



**Civilian
Police Review Authority**

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May 14, 2012

Council Member Don Samuels, Chair
Public Safety, Civil Rights & Health Committee
350 South 5th Street, Room 307
Minneapolis, MN 55415

Dear Council Member Samuels:

On March 7, 2012, at its regularly scheduled board meeting the Minneapolis Civilian Police Review Authority (CRA) heard a presentation by the Director of Civil Rights, Velma Korbel on the proposed city draft of the Business Process Improvement plan for the CRA. At the April 4, 2012 board meeting it heard a follow-up presentation by Chief of Police Timothy Dolan and City Attorney, Susan Segal. Also in attendance was Ms. Korbel. They also afforded the CRA board the opportunity to ask questions of the BPI draft and recent legislation passed by the Minnesota State Legislature relating to the CRA's authority. At this meeting the board created an ad hoc committee to review the proposed BPI drafted and prepare a response.

At the May 2, 2012, CRA board meeting, the CRA ad hoc committee presented its draft response to the BPI and after discussion, the board unanimously adopted the work product of committee. One final component the CRA board agreed to include was the right of police officers to appeal the decision of a panel hearing that it did not feel was appropriate.



Council Member Don Samuels

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The CRA board respectfully submits to you, and the members of the PSCRH Committee for consideration, this document, as part of the discussion on the restructuring of the CRA, when it is brought forward to your committee for consideration.

Sincerely,

A handwritten signature in black ink that reads "Vernon Wetternach". The signature is written in a cursive style with a large initial 'V'.

Vernon Wetternach

Acting CRA Board Chair

Attachment: CRA BPI Response

cc: Council President Barbara Johnson
Council Member Cam Gordon
Council Member Diane Hofstede
Council Member Betsy Hodges
Council Member Meg Tuthill
City Attorney Susan Segal
Chief of Police Timothy Dolan
Civil Rights Director Velma Korbelt
Assistant Civil Rights Director Samuel L. Reid II

Civilian Review Authority Business Process Improvement

CRA's BPI Committee

“Complainant Choice/MPD Advisors”

Approved unanimously by the Ad Hoc Committee
on Monday, April 23rd 2012

Reasons for a CRA to create its own BPI

1. To allow CRA members involvement in it's own process improvement.
2. To offer an alternative plan with public input.
3. To give the City Council and the Mayor a plan which improves the effectiveness of civilian oversight.

Stakeholders

1. Civilians
2. MPD
3. Minneapolis City Government

Goals of “Improved, Effective” PD oversight

- To increase confidence in civilian police oversight from the citizens, city government officials and MPD.
 - Citizen choice as to which process to follow (IA or Civilian Review)
 - Involvement of MPD in civilian recommendations made to the Chief.
 - Some oversight from City Council PSC&H Committee.
- Provide better customer service to police and civilians.
 - Timely investigations
- Balance and fairness in determinations.
 - MPD involved in recommendation hearings as advisors to panel.
 - Several check and balances built in the process.

Civilian Police Conduct Oversight Board

CPCOB

14 Members made up of 2 groups (Minneapolis CPCOB, CPCOB MPD Advisory Panel)

11 Members of the “Minneapolis CPCOB”

Will serve as the Civilian Police Conduct Oversight Board, replacing the CRA. The CPCOB will have 7 members appointed by City Council. 4 members appointed by the Mayor. Will serve 4 year terms and must be residents of Minneapolis. Chair and Vice Chair elected by members.

3 Members of the “CPCOB MPD Advisory Panel”

MPD Officers will serve the CPCOB as non voting advisors on MPD policy and procedures. The 3 members will be appointed by the ADCR and Chief of Police designee. The members will serve on the recommendation panels (complaint committees) as advisors to the committee members during a recommendation hearing. They will also attend CPCOB board meetings. They will serve a 4 year term. Members are not permitted to discuss any complaint, or business of the board with Chief of Police or any other member of the MPD. MPD members will be trained by CPCOB board staff on the role, history and policies & procedures of civilian oversight.

Minneapolis CPCOB Complaint Committees

CPCOB Complaint Committee- For the purpose of hearing the complaint and making a recommendation based on the merits of the complaint to the full Minneapolis CPCOB.

3 Minneapolis CPCOB members per committee.

Assigned by CPCOB Chair.

1 CPCOB MPD Advisory Panel member to serve the committee as a non-voting expert on police policy and procedures.

Assigned by CPCOB Chair.

