

Minneapolis
City of Lakes

DEPARTMENT OF CIVIL RIGHTS
COMPLAINT INVESTIGATIONS DIVISION

2012 ANNUAL REPORT
JANUARY 1 – DECEMBER 31

INTRODUCTION

The Minneapolis Department of Civil Rights (MDCR) recognizes the importance of embracing diversity and working to achieve the city goal of Many People, One Minneapolis. During the Fiscal Year 2012 (FY12), the Complaint Investigations Division (CID) took a step in reaching that goal by reducing the timeframe for investigating cases, focusing on the remaining backlog, creating partnerships with the legal community, conducting numerous outreach activities in the community, amending the Minneapolis Civil Rights Ordinance (MCRO), settling \$180,000 through the mediation program, and much more noteworthy accomplishments that will be discussed in further detail in the report.

CID was comprised of one Senior Investigator, one full-time Investigator, a permit Investigator, an Administrative-Analyst II, and an Assistant Director. During the fourth quarter of FY12, CID welcomed a new bilingual investigator to the team, Brian Walsh, and promoted Senior Investigator, Toni Newborn, to the position of Interim Assistant Director. The team is responsible for neutrally enforcing the MCRO by investigating charges of discrimination.

To file a charge of discrimination (charge) the alleged incident must have occurred in the City of Minneapolis within one year of the alleged discrimination. Intake is the beginning stage of the complaint filing process when the complainant is expected to provide a detailed summary of the case and submit any necessary information pertinent to the complaint. Once the charge is signed and notarized, the respondent is obligated under the MCRO to provide an answer to the charge. The complainant will then have an opportunity to provide a rebuttal statement to the respondent's answer.

CID provides a voluntary mediation program as an alternative option to the investigative process. If both parties agree to participate, a third-party mediator will conduct the mediation. If a complaint reaches the investigation phase, the case is assigned to an investigator to conduct a neutral investigation. After the investigation is completed, a determination is written and signed by the Director. The Director determines whether there is enough evidence to show that that discrimination occurred. The Director may also dismiss a case due to lack of merit or frivolousness. If the Department makes a determination to Dismiss the claim or issues a No Probable Cause decision, the complainant has the opportunity to file an appeal. The case will then be forwarded to the Commission on Civil Rights.

COMMISSION ON CIVIL RIGHTS

The Commission on Civil Rights (MCCR), was first established by ordinance in 1947, and then re-established in 1975 for the purpose of carrying forward the policies of the City in the field of human relations, the promotion of civil rights, and the enforcement of the MCRO. While not an operational entity within the MDCR, the MCCR offers a checks and balances system by hearing complaints that have been appealed by a Complainant.

Throughout FY12, MCCR reviewed and made final determinations of 25 complaints of discrimination. Also, the commissioners collaborated with the Department by hosting and participating in numerous outreach events such as the Reverend Dr. Martin Luther King, Jr., essay contest and Community Member Award. The Commissioners visited every school in Minneapolis to encourage sixth, seventh, and eighth grade students to participate in the essay

contest and expand their knowledge about civil rights. The Commission also created the first Reverend Dr. Martin Luther King, Jr., Community Member Award where residents of the community nominate a person that promotes leadership in the areas of civil and human rights and reinforces the value that *Minneapolis has no place for prejudice*.

OUTREACH

Throughout 2012, CID significantly reduced the timeframe to reach a determination and eliminated the historical backlog of its older cases. As a result, CID was able to build a strategy aimed toward outreach, education, and engagements in the community. During the first quarter of 2012, the staff developed an Outreach and Engagement Plan to inform the Minneapolis community about their civil rights covered under the MCRO and provide them with the tools needed to file a discrimination complaint. The primary goal and purpose of the outreach plan was:

(1) to build MDCR's credibility in the City of Minneapolis; (2) educate the public on the investigation process; (3) build partnerships with the community and advocacy organizations; and (4) recruit legal and human rights professionals to serve on the Commission; and (5) provide mentorship to law students.

