Minneapolis

City of Lakes

CIVIL RIGHTS DEPARTMENT

CIVILIAN POLICE REVIEW AUTHORITY

THIRD QUARTER REPORT

2010

Table of Contents

Introduction 3

Section I Selected Data 3

Section II Complaint Data Break Out 6

- Complaints 6
- Allegations 6
- Location of Complaints 7
- Complainants 7
- Mediation 7
- Board Activity 7

Section III Chief's Discipline 8

- Third Quarter Disciplinary Decisions 9

Section IV Hot Topics 15

List of Tables

Table 1 Complaint Data 3

Table 2 Board Data 8

Table 3 Disciplinary Decisions by Complaints 9

Table 4 Disciplinary Decisions by Officers 9

Table 5 Third Quarter Disciplinary Decisions from the Chief of Police 9

Table 6 Third Quarter Disciplinary Decisions 10

Introduction

The Minneapolis Civilian Police Review Authority (CRA) is responsible for receiving, investigating, mediating, and adjudicating civilian complaints against Minneapolis Police Department (MPD) officers. This report will provide information about citizen complaints involving the actions of MPD officers. The report will present data from the first three quarters of 2010, address changes in the data, the Chief's disciplinary actions, and the CRA's hot topics. It should be noted that the data contained in this report is representative of the data at the end of the quarter. Some categories will be updated in future reports. This report does not include data from the MPD Internal Affairs Unit or the lawsuits filed against MPD police officers.

The report is divided into four sections. Section I will provide CRA data collected from January through September 2010. Section II will discuss select complaint data for closer examination. Section III will discuss the Chief's discipline in the third quarter. Section IV will discuss the highlights of the CRA's hot topics.

Section I Selected Data

The table below provides CRA data related to the number of civilian contacts, the demographics of the civilian contact, and the allegations contained in CRA complaints during the first, second and third quarters of 2010. The data is divided into quarters to allow comparisons.

Table 1 Complaint Data

Minneapolis Civilian Police Review Authority 2010			
	1Q	**2Q**	**3Q**
1. Number of initial complaints received	77	105	132
2. Number of complaints sent for signature	23	19	20
3. Number of signed complaints received	13	20	32
4. Number of complaints withdrawn	2	0	0
5. Percentage of complaints containing multiple allegations	69%	55%	81%
6. Total number of allegations by type			
• Inappropriate Conduct	12	22	62
• Inappropriate Language	7	8	44

Minneapolis Civilian Police Review Authority 2010			
	1Q	**2Q**	**3Q**
• Harassment	1	8	51
• Excessive Force	5	11	26
• Failure to Provide Adequate or Timely Police Protection	6	3	2
• Discrimination	4	0	1
• Failure to Report Use of Force	2	0	0
• Retaliation	0	0	2
• Theft	0	0	0
7. Location of complaints by precinct			
• Precinct 1	5	9	11
• Precinct 2	1	1	3
• Precinct 3	1	0	5
• Precinct 4	5	8	9
• Precinct 5	1	2	3
• Outside City	0	0	1
8. Location of complaint by ward			
• Ward 1	0	0	1
• Ward 2	0	2	1
• Ward 3	1	3	4
• Ward 4	2	2	2
• Ward 5	3	3	5
• Ward 6	1	1	2
• Ward 7	5	8	10
• Ward 8	0	0	2
• Ward 9	1	0	0
• Ward 10	0	1	1
• Ward 11	0	0	2
• Ward 12	0	0	0
• Ward 13	0	0	1

Minneapolis Civilian Police Review Authority 2010			
	1Q	**2Q**	**3Q**
• Outside City	0	0	1
9. Race of Complainants (includes victims)[1]			
• Asian	0	1	0
• Black	10	13	26
• Latino	1	0	0
• American Indian	0	0	0
• Unknown	1	4	6
• White	6	7	11
10. Age of Complainants			
• Under 21	4	1	7
• 21 – 40	8	13	17
• Over 40	5	5	10
• Unknown	1	6	9
11. Gender of Complainants			
• Female	6	8	18
• Male	12	17	25
12. Race of Officer			
• Asian	0	2	3
• Black	1	3	10
• Latino	0	1	1
• American Indian	1	1	1
• White	13	20	30
13. Officers time on force			
• Less than 5 years	5	8	20
• 5 or more years	10	19	25

[1] Because the CRA ordinance allows any person with personal knowledge to file a complaint, the term "victim" is used to describe the individual who experienced the police action contained in the complaint.

