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."[1] 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."[2]

---

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

[2] *Id.*

A

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."[3]

Therefore, a charging party cannot file a charge before both agencies *at the same time*.[4]

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.

---

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

[4] 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.[5] 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.[6] 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%).[7]

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[5] 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).

[6] Comparison of MDCR & MDHR Charges, 2006-2008 (ATTACHMENT 5, p. 1).

[7] 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[8]

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[9]

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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[8] Minneapolis Department of Civil Rights, *Investigation & Determination*, Minneapolis Commission on Civil Rights, *Adjudication,* Flow Chart. ATTACHMENT 6.

[9] 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").[10]

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.**[11] 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.**[12] However, **in 2008 the MDCR did not dismiss any PC charges, and 28 were brought before the Minneapolis Civil Rights Commission for litigation.**[13] 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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[10] Minn. Stat. § 363A.28, subd. 6 (3).

[11] *See* Comparison of MDCR & MDHR Charges, 2006-2008 (ATTACHMENT 5).

[12] *See* Comparison of MDCR & MDHR Charges, 2006-2008 (ATTACHMENT 5).

[13] *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 to 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

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

333 South 7th Street – Suite 300
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April 16, 2009

Minneapolis Commission on Civil Rights
Frances Li
City Hall, Rm. 239
350 S. 5th 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.[1] 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,

[1] *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).

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.[2]

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\PM\07-24778

[2] 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, subds. 2 and 3.

Sonja Peterson

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
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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

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
MDCR Total: % PC MCRC lit.	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-0	NPC-0 PC-0 S-0 W-0 D-0	NPC-57 PC-7 S-0 W-1 D-0	NPC-0 PC-0 S-0 W-0 D-0	NPC-5 PC-0 S-0 W-0 D-0	NPC-6 PC-4 S-0 W-0 D-0	NPC-9 PC-10 S-0 W-0 D-0	NPC-10 PC-4 S-0 W-0 D-0
MDHR Total: % PC AG lit.	37 3%	8 1%	29 2%	9 1%	910 69%	7 1%	42 3%	42 3%	39 3%	191 15%

2007 CHARGES - AREA OF DISCRIMINATION

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

2008 CHARGES - AREA OF DISCRIMINATION

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

*** 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

MOCR

2006-2008 Complaint Investigations Unit Cases Filed

ATTACHMENT 4

Minnesota Department of Human Rights

BASIS - AREA - FILING

File Date Range: January 1, 2006 to December 31, 2006

Total Charges Filed for Date Range: 863

Basis \ Area	Aiding & Abetting	Contract	Education	Employment/Agency	Employment/Employer	Employment/Union	Housing	Public Accommodation	Public Services	Reprisal	Total
Age	0	0	2	1	122	0	0	0	0	0	125
Color	0	0	0	0	9	1	0	1	0	0	11
Creed	0	0	1	0	1	0	0	0	0	0	2
Disability	1	2	10	2	255	1	8	9	15	1	304
Familial Status	0	0	0	0	0	0	1	0	0	0	1
Marital Status	0	0	0	1	22	0	2	0	0	0	25
None	27	0	0	0	0	0	0	0	0	161	188
National Origin	1	0	2	1	89	1	1	4	4	1	104
Public Assistance Status	0	0	0	0	2	0	7	0	0	0	9
Race	1	3	12	1	156	3	9	26	16	1	228
Religion	0	0	1	0	17	0	2	0	2	0	22
Reprisal	1	0	0	0	20	0	0	0	0	20	41
Sex	6	2	1	2	190	1	11	1	2	7	223
Sexual Orientation	0	1	0	1	27	0	1	1	0	0	31
Total	37	8	29	9	910	7	42	42	39	191	1314

Percent by Category

Age	0%	0%	2%	1%	98%	0%	0%	0%	0%	0%	
Color	0%	0%	0%	0%	82%	9%	0%	9%	0%	0%	
Creed	0%	0%	50%	0%	50%	0%	0%	0%	0%	0%	
Disability	0%	1%	3%	1%	84%	0%	3%	3%	5%	0%	
Familial Status	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	
Marital Status	0%	0%	0%	4%	88%	0%	8%	0%	0%	0%	
None	14%	0%	0%	0%	0%	0%	0%	0%	0%	86%	
National Origin	1%	0%	2%	1%	86%	1%	1%	4%	4%	1%	
Public Assistance Status	0%	0%	0%	0%	22%	0%	78%	0%	0%	0%	
Race	0%	1%	5%	0%	68%	1%	4%	11%	7%	0%	
Religion	0%	0%	5%	0%	77%	0%	9%	0%	9%	0%	
Reprisal	2%	0%	0%	0%	49%	0%	0%	0%	0%	49%	
Sex	3%	1%	0%	1%	85%	0%	5%	0%	1%	3%	
Sexual Orientation	0%	3%	0%	3%	87%	0%	3%	3%	0%	0%	
Total	3%	1%	2%	1%	69%	1%	3%	3%	3%	15%	

Percent by Total

Age	0%	0%	0%	0%	9%	0%	0%	0%	0%	0%	10%
Color	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	1%
Creed	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Disability	0%	0%	1%	0%	19%	0%	1%	1%	1%	0%	23%
Familial Status	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Marital Status	0%	0%	0%	0%	2%	0%	0%	0%	0%	0%	2%
None	2%	0%	0%	0%	0%	0%	0%	0%	0%	12%	14%
National Origin	0%	0%	0%	0%	7%	0%	0%	0%	0%	0%	8%
Public Assistance Status	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	1%
Race	0%	0%	1%	0%	12%	0%	1%	2%	1%	0%	17%
Religion	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	2%
Reprisal	0%	0%	0%	0%	2%	0%	0%	0%	0%	2%	3%
Sex	0%	0%	0%	0%	14%	0%	1%	0%	0%	1%	17%
Sexual Orientation	0%	0%	0%	0%	2%	0%	0%	0%	0%	0%	2%

Note: There can be more than one Area and/or Basis per charge filed.

"None" covers other types of reprisal per MDHR Communications Director

Minnesota Department of Human Rights

BASIS - AREA - FILING

File Date Range: January 1, 2007 to December 31, 2007

Total Charges Filed for Date Range: 811

Basis \ Area	Aiding & Abetting	Contract	Credit	Education	Employment Agency	Employment/Employer	Employment/Union	Housing	Public Accommodation	Public Services	Reprisal	Total
Age	0	0	0	1	0	120	0	0	0	0	0	121
Color	0	0	0	0	0	4	0	0	0	0	0	4
Creed	0	0	0	0	0	0	0	0	0	0	0	0
Disability	2	0	0	3	3	230	0	11	19	22	1	291
Familial Status	0	0	0	0	0	0	0	1	0	0	0	1
Marital Status	0	0	0	0	0	16	0	0	2	0	1	19
None	21	0	0	0	0	0	0	0	0	0	165	186
National Origin	0	3	1	2	0	68	1	4	12	6	1	98
Public Assistance Status	0	0	0	0	0	3	0	1	0	0	0	4
Race	0	6	1	9	0	160	3	14	26	20	3	242
Religion	0	0	1	1	1	12	0	1	1	0	0	17
Reprisal	1	0	0	0	0	11	0	0	0	0	26	38
Sex	4	1	0	2	2	165	1	2	2	2	1	182
Sexual Orientation	1	0	0	0	0	21	0	3	1	0	0	26
Total	29	10	3	18	6	810	5	37	63	50	198	1229
Percent by Category												
Age	0%	0%	0%	1%	0%	99%	0%	0%	0%	0%	0%	
Color	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%	
Creed	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Disability	1%	0%	0%	1%	1%	79%	0%	4%	7%	8%	0%	
Familial Status	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	
Marital Status	0%	0%	0%	0%	0%	84%	0%	0%	11%	0%	5%	
None	11%	0%	0%	0%	0%	0%	0%	0%	0%	0%	89%	
National Origin	0%	3%	1%	2%	0%	69%	1%	4%	12%	6%	1%	
Public Assistance Status	0%	0%	0%	0%	0%	75%	0%	25%	0%	0%	0%	
Race	0%	2%	0%	4%	0%	66%	1%	6%	11%	8%	1%	
Religion	0%	0%	6%	6%	6%	71%	0%	6%	6%	0%	0%	
Reprisal	3%	0%	0%	0%	0%	29%	0%	0%	0%	0%	68%	
Sex	2%	1%	0%	1%	1%	91%	1%	1%	1%	1%	1%	
Sexual Orientation	4%	0%	0%	0%	0%	81%	0%	12%	4%	0%	0%	
Total	2%	1%	0%	1%	0%	66%	0%	3%	5%	4%	16%	
Percent by Total												
Age	0%	0%	0%	0%	0%	10%	0%	0%	0%	0%	0%	10%
Color	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Creed	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Disability	0%	0%	0%	0%	0%	19%	0%	1%	2%	2%	0%	24%
Familial Status	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Marital Status	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	2%
None	2%	0%	0%	0%	0%	0%	0%	0%	0%	0%	13%	15%
National Origin	0%	0%	0%	0%	0%	6%	0%	0%	1%	0%	0%	8%
Public Assistance Status	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Race	0%	0%	0%	1%	0%	13%	0%	1%	2%	2%	0%	20%
Religion	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	1%
Reprisal	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	2%	3%
Sex	0%	0%	0%	0%	0%	13%	0%	0%	0%	0%	0%	15%
Sexual Orientation	0%	0%	0%	0%	0%	2%	0%	0%	0%	0%	0%	2%

Note: There can be more than one Area and/or Basis per charge filed.

Minnesota Department of Human Rights

BASIS - AREA - FILING

File Date Range: January 1, 2008 to December 31, 2008

Total Charges Filed for Date Range: 867

Basis \ Area	Aiding & Abetting	Contract	Education	Employment Agency	Employment/Employer	Employment/Union	Housing	Public Accommodation	Public Services	Reprisal		
Age	0	0	2	0	141	2	0	0	0	0		145
Color	0	0	0	0	1	0	0	0	0	0		1
Disability	1	1	5	3	220	9	21	14	14	0		288
Familial Status	0	0	0	0	0	0	2	0	0	0		2
Marital Status	0	0	1	0	24	1	5	0	0	0		31
None	36	0	0	0	0	0	0	0	0	208		244
National Origin	0	1	1	0	63	2	7	8	2	0		84
Public Assistance Status	0	0	0	0	2	0	3	0	0	0		5
Race	0	4	7	2	151	3	17	32	17	2		235
Religion	0	0	0	0	30	0	3	1	2	0		36
Reprisal	0	0	0	0	1	0	0	0	0	37		38
Sex	9	3	5	0	200	1	8	4	2	2		234
Sexual Orientation	0	0	2	0	24	0	2	1	1	0		30
Total	46	9	23	5	857	18	68	60	38	249		1373

Percent by Category

Age	0%	0%	1%	0%	97%	1%	0%	0%	0%	0%	0%	
Color	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%	0%	
Disability	0%	0%	2%	1%	76%	3%	7%	5%	5%	0%	0%	
Familial Status	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	
Marital Status	0%	0%	3%	0%	77%	3%	16%	0%	0%	0%	0%	
None	15%	0%	0%	0%	0%	0%	0%	0%	0%	85%	0%	
National Origin	0%	1%	1%	0%	75%	2%	8%	10%	2%	0%	0%	
Public Assistance Status	0%	0%	0%	0%	40%	0%	60%	0%	0%	0%	0%	
Race	0%	2%	3%	1%	64%	1%	7%	14%	7%	1%	0%	
Religion	0%	0%	0%	0%	83%	0%	8%	3%	6%	0%	0%	
Reprisal	0%	0%	0%	0%	3%	0%	0%	0%	0%	97%	0%	
Sex	4%	1%	2%	0%	85%	0%	3%	2%	1%	1%	0%	
Sexual Orientation	0%	0%	7%	0%	80%	0%	7%	3%	3%	0%	0%	
Total	3%	1%	2%	0%	62%	1%	5%	4%	3%	18%	0%	

Percent by Total

Age	0%	0%	0%	0%	10%	0%	0%	0%	0%	0%	0%	11%
Color	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Disability	0%	0%	0%	0%	16%	1%	2%	1%	1%	0%	0%	21%
Familial Status	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Marital Status	0%	0%	0%	0%	2%	0%	0%	0%	0%	0%	0%	2%
None	3%	0%	0%	0%	0%	0%	0%	0%	0%	15%	0%	18%
National Origin	0%	0%	0%	0%	5%	0%	1%	1%	0%	0%	0%	6%
Public Assistance Status	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Race	0%	0%	1%	0%	11%	0%	1%	2%	1%	0%	0%	17%
Religion	0%	0%	0%	0%	2%	0%	0%	0%	0%	0%	0%	3%
Reprisal	0%	0%	0%	0%	0%	0%	0%	0%	0%	3%	0%	3%
Sex	1%	0%	0%	0%	15%	0%	1%	0%	0%	0%	0%	17%
Sexual Orientation	0%	0%	0%	0%	2%	0%	0%	0%	0%	0%	0%	2%

Note: There can be more than one Area and/or Basis per charge filed.

