Accepted & Approved
Agreement 12/3/03

MEMORANDUM OF AGREEMENT

This Agreement is made this ___ day of December, 2003 by and between the Unity Community Mediation Team and the Minneapolis Police Department.

PREAMBLE

The Unity Community Team and the Minneapolis Police Department enter into this agreement dedicated to protecting safety and the human rights, civil rights, and legal rights of all Minneapolis residents, regardless of race, ethnicity, national origin, religion, language, immigration status, gender, sexual orientation, mental health, age, economic status or disability status.

We condemn cultures of brutality and violence everywhere they exist. Where we find them in society, we will combat them. Where we find them in the police department, we will combat them. We also condemn institutional racism everywhere it exists. Where it is found in society, we will combat it. Where it is found in the police department, we will combat it.

We agree to work together to protect the life, dignity, health and safety of all Minneapolis residents; to continue this dialogue to improve police practices; to ensure that violations of Minneapolis residents' rights by police officers are resolved justly; to improve the level of professionalism, training, and racial and gender diversity at all levels of the Minneapolis Police Department; and to improve relations between our communities and their police department and the City of Minneapolis.

Police officers are sworn to uphold the law and take action without regard to race. If race is a motivating factor in police actions, it is a vital concern to the community and the department. The data contained in the September 24, 2003 "Minnesota Racial Profiling Study," published by the Council on Crime and Justice, heightens this concern and demands further analysis. Police Officers are entrusted with enormous authority and are accountable for a strong commitment to public service. MPD officers must project professionalism and are held accountable for excellence in serving all members of the public. The many officers who live up to this standard of excellence deserve respect from the community they serve.

The Federal Mediator, Patricia Glenn, met with both sides to facilitate reform, the exchange of information and views, and the creation of an agreement that both sides agree will advance their goals of improving the quality of life in Minneapolis and that they hope will be the beginning of a new, more productive dialogue between the City of Minneapolis, the Minneapolis Police Department and the residents of the city on issues related to police work.

As community leaders and police leaders we have chosen to seize this moment to reach out to each other. This is not the end of all our problems. This is not an end to anger and frustration. This is a beginning—an opportunity to build a bridge of understanding between the police and the community that can improve law enforcement, improve public safety, and improve community cooperation with law enforcement. Ultimately, this will improve the quality of life for everyone in the city.

The following agreement should be viewed as a first step in addressing the historic grievances of the communities. The beginning of improvements in policing practices addressed in this agreement are a first step in an ongoing dialogue that can lead to further improvements in policing, in public safety and the safety and professionalism of our police department. Both parties agree to the following:

AGREEMENT

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

Section 1. Use of Force. The MPD recognizes that the use force by its officers is a concern to the people of Minneapolis and that many people of color, African Americans, women, American Indians, members of the GLBT community, as well as members of the mental health community feel particularly vulnerable to the use of force by police officers. The MPD acknowledges the vital role of education, training, as well as discipline in addressing these concerns. Accordingly, the parties agree to the following provisions regarding the use of force by MPD officers.

1.1 *Justification for Use of Force.* The standards establishing when the use of force is justified is governed by Minnesota Statutes and case law. The MPD agrees that fear, based solely on the race or ethnicity of an individual, is never a reasonable basis to justify the use of force.

1.2 *Policies Relating to the Use of Force.*

1.2.1 *Use of Force Policies.* Minnesota Statutes mandate that a police department may not have a use of force policy that is more restrictive than state law. This legal requirement governs the MPD's use of force policy which is based on state statutes and applicable federal law.

1.2.2 *Reporting Requirement.* MPD agrees that it will maintain its policy that requires an officer to file a report in each instance use of force. Under the policy, a reportable use of force is defined as a police contact that results in the actual use of:

- A weapon, vehicles, non-lethal devices, physical blows or strikes.

- Physical management that results in injury or alleged injury. This includes arrest and non-arrest incidents.

All officers who participate in a use of force incident are required to complete a report. In addition to requiring the preparation of a written report, the policy requires that officers who use force shall immediately report the incident to their on-duty supervisor. The policy further requires that the supervisor review the incident for compliance with state statutes and MPD policy and procedure.

1.2.3 *Choke Hold.* MPD agrees that a choke hold constitutes deadly force. MPD will maintain its policy that prohibits the use of the choke hold except in circumstances in which the use of deadly force is authorized which is essentially life and death situations.

1.3 *Enforcement of Use of Force Policy.*

1.3.1 *Consequences for Violation.* An officer who fails to comply with a policy contained in the MPD Manual, including specifically the aforementioned policies regarding the use of force, is subject to disciplinary action.