Section II Complaint Data Break Out

This section provides additional information on data presented in Section I. The discussion below should aid the reader in understanding the changes in police misconduct complaints and in the CRA board's handling of police misconduct complaints during the first nine months of 2010.

Complaints

Initial complaints increased by 26 percent from the second quarter to third quarter. Eighty-five initial complaints received during the third quarter were closed. Twenty-three percent of those initial complaints closed were sent for a complainant signature (this percentage does not include complaints sent for signature where the initial complaints were received in earlier quarters). Complaints sent for signature contained allegations that the staff believed may be violations of MPD policy and procedure.

The CRA received 32 signed complaints during the third quarter. Complaints received during the third quarter included complaints sent for signature during earlier quarters. Of the 32 signed complaints received, thirteen of the complaints received were generated from initial complaints received during the third quarter.

Allegations

The number of complaints containing multiple allegations increased to 81percent. While 81 percent is a significant increase from second quarter's 55 percent, it is within the historical range of past years' percentages of complaints containing multiple allegations.

Inappropriate conduct and excessive force allegations accounted for 46 percent of the allegations received. It should be noted that the number of allegations is often related to the number of officers and citizens involved in the complaint. Inappropriate conduct, excessive force, harassment, and inappropriate language had noticeable increases during the third quarter.

Location of Complaints

The First and Fourth Precincts continued to receive the most complaints. Sixty-two percent of the complaints filed during the third quarter came from the First and Fourth Precincts. There has been no change in distribution of the precinct location of the complaints.

Ward 7 continued to receive the most complaints. During the third quarter, complaints from Ward 7 represented 31 percent of the signed complaints received.

Complainants

There has been no change in the distribution of “who” files the majority of complaints against Minneapolis police officers. Blacks continued to file the most complaints during the third quarter.

Mediation

Of the 32 complaints received during the third quarter of 2010, four complaints were referred to mediation. The CRA held three mediations. All three were successfully mediated.

Board Activity

The board heard 17 complaints during the third quarter of 2010. The board fully sustained or partially sustained four complaints. Prior to the hearing stage, six complaints were dismissed because the complainant failed to provide a statement or evidence clearly showed that there was not a violation of MPD policy. Hearing panels averaged 11 days to deliver disciplinary decisions. The hearing panels sustained 16 percent of the allegations heard during the third quarter of 2010.

Table 2 Board Data

Disposition of Complaints	1 Q	2Q	3Q
• Number of complaints heard by panel	**12**	**16**	**17**
o Number of complaints fully sustained	**2**	**2**	**1**
o Number of complaints partially sustained	**4**	**1**	**3**
o Number of complaints not sustained	**6**	**2**	**2**
o Number of complaints dismissed[2]	**1**	**8**	**6**
o Number of complaints determination pending	**0**	**4**	**6**
• Number of allegations contained in complaints heard	**101**	**42**	**42**
o Number of allegations sustained	**23**	**12**	**7**
o Number of allegations not sustained	**63**	**4**	**7**
o Number of allegations dismissed[2]	**17**	**23**	**6**
• Types of allegations sustained			
o Inappropriate conduct	**5**	**2**	**4**
o Inappropriate language	**1**	**5**	**1**
o Harassment	**0**	**2**	**0**
o Excessive force	**17**	**1**	**1**
o Failure to provide adequate or timely police protection	**0**	**0**	**0**
o Discrimination	**0**	**1**	**0**
o Failure to report use of force	**0**	**1**	**1**
o Retaliation	**0**	**0**	**0**

Section III Chief's Discipline

The Chief delivered six disciplinary decisions involving eleven officers during the third quarter of 2010. The CRA board heard the complaints of those decisions between 2009 and 2010. Table 3 shows the Chief's discipline decisions.

[2] Includes complaints dismissed by CRA manager 172.85.(b)

Table 3 Disciplinary Decisions by Complaints

Quarter Decision Rendered	Total Decisions	No Discipline	Discipline	% Discipline
1	4	2	2	50%
2	5	4	1	20%
3	6	3	3	50%
Total	15	9	6	40%

As the table above provides, in the third quarter, the Chief imposed discipline on three of the six sustained complaints returned to the CRA. Table 4 below provides that five of the eleven officers who received sustained complaints received discipline.