The outreach plan targeted groups who have been underrepresented in filing complaints such as Hmong, Latino, Native American and Somali. CID attended neighborhood meetings and events, conducted presentations and provided awareness about the MCRO throughout the City of Minneapolis.

CID, in partnership with the American Indian Opportunities Industrialization Center (OIC), hosted a community filing day, which gave community members the opportunity to discuss a potential charge of discrimination with an investigator or intake officer in their neighborhood. CID staff had one-on-one conversations regarding the top alleged basis of discrimination in their communities which include: race, sex, and disability claims.

CID also reached out to legal professionals, law students, and human rights professionals with the objective of equipping these professionals with the tools to direct their clients to the MDCR when appropriate. In an effort to continue building partnerships with the legal community and recruit commissioners and mediators, CID hosted a mediators training and attended and conducted Continuing Legal Education classes.

Carrying out CID's outreach and engagement plan improved relationships with key community representatives, generated a greater understanding and trust from the general public, and developed more open and transparent lines of communication.

INTERNS

CID's intern program fulfilled the Department's mission, vision, and values statement of "fellowship" with the legal community. Law clerks from William Mitchell College of Law and Hamline University Law School interned for the Division. The law clerks gained valuable experience working alongside attorney investigators, conducting intake interviews, learning about the local and state civil/human rights laws, researching ordinance changes, and participating in outreach efforts within the community.

The law clerks also served as role models for the two summer Step-Up Interns working for the Department. The Step-Up Interns were students from Southwest and Patrick Henry High School. The Step-Up Interns created a new dynamic in the office; from utilizing their social media skills to staffing the reception area.

The law clerks learned the value of professionalism, while working and observing the conciliation process, participating in witness interviews, drafting interview and case summaries, and researching similar agencies' discrimination laws.

CID continues to expand its partnership with the local area law schools by conducting classroom presentations, mentoring law students, and assigning law clerks to work with investigators with the goal of creating potential new employees within the City of Minneapolis.

AMENDMENTS TO THE ORDINANCE

In early 2012, the Department amended section 141.50 of the MCRO. This amendment is consistent with the City's March 2010 initiative to align the appointment schedules for all City boards and commissions. The amendment accomplished the following: (1) the existing Commissioners' appointment terms changed from a termination date of August 31 to a term ending on December 31; (2) the Commission appointment cycle for future Commissioners changed from a September 1 through August 31 rotation to a calendar year cycle (January 1 – December 31); and (3) the new cycle incorporates the City's existing open appointment process. The amendment to the ordinance allowed the Commission appointment cycle to model all City boards and commissions to make it a "City That Works."

MEDIATION

The Minneapolis Department of Civil Rights is a neutral government agency that was created to prevent and eliminate bias and discrimination. Our vision is a Minneapolis where all can live and thrive without limitations others place on them. We look forward to a day when there is no illegal discrimination and to a day where there are no disparities in opportunity or status caused by factors beyond an individual's control. The mediation program allows an opportunity for the parties to control the outcome of their Charge of Discrimination. Mediation provides an informal and confidential way to resolve disputes with a neutral mediator in a shorter period of time and is more cost effective for all parties involved. CID worked cooperatively with the Conflict Resolution Center and Attorney/Mediator Helen Preddy, President and CEO of U.S. Arbitration and Mediation of Minnesota, Inc. in providing training to the mediators and strengthening CID's mediation program. Through the third party mediators, CID held 27 mediations that settled more than \$180,000 for complainants in civil rights discrimination cases.

Over the past two years, the training and service of our mediators has added value and strength to our program. The Department is in the process of broadening the scope of its mediation program by extending it to the Office of Police Conduct Review, whereby both Divisions will train and utilize the same list of qualified mediators. In addition, CID is developing a plan to offer mediation in the early stages of the complaint filing process that may result in an earlier resolution of cases.

