in the fourth quarter. Section IV will briefly discuss solutions that will better serve the citizens who file complaints against Minneapolis police officers.

Section I Selected Data

The table below provides CRA data related to the number of civilian contacts, the demographics of the civilian contact, and the allegations contained in CRA complaints during the four quarters of 2010. The data is divided into quarters to allow comparisons.

Table 1 Complaint Data

Minneapolis Civilian Police Review Authority 2010				
	1Q	2Q	3Q	4Q
1. Number of initial complaints received	77	105	132	82
2. Number of complaints sent for signature	23	19	20	39
3. Number of signed complaints received	13	20	32	24
4. Number of complaints withdrawn	2	0	0	0
5. Percentage of complaints containing multiple allegations	69%	55%	81%	71%
6. Total number of allegations by type				
• Inappropriate Conduct	12	22	62	32
• Inappropriate Language	7	8	44	19
• Harassment	1	8	51	14
• Excessive Force	5	11	26	19
• Failure to Provide Adequate or Timely Police Protection	6	3	2	12
• Discrimination	4	0	1	8
• Failure to Report Use of Force	2	0	0	0
• Retaliation	0	0	2	0
• Theft	0	0	0	0
7. Location of complaints by precinct				
• Precinct 1	5	9	11	11
• Precinct 2	1	1	3	2
• Precinct 3	1	0	5	2
• Precinct 4	5	8	9	6
• Precinct 5	1	2	3	3
• Outside City	0	0	1	0
8. Location of complaint by ward				
• Ward 1	0	0	1	2
• Ward 2	0	2	1	2
• Ward 3	1	3	4	2
• Ward 4	2	2	2	0
• Ward 5	3	3	5	4
• Ward 6	1	1	2	2
• Ward 7	5	8	10	9
• Ward 8	0	0	2	1
• Ward 9	1	0	0	2
• Ward 10	0	1	1	0
• Ward 11	0	0	2	0
• Ward 12	0	0	1	0
• Ward 13	0	0	0	0

Minneapolis Civilian Police Review Authority 2010					
		1Q	2Q	3Q	4Q
	• Outside City	0	0	1	0
9.	Race of Complainants (includes victims) ¹				
	• Asian	0	1	0	3
	• Black	10	13	26	18
	• Latino	1	0	0	0
	• American Indian	0	0	0	1
	• Unknown	1	4	6	2
	• White	6	7	11	5
10.	Age of Complainants				
	• Under 21	4	1	7	3
	• 21 – 40	8	13	17	19
	• Over 40	5	5	10	5
	• Unknown	1	6	9	2
11.	Gender of Complainants				
	• Female	6	8	18	9
	• Male	12	17	25	20
12.	Race of Officer				
	• Asian	0	2	3	5
	• Black	1	3	10	4
	• Latino	0	1	1	1
	• American Indian	1	1	1	3
	• White	13	20	30	23
13.	Officers time on force				
	• Less than 5 years	5	8	20	13
	• 5 or more years	10	19	25	23

Section II Discussion of Complainant Data

This section provides additional information on data presented in Section I. The discussion below should aid the reader in understanding the changes in police misconduct complaints and in the CRA board's handling of police misconduct complaints during 2010.

Complaints

Initial complaints decreased by 38 percent from the third quarter to fourth quarter. Fifty-six initial complaints received during the fourth quarter were closed. Thirty-two percent of those initial complaints closed were sent for a complainant signature (this percentage does not include complaints sent for signature where the initial complaints were received in earlier quarters).

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.

Complaints sent for signature contained allegations that the staff believed may have been violations of MPD policy and procedure.

The CRA received 24 signed complaints during the fourth quarter. Complaints received during the fourth quarter included complaints sent for signature during earlier quarters. Of the 24 signed complaints received, ten of the complaints received were generated from initial complaints received during the fourth quarter.

Allegations

The number of complaints containing multiple allegations decreased to 71 percent. It should be noted that the number of allegations is often related to the number of officers and citizens involved in the complaint. Inappropriate conduct and excessive force allegations accounted for 49 percent of the allegations received.

Location of Complaints

The First and Fourth Precincts continued to receive the most complaints. Seventy percent of the complaints filed during the fourth quarter came from the First and Fourth Precincts. There has been no change in the distribution of the precinct location of the complaints. Inappropriate conduct and inappropriate language were the most common allegations filed in the First and Fourth precincts.

Ward 7 continued to receive the most complaints. During the fourth quarter, complaints from Ward 7 represented 37 percent of the signed complaints received.