Investigators of IA and CPCOB

2 Current CRA Investigators

Change to;

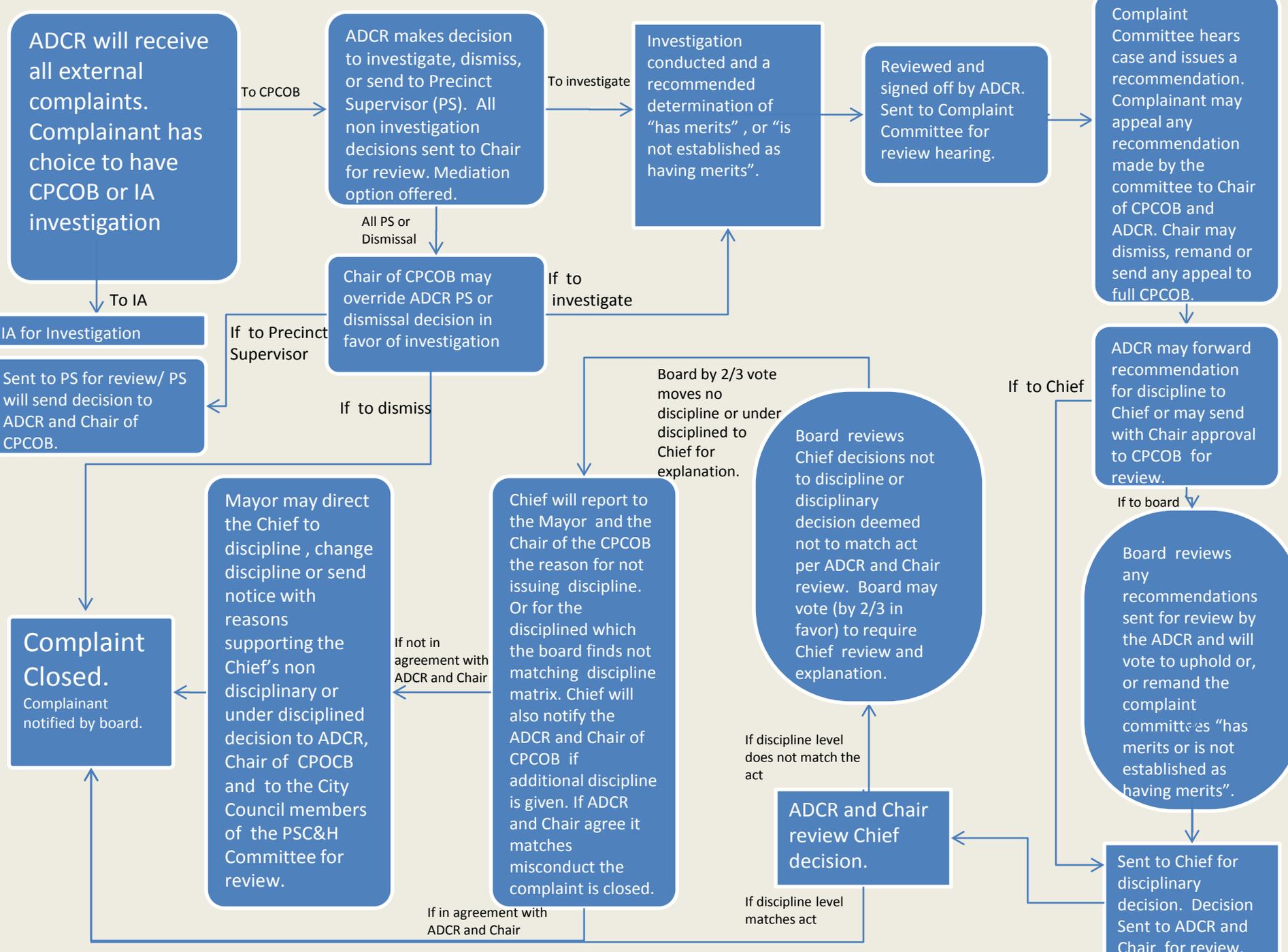
Appropriate number needed to increase the effectiveness of civilian review. The number of investigators should be based on the data currently collected or on a ratio of sworn officers.

Summary of the Complaint Process

- **Screen all complaints-** All external, except criminal or management to CPCOB office. The complainant will choose to file with the IA or the CPCOB.
All Complaints sent to CPCOB are reviewed by Assistant Director of Civil Rights (ADCR) who will either,
 - A. Assign complaint to investigator,
 - B. Recommend the complaint be given to the precinct supervisor (PS) or,
 - C. Recommend the complaint be dismissed.If option A is recommended by the ADCR the complaint will immediately move to investigation. All other screening decisions (option B or C) will be sent to the CPCOB chair for approval. The chair may override the ADCR B or C option. The complainant may appeal the PS decision/or lack of to the ADCR and Chair of CPCOB. The ADCR and Chair of the CPCOB may move complaint from PS to investigation.
- **Investigation-** The investigator will issue findings as to the merits of the complaint and will make a recommendation of “has merit”, or “is not established as having merit” to the complaint committee. The ADCR will have oversight of the recommendation made. The ADCR will sign off the investigators recommendation . All investigations will move on to the complaint committee for a review and vote.
- **Recommendation Review-** The complaint committee comprised of 3 CPCOB members and 1 MPD non-voting advisor will conduct a hearing for the purpose of making a recommendation to the Chief of Police based on the merits of a complaint. The committee will review the case and issue a decision as “the complaint allegation has merit or is not established as having merit”. After the committee makes a recommendation the ADCR will review for appropriateness and may pass recommendations for discipline to the Chief of Police or if ADCR finds the committee recommendation was unreasonable, out of line/magnitude, etc (with the Chairs approval) forward the recommendation of the complaint committee to the full CPCOB. The full CPCOB by simple majority vote will uphold, or remand any of the ADCR forwarded recommendations. The complainant will have an option to appeal any recommendation made by the complaint committee to the Chair and ADCR. The Chair may dismiss the appeal, order another committee review or submit to full CPCOB board for review.