1.3.2 *Investigation and Review of Use of Deadly Force.* Every case in which an MPD officer uses deadly force will be investigated to determine whether the use of deadly force was justified under state law. MPD will also review each such case for purposes of policy compliance and training.

1.4 *Less Lethal Tools.* The MPD will ensure that all precincts are supplied with a sufficient number of less lethal weapons and personnel trained in the use of such weapons. At present, the MPD will continue to provide each precinct with at least three 40mm multi-launchers and its Crisis Intervention Team (herein after CIT) with TASERs. The MPD will continue to research and evaluate the state of the art in less-lethal weapons used by law enforcement personnel. When appropriate the MPD will update and/or upgrade its arsenal of less lethal weapons.

1.5 *Restraint of Combative Persons.* On occasion hand restraints alone are insufficient to prevent a combative person from causing injury to him/herself or others.

1.5.1 *Maximal Restraint Technique.* The Maximal Restraint Technique (MRT) is a restraint in which a cord cuff is used running on the front of the combative subject from his/her bound feet to a belt or cord around the subject's waist. The MRT does not create a risk of impeding a person's ability to breathe even while sitting upright in a vehicle. Accordingly, a subject who has been restrained by a MRT may be transported in a squad car. The MPD will discontinue the practice of using flex cuffs to administer the maximal restraint technique to subjects unless

there is no other option in mass arrest situations. The MPD will make available and equip every officer with the proper restraint equipment.

1.5.2 *Hobble.* A hobble restraint is a restraint in which the hands and feet of the subject are bound together behind the back of the subject. A hobble may be used only when no other means of restraint is effective. Whenever a hobble is applied, a supervisor shall be called to the scene. A subject restrained by a hobble may be transported only by ambulance.

1.6 *Transport in K-9 Squad Prohibited.* The MPD will not transport or detain people in a K-9 squad car.

Section 2. Police-Community Relations. One of the most essential goals of the mediation process is to improve the relationship between the MPD and the community as a whole. As is the case in any relationship, all parties are obligated to work together to improve the communication, trust and respect within the relationship. The parties to this Agreement have identified the following items as necessary to improving the relationship between the MPD and the community.

2.1 *Establishment of Police Community Relations Council.* The parties hereby agree to establish the Police Community Relations Council ("PCRC"). The PCRC shall be made up of 30 members, 18 of which to be selected by the UCMT with the remaining12 positions to be filled by the chief and 11 MPD personnel selected by the chief. Observers may include but not be limited to the Mayor's Office, the City Council, and the Minneapolis Department of Civil Rights.

2.2 *PCRC responsibilities.* The responsibilities of the PCRC will include but shall not be limited to:

2.2.1 Overseeing and monitoring the implementation of this mediation agreement;

2.2.2 Periodically issuing reports on the progress of implementing this mediation agreement;

2.2.3 Educating the community on areas of public interest related to this mediation agreement;

2.2.4 Reviewing this mediation agreement with the successor to Chief Robert Olson and work with the new chief to implement the Agreement.

2.2.5 Providing a forum for on-going communication between the MPD and the community regarding matters of public safety and the public's faith and confidence in the MPD.

2.2.6 Monitoring the budget related items in this mediation agreement;

2.2.7 Establishing the operating and governing rules for the PCRC covering items including but not limited to the terms of office for PCRC members, membership criteria and disqualifying events, a process for filling vacancies, and the meeting schedule for the PCRC;

2.2.8 Working with the MPD and community following critical incidents, emergent incidents, high profile police misconduct allegations, public unrest and other specific events negatively impacting upon the relationship between the MPD and the community by developing a protocol for responding to such incidents which may be initiated by a call from any member of the PCRC;

2.2.9 Facilitating on-going dialogue on race and ethnicity and other forms of diversity;

2.2.10 Creating and conducting community forums with at which both the MPD and the UCMT may present information;

2.2.11 Establishing and maintaining working relationship between the MPD and the community regarding matters such as recruiting, policies and procedures, and community outreach;

2.2.12 Developing a protocol for communications and media contacts regarding the work and deliberations of the PCRC; critical incidents; high profile police misconduct allegations; and other topics identified by the PCRC;

2.2.13 Periodically hosting public forums regarding uses of deadly force by police officers for the purpose of reviewing the conclusions of the investigation and responding to the questions and concerns of the public as to specific incidents; and

2.2.14 Performing such other functions as may be mutually agreed by the parties from time to time.

2.3 *MPD responsibilities to the PCRC.*

2.3.1 The MPD will produce and share broadly with community leaders a department recruitment strategy and budget.

2.3.2 The MPD will secure necessary funding to implement these goals and strategies and hear recommendations for the disbursement of such funds presented by the PCRC.

