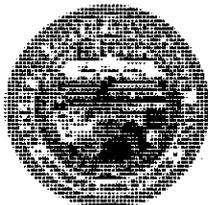


CITY OF MINNEAPOLIS  
DEPARTMENT OF CIVIL RIGHTS



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*CRA Work Plan 2006 – Implementation of the  
Recommendations  
for the  
CRA Staff as Outlined by  
“A Study of the Policy and Process of the  
Minneapolis Civilian Police Review Authority”*

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## INTRODUCTION

The purpose of this work plan is to implement the recommendations found in "*A Study of the Policy and Process of the Minneapolis Civilian Police Review Authority*" (hereinafter referred to as the "CRA Report"), which was received and filed by Minneapolis City Council on February 16, 2006.<sup>1</sup>

## PARTICIPATION

This work plan shall serve as guidance for Civilian Police Review Authority ("CRA") Staff in the implementation of the CRA Report recommendations and additional unit proposals. The MDCR Administration, the CRA Manager, Investigators, Community Outreach Advocate, Program Assistant, and Transcriptionist shall refer to this work plan to accomplish the implementation of the selected recommendations and proposals in a timely manner. The CRA Manager shall use this work plan for evaluating Staff performance, and measuring the CRA's effectiveness in servicing internal and external partners.

This document also serves to aid the Minneapolis City Council's internal work group as to the manner in which the CRA Staff will implement suggested items from the CRA Report.

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<sup>1</sup> MICHAEL K. BROWNE, J.D., CITY OF MINNEAPOLIS DEP'T OF CIVIL RIGHTS, A STUDY OF THE POLICY AND PROCESS OF THE MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY (2006).

## CRA's GOAL

The overall goal of the CRA work plan is to build trust between the CRA, the citizens at large and the Minneapolis Police Department ("MPD"). The overall guiding principles are as follows:

- (1) The CRA is committed to providing mutually respectful, high quality service to the citizens of Minneapolis through collaboration with its internal and external partners;
- (2) The CRA is committed to building a reputation of departmental integrity and trust with CRA's internal and external partners; and
- (3) The CRA Staff is committed to serving the citizens of Minneapolis by engaging in effective community education and awareness; increasing accessibility to citizens, and timely addressing citizen complaints of police misconduct by conducting legally sound, fair and impartial investigations.

The CRA is committed to supporting the City of Minneapolis' "8 City Goals" through the implementation of this work plan. Specifically, this work plan will promote public and community partnerships, strengthen City government management and enhance community engagement. Most important for the CRA, this work plan will assist the City in building communities where all people feel safe and trust the City's public safety professionals and systems by ensuring effective civilian oversight of police misconduct.

## SUMMARY OF RECOMMENDATIONS

The CRA Report provides three main recommendations for the CRA Staff. It is recommended that: (1) *CRA Staff establish a clear dismissal process for complaints; (2) change the format of the CRA recommendations; and (3) train CRA Staff investigators to identify police misconduct by utilizing prevailing legal standards.*

The CRA Report also identifies areas where the CRA has not complied with the administrative processes outlined by the CRA ordinance. In order to comply with the CRA ordinance, the CRA will implement the following:

- (1) establish an organized training program for all CRA members;
- (2) present a formal quarterly report to the Health, Energy and Environment Committee and the Public Safety and Regulatory Services Committee of the City Council;
- (3) facilitate cultural awareness training with the MPD; and
- (4) create and implement a Community Outreach Program in coordination with the outreach activities of the Minneapolis Commission on Civil Rights.