MDHR Probable Cause Cases Closed in 2006, 2007, 2008

Closed in 2006	
Area	
Aiding, Abetting, or Obstructing	5
Employment - Employer	80
Housing/Real Property	21
Public Accommodations	2
Public Services	6
Reprisal	15
Basis	
Age	5
Disability	27
Familial Status	1
Marital Status	1
National Origin	20
No Basis	16
Race	15
Religion	2
Reprisal	3
Sex	38
Sexual Orientation	1
Outcome	**# PC's Closed**
Conciliation Settlement - AG	63
DIS - During Concil/Lit	5
WD PRA - During Concil/Lit	9
Grand Total	**77**
Total Settlement $'s	**$ 1,167,168.00**

Closed in 2007	
Area	
Aiding, Abetting, or Obstructing	11
Employment - Employer	49
Employment - Employment Agency	1
Housing/Real Property	5
Public Accommodations	2
Public Services	2
Reprisal	21
Basis	
Age	3
Disability	21
Marital Status	3
National Origin	3
No Basis	24
Public Assistance Status	1
Race	5
Religion	2
Reprisal	1
Sex	26
Sexual Orientation	2
Outcome	**# PC's Closed**
Concil Settlement Split - AG	3
Conciliation Settlement - AG	15
DIS - During Concil/Lit	8
DIS - During Concil/Lit Split	3
Settled During Litigation	11
WD Other - During Concil/Lit	2
WD PRA - During Concil/Lit	10
WD PRA During Con/Lit Split	2
WD SA - During Concil/Lit	2
WD SA During Con/Lit Split	1
Grand Total	**57**
Total Settlement $'s	**$ 767,803.34**

Closed in 2008	
Area	
Aiding, Abetting, or Obstructing	6
Business/Contract	1
Education	3
Employment - Employer	76
Employment - Employment Agency	2
Housing/Real Property	12
Public Accommodations	10
Public Services	6
Reprisal	16
Basis	
Age	5
Disability	43
Familial Status	1
Marital Status	4
National Origin	6
No Basis	16
Public Assistance Status	2
Race	18
Religion	1
Reprisal	5
Sex	28
Sexual Orientation	3
Outcome	**# PC's Closed**
ALJ Decision	3
Concil Settlement Split - AG	2
Conciliation Settlement - AG	32
DIS - During Concil/Lit	11
DIS - During Concil/Lit Split	3
Settled During Litigation	4
WD PRA - During Concil/Lit	26
WD PRA During Con/Lit Split	5
WD SA - During Concil/Lit	4
WD SA During Con/Lit Split	1
Grand Total	**91**
Total Settlement $'s	**$ 534,362.17**

DIS - Dismiss
WD - Withdraw
PRA - Private Right of Action
SA - Satisfactory Adjustment

Note: There can be more than one Area and/or Basis per charge filed

data generated 6/30/09

"No basis" covers other types of reprisal per MDHR Communications Director

ATTACHMENT 5 - COMPARISON OF MDCR AND MDHR CHARGES, 2006-2008

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 Chgs: 226										
Total Basis: 305	143	5	37	26	7	48	35	2	1	1
% Total Basis	47%	1%	12%	9%	2%	16%	11%	0%	0%	0%
PC: 24 (11%)	17	0	3	4	0	0	0	0	0	0
PC DIS: 0										
MCCR LIT: 17										
MDHR Chgs: 863										
Total Basis: 1085	239	24	104	223	31	304	125	25	9	1
% Total Chgs	22%	2%	10%	21%	3%	28%	12%	2%	1%	0%
PC: 110 (12%)	15	2	20	38	1	27	5	1	0	1
PC DIS: 5										
OAH LIT: 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 Chgs: 233										
Total Basis: 287	158	9	24	29	0	47	18	0	0	2
% Total Basis	55%	3%	8%	29%	0%	16%	6%	0%	%	1%
PC: 28 (12 %)	14	0	3	5	2	2	2	0	0	0
PC DIS: 0										
MCCR LIT: 25										
MDHR Chgs: 811										
Total Basis: 1005	246	17	98	182	26	291	121	19	4	1
% Total Basis	24%	2%	10%	18%	3%	29%	12%	2%	0%	0%
PC: 66 (8%)	5	2	3	26	2	21	3	3	1	0
PC DIS: 11										
OAH LIT: 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 Chgs: 296										
Total Basis: 391	223	12	38	40	1	47	27	0	1	2
% Total Basis	57%	3%	10%	10%	0%	12%	7%	0%	0%	1%
PC: 27 (9%)	24	1	2	0	0	0	0	0	0	0
PC DIS: 0										
MCCR LIT: 28										
MDHR Chgs: 867										
Total Basis: 1091	236	36	84	234	30	288	145	31	5	2
% Total Basis	22%	3%	8%	21%	3%	26%	13%	3%	0%	0%
PC: 111 (12%)	18	1	6	28	3	43	5	4	2	1
PC DIS: 14										
OAH LIT: 3										

*** Annual Total Charges / Total Basis/ Percentage Total Basis / Probable Cause / Probable Cause Dismissed / Mpls Civil Rights Commission or MN Office of Administrative Hearings Litigation.**

NOTE: THERE CAN BE MORE THAN ONE BASIS PER CHARGE FILED.

2006 CHARGES - AREA OF DISCRIMINATION

*	Aid & Abet	Contract	Education	Employment / Agency	Employment / Employer	Employment / Union	Housing	Public Accommodation	Public Services	Reprisal
MDCR: 226										
Total Area: 260	3	2	2	0	184	4	13	31	38	29
% Total Area	1%	1%	!%	0%	53%	2%	5%	12%	15%	11%
PC: 25 (10%)	0	0	0	0	7	0	0	4	10	4
PC DIS: 0										
MCCR LIT: 17										
MDHR: 863										
Ttl Area: 1314	37	8	29	9	910	7	42	42	39	191
% Total Area	3%	1%	2%	1%	69%	1%	3%	3%	3%	15%
PC: 129 (10%)	5	0	0	0	80	0	21	2	6	15
PC DIS: 5										
OAH LIT: 0										

2007 CHARGES - AREA OF DISCRIMINATION

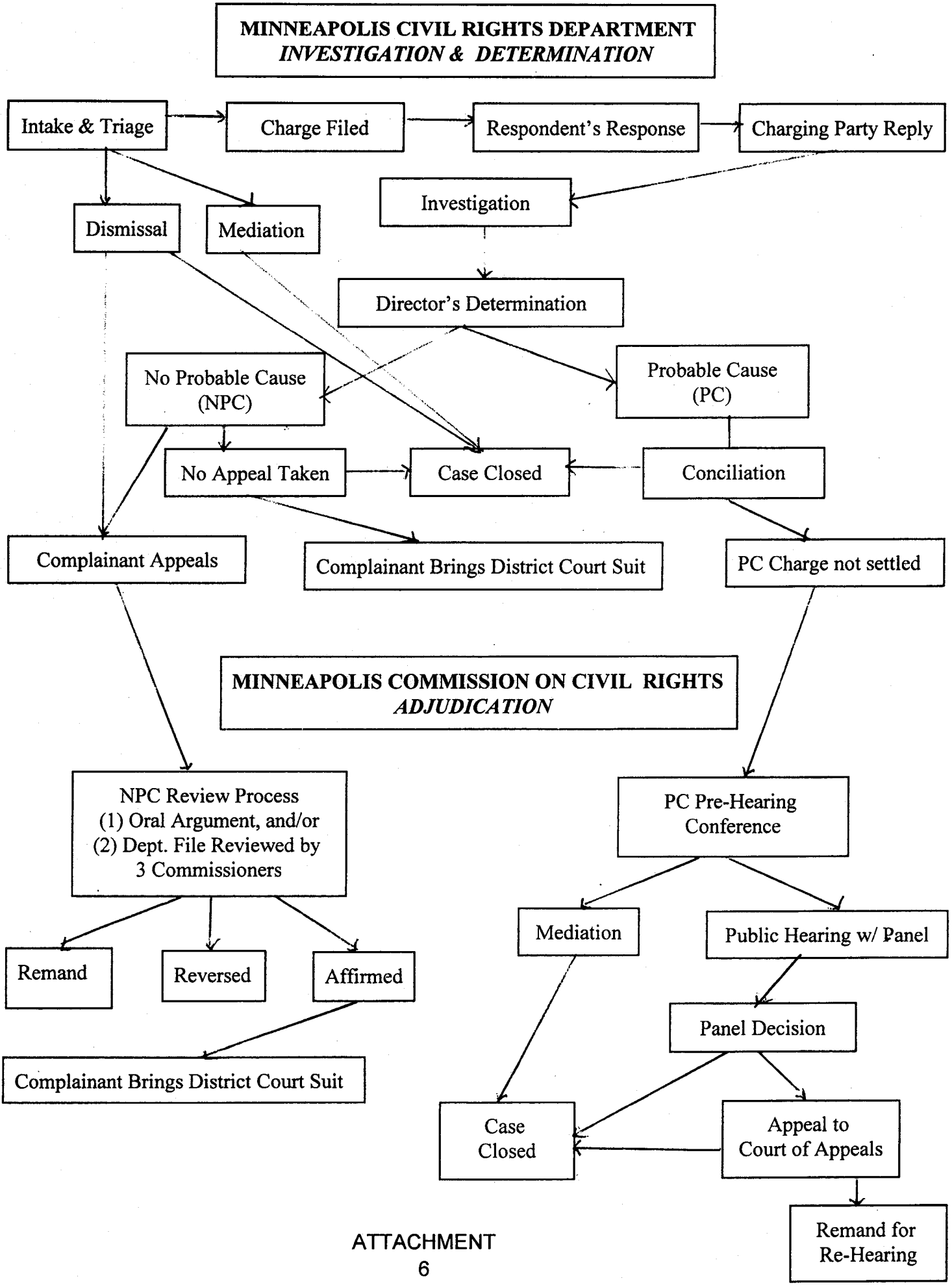
*	Aid & Abet	Contract	Education	Employment / Agency	Employment / Employer	Employment / Union	Housing	Public Accommodation	Public Services	Reprisal
MDCR: 233										
Total Area: 286	0	1	1	0	168	1	14	14	33	54
% Total Area	0%	0%	0%	0%	56%	0%	5%	5%	12%	19%
PC: 27 (9%)	0	0	0	0	16	0	0	3	5	3
PC DIS: 0										
MCCR LIT: 25										
MDHR: 811										
Ttl Area: 1229	29	13	18	6	810	5	37	63	50	198
% Total Area	2%	1%	1%	0%	66%	0%	3%	5%	4%	16%
PC: 90 (7%)	11	0	0	0	49	0	5	2	2	21
PC DIS: 11										
OAH LIT: 0										

