



**Request for City Council Committee Action
From the Minneapolis Civil Rights Department**

Date: December 28, 2004

To: Natalie Johnson-Lee, Chair, H & HS

Subject: Minneapolis Civil Rights Department

Recommendation: Amend Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to Civil Rights: Administration and Enforcement as follows:

(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 or discrimination are well founded.

Previous Directive: Staff Report

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Approved by: _____
Jayne Khalifa
Director of Civil Rights

Background/Supporting Information Attached: One of the most prevalent criticisms of the Minneapolis Department of Civil Rights is the length of time that elapses between the filing of a complaint of discrimination and a finding by the department of whether there is sufficient evidence following an investigation to support a finding of Probable Cause. In the area of discrimination law where issues of housing, employment disability etc. demand some urgency in resolution because if not resolved quickly, the damages often far exceed the remedies, "justice delayed is truly justice denied"

In an effort to improve customer service, address and correct the circumstances which contribute to the delays internally, work performance requirements have been established for each of the investigators which requires them to meet monthly productivity standards.

There are, however additional processes which occur external to the department that are required for probable cause complaints over which the department has no control.

(1)The ordinance language"and after consulting with the city attorney's office" has been interpreted by the city attorney's office to require the issuance of a full written legal opinion on all probable cause complaints prior to a final determination by the Director of Civil Rights.

The Director who is authorized in the ordinance to make the PC determination is not required to accept the City attorney opinion. Striking the language does not preclude the director from obtaining a written opinion when one is desired. The city attorney review and writing of the opinion adds considerable additional time to the investigative process. The complainants who file the complaints and the respondents against whom the complaints are filed make no distinction between the department, the City attorney's office, and the Civil Rights Commission who hears all Probable Cause complaints that are not settled by the department. All delays are attributed to the Civil Rights Department.

No Probable Cause (NPC) findings by the Director don't receive a legal review or a written opinion. Unless the Charging Party proactively appeals the Directors NPC decision to the Commission it stands with no other administrative review.

The impetus for the recommended change is purely to improve customer service and to expedite the process. It is not in any way intended to question whether there is value added by the full written legal opinion or to avoid having the findings reviewed by a licensed attorney. All Probable Cause complaints are sustained or not sustained by a Commission Hearing Panel. This is a second legal review of all Probable Cause findings made by the Director at the Commission Level.