## I. CRA STAFF SHOULD ESTABLISH A CLEAR DISMISSAL PROCESS FOR COMPLAINTS.

The CRA Report identified the following issue:

In the "preliminary review" stage of the CRA process, or any other stage in the investigation process, the Manager, with concurrence from the Director of Civil Rights, should be allowed to dismiss complaints which: (1) do not merit investigation; (2) there is an unresponsive or absent Complainant; or (3) are found to be frivolous (lacking in merit). The ability to dismiss these types of claims administratively would allow for more sensible allocation of the investigators time to resolve complaints.<sup>2</sup>

### **The Current Practice:**

The CRA accepts all signed complaints. Once a complaint is received, the CRA Manager determines whether the complaint should proceed to mandatory mediation or investigation. If the complaint is assigned to mediation, the CRA Manager may dismiss the complaint if the Complainant fails to participate in *good faith*.

Investigators also recommend dismissal of complaints when the complainant fails to cooperate with the investigation. The CRA Manager reviews the Investigator's recommendation and presents the recommendation to a hearing panel for dismissal. If the complaint is dismissed, the complainant may request a Reconsideration Hearing to reactivate the complaint.

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<sup>2</sup> BROWNE, *supra* note 1, at 119.

The CRA Board has proposed a dismissal procedure that reflects the current informal procedure; however, the CRA management takes the position that the administrative dismissal process should be more efficient.

**The CRA Staff Action:**

The CRA Manager may dismiss all complaints which:

- (1) do not merit investigation;
- (2) there is an unresponsive or absent Complainant; or
- (3) are found to be frivolous (lacking in merit).<sup>3</sup>

Complaints that lack merit include, but are not limited to the following:

- (a) complaints brought in bad faith; and/or
- (b) a lack of a legal basis for bringing the complaint.

Files where the complainant is unresponsive or absent include, but are not limited to the following:

- (a) where there is a documented record of unresponsiveness; or
- (b) the complainant refuses to cooperate or comply with the investigators requests.

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<sup>3</sup> See MINNEAPOLIS, MINN, FIRE AND POLICE PROTECTION CODE TITLE 9, § 172.80 (2005).

During the investigation, if the investigator determines that the complainant refuses to cooperate with the investigation or fails to maintain adequate communication with the investigator, the investigator shall notify the CRA Manager that investigation has been halted due to the complainant's inactions. The investigator shall maintain adequate documentation of the investigator's attempts to establish communication with the complainant or facts supporting the investigator's determination that the complainant is uncooperative with the investigation.

During the preliminary review of the complaint, the CRA Manager shall review the complaint for frivolousness (i.e. the CRA Manager may dismiss all claims where complainant allegations merely indicate a claim of *hurt feelings without supporting facts* to allow for further action).

There are two options for the dismissal of the above mentioned complaints: (1) the CRA Manager may forward a recommendation for Administrative Dismissal to the Director of Civil Rights that sets forth the basis of the recommendation; or (2) the recommendation for dismissal may be forwarded to a CRA hearing panel that sets forth the basis for the dismissal. **Implementation of recommendation one will require City Council action to amend the CRA ordinance.**

To implement these changes the CRA Manager will be required to draft the administrative dismissal forms and secure approval for the dismissal forms from the MDCR Director or the CRA hearing panel of the Board.

## **Training Needs:**

Dismissal recommendations will be presented to the CRA Task Force at its first scheduled meeting. A dismissal process should be adapted and, if required, forwarded to the City Council for recommended ordinance changes based on the CRA Task Force consensus.

## **Timelines to Implement Recommendation:**

This recommendation should be implemented the month following the City Council's approval of the CRA ordinance change.

## **II. CHANGE THE FORMAT OF THE CRA STAFF'S RECOMMENDATIONS.**

The CRA Report identified the following issue:

The CRA Staff recommendation format should be changed to reflect the elements of a decision issued by our administrative agency, and should include the following: (1) Statement of the Case; (2) Issue(s); (3) Summary of the Evidence; (4) Finding of Fact (in chronological order); (5) Assessment of the Credibility; (6) Discussion and Analysis; and (7) Final Recommendation. CRA Board determination may be attached to the CRA Staff's determination, but should not be incorporated into the same document.<sup>4</sup>

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<sup>4</sup> BROWNE, *supra* note 1, at 120.