2008 CHARGES - AREA OF DISCRIMINATION

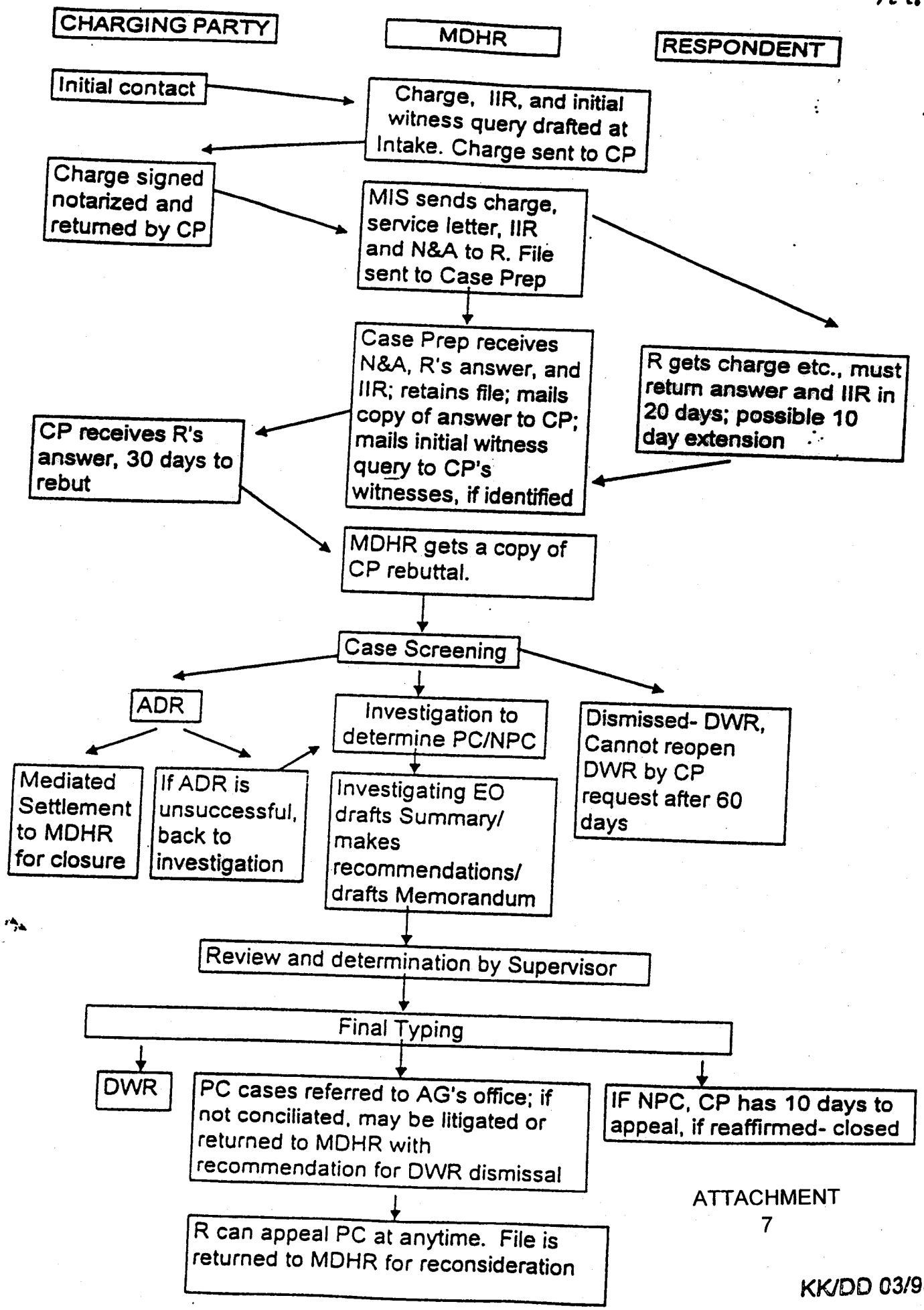
*	Aid & Abet	Contract	Education	Employment / Agency	Employment / Employer	Employment / Union	Housing	Public Accommodation	Public Services	Reprisal
MDCR: 296										
Total Area: 335	2	2	2	0	159	1	14	31	79	45
% Total Area	1%	1%	1%	0%	47%	0%	4%	9%	24%	13%
PC: 26 (8%)	0	0	0	0	15	0	0	3	3	5
PC DIS: 0										
MCCR LIT: 28										
MDHR: 867										
Ttl Area: 1373	46	9	23	5	857	18	68	60	38	249
% Total Area	3%	1%	2%	0%	62%	1%	5%	4%	3%	18%
PC: 128 (9%)	6	1	3	2	76	0	12	6	6	16
PC DIS: 14										
OAH LIT: 3										

*** Annual Total Charges / Percentage Total Charges / Probable Cause / Probable Cause Dismissed/ Mpls Civil Rights Commission or MN Office of Administrative Hearings Litigation**

NOTE: THERE CAN BE MORE THAN ONE AREA PER CHARGE FILED.

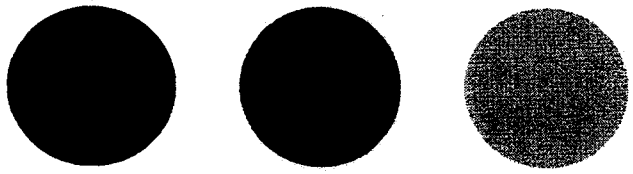

MINNEAPOLIS CIVIL RIGHTS DEPARTMENT
INVESTIGATION & DETERMINATION
Intake & Triage
Charge Filed
Respondent's Response
Charging Party Reply
Investigation
Dismissal
Mediation
Director's Determination
No Probable Cause (NPC)
Probable Cause (PC)
No Appeal Taken
Case Closed
Conciliation
Complainant Appeals
Complainant Brings District Court Suit
PC Charge not settled
MINNEAPOLIS COMMISSION ON CIVIL RIGHTS
ADJUDICATION
NPC Review Process
(1) Oral Argument, and/or
(2) Dept. File Reviewed by
3 Commissioners
PC Pre-Hearing Conference
Mediation
Public Hearing w/ Panel
Remand
Reversed
Affirmed
Panel Decision
Complainant Brings District Court Suit
Case Closed
Appeal to Court of Appeals
Remand for Re-Hearing

MDHR Case Processing : An Overview



ATTACHMENT
7

KK/DD 03/98



Business Process Improvement

Complaint Investigation
Project Team Recommendations

February 12, 2008

Project Charter

Current Situation

Efficiency negatively affected by ...

- Backlog of 374 complaints
- Process takes up to thirty-six (36) months to complete
- Complaint management system is unreliable and not supported by BIS
- Backlog of probable cause complaints

Desired Outcomes

A successful project will result in ...

- Faster file completion times, from start to finish
- Increased investigator accountability for all parties in the process
- Investigative process consistency
- Increased reliability in the complaint management system

Undesired Outcomes

A successful project will not result in ...

- A request for more FTEs (employees).
- Reduced productivity.
- Increased complexity.

Scope

- Everything from initial intake to scheduling public hearings (probable cause hearings and no probable cause appeal hearings).

Team Coordinators

- Doug Belton
- Nichole Gile

Team Members

- Meilin Obinata, investigator
- Susan Benjamin, investigator
- Maria Just, investigator
- Ron Brandon, investigative coordinator

Advisors

- CAO technical person responsible for document scanning into Sherlock type database (TBD).
- BIS technology person (TBD).
- Kelly Brewer, administrative analyst II
- James Kirkpatrick, State of Minnesota

Resources

- Up to 4 hours per week
- See sponsor for financial needs

Due Dates

- Recommendations: December 2007/January 2008

Summary of Team Recommendations

1. Create standard operating procedures (SOP) and departmental policies that clearly layout the investigative process and regularly train/mentor staff regarding SOPs and policies
2. Review for improvement all departmental documents to ensure clarity and understanding by customers - create consistency
3. Revise City ordinance 141.50 to require the aggrieved party to file complaint
4. Create mentoring relationship between coordinator and investigators/intake officer
5. Modify the investigative coordinator role
6. Designate an investigator as the intake officer
7. Complete gathering of information for complaint file in the intake process
8. Develop investigation plan that assists investigative process
9. Fully utilize director's dismissal discretion
10. Have potential C.P.'s complete intake form by either having the form sent to them, picked up, or downloaded off of the City's website. Include checklist with definition of standards, roles & responsibilities

Summary of Team Recommendations

11. Send request for information (RFI) to responding party at the same time as sending rebuttal to responding statement to complaining party
12. Strictly adhere to ordinance language regarding timeline for receiving respondent's statement - 30 days
13. Use default judgment adverse PC
14. Examine old complaints (backlog) for dismissal based on jurisdictional requirements, access to CP, and age of file
15. Upon the filling of the vacant investigator positions, have the new investigators focus on investigating current complaints
16. Create full functioning complaint tracking system
17. Engage 311 to utilize their services to reduce calls to department and investigators

Idea #1: Increase the use of mediation services in order to facilitate complaint resolution

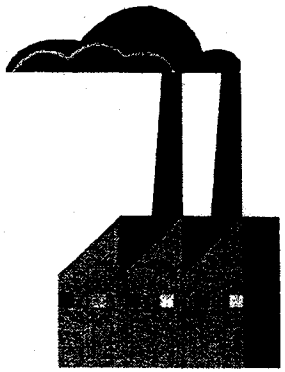
Idea #2: Create an auditing step to review dismissed complaints

Idea #3: Increase departmental outreach to potential complainants and respondents

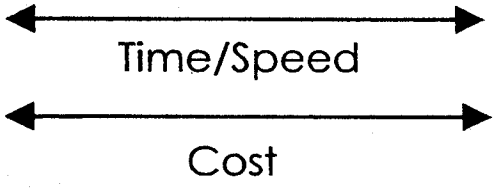
Idea #4: Eventually move the screening of merit to the intake process

Idea #5: Publish probable cause determinations on City website

Issues & Pain Points Identified



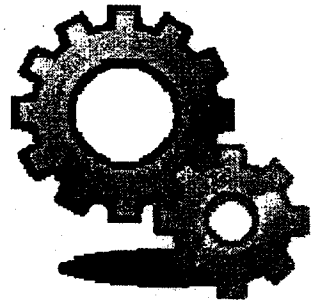
Factory (Process)



Process Related:

- Intake process
- Complainant and respondents not cooperating
- Lack of standard operating procedures (SOPS) & staff training
- Tracking people down
- Complaint backlog
- Time to complaint resolution too long and process complicated
- Acceptance of complaints that do not meet the jurisdictional requirements
- Assigned number of complaints as it pertains to the amount of complicated complaints

Issues & Pain Points Identified



Widgets (Products)

Volume &Quality

Cost

Product Related:

- Forms and documents too complicated
- Forms and documents not in additional languages
- Respondent's statement
- Complaint rebuttal (when required)
- Investigative plan (as it is currently)
- Complaints - acceptance of complaints that do not meet the jurisdictional requirements
- Complaint backlog

Issues & Pain Points Identified

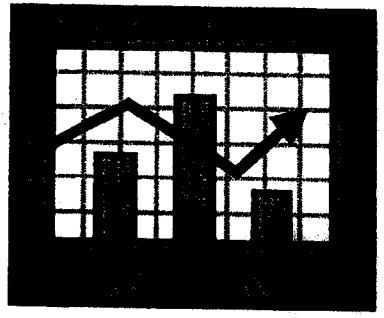
Customers

Customer Satisfaction

Customer Satisfaction Related:

- Forms and documents too complicated
- Forms and documents not in additional languages
- Walk-ins – complainants unprepared (do not have the needed information)
- Time to complaint resolution too long
- Customer expectations incorrectly set - unsure about roles, responsibilities, outcomes of the process or the department

Issues & Pain Points Identified



Outcomes

Results

Outcome Related:

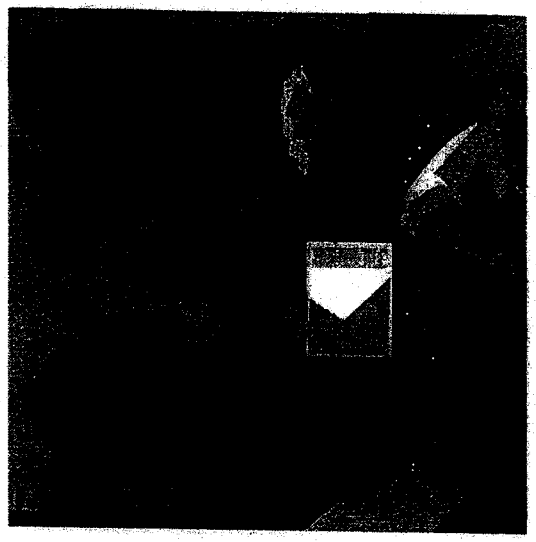
- Low number of complaints completed on an annual/monthly basis
- Potential for not meeting EEOC contractual agreements
- Low expectations of departmental performance
- High customer dissatisfaction
- High employee turnover
- Questionable departmental reputation

Highlighted Recommendations

- Clearly defined departmental SOPs, policies, and procedures & use language that more readily supports the administrative role versus the perceived legal/advocate role by referring to complaints as complaints and not cases – **Recommendation #1**
- Create a mentoring relationship between the coordinator and investigators to increase their knowledge & skills and decrease (or mitigate) employee turnover – **Recommendations #4 & #5**
- Designate an investigator as the intake officer and complete the gathering of information for complaint file in the intake process – **Recommendations #6 & #7**
- Screen complaints throughout the process for: jurisdiction, CP/RP compliance, and merit – **Recommendations #3, #6, #7, #9, #10, #12, #13, #14**

Highlights of Recommendations

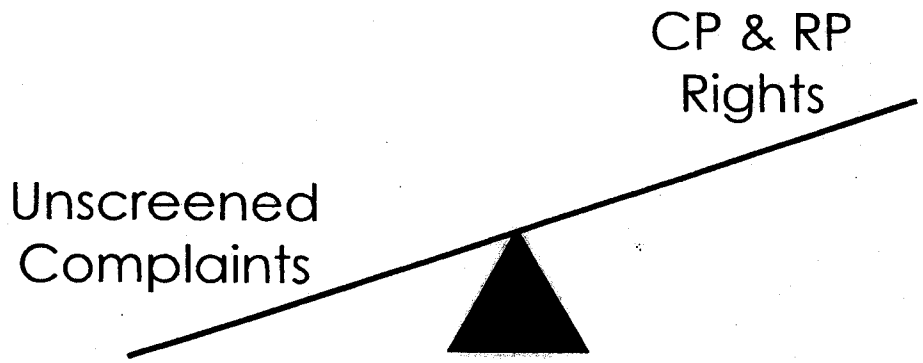
When the Civil Rights department is historically understaffed and employee turnover is high, it becomes very difficult to maintain investigator knowledge and understanding of departmental policies and procedures to ensure the quality - and consistency - of investigated complaints.

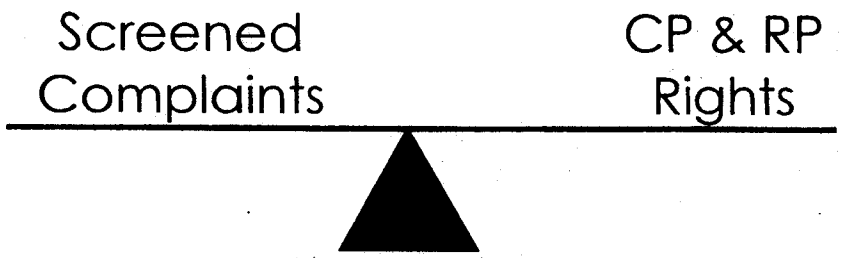


One way to ensure investigative quality and consistency is to provide a working environment that fosters the development of investigators' knowledge and understanding through the creation of departmental policies and procedures, and by developing training and mentoring programs.

Highlights of Recommendations

When the Civil Rights department is historically understaffed and employee turnover is high, it becomes very difficult to balance the number of complaints received by the department with the rights of the complainants and respondents.

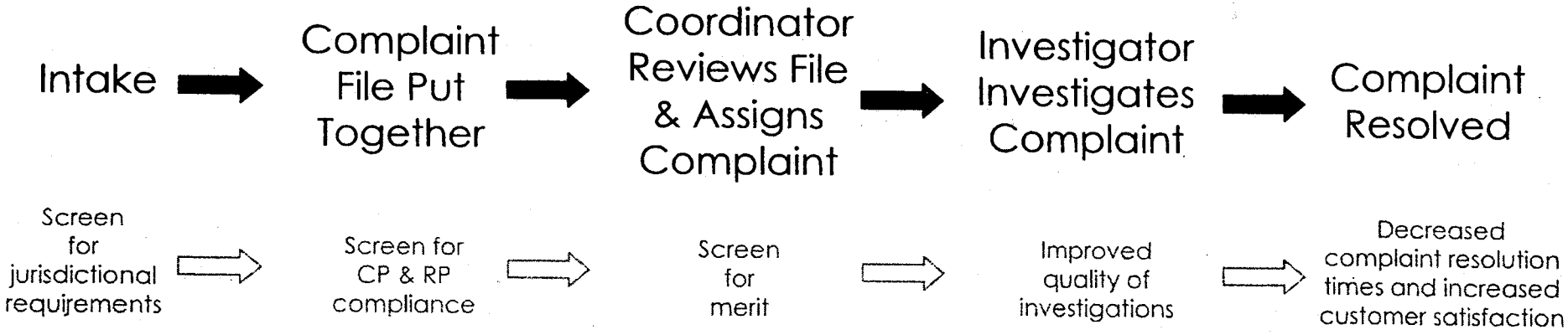




One way to to improve that balance is to screen the complaints throughout the complaint process for jurisdictional requirements, complainant and respondent compliance, and merit.

Highlights of Recommendations

When the Civil Rights department is historically understaffed and employee turnover is high, it becomes very difficult to balance the number of complaints received by the department with the rights of the complainants. The quality of investigations decrease, complaint resolution times increase, and backlogs become more and more of a problem.



One way to to improve that balance, reduce resolution times, increase the quality of complaint investigations, and decrease backlogs is to be smarter about how a complaint file is complied and investigated.

Highlights of Recommendations

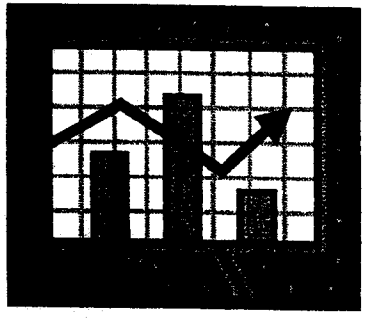
The NPC process mapped - before and after recommendations

- Faster time to completion of NPC – from 36 months down to one year
- More complaint screening
- Better oversight
- Increased investigator accountability of investigations
- More clearly defined roles and responsibilities
- Improved departmental transparency and reputation

Highlights of Recommendations

Anticipated Results:

- Faster file completion times, from start to finish
- Increased investigator accountability for all parties in the process
- Investigative process consistency
- Decrease in number of (frivolous) complaints filed
- Improved complaint investigations
- Decreased appeals
- Improved employee morale
- Decreased (or mitigated) employee turnover
- Increased complainant and respondent cooperation
- Increased customer satisfaction
- Elimination of current backlog
- Increased reliability in a complaint management system
- Increased departmental transparency
- Increased community outreach (education & prevention)



Outcomes

CHAPTER 172. CIVILIAN POLICE REVIEW AUTHORITY

172.10. Civilian police review authority established. There is hereby created a Minneapolis Civilian Police Review Authority for the purpose of investigating allegations of misconduct on the part of officers of the Minneapolis Police Department and making findings of fact and conclusions based upon those findings of fact. (90-Or-043, § 1, 1-26-90; 90-Or-188, § 1, 7-27-90; 2003-Or-028, § 1, 3-21-03)

172.20. Scope of authority. The review authority shall receive complaints that allege misconduct by an individual police officer or officers, including, but not limited to, the following:

(a) Use of excessive force.

(b) Inappropriate language or attitude.

(c) Harassment.

(d) Discrimination in the provision of police services or other discriminatory conduct on the basis of race, color, creed, religion, ancestry, national origin, sex, disability or age or sexual orientation.

(e) Theft.

(f) Failure to provide adequate or timely police protection.

(g) Retaliation for filing a complaint with the review authority.

(h) Any violation of the Minneapolis Police Department's policy and procedure manual. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 2, 3-21-03; 2006-Or-064, § 1, 6-16-06; 2006-Or-114, § 1, 10-20-06)

172.30. Review authority membership. (a) *Composition.* The review authority shall be comprised of eleven (11) members, six (6) of whom shall be appointed by the city council, and five (5) of whom shall be appointed by the mayor, subject to the approval of a majority of the city council. The members shall serve for terms of four (4) years. From the members, a chairperson and vice-chairperson of the review authority shall be appointed by the mayor, for staggered terms of two (2) years, subject to the approval of a majority of the city council. The vice-chairperson shall only have chairperson duties in the absence of the chairperson. In the absence of a chairperson or vice-chairperson, the chairperson or vice-chairperson may designate an acting chairperson to serve until the next board meeting or until a chairperson is duly appointed. If the chairperson or vice-chairperson are unable for any reason to designate an acting chairperson, the board shall appoint an acting chairperson to serve until the next board meeting or until a chairperson is duly appointed. The acting chairperson shall have full authority to conduct actions of the chairperson. All members shall continue to serve until their successors have been appointed. A majority of the members shall constitute a quorum.

(b) *Qualifications.* All members shall be residents of the city. Residents currently or previously employed by the Minneapolis Police Department are ineligible to serve as members of the authority.

(c) *Minimum training requirements.*

C

(1) All members must participate in an annual training session as arranged by the Minneapolis Department of Civil Rights.
(2) All new members must complete training in the following subject areas as arranged by the Minneapolis Department of Civil Rights: police use of force, Minnesota Government Data Practices Act, Open Meeting law and Minnesota Public Employee Labor Relations Act, conflict of interest.
(3) Within two (2) years of appointment, all new members must complete the portions of the Citizen's Academy as determined by the Minneapolis Department of Civil Rights. Members will be compensated fifty dollars ($50.00) for each Citizen's Academy session attended.
(d) *Removal.* Any member of the review authority may be removed, by vote of a majority of the city council and approval of the mayor, for incompetence, neglect of duty, misconduct or malfeasance, failure to participate in and complete minimum training requirements. Any vacancy occasioned by resignation, death, or removal of a member shall be filled for the balance of the unexpired term by appointment by the mayor subject to approval of the city council. A member who has three (3) absences from meetings or complaint hearings in a calendar year shall automatically cease to be a member of the authority.
(e) *Compensation--Limitation.* Each member shall be paid fifty dollars ($50.00) for each day when the member attends one (1) or more meetings or hearings, and shall be reimbursed for expenses incurred in the performance of duties in the same manner and amount as other city boards and commission members. The total amount of per diem, payment for file review, and reimbursable expenses payable under this section shall not exceed the total annual budget allocation for such costs. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 3, 3-21-03; 2003-Or-112, § 1, 9-12-03; 2004-Or-068, § 1, 6-18-04; 2009-Or-029, § 1, 3-27-09)

172.35. Reserved.
Editor's note: Ord. No. 2003-Or-028, § 4, adopted March 21, 2003, repealed § 172.35, which pertained to compensation--Limitation. See the Code Comparative Table.

