



A Study of the Policy and Process of the Minneapolis Civilian Police Review Authority

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Purpose of the Study

- To address the Minneapolis Police Department's allegation that the Civilian Review Authority (CRA) investigations are deficient.
- To assess the current implementation of the CRA ordinance.
- To determine whether the CRA's current procedures operates in a manner consistent with the intent and mandate of the City Council.



CRA ordinance - Staff

- In 2002, the Minneapolis City Council redesigned the Civilian Review Authority and placed it in the Minneapolis Civil Rights Department.
- CRA Staff consists of manager (mandated by the ordinance to be a licensed attorney), two investigators (a licensed attorney and former police officer) and a clerical support position.
- The professional staff investigates citizen allegations of police misconduct and makes recommendations to “Sustain” or “Not Sustain” the allegation to a three member panel of the CRA Board.



CRA ordinance - Board

- The CRA Board is appointed by the City Council and the Mayor.
- To provide satisfactory resolution of citizens complaints of police misconduct and to influence police administrators by providing feedback from citizens.
- Among their responsibilities are to serve as fact finders using three member panels, to review the findings of fact presented in the investigations.
- “Sustained” CRA complaints along with the investigative file are forwarded to the Chief of Police for a disciplinary decision.



The Police

- The ordinance requires the Chief to issue a disciplinary decision on “Sustained” CRA complaints.
- However-
- The Internal Affairs Unit (IAU) then conducts a review of the CRA .
 - Citizens alleging police misconduct are given the option of filing complaints with the CRA or IAU but not with both.



Method of Review

An analysis of 17 CRA investigations (ten of which were identified as deficient by the MPD) were conducted using a methodology designed by Professors Eileen Luna and Samuel Walker to evaluate the Albuquerque Police Department's internal affairs investigations.



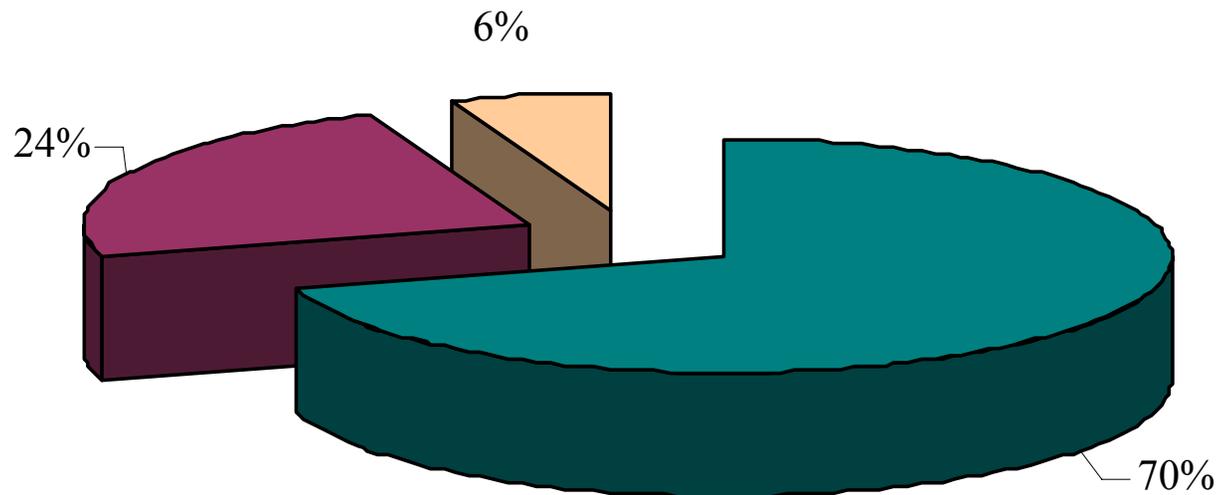
Method of Review

- In person interviews were conducted with individuals both internal and external to the CRA process.
- Legal research and review of the police review authorities across the nation.