DEPARTMENT'S DETERMINATIONS FINDING PROBABLE CAUSE

Throughout 2012, CID conducted 132 investigations while reducing the average time to issue a determination to 10.9 months. Of those investigations, CID issued six probable cause determinations. Probable cause means that based upon a reasonable and impartial view of the evidence gathered during the investigation, there is enough evidence to believe that discrimination was a factor in how the Respondent acted.

All discriminatory acts are addressed through the Department's conciliation process. During conciliation, the Charging Party has a determination of probable cause made by the Department. The Department is a party to the conciliation agreement, as the Department has an interest in eradicating discrimination in the city. If a settlement is not reached during conciliation, the Director refers the case to the Commission for a public hearing. A case that was determined probable cause in 2012 is scheduled for a public hearing in the fall of 2013.

CONCLUSION

The MDCR and MCCR remain committed to enforcing the MCRO, coupled with educational efforts to prevent discrimination. The MDCR is enthusiastic about continuing to reach the city goal of many people, ONE Minneapolis by investigating allegations of discrimination in less than one year, resolving at least 20% of cases through the mediation program, connecting with the community through outreach and education, and identifying gaps in the MCRO where the City can offer additional protections.

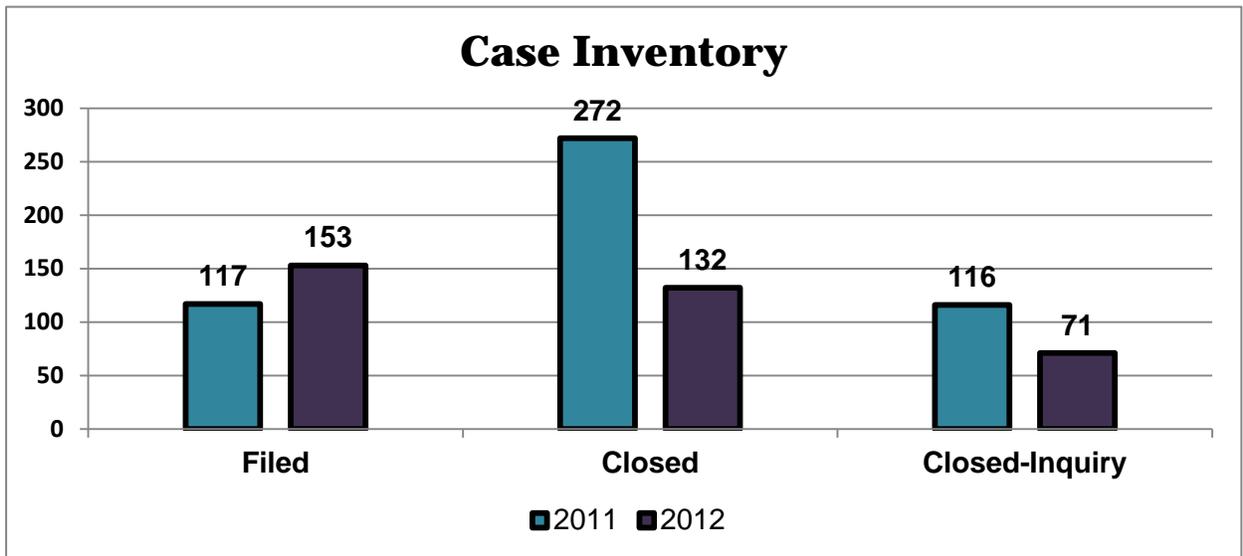


Figure 1: 2011 and 2012 Case Inventory

Figure 1 represents that the number of cases filed during FY12 increased by 31% from the previous year. The increase was significantly in part due to the development and implementation of the Department’s outreach and engagement plan that targets communities of color as well as underrepresented communities that are vulnerable to discrimination. During this same time period, the Department resolved 132 complaints, a decrease of nearly half from FY 2011, which makes it an ideal case load for the investigators. CID received an additional 71 inquiries which did not result in the filing of a formal complaint. During the intake interview the parties expressed interest in filing a charge; however, for a majority of the inquiries, the Department was unable to proceed with their claims due to jurisdictional issues. Please note, this figure does not reflect the number of phone calls and walk-ins that CID receives on a daily basis that are referred to other agencies prior to the intake interview.

