

Kenneth Brown, Chair Minneapolis Commission on Civil Rights,

Task force member under Councilman's Glidden's Amendment

Chair Benson and other City Council members

Thank you for the opportunity to speak to you this afternoon.

In my position as the Chair of the Commission I present the attached report with the recommendations listed on page 2.

As a task force member I oppose the document that Director Jordan presents to you as the MDCR Analysis from the Task Force.

I challenge the document on legal, ethical, and moral grounds as not being truly representative of the deliberations and discussions I attended. Not one of the task force members were offered the opportunity to respond to and approve the final version that is being presented to you today.

Director Jordan's document was not derived at in a democratic way. There was never a majority vote of members of the task force, so there could not have been a minority dissent as he suggest. There was a majority vote of members present at the last meeting. There were three members and one ad hoc member present at the last meeting.

The task force members were not presented with data to the questions asked in many instances to assist them in forming fair and equitable decisions. The task force has not had the time to fully vet the requirements placed in the amendment offered by Councilman Glidden.

Not one discussion was had about the CIU, CCU or the CRA among the task force members. We were given basic orientations to each unit but analysis of the information was not done by the group. Some of us may have reached the same conclusions on our own, but not as a collective. I believe we could have done a much better job given the time and autonomy to do so.

To Support my position I have with me this shoulder bag that is full of some of the documentation that could have been used and analyzed by the task force, but again we were not given the time to do so. I have a folder on each unit of the department, the State Human Rights Department, The police Department, the Department of Justice Study [Avoiding Racial Conflict], and reports made by task forces assigned to the Minneapolis Commission on Civil Rights Commissioners over the past several months.

I clearly recall on more than one occasion the Director stating in no uncertain terms: "He will do what his Boss tells him to do." The directive from his boss puts him in direct opposition to the amendment. For him to have lead and controlled

the process leads us to this time and place. He has also stated "Leave Civil Rights to the professionals." If all of you are "the professionals" he speaks of, then hopefully you choose to keep the CIU with improvements and find the dollars to cut in another way. On page 2 of the document in front of you the Commission has provided a number of recommendations most of them on the CIU, as we were responding to the Mayor's budget proposal to transfer the CIU to the State.

In closing I want to remind all of us that without the Civil Rights movement, which was and remains a movement of the people, some of you and some of your staff would not have the jobs that you have. Discrimination in this city continues as we stand here today. I know we cannot legislate human behavior, but we should remain true to our founding heritage of equality for all.

## MINNEAPOLIS COMMISSION ON CIVIL RIGHTS RECOMMENDATIONS

### I. INTRODUCTION OF PURPOSE

On February 23, 2009, Minneapolis Mayor R.T. Rybak's made his Budget Address. In his address he proposed that the Minneapolis Department of Civil Rights ("MDCR") Complaint Investigation Unit ("CIU") be eliminated in 2010, and the charges of discrimination filed with the MDCR be transferred to the Minnesota Department of Civil Rights ("MDHR").

On March 3, 2009, the Executive Committee of the Minneapolis Commission on Civil Rights ("MCCR") met with Mayor Rybak to discuss his proposal. Mayor Rybak confirmed that there were "still questions to be answered" including "whether the State has the capacity to take on the transfer in light of its own budget cuts." The Executive Committee had concerns about the MDHR's ability to take on the additional case-load and to provide adequate justice. During the meeting the Mayor made a commitment to the Executive Committee, that if the MDHR did not have the capacity to handle the additional cases, that the city would "find a different way to balance the City budget."

Thus, on March 16, 2009, the MCCR established three task forces to examine data and to issue reports on the Mayor's proposal and its effect on proving justice for victims of discrimination in the City of Minneapolis: (1) MDCR/MDHR Comparison Task Force; (2) MDCR Unit (i.e., CUI, Civil Review Authority, and Contract Compliance) Priorities Comparison; and (3) City Departments' 2009 and 2010 Budget Cuts Comparison. On that same date, the Executive Committee was authorized to compile the data received from the independent task forces and make final recommendations.

After receipt of the reports from each task force, the MCCR Executive Committee met and approved the following recommendations:

## II. RECOMMENDATIONS FOR ACTION

1. The CIU not be cut or transferred from the MDCR. A comparison between the processes, remedies and benefits in filing a charge with the MDCR and MDHR shows that the State will not be able to effectively address the 30% caseload increase which would be caused by the elimination of the MDCR CIU.