172.40. Review authority--Administrative duties. (a) *Rulemaking notice and hearing.* The review authority shall adopt rules governing its operation. All rules, and any amendments thereto shall be enacted after a public hearing, at which interested persons may present written and oral evidence. The review authority shall, at least thirty (30) days prior to the date set for the hearing, give notice of its intention to adopt rules by publishing notice of the proposed rule, the date and location of the hearing. The notice shall also be provided to the mayor, city council and chief of police.
(b) *Rulemaking hearing procedure.* Rulemaking hearings shall be presided over by the chairperson of the review authority. The chairperson shall ensure that all persons involved in the hearing are treated fairly and impartially. After hearing and considering evidence, the review authority may choose to enact the proposed rule, enact an amended rule, or to not enact a rule. If the review authority chooses to enact a rule, the review authority shall enter into the record any written exhibits in support of the rule, along with a brief statement explaining why the review authority has adopted the rule and shall

submit such rule for approval by the city council. Rules adopted by the review authority shall not be effective until approved by the city council.
(c) The review authority shall cooperate with the chief of police in developing procedures pursuant to Garrity v. New Jersey, 385 U.S. 493 (1967) and Gardner v. Broderick Police Commissioner NY, 392 U.S. 273 (1968). (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 5, 3-21-03)

172.50. Meetings. (a) The review authority shall meet once every month at a regularly scheduled time and place for the purpose of hearing requests for reconsideration, establishing the next month's hearing panel(s) and/or to conduct any other business necessary to the operation of the review authority. The review authority may meet at such additional times and places deemed necessary by its members, or on the call of the chairperson.
(b) Each month the chairperson of the review authority shall appoint panel(s) of three (3) members to conduct hearings related to complaints as necessary during the subsequent month. The chairperson of the review authority shall designate a chairperson of each panel. The panels of three review authority members shall meet at scheduled times and places for the purpose of conducting hearings related to complaints. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 6, 3-21-03)

172.60. Review authority--Substantive duties and powers. (a) Receive complaints alleging misconduct on the part of a Minneapolis police officer and conduct such investigations and inquiries as may reasonably appear necessary to find the facts with respect to the complaints.
(b) Conduct hearings related to complaints as provided in this chapter.
(c) Forward all investigatory findings and case recommendations to the chief of police.
(d) Conduct a program of research and study for the purpose of ascertaining how the objectives of this title may be attained and sustained.
(e) Compile statistics relating to complaints of police officer misconduct and present results of such analysis on a quarterly basis to the Public Safety and Regulatory Services Committee.
(f) Review Minneapolis Police Department policies and training procedures and make recommendations for change.
(g) Facilitate, along with Minneapolis Police Department, appropriate cultural awareness training for sworn officers as determined by the review authority.
(h) Participate in the performance review of the chief of police.
(i) Create and implement a community outreach program. Coordinate outreach activities with the Minneapolis Commission on Civil Rights.
(j) Submit quarterly reports to the public safety and regulatory services committee as to the activities of the review authority. (90-Or-043, § 1, 1-26-90; 2003-Or-028, §§ 7, 8, 3-21-03)

172.70. Complaint filing. Any person who has personal knowledge of alleged misconduct on the part of a Minneapolis police officer may file a complaint with the review authority by submitting said complaint at locations to be determined by the review authority. The review authority shall select at least one location for the receipt of

complaints that is not affiliated with the Minneapolis Police Department, nor staffed by Minneapolis Police Department employees. (90-Or-043, § 1, 1-26-90)

172.80. Preliminary review. Within seven (7) days of the date that a complaint was filed, review authority staff shall make a preliminary review of each complaint and determine whether an investigation of the alleged misconduct is warranted, whether mediation is appropriate or whether no further action is necessary. All complaints shall be kept on file regardless of whether an investigation is initiated. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 9, 3-21-03)

172.85. Dismissal after the Preliminary Review. (a) If after the preliminary review, the manager determines that further investigation is not warranted, the manager may request a dismissal from the chair of the board. The dismissal request must state the basis for the dismissal. The chair shall schedule a hearing for the dismissal.
(b) The manager may administratively dismiss complaints against misidentified officers, officers out-of-jurisdiction, and officers no longer with the Minneapolis Police Department. The manager shall notify the civilian review authority board of the administrative dismissal. (2006-Or-114, § 2, 10-20-06)

172.90. Investigations. If review authority staff determines that further investigation is warranted, the complaint shall be investigated by a review authority investigator. The investigator shall prepare recommended findings of fact and a recommendation of sustained or not sustained in a written summary. Such investigation shall be completed within sixty (60) days of the date that the complaint was filed. The review authority manager may once extend this deadline by an additional thirty (30) days, with a written explanation of the reason(s) for the extension. The application of this deadline may be held in abeyance during such time as the complainant and officer are participating in mediation or the review authority staff determine that an investigation might impede or harm a criminal investigation. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 10, 3-21-03)

172.95. Investigation review. Within seven (7) days of the date the written summary is submitted, the review authority manager shall review the investigative file and written summary. The review authority manager may recommend further investigation that shall be completed within thirty (30) days. In all cases in which no further investigation is recommended, the review authority manager shall present the case at the next meeting of a hearing panel of the review authority allowing for proper notice to the complainant and the police officer. (2003-Or-028, § 11, 3-21-03; 2004-Or-068, § 2, 6-18-04)

172.100. Hearings related to complaints. (a) Upon the completion of the investigation of a complaint, a three (3) member panel of the review authority shall weigh and consider all reliable and credible evidence presented. The review authority shall make reasonable efforts to conduct hearings related to complaints within thirty (30) days of the completion of the investigation.
(b) Prior to the hearing, a review authority investigator or the manager shall present the investigatory findings of fact and recommendations to the panel. No person other than a

review authority investigator or the manager and the panel members shall be present during the presentation and discussion of the case.
(c) At the hearing, the complainant and the police officer, or their representatives, shall each be permitted ten (10) minutes to address the review authority, in the presence of each other, regarding the complaint. Other paid or volunteer review authority staff may attend with and assist the complainant, but will not otherwise participate in the hearing.
(d) Within thirty (30) days of the completion of a hearing, the hearing panel shall either remand the complaint to review authority staff for further investigation or issue a written report containing findings of fact and a determination of whether the complaint is sustained. This report shall be made public when permitted by the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes.
(e) Notice.
(1) At least ten (10) days prior to the scheduled hearing, the review authority shall provide written notification to the complainant and the police officer of the date, time and place of the hearing.
(2) The review authority shall provide written notification of the hearing panel's decision to the complainant and officer. (90-Or-043, § 1, 1-26-90; 2003-Or-028, §§ 12, 13, 3-21-03; 2004-Or-068, § 3, 6-18-04)

172.110. Standard of proof. The standard of proof necessary to sustain a complaint is preponderance of the evidence. Preponderance of the evidence means that the greater weight of the evidence supports the decision. (90-Or-043, § 1, 1-26-90; 2003-Or-028, §§ 14, 15, 3-21-03)

172.120. Request for reconsideration by complainant. (a) Within thirty (30) days of receipt of the hearing panel's decision to not sustain a complaint, a complainant may submit a written request for reconsideration to the review authority.
(b) The review authority shall reconsider the complaint at its next regularly scheduled meeting that is not less than ten (10) days after the filing of the request. If the review authority determines that the request for reconsideration alleges newly discovered evidence, the complaint should be remanded to authority staff to investigate and resubmit findings within thirty (30) days. The review authority may sustain or reject the prior hearing panel decision regarding the complaint.
(c) The complainant and the police officer, or their representatives, shall be permitted ten (10) minutes each in the presence of each other to address the review authority regarding the request for reconsideration.
(d) Notice.
(1) The review authority staff shall provide written notification to the officer of the request for reconsideration.
(2) At least ten (10) days prior to the reconsideration hearing, the review authority shall provide written notification to the complainant and the police officer of the date, time and place of the reconsideration hearing.
(3) The review authority shall provide written notification of its reconsideration decision to the complainant and officer. (90-Or-043, § 1, 1-26-90; 2003-Or-028, §§ 16, 17, 3-21-03; 2004-Or-068, § 4, 6-18-04)

172.130. Disciplinary Decision. (a) Upon conclusion of the hearing and request for reconsideration process, the review authority shall forward the investigatory file, the findings of fact and the panel determination to the chief of police. The chief's disciplinary decision shall be based on the adjudicated facts as determined by the civilian review authority board, and shall not include a de novo review of the facts by the Minneapolis Police Department's internal affairs unit or any other police officer, unit, or division. In cases where the civilian review authority board has determined that specific facts constitute a violation of the Minneapolis Police Department policy and procedure manual, under no circumstances should the Minneapolis Police Department internal affairs unit or any other police officer, unit, or division be allowed to alter, augment, or revise the designation.

(b) In all cases where the review authority sustained the complaint, the chief of police shall do one of the following within thirty (30) days (except where noted) of receipt of the case from the review authority:

(1) Impose discipline and notify the review authority in writing that discipline has been imposed; or

(2) Determine that no discipline will be imposed and notify the review authority in writing of such determination and the reasons for such determination; or

(3) Make a one time written request that the review authority reconsider the sustained finding; or

(4) Submit in writing to the review authority a request for an extension of time, not to exceed an additional thirty (30) days, to take one of the actions in subparagraphs (1) through (3) with a statement of the reason for the extension and a proposed date by which one of such actions will be taken.

If the chief has determined that no discipline will be imposed pursuant to subparagraph (2), the review authority may require the chief (or his/her designee) to appear at a meeting of the full board, which shall be closed to the public pursuant to Minnesota Statutes Section 13D.05, subdivision 2, to discuss the basis for the determination.

If the chief has requested that the review authority reconsider a sustained finding, the chief or his/her designee shall appear before the entire review authority board to present the factual and legal basis on which the chief asserts that the complaint(s) should be not sustained. After the review authority has reconsidered the matter, the decision of the review authority shall be provided to the chief in writing. If the review authority again determines that the complaint(s) should be sustained, the chief may then take one of the actions specified in subparagraphs (1), (2) or (4), above.

(c) The review authority shall provide notice to the complainant of the final disciplinary decision.

(d) The level of compliance with this section shall be included as an element of the chief's annual performance evaluation, pursuant to section 172.60(h) of this section. The civilian police review authority chairperson shall notify the executive committee of the chief's failure to comply with the requirements of this section, and such failure may subject the chief to disciplinary action. (90-Or-043, § 1, 1-26-90; 2003-0r-028, §§ 18, 19, 3-21-03; 2006-Or-114, § 3, 10-20-06)

172.140. Confidentiality. The members, staff, and contractors of the review authority

shall comply with all of the provisions of the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes. All members and contractors, paid and volunteer, of the review authority shall sign a contract agreeing to comply with the provisions of the Minnesota Government Data Practices Act, currently Chapter 13 of Minnesota Statutes. In return, the city will afford to such member or contractor the same legal protection that any other agent or employee of the city receives who performs duties within the scope of employment. (90-Or-043, § 1, 1-26-90; 2003-Or-028, § 20, 3-21-03; 2004-Or-068, § 5, 6-18-04)

172.150. Mediation. (a) The review authority manager shall refer complaints to mediation subject to the terms of this section. Referral to mediation may be made upon preliminary review of the complaint or at any other time in the course of investigation when the manager deems mediation to be appropriate. Referral to mediation shall be in the discretion of the review authority manager, and shall not be appealable.

(b) The complainant and the subject police officer(s) shall be required to participate in good faith in the mediation process. The mediation process shall continue for as long as the mediator believes it may result in the resolution of the complaint, except that it shall not extend beyond thirty (30) days from the date of the initial mediation session without approval of the review authority manager.

(c) The complainant and the subject police officer(s) shall attend the mediation session.

(d) If mediation is successful, the mediator and the parties shall sign a mediation agreement.

(e) If mediation is unsuccessful, the complaint shall be referred back to the review authority for further investigation, hearing and review pursuant to this chapter.

(f) If, after referral to mediation, the complainant fails or refuses to participate in mediation in good faith and without a valid excuse, the review authority manager shall dismiss the complaint.

(g) If, after referral to mediation, a subject police officer fails or refuses to participate in mediation in good faith, such failure or refusal shall constitute misconduct and grounds for disciplinary action. If warranted by the evidence, the chief of police shall cause appropriate disciplinary action to be initiated against the officer and shall notify the review authority manager of the outcome of such action. If a police officer fails or refuses to participate in mediation in good faith, the review authority manager shall refer the complaint for further investigation, hearing, and review under this chapter.