Summary of the Complaint Process

- **Chief Decision-** on the “has merits” recommendation for discipline by the CPCOB. The discipline decision (with specifics) will be sent to the ADCR and Chair of the CPCOB.
- **ADCR and Chair of CPCOB** will determine if Chief discipline matched the violation. If appropriate level is issued the complaint will be closed. If the discipline is not matching the act (per discipline matrix) the complaint will move back to the CPCOB for review.
- **CPCOB Board-** By a 2/3 vote, the board may submit non disciplined or under disciplined (per discipline matrix) “merits founded” complaints back to Chief of Police with appeal for further reexamination.
- **Chiefs Review-** If after reexamination the Chief orders additional discipline he/she will report it to the ADCR and Chair of CPCOB. If Chief’s reexamination does not result in additional discipline or remains under disciplined the Chief will report this to the Mayor and the Chair of the CPCOB. If ADCR and Chair agree with the Chief of Police the complaint is closed. If not, it moves to the Mayor for review.
- **Mayoral Review-** The Mayor after review of a “merits founded” complaint with non-disciplined or under disciplined decisions (per discipline matrix) by the Chief of Police, will either instruct the Chief to A. discipline, B. to change discipline or C. The Mayor if in agreement with Chief, will send a non disciplinary or no discipline change decision notice with reasons as to the non discipline or no discipline change to the ADCR , the Chair of the CPOCB and the members of the City Council PSC&H Committee.



ACDR will receive all external complaints. Complainant has choice to have CPCOB or IA investigation

To CPCOB

ACDR makes decision to investigate, dismiss, or send to Precinct Supervisor (PS). All non investigation decisions sent to Chair for review. Mediation option offered.

To investigate

Investigation conducted and a recommended determination of "has merits", or "is not established as having merits".

Reviewed and signed off by ACDR. Sent to Complaint Committee for review hearing.

Complaint Committee hears case and issues a recommendation. Complainant may appeal any recommendation made by the committee to Chair of CPCOB and ACDR. Chair may dismiss, remand or send any appeal to full CPCOB.

ACDR may forward recommendation for discipline to Chief or may send with Chair approval to CPCOB for review.

Board reviews any recommendations sent for review by the ACDR and will vote to uphold or, or remand the complaint committee's "has merits or is not established as having merits".

Sent to Chief for disciplinary decision. Decision Sent to ACDR and Chair for review.

IA for Investigation

Sent to PS for review/ PS will send decision to ACDR and Chair of CPCOB.

If to Precinct Supervisor

Chair of CPCOB may override ACDR PS or dismissal decision in favor of investigation

If to investigate

If to dismiss

Board by 2/3 vote moves no discipline or under disciplined to Chief for explanation.

Board reviews Chief decisions not to discipline or disciplinary decision deemed not to match act per ACDR and Chair review. Board may vote (by 2/3 in favor) to require Chief review and explanation.

If to Chief

If to board

Mayor may direct the Chief to discipline, change discipline or send notice with reasons supporting the Chief's non disciplinary or under disciplined decision to ACDR, Chair of CPCOB and to the City Council members of the PSC&H Committee for review.

If not in agreement with ACDR and Chair

Chief will report to the Mayor and the Chair of the CPCOB the reason for not issuing discipline. Or for the disciplined which the board finds not matching discipline matrix. Chief will also notify the ACDR and Chair of CPCOB if additional discipline is given. If ACDR and Chair agree it matches misconduct the complaint is closed.

If in agreement with ACDR and Chair

Complaint Closed. Complainant notified by board.

If discipline level does not match the act

ACDR and Chair review Chief decision.

If discipline level matches act

Chapter 172. Civilian Police Review Authority

Listed below are two provisions of the current Minneapolis Ordinance, Chapter 172, Civilian Police Review Authority, that the CRA Board would like to highlight in our proposed BPI:

1. The Firewall as stated in Chapter 172.170 (d), will continue to be in place between the Department of Civil Rights and the Civilian Police Conduct Oversight Board.

2. A renewed commitment and delegation of resources to, The Substantive Duties and Powers provision, 172.60 (d,f,g,i) and development of a committee to implement the following duties;

- Conducting a program of research and study for the purpose of ascertaining the effectiveness of civilian police review in Minneapolis
- Review of MPD policies and procedures
- Development, in conjunction with the MPD, of comprehensive cultural awareness training for MPD officers
- Creating and implementing a community outreach program

Subpoena Power Request

- The CRA Board is requesting that the City of Minneapolis support Administrative Subpoena power for the Civilian Police Conduct Oversight Board in Minneapolis
 - An administrative subpoena is an official order compelling an individual to provide a state or local administrative agency with information
 - In MN, an administrative agency may obtain subpoena power only by statute
 - Most Minnesota Statutes that grant administrative subpoena power expressly allow an agency commissioner or director to delegate the power to issue subpoenas