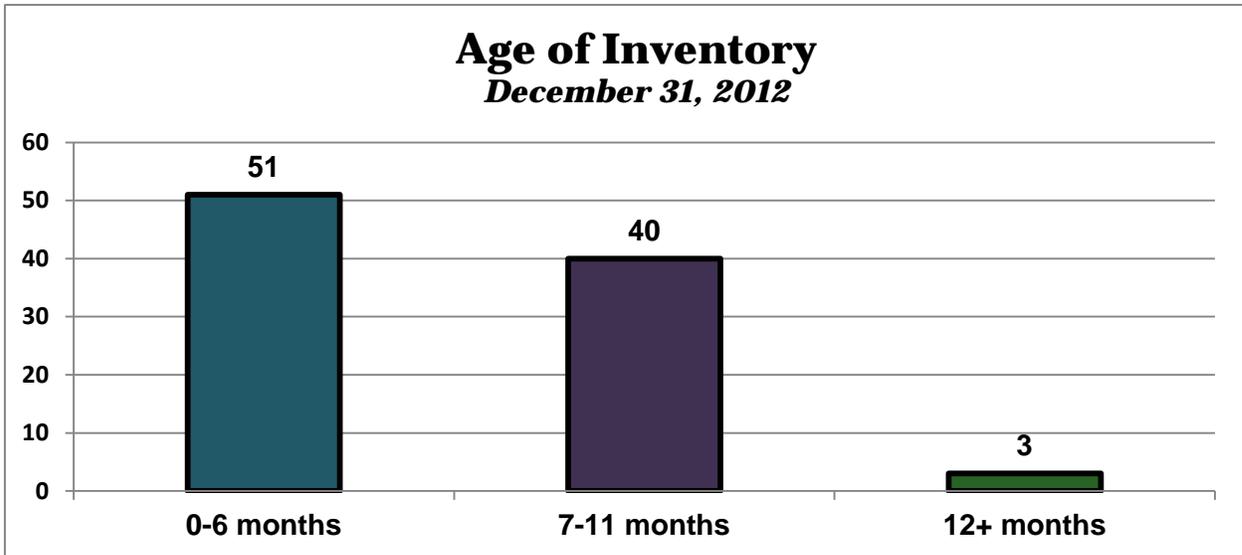


Figure 2: Age of Inventory as of December 31, 2012

The age of inventory graph is a time measurement tool used to accomplish the Department goal of resolving cases within a one year period of time. At the end of FY12, 51 cases under investigation were less than 6 months old, 40 cases were between seven and eleven months, and 3 cases were over 12 months old. CID reduced the average time to issue a determination to 10.9 months