It should be noted that Ward 7 includes the downtown district, which the MPD has targeted to reduce drug activity, late night nuisance behavior and chronic offenders. Narcotics activity, loitering, panhandling, robbery, and traffic enforcement are often associated with complaints received from Ward 7. Many of the complainants from the area include weekend revelers, homeless individuals, and transitory persons.

Complainants

There has been no change in the distribution of “who” files the majority of complaints against Minneapolis police officers. Blacks continued to file the most complaints during the fourth quarter.

In Ward 7, blacks and whites each filed 41percent of the complaints against officers, 17 complaints each. Below is a comparison of the allegations contained in those complaints.

Table 2 Comparison of Allegations filed by Blacks and Whites in Ward 7

Allegations	Black (17 Complainants)	White (17 Complainants)
Force	16	8
Language	32 (7 racial)	6
Harassment	6	0
Conduct	20	12
Retaliation	2	
Fail to provide service	0	6
Fail to report use of force	0	2

As the table shows, blacks filed far more excessive force, inappropriate language, and harassment allegations than whites in Ward 7. While this data is not conclusive evidence that MPD officers are treating blacks with more aggressive and offensive behavior, the data does tend to provide support for community concerns and perceptions that blacks may be treated in a discriminatory manner during police interactions.

Mediation

Of the 24 complaints received during the fourth quarter of 2010, five complaints were referred to mediation. The CRA held four mediations. Two were successfully mediated.

In 2010, the CRA held sixteen mediations; of which, ten were successfully mediated. Inappropriate conduct allegations represented the majority of the allegations referred to mediation. Sixty percent of the inappropriate conduct allegations were successfully mediated, while only 26 percent of the inappropriate language allegations were successfully mediated.

CRA Board Activity

The CRA board heard 10 complaints during the fourth quarter of 2010. The CRA board fully sustained or partially sustained three complaints. Prior to the hearing stage, five complaints were dismissed because the complainant failed to provide a statement or evidence clearly showed that there was not a violation of MPD policy.

Hearing panels averaged 14 days to deliver disciplinary decisions. The hearing panels sustained 8 percent of the allegations heard during the fourth quarter of 2010. Table 3 provides the board decisions.

Table 3 Board Data

Disposition of Complaints	1 Q	2Q	3Q	4Q
• Number of complaints heard by panel	12	16	17	10
○ Number of complaints fully sustained	2	3	1	0
○ Number of complaints partially sustained	4	1	6	3
○ Number of complaints not sustained	6	2	3	1
○ Number of complaints dismissed ²	1	8	6	5
○ Number of complaints determination pending	0	3	2	2
• Number of allegations contained in complaints heard	101	42	42	69
○ Number of allegations sustained	23	13	11	6
○ Number of allegations not sustained	63	4	20	41
○ Number of allegations dismissed ²	17	23	7	15
• Types of allegations sustained				
○ Inappropriate conduct	5	3	5	3
○ Inappropriate language	1	5	3	2
○ Harassment	0	2	0	0
○ Excessive force	17	1	2	1
○ Failure to provide adequate or timely police protection	0	0	0	0
○ Discrimination	0	1	0	0
○ Failure to report use of force	0	1	1	0
○ Retaliation	0	0	0	0

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

Section III Discipline Administered by the Minneapolis Chief of Police

The Chief delivered two disciplinary decisions involving two officers during the fourth quarter of 2010. Table 4 shows the Chief's discipline decisions.

Table 4 Disciplinary Decisions by Complaints

Quarter Decision Rendered	Total Decisions	No Discipline	Discipline	% Discipline
1	4	2	2	50%
2	5	4	1	20%
3	6	3	3	50%
4	2	2	0	0
Total	17	11	6	35%

As the table above provides, the Chief imposed no discipline on the sustained complaints returned to the CRA in the fourth quarter. Table 5 below provides that neither of the two officers who received the sustained complaints received discipline.

Table 5 Disciplinary Decisions by Officers

Quarter Decision Rendered	Total Officers	No Discipline	Discipline	% Discipline
1st	5	3	2	40%
2nd	10	9	1	10%
3	11	6	5	45%
4	2	2	0	0
Total	28	20	8	29%

Fourth Quarter Disciplinary Decisions

This section provides information on the two complaints returned from the Chief during the fourth quarter. Table 6 contains data related to the two complaints received from the MPD Chief.