*See, Attachment A (MDCR/MDHR Comparison Task Force Report).*

2. The CIU not be cut or transferred. The CIU improve its processes to close cases more efficiently. Process improvement can include but is not limited to case triage, improve collaborative relationship between the Commission, the Department and the Director.

*See, Attachment B (BPI, Complaint Investigation Project Team Recommendations, February 12, 2008).*

3. The Civilian Review Authority be transferred to the Minneapolis Human Resource Department with funding being provided by Human Resources and the Police Department. Because the Civilian Review Authority is a human resource and disciplinary function NOT a human rights function.

*See, Attachment C (Minneapolis City Ordinance Chapter 172.20, Scope of Authority).*

4. The Police department be required to reduce by 25% the amounts paid out in discrimination, misconduct, and other violations. In the past seven years the cost is around 16.5 million dollars. At present the average savings is \$625,000.00 per year.

*See, Attachment D (Emails from Minneapolis City Attorney's Office).*

5. The Civil Rights Department increase its EEOC contract to 200 cases per year. The EEOC contributes \$540.00 per case x 200 cases = \$108,000.00.

*See, Attachment E (Data provided by MDCR CIU Coordinator in email).*

6. The Civil Rights Department become HUD Certified and contract for 100 cases per year. HUD contributes \$1,860.00 per case x 100 cases = \$186,000.00.

*See, Attachment E (Data provided by MDCR CIU Coordinator in email).*

7. The Civil Rights Department charge and collect from any City Department the full cost of investigations that result in a Probable Cause determination.

8. The Civil Rights Department charge and collect \$500.00 per month from each City Department that is found to be in violation of Minneapolis Civil Rights Ordinance, Section 139.70. (Affirmative Action Plan). This penalty shall be assessed monthly until the individual department is in full compliance.

9. That all above-referenced funding, monetary penalties, and civil penalties under Minneapolis Ordinance 141.50 (m) be allocated *directly* to the Civil Rights department not to the General Fund.

*See, Attachment F (Minneapolis Ordinance 141.50 (m)).*

**MINNEAPOLIS COMMISSION ON CIVIL RIGHTS**

**MDCR / MDHR COMPARISON TASK FORCE REPORT**

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**I. INTRODUCTION**

At Minneapolis Mayor R.T. Rybak’s Budget Address on February 23, 2009, he proposed that the Minneapolis Department on Civil Rights (“MDCR”) Complaint Investigations Unit (“CIU”) be eliminated in 2010, and the charges of discrimination filed with the MDCR be transferred to the Minnesota Department of Human Rights (“MDHR”). Governor Pawlenty had contended that the MDHR could take over the MDCR’s complaint investigation, and that Minneapolis should actively explore that transfer option. Mayor Rybak stated that because the investigations into charges of discrimination which occurred in Minneapolis could instead be investigated by the MDHR, the MDCR CIU was a duplication of services.

On March 5, 2009, the Executive Committee of the Minneapolis Commission on Civil Rights (“MCCR”) met with Mayor Rybak to discuss his proposal. Mayor Rybak confirmed that there were “still questions to be answered, including whether the State has the capacity to take on that transfer in light of its own budget cuts.”<sup>1</sup> He promised the Executive Committee, “If we find that the State cannot provide that justice then we will not go ahead with the transfer. In that case, we will need to find a different way to balance the City budget.”<sup>2</sup>

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<sup>1</sup> 3/2/09 e-mail from Mayor Rybak to Council Members, et al., re: Civil rights department and the budget. (ATTACHMENT 1).

<sup>2</sup> *Id.*

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Thus, on March 16, 2009, the MCCR established three task forces to examine and to issue reports on the Mayor's proposal and its effect on providing justice for victims of civil rights violations in the City of Minneapolis: (1) MDCR / MDHR Comparison Task Force; (2) City Departments' 2009 and 2010 Budget Cuts Comparison Task Force; and (3) MDCR Investigation, Civil Review Authority, and Contract Compliance Priorities Comparison.

The MDCR / MDHR Comparison Task Force was instructed to examine whether the MDHR would be able to accommodate the additional charges from the MDCR. In addition, the Task Force was assigned to analyze whether the benefits of the legal recourse available under the Minneapolis Civil Rights Ordinance outweigh the those available under the Minnesota Human Rights Act.

## II. TASK FORCE MEMBERS

Sharon Osborn, Esq. Task Force Chair, Andrew Hauer, Frances Li, Esq., John Oberreuter, Sonja Peterson, Esq.