(h) The review authority manager shall inform the chief of police of a decision to proceed to mediation.

(i) Mediation tolls the timelines established for the review authority investigation and hearing processes.

(j) No record will be made of the mediation proceedings, and no information discussed will be used in subsequent proceedings.

(k) All complaints shall be referred to mediation with the following exceptions and limitations:

(1) Where there are multiple allegations against the same officer, all allegations must qualify for mediation.

(2) Where the complaint contains allegations against multiple officers, all officers must qualify for mediation.

(3) Mediation is not appropriate if the officer has a prior sustained complaint involving the same or similar allegations arising from an incident which occurred within one (1) year prior to the date of the incident from which the current complaint arises.
(4) Excessive force complaints are eligible only if physical injuries are de minimus and medical treatment is not required.
(5) Wrongful search or seizure complaints involving custodial arrest or other interference with liberty of significant duration are not eligible.
(6) Theft and intentional damage to property complaints are not eligible.
(7) The review authority manager may depart from the above guidelines for good cause.
(l) The mediators shall be neutral trained mediators unaffiliated with the review authority, the civil rights department or any other department of the City of Minneapolis.
(m) This section shall apply to complaints filed on and after the effective date of this section. (90-Or-043, § 1, 1-26-90; 2003-Or-028, §§ 21, 22, 3-21-03; 2005-Or-091, § 1, 9-23-05)

172.160. Period of limitation. No person may file a complaint with the review authority if one year has elapsed since the alleged misconduct. (90-Or-043, § 1, 1-26-90)

172.170. Staff. (a) The Minneapolis Department of Civil Rights shall provide staff to support the objectives of this chapter. Review authority staff shall consist of a manager and a community outreach advocate and other positions as necessary. The manager may employ unpaid volunteers to perform the duties of the community outreach advocate on a temporary basis.
(b) *General duties of the manager.* The manager of the review authority shall be an attorney and shall report to the director of the department of civil rights. The manager shall administer the day-to-day operation of the review authority and aid the review authority in carrying out its purpose, including the implementation of a community outreach program.
(c) *General duties of the review authority community outreach advocate.* The community outreach advocate shall report to the manager of the authority and shall perform administrative duties as assigned including:
(1) Timely and regular communications with complainant from complaint intake through final determination of case.
(2) Consultation with the manager regarding case review process prior to the manager's recommendation of sustained or not sustained.
(3) Implementation of community outreach program.
(4) Attendance at hearings when requested by the manager of the authority.
(5) Other duties as assigned by the manager of the authority.
(d) *Firewall* . Department of civil rights staff with access to review authority files shall not have access to civil rights investigation files. Department of civil rights staff with access to civil rights investigation files shall not have access to the review authority files. Information from civil rights investigations shall not be shared with staff assigned to the review authority. Information from review authority investigations shall be shared only with staff assigned to the review authority. The director of the department of civil rights shall have an administrative role with regards to the review authority. The director shall have access to review authority investigative files for administrative purposes consistent

with establishing management goals and objectives, evaluating employee performance, providing case management support, and making budgetary decisions, but shall not participate in the decision-making process regarding individual complaint files. (2003-Or-028, § 23, 3-21-03; 2004-Or-068, § 6, 6-18-04; 2005-Or-053, § 1, 7-1-05)

172.180. Requirement of cooperation by the Minneapolis Police Department and all other city employees and officials with the review authority. The Minneapolis Police Department and all other City of Minneapolis employees and officials shall, except as expressly prohibited by law, respond promptly to any and all reasonable requests for information, for participation in hearings and mediations, and for access to data and records for the purpose of enabling the review authority to carry out its responsibilities under this chapter. The failure by any official or employee of the Minneapolis Police Department or by any other City of Minneapolis employee or official to comply with such requests for information, participation, or access shall be deemed an act of misconduct. The police officer identified in the complaint may, but shall not be required to, attend the public portion of the scheduled hearing. (2003-Or-028, § 25, 3-21-03; 2005-Or-053, § 2, 7-1-05; 2005-Or-091, § 2, 9-23-05)

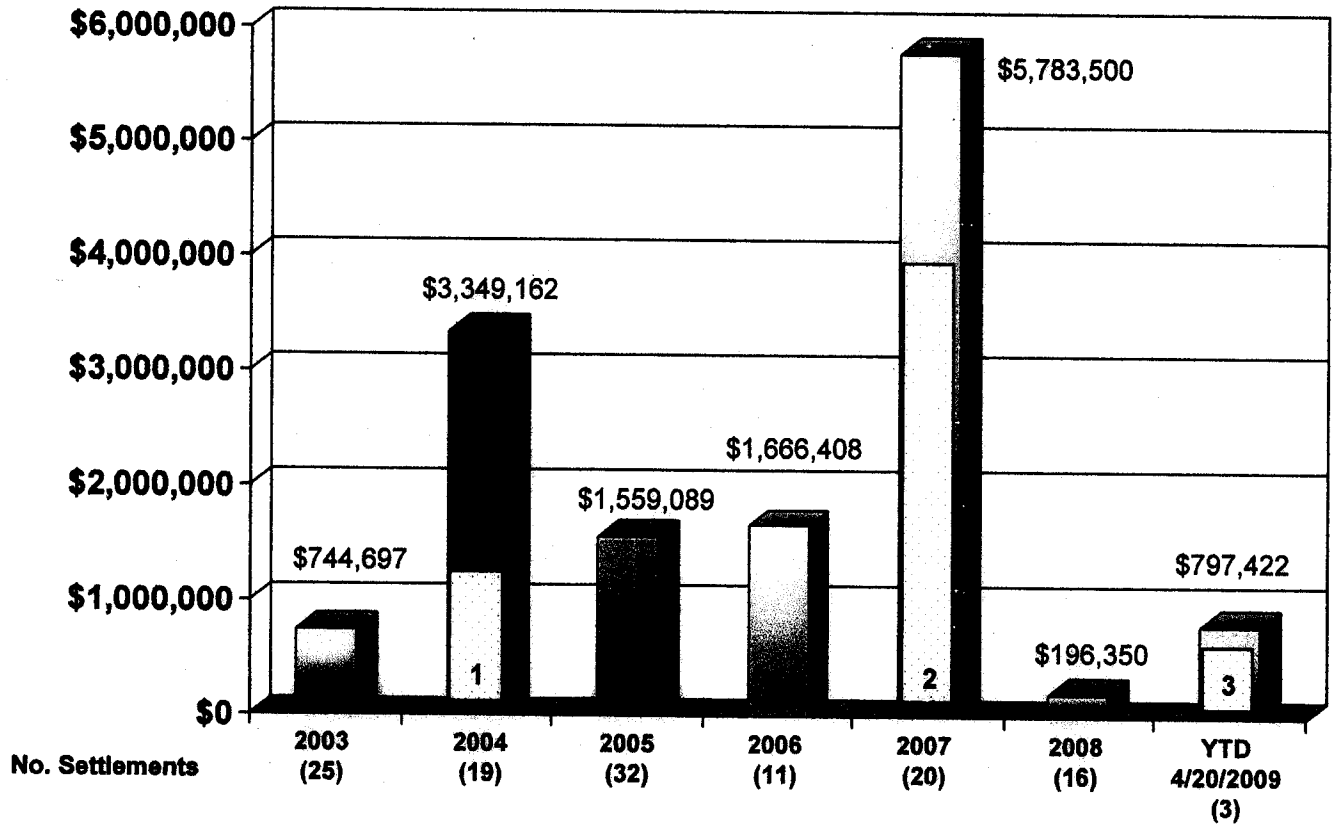
172.185. Notification of officer's reinstatement. In the event that a dismissed officer has been reinstated to the Minneapolis Police Department, the chief of police shall provide notification to the civilian review authority of the officer's return to the department within thirty (30) days of the officer's reinstatement. (2006-Or-114, § 4, 10-20-06)

172.190. Complainant's choice. A complainant shall be offered the choice to proceed under this title or go to the Minneapolis Police Department internal affairs division. (2003-Or-028, § 25, 3-21-03)

Minneapolis City Attorney's Office

A

Police Misconduct Liability
2003-YTD 4/20/09

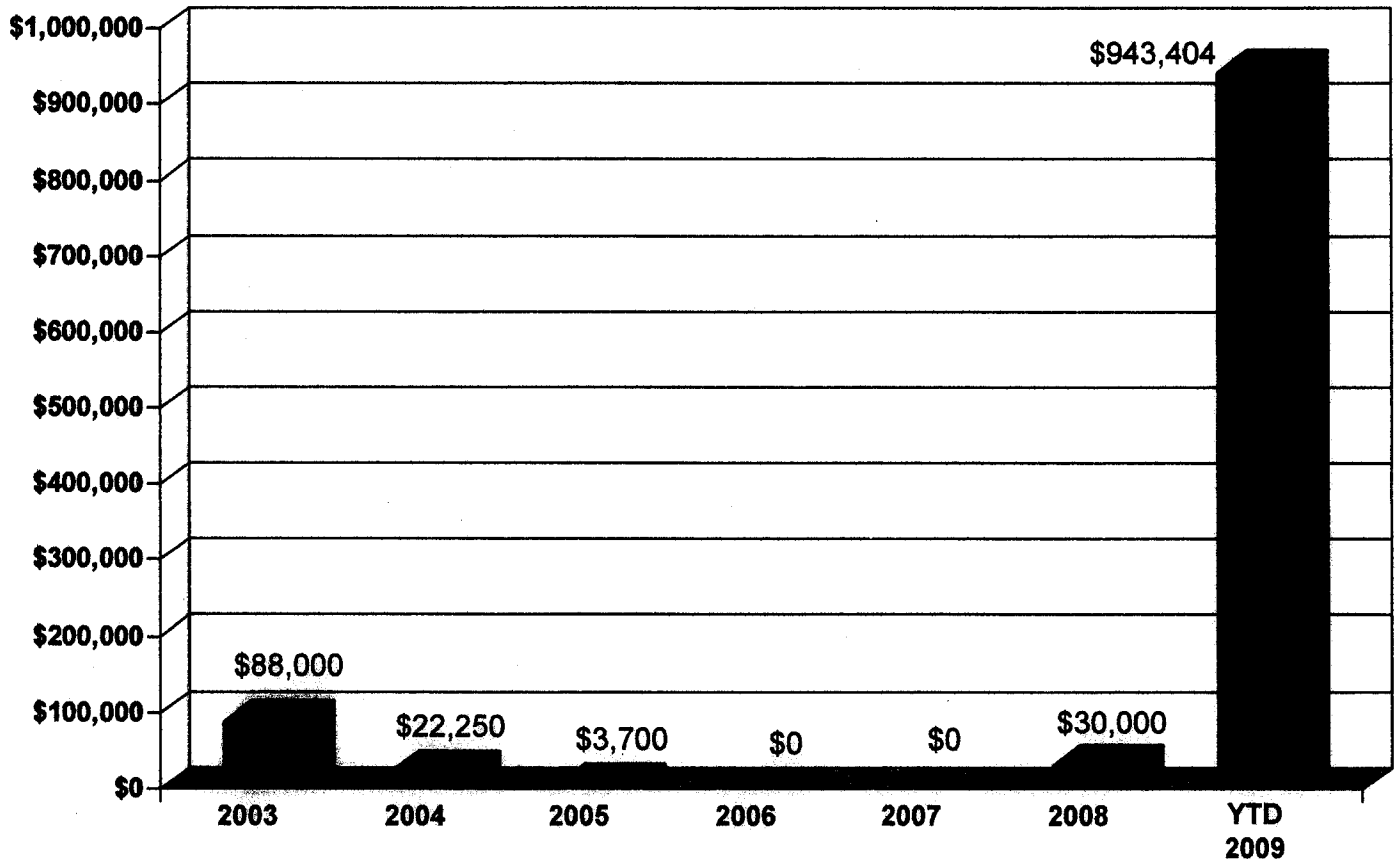


1 Police Misconduct: Michael Polley-$995,000
2 Police Misconduct: Duy Ngo-$4,500,000
3 Police Misconduct: Khang - $626,922