Findings

Quality of the CRA Investigations Using the Luna/Walker Method



■ Exceeded (Σ 12) ■ Met (Σ 4) ■ Below (Σ 1)



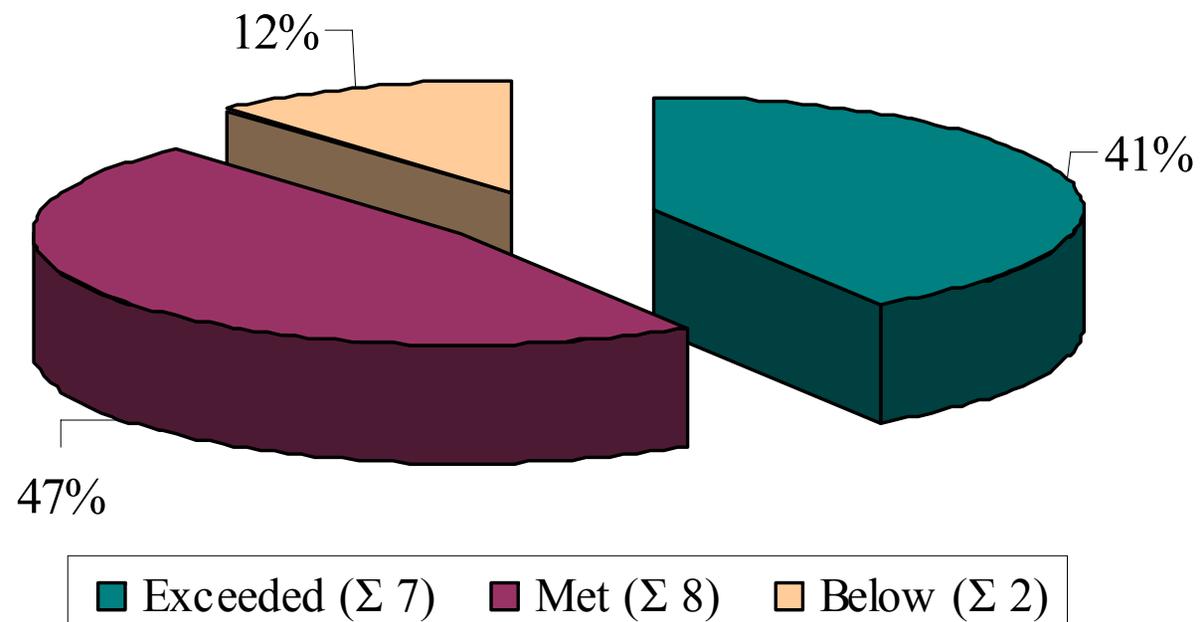
Method of Review

- A modified form of the Luna/Walker method was used to assess the quality of the CRA Board determinations.



Findings

Quality of the CRA Board Determinations Using modified Luna/Walker Efficacy Criteria





Overall Structural Issues - CRA Staff

- Failure to consistently enumerate Findings of Fact on which the Board should make the decision to “Sustain” or “Not Sustain” a recommendation.
- Failure to consistently identify Aggravating/Mitigating factors.
- Failure to consistently make credibility determinations/assessments of witnesses.
- CRA practice of citing MPD Policies & Procedures.



Overall Structural Issues - CRA Board

- Board determinations are overly reliant on police department's policies and procedures
- By citing and relying on MPD policy it suggests that the CRA Board is making a decision whether the officer violated the policy, rather than "Sustaining" or "Not Sustaining" the CRA Complaint.



Overall Structural Issues - CRA Board

- Decisions incorporated into investigator Recommendations.
- CRA Board practice of critiquing the Professional Investigator's work product.



CRA's Role

When the CRA Board “Sustains” a Complaint the merits of the allegations have been decided.



Chief's Role

- To the Chief for a Disciplinary Decision based on the CRA Facts.
- The Chief of Police is not the fact finder.