## III. MISSION STATEMENT

The Task Force will:

1. Gather information to compare the processes, remedies and benefits to parties filing a charge with the MDCR and MDHR.
2. Analyze effects of increased case load on MDHR if MDCR Investigative Unit is eliminated.
3. Prepare a report containing Task Force findings and recommendations for action, and submit Report and Recommendations to Commission by July 13, 2009.
4. Recommend a means for encouraging implementation of Task Force Recommendations.

## IV. TASK FORCE PROCESS

The task force assigned members the following data gathering responsibilities:

Frances Li: Contact Minneapolis Office of the City Attorney and obtain an opinion on the legal impact of transferring charges from the MDCR to the MDHR.

Sharon Osborn & John Oberreuter: Obtain data from the MDCR and MDHR comparing the numbers of charges, processing time, case load, percentage of probable cause and no probable causes found; and percentage of probable causes brought to litigation. Obtain data from the MDCR and MDHR comparing the types of charges brought and percentage of probable cause findings for each.

Sonja Peterson: Compare services and legal recourse available through the MDCR and MDHR.

Andrew Hauer: Obtain Performance Statistics from MDCR and MDHR for 2006, 2007, and 2008, including the percentage of charges settled, and the dollar amounts collected in settlements / judgments after Probable Cause determinations.

## V. TASK FORCE FINDINGS

### A. LEGAL RAMIFICATIONS OF TRANSFERRING MDCR CHARGES TO MDHR

The Minnesota Human Rights Act at § 363A.07, subd. 3, provides in pertinent part:

A local commission may refer a matter under its jurisdiction to the commissioner.

**The charging party has the option of filing a charge either with a local commission or the department.** Notwithstanding the provisions of any ordinance or resolution to the contrary, a charge may be filed with a local commission within one year after the occurrence of the practice. **The exercise of such choice in filing a charge with one agency shall preclude the option of filing the same charge with the other agency.**

In light of this language, the task force was concerned that if a charge was transferred from the MDCR to the MDHR, it would be dismissed for lack of jurisdiction. Thus, the task force requested an opinion on this issue from the Minneapolis Office of the City Attorney. The City Attorney's Office concluded that under the MHRA language:

1. The charging party has the option to file with either the MDHR or the MDCR, but "may not cause two parallel investigations to occur by filing with both agencies;" and
2. The "MDHR is precluded from accepting the same charge that was filed previously with the MDCR by the charging party."<sup>3</sup>

Therefore, a charging party cannot file a charge before both agencies *at the same time*.<sup>4</sup>

Furthermore, section 363A.07, subd. 2 of the Minnesota Human Rights Act provides that the commissioner of the MDHR may refer a matter to a local commission for action, and may do so "whether or not a charge has been filed" under the MHRA. Subdivision 3 of section 363A.07, also states that a "local commission may refer a matter under its jurisdiction to the commissioner." Thus, under the Minnesota Human Rights Act, the MDHR and local commissions may refer charges before them to the other commission. The task force concluded that if the MDCR transfers its current charges to the MDHR, they should not be dismissed from the MDHR for lack of jurisdiction.

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<sup>3</sup> 4/16/09 Letter to Minneapolis Commission on Civil Rights from Assistant City Attorney Franklin Reed. (ATTACHMENTt 2).

<sup>4</sup> Filing a charge of discrimination with the MDCR is not actually a *duplication* of services. It is an alternative service for Minneapolis residents and visitors.

## **B. COMPARISON OF CHARGE PROCESSING AND DETERMINATIONS BETWEEN MDCR AND MDHR.**

The task force contacted the MDCR and the MDHR, inquiring about their annual number and types of charges, percentage of types of charges; number of probable cause findings ("PC"); PC charges dismissed; and the number of those PC charges brought to litigation before the respective court, i.e., the Minneapolis Commission on Civil Rights for MDCR PC charges, and the State Office of Administrative Hearings for MDHR PC charges.

The task force was able to collect general information about the charges filed with each agency over the last three years.<sup>5</sup> ATTACHMENT 5 is a chart containing the MDCR and MDHR 2006 - 2008 records for the types of charges filed, i.e., the charging party's protected class – race and color; creed and religion; national origin; sex (including sexual harassment); sexual orientation; disability; age; marital status; status with regard to public assistance; and familial status. The second page of ATTACHMENT 5 contains the MDCR and MDHR 2006 - 2008 records for the area of discrimination alleged in the charge, i.e., aiding and abetting; contract; education; employment (alleged discrimination by agency; employer, and union); housing; public accommodation; public services; and reprisal discrimination.