Table 4 Disciplinary Decisions by Officers

Quarter Decision Rendered	Total Officers	No Discipline	Discipline	% Discipline
1st	5	3	2	40%
2nd	10	9	1	10%
3	11	6	5	45%
Total	26	18	8	31%

Third Quarter Disciplinary Decisions

This section provides information on the six complaints returned from the Chief during the third quarter. Table 5 contains the level of discipline imposed on individual officers during the third quarter.

Table 5 Third Quarter Disciplinary Decisions from the Chief of Police

Discipline Imposed	Number of Officers:
Letter of Reprimand	4
Termination	1

Table 6 contains the CRA sustained violations, the MPD policy and procedure violations, the Chief's reasoning for the disciplinary decisions, and the facts as determined by the CRA board.

It should be noted that the CRA places the civilian allegations in the CRA allegation categories, while the MPD aligns the MPD policy to the CRA allegation after the file is forwarded to the MPD.

Table 6 Third Quarter Disciplinary Decisions

CRA File	CRA Sustained Violations	MPD Policy and Procedure Violations	Sent to Chief & Chief Decision	Chief's Disciplinary Decision
1	Inappropriate Conduct	Strip Searches and Body Cavity Searches MPD P/P 9-203 Complaint Investigations – Garrity Decision	Sent to Chief 5/6/10 Chief Decision 8/13/2010	**Discipline** – Letter of Reprimand (B-Level) **No Discipline** – Insufficient evidence
Facts	During a traffic enforcement stop, officers conducted a strip search of the complainant without previously obtaining a warrant. During the strip search, the officers pulled the complainant's trousers and boxer shorts down below his knees, completely exposing his buttocks and genitals. The search was conducted while the complainant was standing at the back of the officers' squad car, in plain view of the public. The officers failed to obtain supervisor approval and did not document the search in their report.			

2	Inappropriate Conduct Inappropriate Language Harassment Discrimination	Professional Code of Conduct MPD P/P 5-105(10) Use of Discretion MPD P/P 5-103 Impartial Policing P/P 5-104	Sent to Chief 5/6/10 Chief Decision 8/23/10	**No Discipline** – Reckoning Period, ("A" violation)
Facts	An officer stopped a civilian and threatened to arrest the civilian for loitering, when the civilian was riding his bike through a neighborhood. During the stop, the officer told the civilian that he was out of place in the surroundings. The neighborhood was predominately black; the civilian was white. After the civilian protested the stop, the officer encouraged the civilian to file a complaint so the Chief of Police would know that the officer was working and not wasting time. During the stop, the officer's supervising officer came on the scene and told the civilian that he did not belong in the area and if he saw him in the area again that he would be f--- arrested. The supervising officer used additional profanity during the incident.			

3	Inappropriate Conduct	Responsibility for Inventory of Property and Evidence P/P 10-401 Searching Arrestees MPD P/P 9-201	Sent to Chief 10/8/09 Chief Decision 6/17/10	**No Discipline** – Expiration of the Reckoning Period – "A" violation (complaint too old) Insufficient Evidence
Facts	During the complainant's arrest, an officer removed items (cell phone, keys, pocket knife, and truck key with remote) from the complainant's pocket and never returned the items to the complainant. The items were not listed with complainant's property at jail or property inventoried in the police property room.			

4	Excessive Force	Use of Discretion MPD P/P 5-103.01	Sent to Chief 12/17/09 Chief Decision 4/7/2010	**Discipline** – Letter of Reprimand (B-violation)
Facts	Complainant crashed his vehicle into a tree during a police chase. An officer pulled the complainant out of the automobile through the broken out rear window while he was attempting to climb out in accordance with officer's commands. After the officer pulled the complainant from the car, the officer dropped the complainant onto the ground and struck the complainant in the head with the barrel of his duty weapon. The officer then kicked and punched the complainant when the complainant was not resisting arrest. The officer's actions resulted in injuries to complainant's head, face, teeth, chest, and ribs.			