### **The Current Practice:**

The current recommendation format used by the CRA Investigators includes: (1) Summary of Complaint Allegations; (2) Panel Hearing Statement; (3) Findings of Fact; and (4) Recommendation. While some of the files address credibility issues, there is still no standard process.

### **The CRA Staff Action:**

The CRA Manager will work with Staff to revise the recommendation format. Training in credibility assessment will be scheduled.

### **Training Needs:**

The CRA Staff will need refresher training in various techniques for investigative interviewing, which will allow the investigators to conduct credibility assessments. The CRA should consult with the MDCR's Complaint Investigative Unit for joint training with the Department's investigative consultant for training.<sup>5</sup>

### **Timelines to Implement Recommendation:**

The implementation of the new format will begin April 2006.

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<sup>5</sup> Such joint training complies with MINNEAPOLIS, MINN., FIRE AND POLICE PROTECTION CODE TITLE 9, §172.170(d).

**III. TRAIN CRA STAFF INVESTIGATORS TO EMPLOY PREVAILING LEGAL STANDARDS RATHER THAN RELYING ON THE MPD'S POLICY AND PROCEDURE MANUAL TO DEFINE WHAT CONSTITUTES MISCONDUCT.**

The CRA Report identified the following issue:

The CRA Staff/Board should refrain from relying primarily on the MPD Policy and Procedure Manual to determine whether to "Sustain" a CRA complaint.<sup>6</sup>

**The Current Practice:**

The staff and board currently apply the facts of the allegations to the MPD Policy and Procedure Manual in many analyses.

**The CRA Staff Action:**

The CRA Manager will draft a handbook of brief legal outlines covering the following areas: excessive force, inappropriate language or attitude, discrimination in the provision of police services, theft, failure to provide adequate or timely police protection, and police retaliation. The CRA Manager will request the City Attorney to review the handbook. The investigators shall conduct legal research on legal issues arising from complaint allegations. Investigators should consider criminal procedure, criminal law, and constitutional law when analyzing all complaints. The use of the MPD Policy and Procedure will be used in cases where there is no legal precedent to support the allegation (i.e. failure to file police reports; inappropriate language).

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<sup>6</sup> BROWNE, *supra* note 1, at 121.

### **Training Needs:**

The Staff shall begin having bi-monthly meetings to identify and discuss misconduct trends and changes in case law.

Staff may need “mini refresher” training sessions on the constitutional law, criminal law, and criminal procedure.

### **Timelines to Implement Recommendation:**

The “mini sessions” should begin in May 2006. The bi-monthly meeting should begin in June 2006.

### **IV. IMPLEMENTING SECTION III (D).**

The CRA Report identified the following issue:

After a comprehensive assessment of the CRA ordinance, it was discovered that the CRA is currently not complying with some of the administrative processes outlined by the CRA ordinance. In particular, at the time of the drafting of the Report, the CRA did not do the following:

- (1) have an organized training program for all CRA members;
- (2) present a formal quarterly report to the Public Safety and Regulatory Services Committee;
- (3) facilitate a cultural awareness training with the MPD; and

- (4) "Create and implement a Community Outreach Program in coordination with the Minneapolis Commission on Civil Rights."<sup>7</sup>

**(1) Organized Training Program for CRA Board members**

**The Current Practice:**

The CRA does not currently have an organized orientation and training program for CRA Board members. The Minneapolis City Attorney's Office currently conducts CRA Board member training.

**The CRA Staff Action:**

The CRA Manager shall create and conduct CRA member training in the following areas: police use of force, Minnesota Government Data Practices Act, Open Meeting Law, and the Minnesota Public Employees Relation Act and conflict of interest orientation for the citizen board members.<sup>8</sup> The standard quality for these training sessions will be that of a Minnesota Continuing Legal Education ("CLE") credit, but oriented toward citizens. New CRA Board members shall receive training within a month of their appointments. The CRA Manager shall be the custodian of the records, maintaining records of Board member and staff training as required by the CRA ordinance. In conjunction with the MPD, the CRA Manager shall arrange Citizens' Academy training for all CRA Board members and Staff.