In summary, over the last three years, the **MDCR averaged 252 charges per year** and the **MDHR averaged 847 charges per year.**

Thus, **transferring charges filed with the MDCR to the MDHR will increase the State's case load an additional 30%.** No information was provided by the MDHR how it would handle this substantial increase to its case load.

Furthermore, the **MDCR annually receives a significantly larger percentage of race discrimination charges than the MDHR.** From 2006 to 2008, 53% of the charges received by the MDCR involved race discrimination claims, while only 23% of the charges filed with the MDHR involved race discrimination.<sup>6</sup> Thus, the MDCR is servicing a larger percentage of people of color than the MDHR.

Likewise, the MDCR addresses a **larger percentage of public service discrimination charges than the MDHR.** In 2008, the MDCR investigated 79 public service discrimination charges (24% of its area of discrimination case load), while the MDHR only investigated 38 public service discrimination charges (3%).<sup>7</sup>

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<sup>5</sup> 7/1/09 e-mail from MDCR re: charges filed and reviewed by CIU (ATTACHMENT 3); MDHR, Basis, Area, Filing, File Date Ranges 1/1/06-12/31/06, 1/1/0-12/31/07, 1/1/08-12/31/08; MDHR Probable Cause Cases Closed in 2006, 2007, 2008 (ATTACHMENT 4).

<sup>6</sup> Comparison of MDCR & MDHR Charges, 2006-2008 (ATTACHMENT 5, p. 1).

<sup>7</sup> Comparison of MDCR & MDHR Charges, 2006-2008 (ATTACHMENT 5, p. 2).



## C. COMPARING SERVICES & LEGAL RECOURSE OF MDCR & MDHR

### MDCR

See MDCR Investigation & Determination, Adjudication Chart<sup>8</sup>

1. Intake; Triage (Docketed and Dismissed, Candidate for Immediate Mediation, or Immediate Investigation);
2. If Investigation chosen, draft Charge, receive Respondent's Response, receive Charging Party's Reply, request documents, interrogatory answers, interview witnesses;
3. No Probable Cause ("NPC") or Probably Cause ("PC") Determination made by Director;
4. NPC - Appeal process through Commission (Commission grants or denies oral argument if new facts presented, reviews Department file, and affirms, remands or reverses Department determination);
5. PC - Conciliation by Department, or Adjudication by Commission;
6. Adjudication by Mpls Commission on Civil Rights ("MCCR") - Pre-Hearing Conference; Mediation & Resolution, or Public Hearing w/ Panel of 3 Commissioners.

### MDHR

See MDHR Case Processing: An Overview Chart<sup>9</sup>

1. Intake; Charge Drafted and Filed; Initial Inquiry (obtain Respondent's Response, Charging Party's Reply);
2. Screening by Department (similar to triage) for Mediation/Investigation/Dismissal;
3. If Investigation chosen, request documents, interrogatory answers, interview witnesses;
4. NPC or PC Determination made by Commissioner;
5. NPC - Appeal process through Commissioner;
6. PC - Conciliation, Dismissal, or Litigation by AG office;

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<sup>8</sup> Minneapolis Department of Civil Rights, *Investigation & Determination*, Minneapolis Commission on Civil Rights, *Adjudication*, Flow Chart. ATTACHMENT 6.

<sup>9</sup> MDHR Case Processing: An Overview Chart, 03/98. ATTACHMENT 7.

7. Adjudication - PC charges selected by the Commissioner are litigated by the Minnesota Attorney General's office through the State Office of Administrative Hearings ("OAH").<sup>10</sup>

In conclusion, the MDCR and the MDHR process their investigations in a similar manner. However, one of the unique characteristics of bringing a charge through the MDCR rather than the MDHR, is that **if Probable Cause is found, the charging party WILL be able to proceed to litigation before the Minneapolis Commission on Civil Rights.**<sup>11</sup> If the MDHR finds probable cause and the matter is not settled through conciliation by the Attorney General's Office, only those charges selected by the MDHR will be litigated at the OAH. For example, **in 2008, the MDHR involuntarily dismissed 14 PC charges and only 3 were litigated before the OAH.**<sup>12</sup> However, **in 2008 the MDCR did not dismiss any PC charges, and 28 were brought before the Minneapolis Civil Rights Commission for litigation.**<sup>13</sup> If the MDHR does not choose to take the unresolved PC charge to the OAH, the charging party must proceed with a private civil action in District Court, including payment of court filing fees.

