

MDCR Analysis Task Force

REPORT OF THE TASK FORCE ANALYSIS OF THE IMPACT OF BUDGET
REDUCTION SCENARIOS IN THE MINNEAPOLIS CIVIL RIGHTS
DEPARTMENT

July 2009

Task Force Members

1. Michael Jordan, Director of Civil Rights
2. Dr. Josie Johnson, Former University of Minnesota
3. William Davis – President, Community Action of Minneapolis
4. Leonardo Castro - Ramsey County Public Defender
5. Charles Samuelson, Exec Dir. Minnesota Civil Liberties Union
6. Michael Weinbeck, Former Chair of CRA Board
7. Salah Tarraf, President - Tarraf Construction
8. Ken Brown, Chair, Minneapolis Commission on Civil Rights
9. Lori Saroya, CAIR
10. Lisa Lewis – Office of General Counsel, Ameriprise
11. Steve Smith, Attorney
12. Briana MacPhee, Private Citizen

Ad Hoc Task Force Member

1. Isabel Gomez – Former Hennepin County Judge
2. Ann Viitala, Attorney
3. Herman Milligan, V.P. - Former Commissioner of the Minneapolis Commission on Civil Rights
4. Helen Preddy – Professional Mediator

Task Force Function

The Task Force was initiated by City Council Member Elizabeth Glidden, via an amendment to Mayor R. T. Rybak's revised 2009 Budget. That amendment requested the following staff direction, "Civil Rights Staff is directed to work with community stakeholders, including the Commission on Civil Rights, Council Members and the Mayor's Office, to form a task force to analyze the performance of all business lines and make recommendations for budget reductions. This analysis shall include examination of the State Department of Human Rights' capability to handle all or part of the Complaint Investigations Unit, and the service impacts to all business lines of a potential cut of \$300,000 (cumulative from 2009 and 2010) to the Department's budget.

The Department is directed to report back to Health, Energy, and Environment Committee with the task force recommendations no later than June 1, 2009. The due date for these recommendations was amended to be July 1, 2009. The recommendations in this report will be publically presented during the July 20, 2009 meeting of the Health, Energy and Environment Committee.

Introduction

The observations and recommendations contained in this report were developed from the evaluation of information received from several sources. Those sources included: (1) presentations from the managers of the three business lines that comprise the Department (Complaint Investigations Unit [CIU], Contract Compliance Unit [CCU] and Civilian Review Authority [CRA]); (2) a presentation from Commissioner Velma Korbil of the Minnesota Department of Human Rights [MDHR]; (3) an analysis performed by the Minneapolis Commission on Civil Rights which compared the Minnesota Department of Human Rights to the Complaint Investigations Unit of the Minneapolis Department of Human Rights; (4) input that was obtained as a result of discussions at several "community based" public forums (Minneapolis Urban League -May 21 & June 4, Minneapolis Civil Rights Commission/Task Force - June 13, and Civil Rights Community Social (co-sponsored by 11 community based organizations) - June 11; (5) input that was obtained from public comments offered during the scheduled Task Force meetings - April 22 and May 7; and (6) the experience and knowledge of the members of the Task Force. Individual members of the Task Force prepared a written document that summarized their thoughts and recommendations. Members of the task force met on July 13 to finalize the content of the recommendations report, this document is the result of that meeting. A list of the task force members is attached. The "ad hoc members" are individuals who were originally invited to participate on the task force, but were unable to do so, due to time limitations.

It should be noted that the discussions and deliberations of both the Task Force and those who attended public forums contained concerns that were based on philosophical and practical objections. The philosophical objections had their basis on several grounds. Perhaps the primary basis related to the long and proud history of the City of Minneapolis as a beacon of Civil Rights. The legacy of Hubert Humphrey, the strength of our Civil Rights Ordinance and the progressive posture that the City has maintained, over many decades, was of considerable importance. Further erosion of the Department's capabilities, specifically the CIU would be a demonstration of a loss of commitment to the historical legacy. Second, there was a strong

recognition that the Department has suffered budgetary reductions, in previous times of financial difficulty, and due to its relatively small budget the impact of further budget reductions, in the context of the overall City budget, would not be significant relative to the harm resulting from such actions. Finally, the current financial environment, coupled with the increasingly diverse population within the City suggests that it is even more necessary than ever to maintain the entity charged with protecting the civil rights of everyone.

Recommendations

The following is a summary of the recommendations from the Task Force. There is not necessarily unanimous agreement by all Task Force members. However, these recommendations do represent a consensus opinion:

1. Maintain the Complaint Investigation Unit (CIU) function within MDCR;
2. Continue to improve efficiency and effectiveness of the CIU via application of technology process improvements and other methodologies;
3. Identify and evaluate methods to increase revenue opportunities for the MDCR;
4. Identify cost saving opportunities other than elimination of staff positions in MDCR;
5. The actual cost incurred (approximately \$1,500.00) for the investigation of an alleged civil rights violation against a city department will be charged to the subject department as a fine;
6. All city departments will be required to comply with the requirements of section 139.70 of the Minneapolis Civil Rights Ordinance and Chapter 423.70 of the Small and Underutilized Business Enterprise Program. Department funds to be in non-compliance shall be required to pay a fine of \$1,000.00 per month until they are deemed to be in compliance.
7. The funds to be paid as fines, in items #5 and # 6 above, shall be allocated to the Minneapolis Civil Rights Department and not the general funds of the city. These funds shall be used to defer the costs of monitoring violating departments and outreach activities.