2.3.3 The MPD will provide administrative support to the PCRC.

2.4 *Community Responsibilities to the PCRC.* The Community Representatives on the PCRC shall:

2.4.1 Work with community organizations and community leaders to seek their support and participation in the MPD's crime prevention programs.

2.4.2 Work with community organizations and community leaders to encourage community members to cooperate with ongoing investigations.

2.4.3 Encourage community organizations and community leaders to work with the MPD to review line-of-duty injuries to officers and explore joint efforts to reduce such injuries.

2.5 *Establishment of Community Relations Coordinating Team.*

2.5.1 The MPD shall establish the Community Relations Coordinating Team. The Team shall consist of a diverse group of police officers dedicated and trained with regard to strengthening the relationship between the MPD and the community.

2.5.2 The primary purpose of the CRC Team shall be to work with the community organizations and leaders and within the Department to build relationships of mutual benefit to all parties rather than to pursue detection or investigation of criminal activity.

2.5.3 The specific duties of the CRC Team shall be determined by the MPD, in conjunction with the PCRC.

2.5.4 The coordinator of the CRC Team shall report directly to the Chief of the MPD.

2.5.5 *Establishment of Community Liaison Staff.* The CRC Team will establish designated duties for certain personnel within each precinct entitled "Community Liaison" and, with the assistance of the PCRC, define such duties.

Section 3. Mental Health Issues.

3.1 *Dealings Between Officers and People Experiencing Mental Illness or Developmental Disability.* The MPD recognizes that the manner in which officers interact with people experiencing mental illness or developmental disabilities has a significant impact not only on the subject of the contact, but also on the MPD's relationship with the entire community. Accordingly, the MPD agrees to the following terms.

3.1.1 *Best Practices.* The MPD agrees to continue to evaluate and update its Crisis Intervention Team program to incorporate nationally accepted best practices.

3.1.2 *Staffing.* The MPD agrees that it will maintain a trained corps of CIT officers at the minimum of one CIT Officer per shift per precinct to ensure that a CIT Officer will be available to respond anywhere in the City at all times.

3.1.3 *Diversifying the CIT Team.* The MPD will actively recruit and encourage more female officers, officers of color, American Indian officers to join the Crisis Intervention Team ("CIT") to achieve and maintain parity with the diversity of the city.

3.2 *Psychological Fitness for Duty of Officers.* The MPD and its employees know that the performance of law enforcement duties is inherently demanding and that such duties are sometimes performed under dangerous conditions and/or in a stressful environment. It is, therefore, important to the Department for the safety of its employees and the public to ensure that all personnel in the service of the Department are psychologically and emotionally fit for duty. It will be the practice of the MPD to require an officer to select one psychologist from a diverse list of at least three qualified psychologists for a psychological fitness for duty examination in accordance with the following provisions.

3.2.1 The Department may require an employee to be examined in the circumstances described below:

3.2.1.1 Where there exists a reasonable suspicion to believe that an employee may not be psychologically or emotionally fit to perform the essential functions of the position to which he or she is assigned. Such reasonable suspicion must be based upon the observations of at least two supervisors or co-workers who have first-hand knowledge or upon reliable information provided to a supervisor that the employee is

currently exhibiting conduct which reasonably demonstrates that the employee may be experiencing a mental or emotional condition; and such condition:

3.2.1.1.1 Prevents the employee from effectively performing his/her duties; and

3.2.1.1.2 Is not likely to be healed or remedied without professional treatment or intervention.

3.2.1.2 Where an employee has been involved in a critical incident in which the potential for physical or psychological trauma to the employee was significant.

3.2.1.3 Where the employee contends he/she is not psychologically or emotionally fit for duty.

3.2.1.4 Where the Department's examining physician or other licensed medical provider has a reasonable basis for requiring a psychological evaluation.