Table 6 Fourth Quarter Disciplinary Decisions

CRA File	CRA Sustained Violations	MPD Policy and Procedure Violations	Date	Chief's Disciplinary Decision
1	Excessive Force Discrimination in Conduct – Race, National Origin	Use of Force MPD P/P 5-301.01 Use of Force Reporting MPD P/P 5-306	Sent to Chief 8/09/10 Chief Decision 10/26/10	No Discipline – Insufficient evidence
Facts	<p>Complainant alleged that an officer used excessive force against him when the officer grabbed him by the head and pushed him up against a wall when the complainant was not posing a threat to or offering any resistance against the officer. Complainant alleged that, after he was handcuffed, the officer forced the complainant to the floor and kicked him in the back six times and then put a knee into complainant's back and grabbed him by the throat when he tried to look up at the officer. The complainant alleged that these actions caused abrasions to the complainant's throat, right cheek, and right wrist, as well as continuing pain to complainant's back and neck. The complainant submitted pictures to document his injuries. Complainant alleged that the officer failed to complete a CAPRS report to document the use of force used and injuries caused to the complainant.</p> <p>Complainant alleged that the officer engaged in inappropriate language when he used derogatory language and threatened to take a witness to jail after the witness pleaded with the officer to stop his force against the complainant.</p> <p>Complainant alleged that the officer engaged in inappropriate conduct when the officer threw into a wastebasket documents important to the complainant after complainant asked the officer to examine the documents.</p> <p>Complainant alleged that the officer engaged in discriminatory conduct and used inappropriate language when he used derogatory language and told the complainant to go back to Africa.</p> <p>The CRA Board sustained the excessive force allegations related to injuries on the complainant's neck and wrist. The board also sustained the allegation related to the officer's failure to report the use of force. The board was unable to corroborate the allegations related to the inappropriate language and discrimination allegations.</p> <p>The MPD declined discipline on the sustained allegations stating that the officer's conduct appeared to be reasonable and that the injuries may not have been visible to the officers.</p>			

CRA File	CRA Sustained Violations	MPD Policy and Procedure Violations	Dates	Chief's Disciplinary Decision
2	Inappropriate Conduct Excessive Force	Use of Discretion MPD P/P 5-103	Sent to Chief 5/6/10 Chief Decision 10/7/10	No Discipline – Reckoning Period, (“A” violation)
Facts	<p>Complainant alleged that officers used excessive force on complainant when the officers pulled complainant out of his apartment, pushed complainant against a wall, handcuffed complainant in a rough manner, pushed complainant down the stairs, and then pulled complainant up from the ground by the handcuffs.</p> <p>Complainant alleged that an officer removed items from complainant's pockets and threw the items to the floor.</p> <p>The CRA Board sustained an inappropriate conduct allegation against the officers for their entry into the complainant's apartment. The board sustained an inappropriate conduct allegation against the officer who threw the items to the floor. The CRA Board did not sustain the excessive force allegations.</p> <p>The MPD declined discipline because of the age of the complaint (reckoning period).</p>			

As shown above, the Chief declined to discipline on one complaint because the MPD viewed the complaint as too old. In 2010, the MPD used the reckoning period eight times to deny discipline on sustained CRA complaints. The MPD has taken the position that any disciplinary action (including non-disciplinary, coaching) on older complaints would be punitive and that the corrective intent that would have been associated with discipline on those complaints would be minimal or possibly nonexistent. The Chief's continued use of this rationale for no discipline because of the age of the complaints continues to highlight the need for an additional CRA investigator.

The table above also shows that the MPD declined to discipline on the other complaint because of insufficient evidence. The CRA continues to disagree with the use of insufficient evidence as the basis for no discipline. The CRA believes that for those complaints where the Chief believes the evidence is insufficient, the Chief should request a reconsideration and present facts or a legal basis for his belief.

The average length of time for the Chief to deliver the two disciplinary decisions was 79 days. In 2010, the Chief's average number of days to make a disciplinary decision was 125 days.

Section IV Future Solutions to Deliver Better Results

The CRA believes the actions below will place the CRA in a good position to deliver results that are more meaningful to the public.

Priority Complaint Investigation Process

During the fourth quarter of 2010, the CRA initiated a trial priority complaint process. The CRA will continue the trial process during the first six months of 2011. The CRA will review the process in June 2011 to determine if the process should become a permanent investigative process. As reported in earlier quarterly reports, this process is necessary to prevent the MPD from denying discipline on the most egregious complaints because of the reckoning period.

Ordinance Changes

The CRA will initiate several ordinance changes that will allow the CRA to make better utilization of staff time.

Temporary Resources

In 2011, the CRA will hire a temporary case investigator for the peak initial complaint filing time. The CRA receives a high number of complaints from May through September. The temporary investigator will process initial complaints and handle low-level complaint investigations. The temporary investigator will allow the permanent investigators to continue to concentrate on high-level complaints.