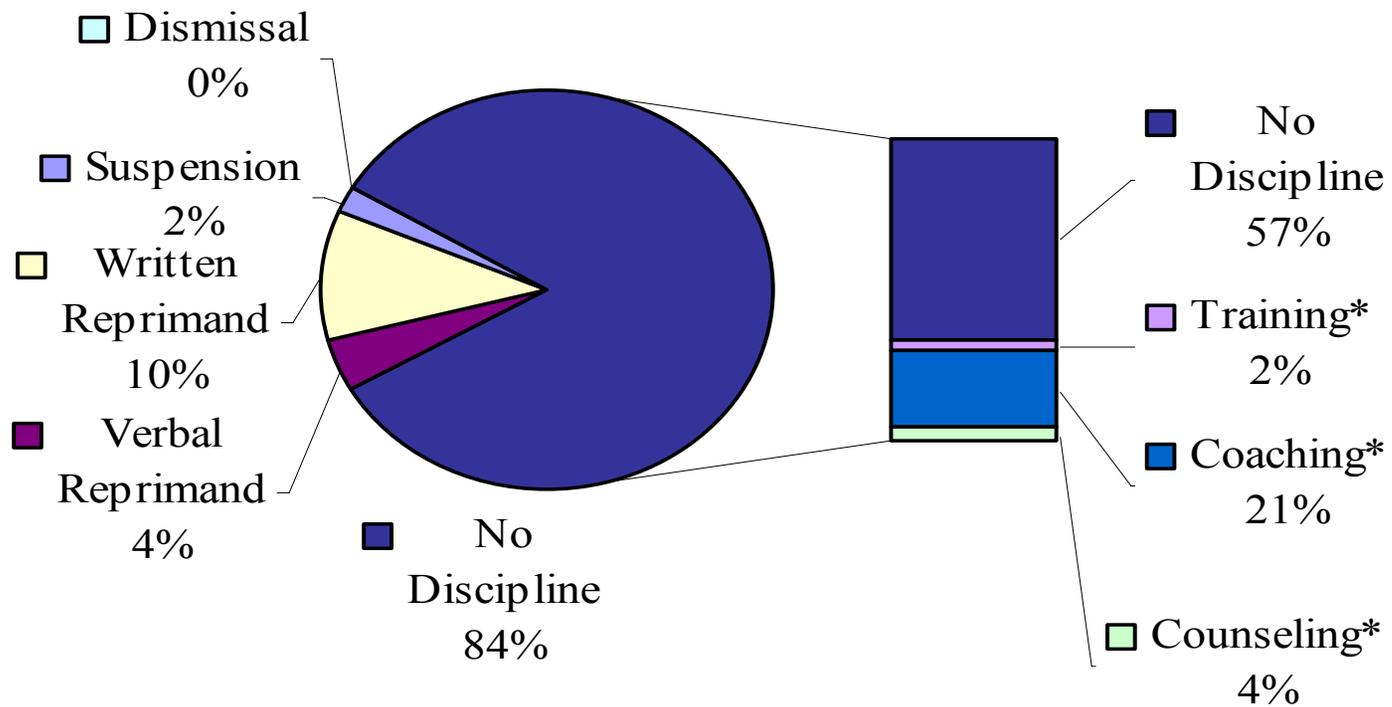
The CRA ordinance and IAU

- No authority for Internal Affairs involvement in the CRA Process.
- The Chief of Police is not the fact finder.
- The CRA Ordinance gives no authority to the MPD to conduct *de novo* review of the CRA Facts.
- No authority for the MPD to “Not Sustain” the CRA Decisions.



MPD Disciplinary Decisions

Chief McManus Disciplinary Decisions
(2004-2005)





Assessment

- Captains and Lieutenants are Middle Managers but belong to the same union as those they discipline.
- Internal Affairs Investigators are in the Union and investigate fellow Union members.



Recommendations

CRA Staff:

- Establish a clear dismissal process for complaints that lack merit or do not justify expending investigative resources;
- Change the format for the CRA Staff's recommendations to reflect the fact-finding process, evidentiary standard applied and the basis for the conclusion/recommendation; and
- Train the CRA Staff to use legal standards as the basis for the recommendations rather than relying on the MPD Policy and Procedures.



Recommendations

CRA Board:

- CRA Board is recommended to issue outcome-based decisions stating that the complaint is “Sustained,” “Not Sustained,” or “Remanded.”



Recommendations

Chief of Police:

- Adopt a policy for appropriately handling “Sustain” CRA complaints; and
- Designate a senior command officer to act as a CRA Liaison.



Recommendations

City Council:

- Commission a “Quality Service Audit” to evaluate the community and police department’s satisfaction with the quality of services provided by the CRA;
- Establish an internal working group made up of City Council Members, Civil Rights Staff, CRA Board Chair, MPD senior command officer(s), a Police Federation representative, and the City Attorney’s Office.
- Training for the CRA and the MPD.



Recommendations

- A review of the MPD's Internal Affairs Unit should be independently conducted by a qualified consultant to determine the statistical efficacy of the IAU's investigations of officer misconduct.



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Receive and File the Report

MDCR Website: www.ci.minneapolis.mn.us/citywork/civil-rights/
CRA Website: www.ci.minneapolis.mn.us/cra/index.asp