Another difference between the services provided by the MDHR and the MDCR is related to appeals of No Probable Cause findings. Under the Minneapolis Civil Rights Ordinance, complainants who receive a No Probable Cause finding can appeal the finding to a three member panel of the Minneapolis Civil Rights Commission, at least one of whom must be a lawyer. Thus, the MDCR file will be independently reviewed by three members of the Commission, with the authority to affirm or reverse the decision or send the charge back to the department for additional investigation. However, under the Minnesota Human Rights Ordinance, the appeal is only conducted by the State Human Rights Commissioner.

## VI. TASK FORCE RECOMMENDATIONS FOR ACTION

1. The task force recommends that the Minneapolis Civil Rights Commission inform Mayor Rybak that a comparison between the processes, remedies and benefits in filing a charge with the MDCR and MDHR shows that **the State will not be able to effectively address the 30% caseload increase which would be caused by the elimination of the MDCR CIU.**
2. The Task Force recommends that the Minneapolis Civil Rights Commissioners likewise contact their City Council Members and inform them that if they support civil rights in the City of Minneapolis, they should not eliminate nor reduce the MDCR CIU.

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<sup>10</sup> Minn. Stat. § 363A.28, subd. 6 (3).

<sup>11</sup> See Comparison of MDCR & MDHR Charges, 2006-2008 (ATTACHMENT 5).

<sup>12</sup> See Comparison of MDCR & MDHR Charges, 2006-2008 (ATTACHMENT 5).

<sup>13</sup> See Comparison of MDCR & MDHR Charges, 2006-2008 (ATTACHMENT 5).

## VII. CONCLUSIONS

Eliminating the Minneapolis Department of Civil Rights Complaint Investigation Unit and transferring all charges of discrimination occurring in Minneapolis to the State will weaken and reduce the civil rights remedies available to Minneapolis residents and visitors. Transferring the charges filed with the City of Minneapolis to the State will increase the State's workload by 30%. Yet the State will not receive additional resources to promptly investigate and address those claims of discrimination. Furthermore, the State's remedies for human rights violations are not as progressive as the recourse offered under the Minneapolis Civil Rights Ordinance. Thus, justice to Minneapolis residents and visitors will not be served if the Minneapolis Department of Civil Rights Complaint Investigation Unit is cut from the Department.

## VIII. ATTACHMENTS

- ATTACHMENT 1: 3/2/09 e-mail from Mayor Rybak to Council Members, et al., re: Civil rights department and the budget
- ATTACHMENT 2: 4/16/09 Letter to Minneapolis Commission on Civil Rights from Assistant City Attorney Franklin Reed
- ATTACHMENT 3: 7/1/09 e-mail from MDCR re: charges filed and reviewed by CIU; MCCR 2006-2008 Complaint Investigation Unit Cases Filed
- ATTACHMENT 4: MDHR, Basis, Area, Filing, File Date Ranges 1/1/06-12/31/06, 1/1/0-12/31/07, 1/1/08-12/31/08; MDHR Probable Cause Cases Closed in 2006, 2007, 2008
- ATTACHMENT 5: Comparison of MDCR and MDHR Charges, Basis of Discrimination and Area of Discrimination, 2006, 2007, 2008
- ATTACHMENT 6: Minneapolis Department of Civil Rights, *Investigation & Determination*, Minneapolis Commission on Civil Rights, *Adjudication*, Flow Chart
- ATTACHMENT 7: MDHR Case Processing: An Overview, 03/98

**Jordan, Michael**

**From:** Rybak, R.T.  
**Sent:** Monday, March 02, 2009 1:05 PM  
**To:** Council Members; Council Staff  
**Cc:** Mayor Users; Jordan, Michael  
**Subject:** Civil rights department and the budget.

I wanted to clarify issues around my budget recommendations for the Civil Rights Department:

The Civil Rights Department is an important part of the City that works to ensure fair treatment for all the residents and visitors of Minneapolis – work that needs to continue. The City of Minneapolis has a strong history as a beacon for justice and equality and we will not abdicate that role for as long as I am Mayor. We continue to aim for a strong and effective Civil Rights Department.

Because of the impact of the State budget deficit on the City, every city department will be undergoing a significant reduction in order to maintain a balanced budget. The Civil Rights Department will also be part of those cuts, and because this is a relatively small department we have to be especially strategic to ensure we continue to protect the rights of people in Minneapolis in this new fiscal environment.

As I proposed in my budget speech last week, I do not believe that we should not just cut everything in the Civil Rights Department equally. That would mean that everything would be underfunded and all parts of the department would be ineffective. Instead we need to make choices to make sure the services we deliver are effective.