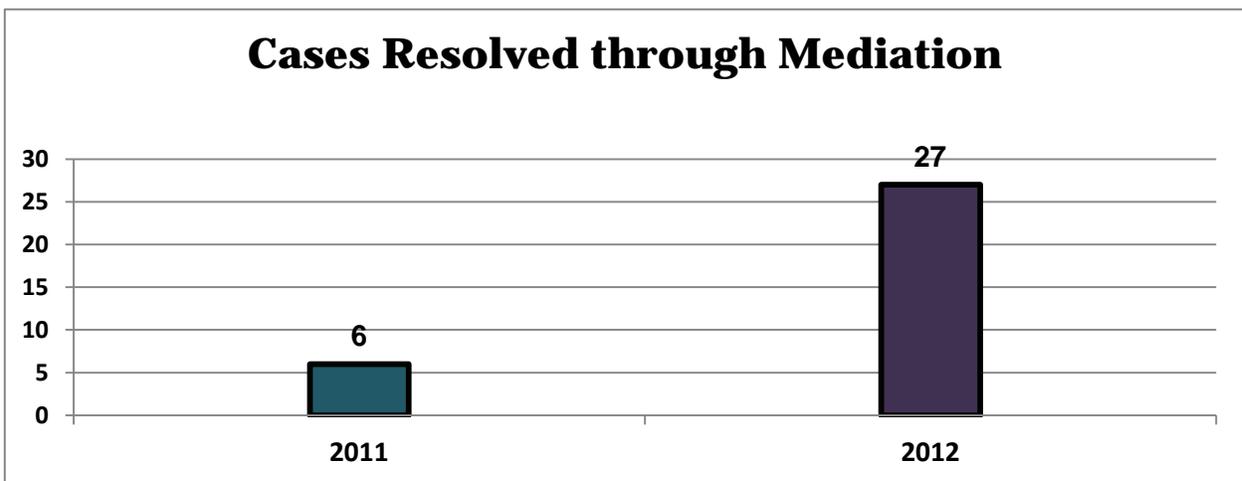


Figure 3: Cases Resolved through Mediation

The figure above provides a specific look at the cases that reached a settlement agreement through the Department's mediation program. The number of cases resolved through mediation in FY12 increased by over four times from the previous reporting period. The Department resolved 20% of the cases closed in FY12 through the mediation program; exceeding the 2012 target goal by 10% and the 2014 goal by 5%.

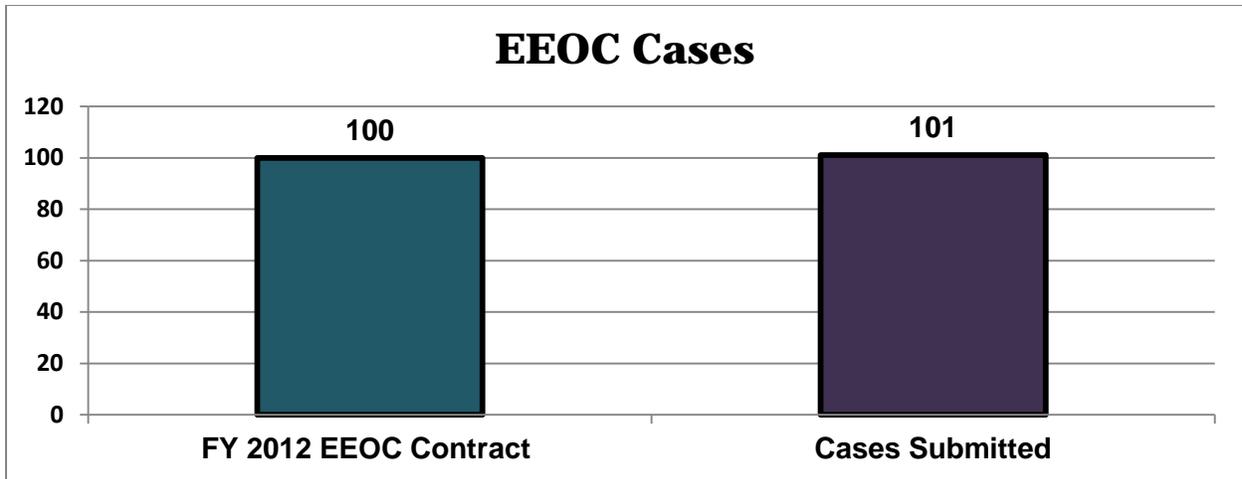


Figure 4: EEOC Cases

The Department has a work-sharing agreement with the Equal Employment Opportunity Commission (EEOC) and serves as a Fair Employment Practice Agency (FEPA). CID investigates employment discrimination claims dual-filed and/or transferred from the EEOC. The Department reached the EEOC work-sharing agreement by closing 101 cases.