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<sup>7</sup> BROWNE, *supra* note 1, at 114.

<sup>8</sup> MINNEAPOLIS, MINN, FIRE AND POLICE PROTECTION CODE TITLE 9, § 172.170 (b) (2005).

### **Training Needs:**

The CRA Manager shall research and create a CRA Training Manual. The CRA Manager should request the City Attorney's Office to review the manual for consistency with the CRA ordinance, prevailing civil service rules and union bargaining agreements.

### **Timelines to Implement Recommendation:**

The CRA Training Manual should be completed by July 2006. The Citizens' Academy training is schedule for August or September 2006. The CRA Manager will contact the MPD to arrange CRA Staff and Board member attendance.

### **(2) Present a Formal Quarterly Report to the Health, Energy and Environment Committee and the Public Safety and Regulatory Services Committee**

#### **The Current Practice:**

The CRA presents monthly reports to individual members of City Council, but has not presented a quarterly report to the Health, Energy and Environment Committee and the Public Safety and Regulatory Services Committee in more than a year.

#### **The CRA Staff Action:**

The MDCR Administration and CRA Manager, in coordination with the Board Chair, will meet with the Chair of the Health, Energy and Environment Committee and the Public Safety and Regulatory Services Committee to schedule quarterly presentations on CRA activities and complaints. The CRA Manager will request information from the Board Chair to be included in the quarterly report.

**Training Needs:**

The CRA Manager will become familiar with City Council procedure. The CRA Manager will also develop a presentation format for the quarterly report.

**Timelines to Implement Recommendation:**

The first quarterly report will be presented during the month of September 2006. The following quarterly reports shall be presented during the months of December 2006, March 2007, and quarterly thereafter.

**(3) Facilitate a Cultural Awareness Training with the MPD****The Current Practice:**

The CRA does not have a cultural awareness training program.

**The CRA Staff Action:**

The CRA Manager shall create a cultural awareness training manual with input from the contract Community Outreach Advocate and Multicultural Services.

**Training Needs:**

The CRA Manager and Community Outreach Advocate shall become acquainted with the cultural nuances and cultural differences of the citizens of Minneapolis, as it relates to their interaction with the MPD, and allegations of police misconduct.

### **Timelines to Implement Recommendation:**

Training shall be coordinated with the MPD training officers or other designated MPD personnel.

#### **(4) Create, Coordinate and Implement a Community Outreach Program with the Minneapolis Commission on Civil Rights and the CRA Board Chair.**

The CRA's Community Outreach Advocate, CRA Board Chair, and the Commission of Civil Rights should coordinate efforts to address joint issues that concern the citizens of Minneapolis.

### **The Current Practice:**

The CRA does not have an organized Community Outreach Program. The Community Outreach Position has remained unfunded since the redesign of the CRA ordinance. The MDCR Director has contracted with a consultant to address this responsibility in the short term. In order to fully complement this responsibility funding is required to hire a full time Community Outreach Advocate.

### **The CRA Staff Action:**

The CRA Community Outreach Advocate shall create a Community Outreach Program. The CRA Community Outreach Advocate will research community outreach programs from other civilian oversight departments across the nation for best practices. The CRA Manager will fully develop the purpose, mission, and projected outcomes to be achieved from the creation and implementation of the program. The CRA Manager will develop duties and responsibilities of the Community Outreach Advocate position.

The Civil Rights Department will make a formal budget request to the Mayor and continue to work with the Minneapolis City Council to seek their approval for funding the Community Outreach Advocate position.

The CRA Staff will develop a new CRA brochure. The advocate will be responsible for finding strategic community locations to place the brochures, along with complying with Limited English Proficiency (LEP) requirements.