The Civil Rights Department currently performs three functions: the Civilian Review Authority, Contract Compliance and Complaint Investigation. All three are important functions. Two of those, the CRA and Contract Compliance, are done only by Minneapolis. Complaint investigation is also done by the State. If we have to choose the services for us to continue it should be those that are only done by the city, and are not duplicative government.

Governor Pawlenty has proposed that the State Human Right Department could take over complaint investigation and we should actively explore that transfer option, which is why I made that proposal in my budget speech last week. However I also said and still believe that there are still questions to be answered, including whether the State has the capacity to take on that transfer in light of its own budget cuts. Because of those questions I did not propose this transfer happen in 2009. The City budget does not anticipate this transfer happening until 2010, which was intended to give the city and the community the time to properly study and implement a smooth transition.

If, at the end of a transfer planning process, it is clear the citizens of Minneapolis can get the justice they deserve by using the complaint investigations process at the State, then we will move forward with a transition in 2010. If we find that the State cannot provide that justice then we will not go ahead with the transfer. In that case, we will need to find a different way to balance the City budget.

Because this transition to the state is not proposed until 2010, a final decision does not need to be made until I present my 2010 budget later this summer. Before then I am open to input and a process that could explore other options, knowing that any alternative would also require us to make other budget cuts in Civil Rights that are required of every other City department because of the state cuts.

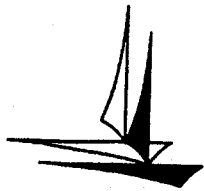
**ATTACHMENT**

**1**

3/3/2009

Transferring complaint investigation to the State is not an action I would have proposed if not for the critical budget challenges we face, but doing so will allow us to continue to provide the services our citizens need in the remaining areas of civil rights protection. It will also allow us to provide additional needed focus on contract compliance and inclusion that will be critical as we ensure job and business growth for all our residents and communities, including businesses owned by underserved populations.

I am especially focused on ensuring that the State budget cuts hitting Minneapolis do not slow the progress our Civil Rights Department has made on critical inclusion issues like oversight of contractor compliance to our employment and Small and Underutilized Business Program goals. The implementation of these goals on all city departments includes planning for a city government apprenticeship program to establish a career path for underserved populations and put more people to work. In these tough economic times, it is essential that we remain focused on job creation and business growth.



**Minneapolis**  
City of Lakes

Office of the City Attorney  
Susan L. Segal  
City Attorney

April 16, 2009

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Minneapolis Commission on Civil Rights

Frances Li

City Hall, Rm. 239

350 S. 5<sup>th</sup> Street

Minneapolis, MN 55415

Dear Ms. Li,

On April 10, 2009, you asked whether the Minnesota Department of Human Rights (MDHR) is precluded from accepting a Charge of Discrimination (Charge) where the same was previously filed with the Minneapolis Department of Civil Rights (MDCR). The answer to your question begins at the point where an individual chooses to file the Charge. Minnesota Statutes § 363A.07, subd. 3, states that “the charging party has the option of filing a charge either with a local commission or the department.” Thus, a Charge filed with both is improper.<sup>1</sup> This issue is also addressed within the language of Minnesota Statutes § 363A.07, subd. 3. The statute maintains that the “choice in filing a charge with one agency shall preclude the option of filing the same charge with the other agency.” The statute precludes any subsequent filings by an individual of the same charge.

The language within Minn. Stat. § 363A.07, subd. 3, establishes that: first the charging party may not cause two parallel investigations to occur by filing with both agencies; and second,

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<sup>1</sup>See *Lewis ex. rel. Welles v. Metropolitan Transit Com'n*, 320 N.W.2d 426, 429 (Minn. 1982) (Stating that the Minnesota Human Right Act permits that a charge of discrimination may be brought by either the MDHR or a local commission).



April 16, 2009

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any subsequent filing is precluded. Thus, the MDHR is precluded from accepting the same charge that was filed previously with the MDCR by the charging party.<sup>2</sup>

Should you have any questions or concerns please feel free to contact me at 612-673-3919.

Yours very truly

s/Franklin Reed

FRANKLIN REED  
Assistant City Attorney  
(612) 673-3919

FER:fer\PM07-24778

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<sup>2</sup> Please note that both the local commission as well as the Department have the authority to refer a Charge to the other at any time in the process. See Minn. Stat. § 363A.07, subs. 2 and 3.