Police Department

Employment Liability

2003-YTD 4/20/09

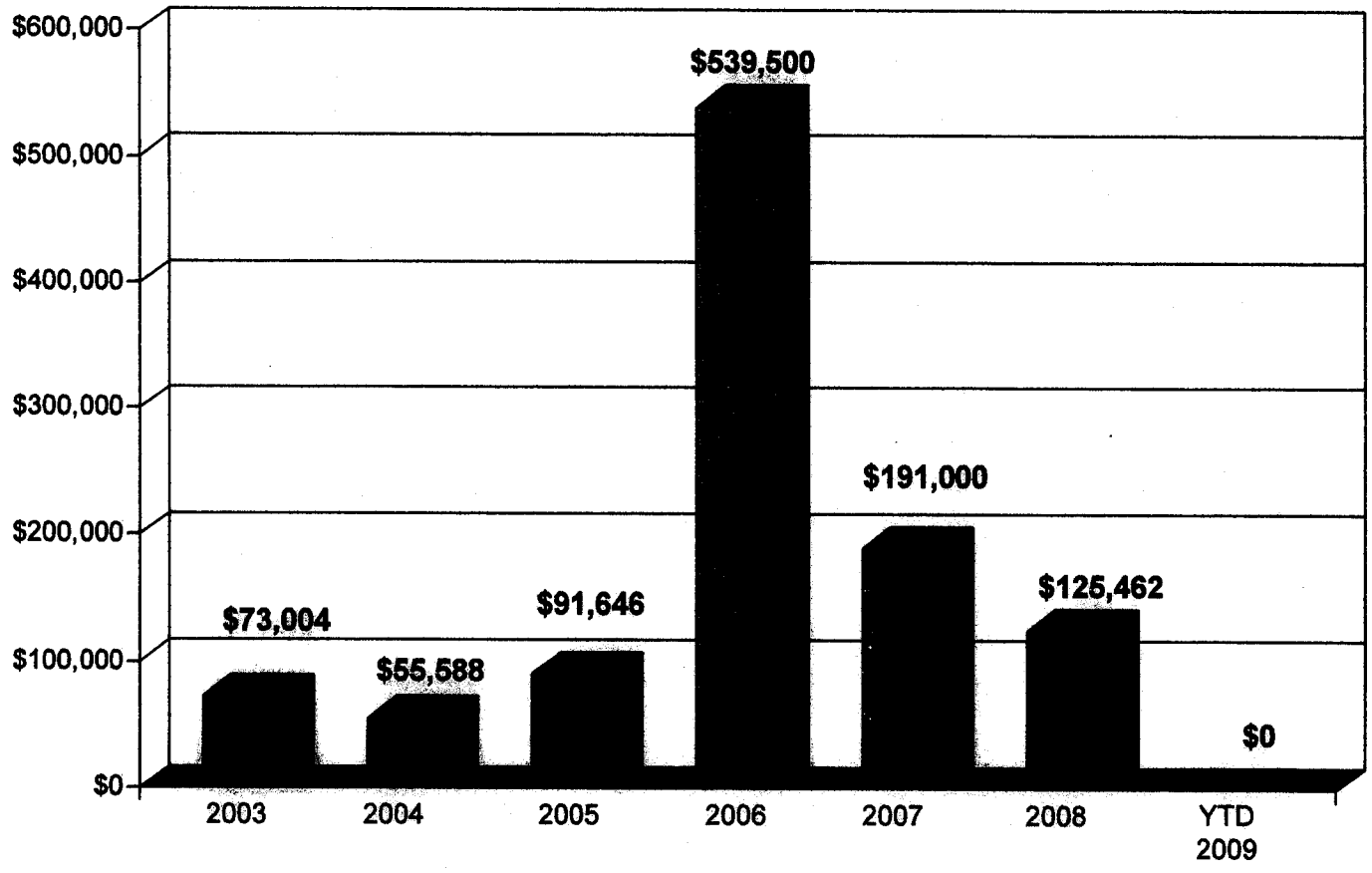


4/20/09

Police Department

City Vehicle Accident Liability

2003-YTD 4/20/09



4/20/09

Fwd: CIU Questions

From: **Allen Kathir** (allen.kathir@gmail.com)
Sent: Wed 7/15/09 6:59 AM
To: Sharon Osborn (sosbornlaw@msn.com); Kenneth Brown (Ablenotdisabled@aol.com); Louisa Hext (louisahext@gmail.com)
---------- Forwarded message ----------
From: Brandon, Ronald G. <Ronald.Brandon@ci.minneapolis.mn.us>
Date: Wed, Jul 15, 2009 at 12:59 AM
Subject: RE: CIU Questions
To: Allen Kathir <allen.kathir@gmail.com>

Dear Allen you wrote: Hi Ron, Thank you very much for taking the time to answer these questions. If you don't mind, we just had a few more questions.

1. What percentage of EEOC cases are A, B, C & D? Answer: 90% of the ones transferred to Investigations are C and D cases.

2. What percentage of EEOC cases are single issue/ multiple issue? Answer: Approximately 80% are single issue and 20% are multiple issue allegations.

3. What is the Average amount of time spent on EEOC cases? Answer: This is a difficult question since we currently do not track this data accurately.

There is investigatory time and administrative time. Looking at investigatory time only.....The average single issue NPC decision takes between 2 and 10 hours.

A multiple issue NPC or PC takes longer between 10 and 32 hours. This is a smaller percentage of the items processed.

There is time allotted for administrative tasks and that time is not reflected above.

4. Are EEOC cases profitable to the Department and to the City? Answer: Yes. The remedial effects of the investigatory process serve as a benchmark for private employers and government employers and how their internal policies and procedures adversely affect company workers and may have a discriminatory effect.

The intrinsic value is hard to calculate in terms of a specific monetary amount. We settle EEOC files. One recent settlement was for $130,000.00. I do not have the information in front of me to list all

E

the settlement monies that have been made through the efforts of the Department. But if it were not for the investigations that were conducted the settlements probably would not have been entered into.

It should also be noted that in the past the department processed 300 EEOC files in one calendar year. The Minneapolis Department of Civil Rights is a Fair Employment Practices Agency (FEPA) under 29 Code of Federal Regulations §1601.74(a).

This is a special designation and only approximately 250 administrative agencies across the United States have been granted FEPA status. The status is renewed by the Federal Government every 5 years.

The Minneapolis Department of Civil Rights has historically had a historic legacy amongst the other 250 administrative agencies that process civil rights complaints. For example only 3 FEPA agencies in the United States have subpoena power. Minneapolis, Pittsburgh and the District of Columbia Department of Civil Rights. Other administrative agencies have modeled their internal structures to mirror the Minneapolis Department of Civil Rights.

Let me know if you need additional information.

Ron
w) 612.673.2146

On Tue, Jul 14, 2009 at 9:51 PM, Brandon, Ronald G.<Ronald.Brandon@ci.minneapolis.mn.us> wrote:
> Hello again....below is the information that you requested....
>
> You wrote: Hi Ron, It was a pleasure meeting you yesterday. I learned a lot about MDCR.
>
> Below are questions I had.
>
> CIU Questions
> General Background
> 1. What is your title? Answer: Coordinator of the Investigations Unit of the Minneapolis Department of Civil Rights.
>
> 2. What is your job description?
> Answer:
> * Represent the Complaint Investigations Unit on multi-department or inter-agency task

forces, committees, and related organizations;
> * Coordinate partnership activities with other organizations that help achieve the goals of the Complaint Investigations Unit;
> * Supervise and coordinate planning, development, and implementation of investigations including development of investigation standards;
> * Provide leadership in development and delivery of outreach and educational programs and materials;
> * Prepare and make presentations to groups, citizens, elected officials, staff, and act as a liaison;
> * Develop and administer Complaint Investigations Unit budget and contracts;
> * Supervise operational activities of the Complaint Investigations Unit, including record keeping, computer applications, report writing, etc.;
> * Participate in and supervise others engaged in report writing and drafting of charges of discrimination;
> * Supervise and ensure that the Complaint Investigations Unit follow and comply with all Equal Employment Opportunity Commission rules and regulations.
> * Supervise the collection and organization of information for reports, investigations, and other documentation related to the CIU;
> * Assign and monitor caseloads of the investigators in order to achieve the objective of completing investigations no longer than 365-days;
> * Recommend training, counseling, coaching and discipline of the investigative staff to the Director as appropriate; and
> * Participate in the Leadership Development Program for the City of Minneapolis.
>
> 3. What are your job duties/responsibilities? Answer: See above.
>
> EEOC Cases
> 1. How many EEOC cases has MDCR investigated and closed in
> 2007 -Answer: 133 total files this includes EEOC and Non-EEOC
> 2008 -Answer: 269 total files this includes EEOC and Non-EEOC
> 2009 to Present - 167 total files this includes EEOC and Non-EEOC
>
> 2. How many cases do you project to investigate and close in 2009? Answer: between 334 and 350
>
> 3. How much does the EEOC pay for investigating and closing cases?Answer: 540.00 per file
>
> 4. What happens to money received from EEOC? Answer: The money is received by the City of Minneapolis and placed in the City of Minneapolis General Fund.
>
> 5. How many hours does EEOC project a case will take on average
> to investigate and close? 10 hours.

> 6. On average, how many hours does it take for MDCR to

> investigate and close an EEOC case? Answer: Depends on the type of issue. 2 to 8 hours for single issue files. 20 -32 hours for multiple issue files.

> 7. How do you know how many hours it takes? Do you keep track of
> hours spent on each case? I know how many hours it takes because I have been an investigator since 2001 and I have personally completed hundreds of investigations. The old case management system...Sherlock was unable to track hours spent on each case. Our new database PM.....has the capability to track hours spent on each case but to date the tracking is not complete for older files. The tracking should be in place for newer files.

> 8. How much are investigators paid per hour? On average 22.00 dollars per hour + benefits/insurance =rounds up to 26 dollars per hour or so.

> 9. What are the different types of EEOC cases received by MDCR
> (Type, A, B, C, D etc) and what does each type mean? MDCR receives files from the EEOC each federal fiscal year. The EEOC files are all employment allegations of discrimination that have occurred within the City of Minneapolis. A = strong file....B = average to above average file...C = weaker allegation and D is a weak allegation.

> 10. Are Type C and D cases time difficult to investigate? No...typically for these types of files.....there is not enough evidence for the Charging Party to meet their McDonnell Douglas burden.

> 11. What is the maximum number of EEOC cases CIU can investigate
> and close in one year? 200

> 12. Do EEOC cases generate revenues for MDCR? Yes, 540 dollars per file.
>
> HUD Cases

> 1. When did HUD certification lapse for MDCR? In 1995 or 1996.

> 2. How much does HUD pay for investigating and closing cases? $1,860.00

> 3. How difficult are HUD cases in relation to EEOC cases and other cases MDCR investigates and closes? There are no major distinctions between EEOC investigations and HUD investigations. One is an employment allegation and the other is a housing discrimination allegation. I specifically asked Director Michael Jordan in June of 2007 for permission to move forward with re-establishing the HUD certification to make MDCR a HEPA. He indicated at the time that he did not think it was a good idea to move forward with re-certification even though re-certification would bring more federal dollars into the Department.

> 4. How many hours do you estimate it would take to investigate
> and close HUD cases? The same effort as it takes to close an EEOC file.

> 5. How many hours does it take your colleagues in other Civil

> Rights Departments to investigate and close HUD cases? The same effort as it takes to close an EEOC file.

> 6. What is the percentage of cities comparable to the size of
> Minneapolis that are HUD certified? The majority of the cities....my best guess would be 75%.

> 7. What is the process to obtain HUD certification? Is it difficult? You have to fill out the requisite paperwork. It is not a difficult process. It is similar to the EEOC process to become certified.