**Training Needs:**

The CRA Manager will research community outreach of civilian oversight programs across the nation. The CRA Manager will consult with Human Resources for the development of the duties and responsibilities of the Community Outreach Advocate position.

The CRA Manager will become familiar with local radio stations' Public Service Announcement requirements, community organizations, and churches.

Staff will have quarterly outreach sessions to review the effectiveness of the CRA outreach efforts and brainstorming.

**Timelines to Implement Recommendation:**

Phased implementation of this recommendation will occur during the month of September 2006. Full implementation will not be feasible until the final budget decision is made by the City Council in December.

## V. ADDITIONAL UNIT PROPOSALS

### A. Create a Written Pre-Statement Summary for Witness Officers.

The issue has been raised that the CRA may possibly be out of compliance with the Police Federation labor agreement when noticing witness officers prior to a CRA interview.

#### **The Current Practice:**

The CRA provides witness officers a *Garrity* Notice with the CCN# of the investigation.

#### **The CRA Staff Action:**

The MDCR Administration and the CRA Manager will confer with the MPD, Police Federation, and the City Attorney's Office to discuss the format of the suggested new pre-written statement. The CRA Manager may create a written pre-statement summary for witness officer form. The investigators shall include this form with all *Garrity* Notices served upon the witness officers.

#### **Training Needs:**

To implement this change, the CRA Staff shall become familiar with the form and the requirement. The CRA Manager shall conduct a discussion and implementation meeting with the staff.

#### **Timelines to Implement Recommendation:**

Issue will be addressed by the CRA Task Force. Upon consensus in the Task Force on a process, the change will be implemented.

## **B. Develop CRA Standard Operating Procedures.**

In the CRA's continuous effort to provide quality service to complainants, police officers, and the CRA board, it is important that the CRA have standard operating procedures. Standard operating procedures would increase the citizens' and officers' confidence in the CRA's ability to render a fair and timely resolution to the complaint.

### **The Current Practice:**

The CRA does not have standard operating procedures, other than the CRA Administrative Rules.

### **The CRA Staff Action:**

All Staff shall participate in the development of the standard operating procedures.

### **Training Needs:**

This recommendation does not require additional training. Staff should be willing to spend the required time and energy to develop the best practices for the internal operation of the CRA.

### **Timelines to Implement Recommendation:**

Standard operating procedures should be implemented by September 2006.

### **C. Develop a CRA Community Education and Awareness Video.**

The CRA faces the challenge of strengthening community confidence in the CRA process. This video will assist the CRA in its outreach efforts to increase the community's understanding of the CRA process. Increased community education and awareness would foster the community's trust in the CRA process and its ability to address citizen's complaints of misconduct by explaining the process visually. An added advantage of a community education and awareness video is that it would allow the CRA to maximize its resources as it works toward implementing the Community Outreach Program.

#### **The Current Practice:**

At this time, the CRA does not have a community education and awareness video.

#### **The CRA Staff Action:**

The CRA Staff shall draft a video script, solicit volunteers, and arrange videotaping. The CRA has a contract employee who has years of experience in documentary video production.

The Multicultural Services Unit shall provide translation of the video in Spanish, Somali, and Hmong languages in order to comply with the LEP requirements.

#### **Training Needs:**

The CRA Staff will not require any training. The CRA will be using resources that already exist.

**Timelines to Implement Recommendation:**

The video should be available for release during the month of August 2006.

**D. CRA Newsletter.**

It is important that the CRA regularly disseminate information to Minneapolis citizens. The CRA should implement a bi-annual newsletter for community organizations, churches, community centers, city departments, City Council, and other entities that have an interest in public safety.

**The Current Practice:**

The CRA does not have a newsletter.

**The CRA Staff Action:**

The CRA Staff will explore the cost (both human and financial) to draft a bi-annual newsletter. The newsletter should contain statistical information, CRA highlights, and articles of interest to the community. Each staff member could be responsible for contributing to the bi-annual newsletter.