**Sonja Peterson**

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**From:** Sharon Osborn [sosbornlaw@msn.com]  
**Sent:** Wednesday, July 01, 2009 8:20 PM  
**To:** speterson@dunnwald.com  
**Subject:** FW: Your Requested Information  
**Attachments:** Compliant Investigations Unit Data.pdf

Hi Sonja. Here is the info from MPLS.

SRO

Sharon R. Osborn  
Attorney at Law  
**OSBORN LAW OFFICE LLC**  
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**Subject:** Your Requested Information  
**Date:** Wed, 1 Jul 2009 17:38:27 -0500  
**From:** Michael.Andrews@ci.minneapolis.mn.us  
**To:** sosbornlaw@msn.com  
**CC:** Ronald.Brandon@ci.minneapolis.mn.us

Ms. Osborn:

On Wednesday, June 24, 2009, you requested data regarding the number of cases filed and reviewed by the Complaint Investigations Unit.

Your requested data is attached.

If you have any questions, please let me know.

Michael Andrews  
Complaint Investigations Officer  
Minneapolis Department of Civil Rights  
612 673 5462

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Lauren found her dream laptop. Find the PC that's right for you.

ATTACHMENT

3



**2006 CHARGES - BASIS OF DISCRIMINATION**

*	Race Color	Religion Creed	Nat'l Origin	Sex	Sexual Orientation	Disability	Age	Marital Status	Public Assistance Status	Familial Status
MDCR Total: % 226 PC MCRC lit.	NPC-44 PC-17 S-1 W-0 D-0	NPC-2 PC-0 S-0 W-0 D-0	NPC-12 PC-3 S-0 W-0 D-0	NPC-6 PC-4 S-0 W-0 D-0	NPC-1 PC-0 S-0 W-0 D-0	NPC-15 PC-0 S-0 W-0 D-0	NPC-4 PC-0 S-0 W-0 D-0	NPC-1 PC-0 S-0 W-0 D-0	NPC-1 PC-0 S-0 W-0 D-0	NPC-1 PC-0 S-0 W-0 D-0
MDHR Total: 863 % PC AG lit.	239 18%	24 21%	104 8%	223 17%	31 2%	304 23%	125 10%	25 2%	9 1%	1 0%

**2007 CHARGES - BASIS OF DISCRIMINATION**

*	Race Color	Religion Creed	Nat'l Origin	Sex	Sexual Orientation	Disability	Age	Marital Status	Public Assistance Status	Familial Status
MDCR Total: % 233 PC MCRC lit.	NPC-44 PC-14 S-3 W-1 D-3	NPC-5 PC-0 S-0 W-0 D-0	NPC-15 PC-3 S-1 W-0 D-0	NPC-25 PC-5 S-0 W-0 D-0	NPC-2 PC-2 S-0 W-0 D-1	NPC-18 PC-2 S-0 W-0 D-1	NPC-6 PC-2 S-1 W-0 D-0	NPC-2 PC-0 S-0 W-0 D-0	NPC-0 PC-0 S-0 W-0 D-0	NPC-0 PC-0 S-0 W-0 D-0
MDHR Total: 811 % PC AG lit.	246 20%	17 1%	98 8%	182 15%	26 2%	291 24%	121 10%	19 2%	4 0%	1 0%

**2008 CHARGES - BASIS OF DISCRIMINATION**

*	Race Color	Religion Creed	Nat'l Origin	Sex	Sexual Orientation	Disability	Age	Marital Status	Public Assistance Status	Familial Status
MDCR Total: % 296 PC MCRC lit.	NPC-66 PC-24 S-11 W-9 D-80	NPC-4 PC-1 S-3 W-0 D-3	NPC-15 PC-2 S-4 W-2 D-22	NPC-10 PC-0 S-0 W-0 D-5	NPC-1 PC-0 S-0 W-0 D-1	NPC-18 PC-0 S-0 W-0 D-1	NPC-12 PC-0 S-1 W-1 D-4	NPC-0 PC-0 S-0 W-0 D-0	NPC-0 PC-0 S-0 W-0 D-0	NPC-0 PC-0 S-0 W-0 D-1
MDHR Total: 867 % PC AG lit.	236 17%	36 3%	84 6%	234 17%	30 2%	288 21%	145 11%	31 2%	5 0%	2 0%

\* Minneapolis Department of Civil Rights / Minnesota Department of Civil Rights Charges

Totals / Percentage / Probable Cause / Mpls Civil Rights Commission or MN Attorney General Office Litigation

