

March 12, 2004

Honorable Natalie Johnson Lee
350 South 5th Street
Room 307
Minneapolis, MN 55415

Dear Council Member Johnson Lee:

For our January 7th Board meeting of this year, we invited (then current) Chief Olson to share his advice and concerns about the Civilian Review Authority. Not so surprisingly, he stated how imperative it is that our investigations are high quality and that the Board makes its decisions fairly, avoiding mistakes. However, the issue he highlighted as most critical to our success was working within time lines. His perspective didn't arise out of the community interest in speedy CRA work (which was well documented during the CRA redesign and led to the ordinance having specific and shortened time limits.) Instead, he reflected the point of view of a police manager, who wants to be in position to take corrective actions as soon as possible after an officer transgression. Specifically, he referred to his use of progressive discipline, which loses its effectiveness if a second act of misconduct is committed before the first has had a disciplinary resolution.

What Chief Olson did not know was that the Board had already begun planning this report, whose overall theme is what must be addressed for the CRA to effectively meet the needs of the community and police management, given the role assigned to us. There are three parts. The first identifies what must be done to eliminate the backlog of complaints resulting from the period of CRA redesign. We recommend ordinance changes that allow for more Panels to be heard. We also identify the additional costs that would result, which is not significant. As we have no intention of creating division within the Civil Rights Department, we ask the Council to directly designate the source of funding that may allow the backlog to be resolved.

The second part of this report relates to the minimal staffing requirements for CRA to meet its obligations under law. Local governments frequently complain of unfunded mandates from higher bodies. Given this understanding, they should not replicate the principle internally. As you will see, the staffing requested is sensitive to citywide budgetary concerns. We have provided an estimate of what we believe is minimally necessary to provide the quality service Chief Olson alluded to, which the community demands, and which the law requires. We feel that it is our responsibility to let you know exactly what is minimally necessary.

The third part of this report involves ordinance changes that are being brought to your attention at this time as a matter of efficiency -- if other ordinance changes are being sought, it makes sense to address everything we can now identify as benefiting by a change. One item came out of our Public Hearing about Rules; the other is a result of our early experience with Hearing Panels. No budgetary impacts arise from this portion.

The CRB walks the very narrow line of serving on behalf of the city, but as independent from the city. We take our responsibilities to community and city government very seriously, and would welcome active participation in any process resulting from this report.

Sincerely,

Michael Friedman, Chair
John Blackshaw
Lynne Mayo
Michael Weinbeck
Alan Hooker
Robert Velez
Travis Zimmerman

CC: William McManus, Chief of Minneapolis Police Department
John Delmonico, President, Minneapolis Police Federation

SUMMARIES

I. SUMMARY OF ORDINANCE CHANGES

A. STAFF (Re Ordinance 172.170)

1. Allow Investigators and the Manager to interchangeably represent the CRA staff at Panels.

B. BOARD (Re Ordinance 172.30)

1. Add four CRB Members, or
2. Five Panel-Only Board Members (if the former, set the quorum to five; if the latter, the ordinance would have to clarify the new structure).

II. SUMMARY OF BUDGET REQUESTS

- A. An increase up to \$5,000 - \$7,000 additional to cover the Board costs of clearing the backlog.

- B. Increase staff budget by \$32,500 to staff the CRA at the minimally necessary level to fund our mandate. (Contract positions not appropriate when work performed is not temporary.)

III. SUMMARY OF OTHER RECOMMENDED ORDINANCE CHANGES

A. HEARING PANEL PROCESS (Re Ordinance 172.100)

1. Authorize Panels to ask questions at hearings and require Officer participation (subject to Garrity) for this position.
2. Change deadline for Complainant to request reconsideration (Re Ordinance 172.120)
3. Allow Community Outreach Advocate to be present at panel hearings.