**Training Needs:**

Formalized training may not be necessary; however, CRA Staff should become familiar with the newsletter concept. The position description for the Community Outreach Advocate will include lead responsibility for this project.

**Timelines to Implement Recommendation:**

Publication of the newsletter should occur in September 2006.

### **E. Customer Satisfaction Evaluation Program.**

As the CRA increases its community outreach efforts, customer satisfaction should be monitored periodically. Customer feedback would allow the CRA to address internally any growing public concerns of the CRA process and its effectiveness. The citizen feedback would allow the Community Outreach Advocate to address certain community concerns that are inherent to the CRA process. For example, citizen dissatisfaction with the time length of the investigations and the results. Additionally, citizens will feel empowered to know that the agency cares about the community perception and the CRA quality of service. These services will be performed in accordance with the Minnesota Data Privacy Act.

Additionally, the CRA should mail out standard case update forms for all cases that continue beyond the 60-day investigative deadline. Another update should go out on the 180-day of the filing of the complaint.

#### **The Current Practice:**

The CRA does not have a formal customer feedback process since the redesign. The CRA does not have a standard status form.

#### **The CRA Staff Action:**

The CRA Staff shall draft a customer evaluation form. The Staff should consult other departments' evaluations forms and develop a system of data collection and analysis. The CRA Staff should determine the best time to request customer service feedback. CRA Staff should develop a standard case status form.

**Training Needs:**

All CRA Staff should be trained on correct methods of properly addressing customer satisfaction data. The Staff should consult departments or individuals with experience in conducting customer service evaluations.

**Timelines to Implement Recommendation:**

A plan for customer service evaluation should be implemented during the month of July 2006.

Case update forms should be implemented by June 2006.

**F. School "Police-Stop" Program.**

The CRA should be on the forefront of preparing Minneapolis youth for police encounters. A police-stop program would present clear information to students regarding their rights during a police encounter and increase awareness of the CRA. The CRA should collaborate with "Street Law," MADDADS and other youth service organizations for joint sessions.

**The Current Practice:**

The CRA does not have a program directed toward students.

**The CRA Staff Action:**

The CRA Staff shall develop a presentation for high school and middle school students. The Community Outreach Advocate shall establish contacts with schools having student populations consistent with the demographics of the CRA complainants.

The CRA Manager and Community Outreach Advocate should contact youth community centers to arrange police stop sessions.

### **Training Needs:**

The CRA Staff should learn the best advice for citizen and police encounters.

### **Timelines to Implement Recommendation:**

This program should be implemented before the start of the 2006 school year. The CRA believes the timing of the implementation of this program should adequately prepare students for police encounters before the summer of 2007, when there is an increased opportunity for students and police to have interactions.

### **G. Investigative Timelines.**

Due to the nature of police misconduct investigations, there are occasions when the investigations may extend beyond the current 60-day investigative timeline. CRA Investigators diligently investigate each complaint in their caseload; however, situations often beyond their control often arise, such as scheduling conflicts of investigative interviews, delays in MPD response to information requests, and spikes in complaint intakes. The investigative timeline will certainly become a more critical issue as the CRA implements its Community Outreach Program. This is due in part to the anticipated increase in the number of complaints received. The CRA understands the importance of a quick resolution of the complaints for the complainant and the officer; however, the CRA has the obligation to investigate each complaint thoroughly and impartially. With the understanding that the citizens of Minneapolis and the officers expect timely resolutions, the CRA Manager and MDCR Administration

propose a number of actions that would alleviate the investigative timeline issue:

- (1) an increase in the investigative timeline to six months;
- (2) change the CRA language in Minneapolis, Minn. Code § 172.90 from "shall be completed within (60) days of the date that the complaint was filed" to "as promptly as possible and, so far as practicable" as suggested in *State by Beaulieu v. RSJ*, 552 N.W.2d 695, 702 (1996); or
- (3) employment of an additional CRA Investigator.