S = settlement      W = withdrawl      D = dismiss

**2006 CHARGES - AREA OF DISCRIMINATION**

*	Aid & Abet	Contract	Education	Employment / Agency	Employment / Employer	Employment / Union	Housing	Public Accommodation	Public Services	Reprisal
<b>MDCR</b>	NPC-0	NPC-0	NPC-0	NPC-0	NPC-57	NPC-0	NPC-5	NPC-6	NPC-9	NPC-10
<b>Total:</b>	PC-0	PC-0	PC-0	PC-0	PC-7	PC-0	PC-0	PC-4	PC-10	PC-4
<b>%</b>	S-0	S-0	S-0	S-0	S-0	S-0	S-0	S-0	S-0	S-0
<b>PC</b>	W-0	W-0	W-0	W-0	W-1	W-0	W-0	W-0	W-0	W-0
<b>MCRC lit.</b>	D-0	D-0	D-0	D-0	D-0	D-0	D-0	D-0	D-0	D-0
<b>MDHR</b>										
<b>Total:</b>	37	8	29	9	910	7	42	42	39	191
<b>%</b>	3%	1%	2%	1%	69%	1%	3%	3%	3%	15%
<b>PC</b>										
<b>AG lit.</b>										

**2007 CHARGES - AREA OF DISCRIMINATION**

*	Aid & Abet	Contract	Education	Employment / Agency	Employment / Employer	Employment / Union	Housing	Public Accommodation	Public Services	Reprisal
<b>MDCR</b>	NPC-0	NPC-0	NPC-1	NPC-0	NPC-70	NPC-1	NPC-6	NPC-11	NPC-7	NPC-14
<b>Total:</b>	PC-0	PC-0	PC-0	PC-0	PC-16	PC-0	PC-0	PC-3	PC-5	PC-3
<b>%</b>	S-0	S-0	S-0	S-0	S-6	S-0	S-0	S-0	S-0	S-0
<b>PC</b>	W-0	W-0	W-0	W-0	W-5	W-0	W-0	W-0	W-0	W-0
<b>MCRC lit.</b>	D-0	D-0	D-1	D-0	D-2	D-0	D-1	D-2	D-0	D-0
<b>MDHR</b>										
<b>Total:</b>	29	13	18	6	810	5	37	63	50	198
<b>%</b>	2%	1%	1%	0%	66%	0%	3%	5%	4%	16%
<b>PC</b>										
<b>AG lit.</b>										

**2008 CHARGES - AREA OF DISCRIMINATION**

*	Aid & Abet	Contract	Education	Employment / Agency	Employment / Employer	Employment / Union	Housing	Public Accommodation	Public Services	Reprisal
<b>MDCR</b>	NPC-0	NPC-0	NPC-0	NPC-0	NPC-97	NPC-2	NPC-0	NPC-2	NPC-6	NPC-20
<b>Total:</b>	PC-0	PC-0	PC-0	PC-0	PC-15	PC-6	PC-0	PC-3	PC-3	PC-5
<b>%</b>	S-0	S-0	S-1	S-0	S-13	S-0	S-2	S-1	S-2	S-3
<b>PC</b>	W-0	W-0	W-0	W-0	W-8	W-0	W-0	W-0	W-2	W-0
<b>MCRC lit.</b>	D-2	D-3	D-1	D-0	D-25	D-1	D-10	D-16	D-37	D-11
<b>MDHR</b>										
<b>Total:</b>	46	9	23	5	857	18	68	60	38	249
<b>%</b>	3%	1%	2%	0%	62%	1%	5%	4%	3%	18%
<b>PC</b>										
<b>AG lit.</b>										

\* Minneapolis Department of Civil Rights / Minnesota Department of Civil Rights Charges  
 Totals / Percentage / Probable Cause / Mpls Civil Rights Commission or MN Attorney General Office Litigation

	Race Color	Religion Creed	Nat'l Origin	Sex	Sexual Orient.	Disability	Age	Marital Status	Public Assist.	Familial Status.
2006	143	5	37	26	7	48	35	3	1	1
2007	158	9	24	29	0	47	18	0	0	2
2008	223	12	38	40	1	47	27	0	1	2

	Aid & Abet	Contract	Education	Employ. Agent	Employ. Employer	Employ. Union	Housing	Pub. Acc.	Public Service	Reprisal
2006	3	2	2	0	138	4	13	31	38	29
2007	0	1	1	0	168	1	14	14	33	54
2008	2	2	2	0	159	1	14	31	79	45

MDCR

**2006-2008 Complaint Investigations Unit Cases Filed**