From the practical perspective, the majority of the information that was obtained as a result of the discussion and expressed concerns in the public forums, and a significant amount of the discussion and evaluation that was generated by the members of the Task Force, addressed the scenario that suggested the elimination of the CIU and the subsequent transfer of the duties of that unit to the MDHR. There was almost universal concern, among the Task Force members, that the MDHR would not be able to accommodate the increased workload that would result if they were to absorb the complaints currently filed with and investigated by the CIU. The Task Force members took several factors into consideration, including the number of cases handled by CIU, the current staffing of the MDHR, the potential budget reductions at the state level, the statutory timeframe requirement for case closure regarding the MDHR, the lack of determination review process outside of district court and the differences in protected class definitions (and other differences between the State's Human Rights Act and the City's Civil Rights Ordinance), and determined that the MDHR did not have the capacity to absorb the caseload without significant loss of service and access to aggrieved parties.

Specifically, there were consistent expressions of concern relative to the difficulties that would confront complainants if their only recourse was the MDHR. These included: (1) logistical issues pertaining to going to St. Paul to file a complaint; (2) increased number of cases, coupled with no increase in the number of investigators, would lead to longer timeframe for completion of investigation; (3) reduction in the availability of diverse investigators and cultural/language support services; (4) increased number of cases, coupled with no increase in the number of investigators, would lead to need to enhance “triage” of cases relative to merit with the potential that cases would be dismissed even though they may have had sufficient merit to suggest further investigative effort; and (5) loss of MCCR review process would require complaints to file in district court in order to appeal a “no probable cause” determination or seek redress from the respondent if a “probable cause” determination is made.

It should be noted that there was a sense, from at least one task force member, that there remains a degree of uncertainty relative to the availability of sufficient resources to ensure that MDHR could, in fact, absorb the workload from the CIU. The thought was that there may be opportunities for city elected officials to work with state elected officials to determine the exact details.

In addition to the discussions relating to the CIU, there was limited comment relative to CCU and CRA. By and large, both units were considered to be unique to the Department, and not effectively replicated in any other organization. If they did not exist, there would not be another agency or other entity to perform their function, to a sufficient degree. The correlation of CCU activity to job creation for minorities and women (as participants in the workforce and as small business owners) was mentioned, and deemed to be a significant issue. There were no suggestions to eliminate the CCU. Also, the need to have an entity like the CRA, independent of the police department’s complaint mechanism, where complaints against police officers could be filed was deemed to be important. However, there were suggestions that the CRA be eliminated or re-located to another city department.

Given the Task Force’s level of concern that the MDHR would be unable, from a practical and customer service perspective, to absorb the CIU caseload, the consensus was that the CIU should not be eliminated, although it may require some downsizing in staff. Further, the Task Force, with some exceptions, recommended that there should be “strategic budget reductions shared by all business lines” rather than the complete elimination of any of the business lines.

Alternative Expense Reductions

There were several alternatives, for expense reduction, that were offered. They included: (1) Eliminate one full-time position from each unit; (2) eliminate the Deputy Director position; (3) move the CRA from its current location into another location, perhaps within City Hall or another city-owned building; (4) continue to improve the efficiency and effectiveness of all of the business lines so that they can perform their functions with fewer staff members (via further application of technology and process methodology); (5) provide Director Jordan with the authority to make necessary and appropriate reductions in the Department’s budget that achieve Mayor Rybak’s budget objectives. Implement a system of “fines” to be levied against City Departments, and (6) implement a “share the pain” model of volunteer and/or forced furlough to reduce salary expense by MDCR employees.

Task Force members also suggested that there may be opportunities to increase the revenue that the Department generates. The theory was that these revenue enhancements could offset operating expenses, and hence mitigate the need for budget reductions. Suggestions included: (1) CCU could levy fines on contractors for non-compliance, modeling a state statute; (2) CIU could institute a “sliding-scale” fee for investigations; (3) CIU could increase its contractual agreement with EEOC for compliant processing (one Task Force member questioned whether the \$550/case payment really covers the cost of the work done); (4) CIU could contract with HUD to investigate housing discrimination cases (\$1500/case); and (5) revise city finance procedures to allow direct allocation of revenue funds to the MDCR, rather than to the city’s general fund, when funds are received from a source external to the City of Minneapolis.

On a related issue, the issue was mentioned, both in task force meetings and in the community forums that settlements arising from actions of officers in the Minneapolis Police Department have resulted in multi-million dollar expenditures. The thought was offered that better management of this issue could result in significant savings. Although this issue does not impact directly on the budget of the Civil Rights Department it is being included because of its significance on the city’s budget, and its relationship to the general matter of civil rights.