**The Current Practice:**

The CRA addresses citizen and officer concerns of the 60-day timeline on a regular basis. Much of this concern was the redesign cases.

**The CRA Staff Action:**

The MDCR Administration and the CRA Manager will request the CRA Task Force for a more manageable time line to complete investigations given the volume of complaints and the resources available to the CRA.

**Training Needs:**

None.

## **Timelines to Implement Recommendation:**

Changes, if any, are recommended by the CRA Task Force are dependent on City Council action, since the CRA Staff is bound to the CRA ordinance.

### **H. Streamline the MPD Information Request and Receipt Process.**

At times, the CRA and MPD have difficulty resolving information request from the CRA to the MPD, despite the CRA ordinance § 172.180, which states as follows:

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.<sup>9</sup>

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<sup>9</sup> MINNEAPOLIS, MINN., FIRE AND POLICE PROTECTION CODE  
TITLE 9, § 172.180 (2005).

It has been the CRA Staff's experience that the 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> precincts comply with the CRA request for information in a timely manner, while the 4<sup>th</sup> precinct often delays providing information and require the CRA Investigators to have multiple contacts with several MPD personnel. While this issue has been raised within the CRA on several occasions in the past, recently it has become evident that the CRA and MPD should collaborate to establish clear and defined processes for compliance with the CRA request for information, which all precincts and their personnel should follow. As mentioned in the CRA Report, the very purpose of the CRA is frustrated by the MPD's imposition of unwritten policies and variant operating procedures among the MPD precincts.<sup>10</sup> The CRA Staff maintains that without the cooperation of the MPD in the information request process that many of the issues surrounding CRA information requests would only be alleviated through granting the CRA subpoena power. Subpoena power is not a novel idea for a civilian oversight entity to possess; however, the CRA's lack of subpoena power is highlighted when certain precincts are not following established practices as mentioned above.

The CRA and MPD have divergent viewpoints on the issue of information request involving ongoing criminal investigation. The CRA and MPD are attempting to address this issue. Resolution of this issue requires the balancing of the complainant's right to have his or her complaint investigated within 60 days and the MPD's interest in maintaining the integrity of the criminal investigation. The CRA believes that tolling the complaint until the completion of a criminal investigation, which may take several months or years, does not comply with the CRA ordinance and increases citizens' distrust of the CRA process.

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<sup>10</sup> See BROWNE, *supra* note 1, at 93-94.

### **The Current Practice:**

The CRA Investigators typically have to enter into extended negotiations with the MPD to receive certain information on some of their files. This usually takes the time of the CRA Manager, Investigator, several MPD officers, and at times an assistant city attorney. The result of these negotiations has been a considerable amount of City employee time expended.

### **The CRA Staff Action:**

The CRA Manager with consultation with the CRA Investigators shall develop internal policies to address the timing, necessity, and priority of MPD and CRA information requests. The CRA Manager shall collaborate with MPD personnel to implement standard policies for receipt of information from the MPD. The CRA Manager shall consult with MPD personnel on a regularly scheduled basis to discuss CRA/MPD concerns and ordinance compliance issues. The CRA and MPD should establish a procedure to address information request involving ongoing criminal investigations. This procedure should address what personnel will make a determination as to the information that can be released without compromising the criminal investigation and will allow the CRA Investigator to complete his or her investigation in a timely manner. The CRA Manager shall also consult with the MPD to establish reasonable information reply timelines.

### **Training Needs:**

The CRA and the MPD may need to be trained on what constitutes compliance with a CRA investigation.

## **Timelines to Implement Recommendation:**

The CRA and MPD have started to address the concerns and have committed to scheduling regular meetings to discuss issues. Implementation of this recommendation is dependent on the continued progress between the CRA and the MPD in reaching an understanding of what is compliance with a CRA investigation and the CRA ordinance.