> 8. Do you anticipate you would be able to generate more revenue
> if you obtained HUD certification? Yes.
>
> Revenue
> 1. Is it possible for CIU to be self-sustaining? How many cases
> would have to be investigated? Yes. The Department could investigate 100 HUD files. This would bring in $186,000.00 in revenue. The Department could also investigate 200 EEOC files. This would bring in $108,000.00. The total revenue generated would be $294,000.00. It has been stated that it takes $400,000.00 dollars to operate the Investigations unit. The Unit could generate another $108,000.00 dollars through a sliding scale fee system for services provided. This would be similar to what other administrative agencies charge for services rendered.

> 2. If MDCR increased EEOC caseload to 200 and HUD caseload TO 100,
> would additional staff be needed to investigate and close these cases
> + non-EEOC/HUD workload? No. The Department would be able to handle the caseload by keeping current staff in place. Currently there is one coordinator and 5 investigators.
>
> If you need any other information please let me know.
>
>
> Ronald Brandon II
> Coordinator Investigations Unit
> Mpls. Dept. of Civil Rights
> w)612.673.2146
>
>

141.50. Procedure for complaints; investigations, conciliations, mediations, and hearings before commission. (a) Complaint filing. Any person believing discrimination has occurred may file with the director a verified written complaint under oath which shall state the name and address of each person complained against (respondent), and shall set forth the pertinent facts as known to the complainant. A complaint may be filed only if the matter complained of occurred within one year prior to filing the complaint. The running of the one-year limitation period is suspended during the time a potential complainant and respondent are voluntarily engaged in a dispute resolution process involving a claim of unlawful discrimination under this title, including arbitration, conciliation, mediation or grievance procedure pursuant to a collective bargaining agreement or statutory, charter, ordinance provisions for a civil service or other employment system or a school board sexual harassment or sexual violence policy. A potential respondent who participates in such a process with a potential complainant before a charge is filed shall notify the department and the complainant in writing of the participation in the process and the date the process commenced and shall also notify the department and the complainant of the ending date of the process. A respondent who fails to provide this notification is barred from raising the defense that the limitation period has run unless on year plus a period of time equal to the suspension period has passed.

(b) Service. The director, within ten (10) days of the receipt of the verified complaint, shall serve a copy of the complaint on the respondent personally or by first class mail. The respondent shall file a written response with the department setting out the respondent's position relative to the complaint within twenty (20) days of the receipt of the complaint. If the respondent fails to respond with a written position statement within thirty (30) days after receipt of the complaint, and the respondent has not requested an extension of time for response, the director may bring an action for default in district court.

(c) Preliminary inquiry into complaint. Promptly upon the filing of any complaint, the director shall make such investigation as the director may deem appropriate to determine whether there is probable cause to believe that the allegations of discrimination are well founded. While the director is investigating a complaint, the director may attempt to conciliate the matter complained of prior to the signing of a verified complaint or prior to making a determination of probable cause. Where the complaint alleges an unfair discriminatory act under section 139.40(e), the director of the department of inspections shall be notified of the pendency of the complaint and of its subsequent resolution.

(d) Probable cause. After investigating a complaint and after consulting with the city attorney's office, the director shall make a determination as to whether there is probable cause to believe that the allegations of discrimination are well founded.

(e) Finding of no probable cause and review thereof. If the director makes a determination of no probable cause, the director shall notify by mail the complainant and respondent of such a determination and of the complainant's right to appeal the determination to a review committee. The complainant may within fifteen (15) days after receiving such notice file an appeal in writing with the director, who shall promptly transmit said appeal to the chairperson of the commission. The chairperson

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shall designate three (3) members of the commission, at least one of whom shall be a lawyer, to review the director's determination. Upon request the complainant shall be able to make a presentation to the review committee. The review committee may then either affirm or reverse the director's decision or send the complaint back to the director for additional investigation. No member of a review committee shall act as a member of a hearing committee in the same case.

(f) Finding of probable cause and conciliation. If the director or a review committee, following an appeal, makes a determination of probable cause, the director shall immediately endeavor to eliminate the acts or practices complained of by conciliation and persuasion. If the director cannot do so, then the director shall refer the complaint to the commission. A conciliation agreement rising out of such conciliation shall be an agreement between the complainant, respondent and the department and shall be subject to approval by the director. Each such conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the director determines that disclosure is not required to further the purposes of this title.

At the time the director refers a case involving a violation of Chapter 139.40 (e), (f), (g), or (g)(1), (h), or (i) and where such case has been dual-filed with the department of housing and urban development as a violation of Title VIII of the National Fair Housing Act prohibiting discrimination in housing pursuant to the contractual agreement existing between the director and the department of housing and urban development, the director shall notify the complainant of the referral and of the complainant's option to proceed with the charge before the commission on civil rights or in Minnesota district court. This notice shall provide that an attorney will be furnished by the city should the complainant decide to proceed before the commission or the district court.

(g) Director's authority to dismiss a complaint and review thereof. If at any time subsequent to the signing of a verified complaint and prior to referral of the complaint to the commission the director shall determine the charge is without merit, is frivolous, or the complainant has consistently failed to provide or has refused to provide requested information, the director may dismiss the complaint. The director shall set forth the reasons for the dismissal in writing and shall mail to the complainant and the respondent a copy of this written decision and a statement explaining the complainant's right to file a civil action or to appeal the determination to a review committee and subsequently file a civil action. The complainant's filing of an appeal with the director and the appointment and operation of the review committee shall follow the procedures set forth in section 141.50(d).

(h) Notice to commissioners. Whenever the director makes a finding of no probable cause or dismisses a complaint, the director shall provide written notice of this action to the commission.

(i) Hearing procedure. Within thirty (30) days following the referral of a complaint, the chairperson of the commission shall designate three (3) members of the commission, at least one of whom shall be a lawyer, to serve as a hearing committee, shall designate a chairperson of the hearing committee and shall set a time and place within the city for the hearing of such complaints and the answers to the allegations thereof.

(1) If, at the time of the prehearing conference, scheduled pursuant to Rule 12 of the Rules of Procedure for Contested Case Hearings, Minneapolis Commission on Civil Rights (Aug. 3, 1989), the parties request mediation of their dispute, the presiding chairperson shall appoint a mediator from a rotating list consisting of those commissioners not currently on the hearing committee who meet the requirements of Rule 114.12 of the for district courts, or any other such mediator or mediation service meeting the same requirements, which is agreeable to all parties. If the dispute is mediated to resolution, and the parties sign a mediated agreement, the chairperson of the hearing shall be notified of the agreement by the mediator. The chairperson of the hearing committee shall notify the members of the hearing committee, who shall incorporate the agreement into the order by reference and shall dismiss the complaint with prejudice.

(j) Determination prior to public hearing. At any time after a complaint has been referred to a hearing committee, but before the public hearing has been completed, the hearing committee may issue an order dismissing a complaint because it has been conciliated, because it appears the allegations were not well founded or for any other justifiable reason. However, the hearing committee shall attach to its order written findings of fact and conclusions of law supporting the dismissal, and shall serve a copy upon all parties by mail. Any such dismissal shall be reviewable the same as any other final decision in a contested case, as provided in Chapter 14 of Minnesota Statutes.

(k) Hearings.

(1) Public hearings shall be conducted by the hearing committee who shall conduct the hearing in accordance with Chapter 14 of Minnesota Statutes.

(2) Each member of a hearing committee, review committee or a presiding officer of a prehearing conference, shall be paid fifty dollars ($50.00) per day while actually sitting and serving at the public hearing, the review hearing, the prehearing conference, or the mediation. Such committee members, presiding officers, and mediators shall be paid thirty-five dollars ($35.00) when service does not exceed four (4) hours in any one day. No fee shall be paid for any work done prior or subsequent to the holding of the public hearing, the review hearing, the prehearing conference, or the mediation, except that the presiding officer shall be paid fifty dollars ($50.00) per day, up to a maximum of two (2) days, for each day subsequent to the public hearing, when conducting legal research and preparing the findings of fact, conclusions of law and order, and the mediator shall be paid fifty dollars ($50.00) per day, up to a maximum of three (3) days, for each day of mediation, when conducting mediation and preparing the mediated agreement and order. Such fees shall be authorized by the director after being requested in writing by the member.

(3) Whenever, in the director's judgment, a public hearing will take longer than two (2) full days to complete, the director shall certify such fact to the commission and the chairperson of the commission may appoint a hearing examiner who is a lawyer and who may or may not be a member of the commission to conduct the public hearing. In such cases, the hearing examiner shall have the same duties, obligations and powers as a hearing committee except that the hearing examiner shall be paid fifty dollars ($50.00) per day while actually sitting and serving at the public hearing and shall, in addition

thereto, be entitled to fifty dollars ($50.00) per day, up to a maximum of two (2) days, for each day subsequent to the public hearing actually spent deciding the case and preparing the findings of fact, conclusions of law and order.

(l) Subpoenas. The chairperson of the commission, a hearing examiner or a hearing committee may, at the request of any party, apply to the district courts for subpoenas to require witnesses to appear at any regularly scheduled public hearing before a hearing committee to give testimony and to bring with them for examination any books, papers or documents relative to any verified complaint which is the subject matter of a public hearing. The chairperson of the commission may apply to the district court to punish a person who disobeys a subpoena obtained at the chairperson's request in like manner as a contempt proceeding is initiated in the district courts of this state.

(m) Findings. If the hearing committee finds that the respondent has engaged in discrimination, the hearing committee shall make written findings of fact and conclusions of law, and shall issue an order directing the respondent to cease and desist from the discriminatory act or practice found to exist, and to take such other affirmative action as in the judgment of the hearing committee will effectuate the purposes of this title. Such order shall be a final decision for purposes of appeal or enforcement. The hearing committee shall order any respondent found to be in violation of any provision of section 139.40 to pay a civil penalty to the City of Minneapolis. This penalty is in addition to compensatory and punitive damages to be paid to an aggrieved party. The hearing committee shall determine the amount of the civil penalty to be paid, taking into account the seriousness and extent of the violation, the public harm occasioned by the violation, whether the violation was intentional, the cost of investigation incurred by the City of Minneapolis, and the financial resources of the respondent. Any penalties imposed under this provision shall be paid into the general fund of the city. In all cases, the hearing committee may order the respondent to pay an aggrieved party, who has suffered discrimination, compensatory damages in an amount up to three (3) times the actual damages sustained. In all cases, the hearing committee may also order the respondent to pay an aggrieved party, who has suffered discrimination, damages for mental anguish or suffering and reasonable attorneys fees in addition to punitive damages in an amount not more than eight thousand five hundred dollars ($8,500.00). Punitive damages shall be awarded pursuant to Minnesota Statutes Section 549.20. In any case where a political subdivision is a respondent, the total punitive damages awarded an aggrieved party may not exceed eight thousand dollars five hundred ($8,500.00) and in that case if there are two (2) or more respondents, the punitive damages may be apportioned among them. Punitive damages may only be assessed against a political subdivision in its capacity as a corporate entity and no regular or ex officio member of a governing body of a political subdivision shall be personally liable for the payment of punitive damages pursuant to this subdivision. In addition to the aforesaid remedies, in a case involving discrimination in:

(1) Employment: The hearing committee may order the hiring, reinstatement or upgrading of an aggrieved party who has suffered discrimination, with or without back pay, admission or restoration to membership in a labor organization, or his or her admission to or participation in an apprenticeship training program, on-the-job training program or other retraining program, or any other relief the hearing committee deems just and equitable.

(2) Housing: The hearing committee may order the sale, lease or rental of the housing accommodation or other real property to an aggrieved party who has suffered discrimination, or the sale, lease or rental of a like accommodation or other real property owned by or under the control of the person against whom the complaint was filed, according to terms as listed with a real estate broker; or if no such listing has been made, as otherwise advertised or offered by the vendor or lessor, or any other relief the hearing committee deems just and equitable.

The hearing committee shall cause the findings of fact, conclusions of law and order to be served on the complainant and respondent personally, or by first class mail, and shall furnish copies to the director and the city attorney.