	Labor Organization	Employment	Employment Agency	Furnishing Employment Info & Employment	Real Estate	Real Estate Broker/Sales Person	Professional Organization	Lending Public Accommodations	Public Service	Educational Institutions	Business	Aiding, Abetting, Facilitating	Reprisal	Coercion in housing
Race		52					2	13	7	2				
Color		1							2					
Creed														
Religion		4						3		2				
Ancestry														
National Origin		5									1			
Sex		27												
Sexual Orientation		1										1		
Gender Identity									1					
Gender		4						5						
Disability		26			3				4					
Age		17						1						
Familial Status		1			1									
Reprisal		24												
Public Assistance					4							2		

Table 1: Covered classes and areas under the MCRO

In FY12, the majority of the alleged complaints were cited in the area of Employment (75%), followed by Public Accommodations (10%), Public Service (6%), with the sum of all other areas comprising 9 percent of the cases filed.

It is important to note that some complaints allege more than one basis covered under the MCRO; therefore, the total percentage of basis cited will be more than 100%.

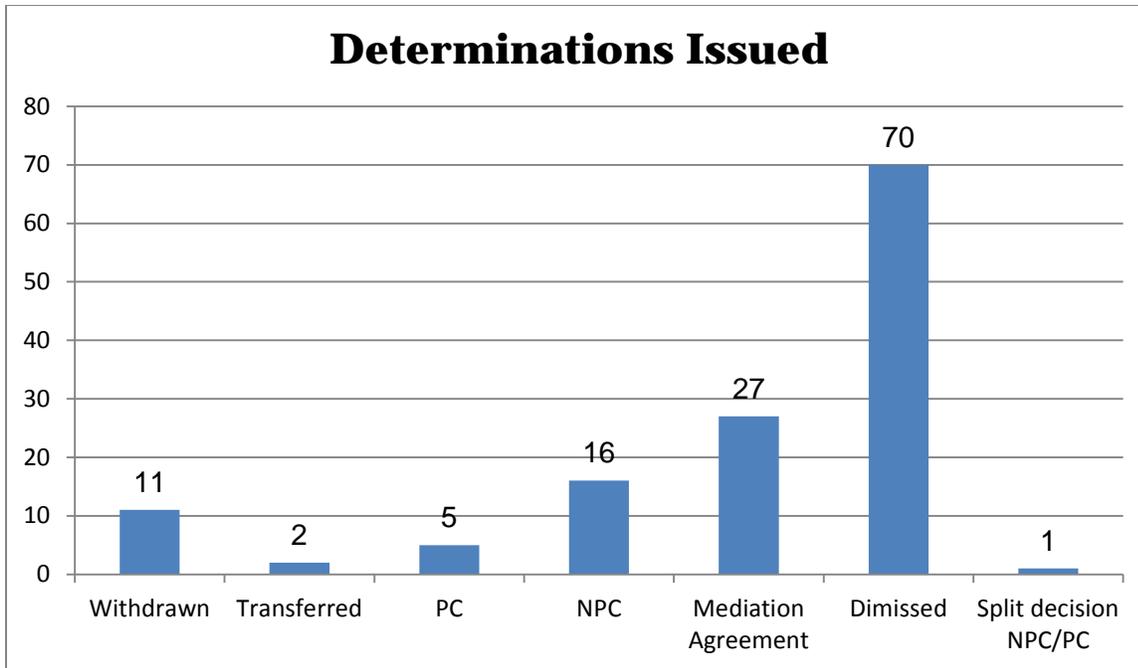


Figure 5: Determinations Issued

During FY12, the Department issued 132 investigative determinations. Of the determinations issued, 53% were dismissed, 20% were resolved through mediation, 12% were No Probable Cause, 8% were withdrawn, and 2% were transferred to the EEOC. Around 4% of the cases were issued a Probable Cause determination, which resulted in a settlement agreement during the conciliation process.