It may be necessary through the CRA Task force to address the priority of ongoing MPD criminal investigations, where the CRA has a police misconduct complaint.

### **I. Develop an Internal Quality Assurance/Quality Control Program.**

In light of past MPD allegations, the CRA should develop an internal quality assurance/quality control ("QA/QC") program. A QA/QC program would allow the CRA to monitor and track the quality of CRA investigations and community outreach efforts on a regular basis.

#### **The Current Practice:**

The CRA does not have a QA/QC program.

#### **The CRA Staff Action:**

The CRA shall research and develop a QA/QC program tailored to the CRA process. The CRA Staff shall contribute to the development of the QA/QC program.

#### **Training Needs:**

The CRA Staff may need to consult with other City departments that currently have QA/QC programs.

### **Timelines to Implement Recommendation:**

A QA/QC plan should be implemented by October 2006.

### **J. Interactive Complaint Process.**

The CRA has the opportunity to increase the community's accessibility to the CRA intake process with an interactive complaint form which would be located the CRA's webpage. An interactive complaint process would allow citizens to begin the process of filing a complaint at their convenience.

### **The Current Practice:**

CRA does currently have interactive complaint procedure.

### **The CRA Staff:**

CRA Manager shall assign a staff member to be the liaison to BIS and the MCDR's Support Services Specialist. The CRA Manager shall consult with the Support Service Specialist in the design of the interactive complaint form. CRA Staff shall respond to interactive complaints within 48 hours.

### **Training Needs:**

The CRA Staff shall not need any additional training; however, the liaison should be familiar with the BIS.

### **Timeline:**

Implementation of this proposal will be dependant upon the BIS Project schedule.

## **VI. CRA MANAGER'S CASELOAD.**

The CRA caseload requires that the CRA Manager write (1) one case a month, as well as, perform the daily managerial duties.

### **The Current Practice:**

The CRA Manager completed one write up a month.

### **The CRA Staff Action:**

The CRA Manager shall continue to write one case a month.

### **Training Needs:**

The CRA Manager will complete training as deemed necessary by the MDCR Administration.

### **Timelines to Implement Recommendation:**

This recommendation shall be implemented for the month of June 2006.

## **VII. MDCR LAW CLERK PROGRAM AND THE CRA.**

Currently, the CRA has two law students assigned to the CRA. The development of the Law Clerk Program would allow the CRA to take advantage of the students' legal training and allow the students to gain valuable practical experience.

### **Role of the Law Clerks**

Law students assigned to the CRA will be under the direct supervision of the CRA Manager. Law students will have opportunities to participate in investigations and legal research and writing.

Investigations - Each law clerk will have the opportunity to conduct intake, drafting complaints, and observe interviews.

Mediations – Law students will have an opportunity to observe a mediation.

Legal research and writing – Each law clerk will have the opportunity to research case law and write investigative decisions. Law clerks will participate in the development of standard language for investigative decisions.

Law Clerk Projects – The CRA Manager will assign each law clerk a legal research project. These projects may include MPD policy and procedure research, 4<sup>th</sup> Amendment issues, historical complaint analysis, and attending a CRA Board public meeting.

## CONCLUSION

The changes resulting from this work plan will be an essential step in reshaping the CRA process, independent of the anticipated procedural changes that will be implemented by the MPD to recognize the unique nature and effect of a "Sustained" CRA complaint determined in a quasi-judicial manner. These changes will support our ongoing goal to structure the CRA's work so that it is: (1) in compliance with the CRA ordinance; (2) of a quality that the CRA Board can make a clear finding of fact, and the Chief of Police can make a disciplinary decision; and (3) to provide fair and impartial investigations of citizen allegations of police misconduct.

Recommendations adopted and approved by:

MINNEAPOLIS DEPARTMENT OF CIVIL RIGHTS

Dated: 4-11-06   
Jayne Baccus Khalifa  
Director