5	Excessive Force Inappropriate Conduct	Use of Force (Reasonableness) Policy MPD P/P 5-301.01 Use of Force – Reporting and Post Incident Requirements MPD P/P 5-306 Truthfulness MPD P/P 5-101.01 Reporting Writing MPD P/P 4-602 Mobile Video Recording Equipment MPD P/P 4-219	Sent to Chief 6/2/10 Chief Decision 6/23/2010	**No Discipline** – Insufficient Evidence

Facts	A sergeant used excessive force against the complainant when the sergeant pushed and forced the complainant's face into a chain link fence and struck the complainant in the head with a closed fist when the complainant was not resisting the officer. The sergeant used excessive force against the complainant when the sergeant pushed and forced the complainant's face onto the top of a concrete wall when the complainant was handcuffed and not resisting the officer, rendering the complainant temporarily unconscious. Officer #1 used excessive force against the complainant when Officer #1 applied knee strikes against the complainant when the complainant was not resisting the officer. Officer #2 used excessive force against him when Officer #2 applied a Lateral Vascular Neck Restraint (LVNR) to the complainant when he was not resisting the officer. The sergeant did not include certain important details and did not accurately describe all manner of force he used against the complainant when he wrote his report. The sergeant conducted a full search of the complainant, including contents of his pockets, when he did not have probable cause to search him. The sergeant, Officer #1, and Officer #2 did not provide medical treatment for the complainant after he was rendered temporarily unconscious from the force used against him.

6	Excessive force	Use of Force (Reasonableness) Policy MPD P/P 5-301.01 Use of Force – Reporting and Post Incident Requirements MPD P/P 5-306 Complaint Investigations – Garrity MPD P/P 2-106 Truthfulness MPD P/P 5-101.01	Sent to Chief 8/23/10 Chief Decision 9/24/10	**Discipline** – (D-Level) Termination Garrity and Truthfulness (C-Level) Use of Force
Facts	An officer kicked a minor in the head and about the body while other officers restrained him on the ground.			

As shown above, the Chief declined to discipline on two complaints because the MPD viewed the complaints as too old. The MPD has taken the position that any disciplinary action (including non-disciplinary, coaching) on older complaints would be punitive and that the corrective intent that would have been associated with discipline on the those complaints would be minimal or possibly nonexistent. The Chief's continued use of this rationale for no discipline because of the age of the complaints continues to highlight the need for an additional CRA investigator.

The table above also shows that the MPD declined to discipline on three sustained CRA complaints because of insufficient evidence. The CRA continues to disagree with the use of insufficient evidence as the basis for no discipline. The CRA believes that for those complaints where the Chief believes the evidence is insufficient, the Chief should request a reconsideration. It should be noted that the Chief did, in fact, request reconsideration on one of the above complaints.

The average length of time for the Chief to deliver the six disciplinary decisions was 102 days.

Section IV Hot Topics

Handling of Complaints

Over the past year, the CRA has been examining ways to deal effectively with the MPD's use of the reckoning period to deny discipline on sustained CRA complaints. A sustained complaint denied discipline because it is too old is a waste of City resources and denies the civilian knowledge that the complaint and the officer's conduct were handled fairly. Nevertheless, with no change likely in the MPD's use of the reckoning period or additional investigative resources, the CRA continued to develop a priority system for handling complaints. During the fourth quarter, the CRA will implement a trial process. After the trial period, the CRA will assess the process and offer an opportunity for the public and elected officials to comment on the process. Complaints will be screened using categories with different weight assigned to the categories. Through the screening process, complaints will be determined as a priority investigation. Priority investigations will be completed within 60 to 90 business days.

Lack of Discipline on CRA Complaints and the Call for Additional Review of Chief's Discipline Decisions

The CRA's lack of influence on the disciplinary decisions has long been a concern for the CRA Board. This concern was never more present than in a recent third quarter disciplinary decision. The CRA Board learned that even a video tape depicting misconduct of officers does not necessarily lead to discipline, training, or coaching and counseling. The age of the complaint and claimed different perspectives of viewing the recorded evidence can outweigh the board's decisions. In response to the Chief's decision to not discipline on the officers' recorded actions, the board has attempted to create a mechanism that would involve the Mayor's office and/or policy makers to review future actions by the Chief.