3.2.2 *Procedures for Evaluating an Employee Exhibiting Behavior Creating Suspicion of a Health Impairment Affecting His/Her Ability to Perform Job Duties.*

3.2.2.1 *Step 1.* The employee's immediate supervisor shall personally interview the employee for the purpose of determining whether a problem exists and, if so, whether the situation requires additional measures. During the interview the employee shall be given the opportunity to explain the behavior or circumstances which created the cause for concern. After interviewing the employee, the supervisor shall:

- conclude that the concern is unfounded, does not impair the employee's ability to perform his/her duties effectively, or is of a nature that can be remedied without the intervention of a physician or other licensed medical provider; or

- counsel the employee regarding the situation and advise the employee of the supervisor's intention to monitor ongoing performance in the expectation of observing improvement; or

- Recommend to the appropriate Deputy Chief that the employee be considered for a referral for a fitness for duty evaluation.

Except in circumstances where the supervisor concludes that the concern is unfounded, the supervisor shall also encourage the employee to contact the Employee Assistance Program (EAP). Step 1 is not required in situations involving imminent danger to the officer or others or critical incidents.

3.2.2.2 *Step 2.* Where the supervisor recommends to the appropriate Deputy Chief that the employee be considered for referral for an evaluation, the supervisor shall prepare a written report which articulates the specific facts which establish the reasonable basis for requesting that the employee be referred to a fitness for duty examination, including the specific impact on the employee's ability to effectively perform his/her duties.

3.2.2.3 *Step 3.* Upon receipt of the supervisor's written report, the appropriate Deputy Chief will evaluate the case. The Deputy Chief shall:

- Conclude that the concern is unfounded, does not impair the employee's ability to perform his/her duties effectively, or is of a nature that can be remedied without the intervention of a physician or other licensed medical provider; or

- Recommend that the employee's supervisor monitor ongoing performance in the expectation of observing improvement; or

- Refer the employee to a professional for a fitness for duty evaluation.

Section 4. Diversifying the Workforce.

4.1 *Statement of Goals.* The MPD reaffirms that it is an equal opportunity employer committed to hiring a diverse work force in all ranks. Accordingly, the MPD will not discriminate against any person with regard to an employment related decision on the basis of a person's race, ethnic background, country of origin, sex, religion, or sexual orientation or any impermissible reason. In an effort to address decreasing numbers of

minority applicants and the lack of diversity throughout the department, the MPD will institute an active recruitment and retention program. The MPD will exercise its best efforts to meet its own stated goals for recruitment, hiring, and promotion for protected classes, to include people of color, African Americans, American Indians, women, and people of disability. Moreover, the parties mutually strive for the MPD to be a police department that:

- Values diversity;
- Creates equal opportunities for the hiring and advancement of all people, at all levels of the organization;
- Creates an environment where all employees feel welcome and valued;
- Can effectively work with the community to identify and successfully recruit quality police candidates, with an emphasis on candidates of a status presently underrepresented in the Department; and
- Ranks in the top five nationally in the category of diversity for police organizations of a similar size, as assessed by annual studies done by the Department of Justice and the FBI.

4.2 *Development of Recruitment Strategy.*

4.2.1 *Statement of Purpose.* The MPD will develop and maintain a recruitment strategy for the purpose of improving the diversity of: the employees in all ranks; the pool of candidates for all ranks; and the employees in those job titles intended to be in a career path leading to any sworn position, whether classified or appointed, within the Department. In developing this strategy, the MPD will review and consider the recent successful recruiting efforts conducted by the chair, Doug Belton and members of the Multicultural Recruitment Team. The MPD will incorporate those strategies that can be replicated. In addition, the MPD will implement the changes to its hiring practices as described in the Background Investigation Unit Quality Assurance Report of 2002.

4.2.2 *Recruiting Coordinator.* The Minneapolis Police Department will assign a ranking officer as its Recruiting Coordinator who shall be responsible for implementing the department's official recruitment strategy and coordinating with the PCRC.

4.2.3 *Community Partnerships.* As part of the official recruitment strategy, the Minneapolis Police Department and the PCRC will establish partnerships with community based organizations. These organizations will include but not be limited to:

- Barbara Schneider Foundation
- American Indian Movement, Peacemaker Center
- A.W.M.I.N.
- Southeast Asian Community Council
- Chicanos Latinos Unidos en Servicios *(C.L.U.E.S.)*
- The City, Inc.
- Minneapolis American Indian Center, Metropolitan Urban Indian Directors
- Minneapolis Urban League
- Minnesota State Baptist Convention, Inc.
- OutFront Minnesota
- Somali American Friendship Association
- Upper Midwest American Indian Center
- Urban Coalition
- University of Minnesota Student Legal Services

4.2.4 *Assistance of PCRC.* In developing its recruiting strategy, the MPD will consult with the Police-Community Relations Council ("PCRC") to identify potential barriers to effective recruitment; to identify community based organizations willing to enter into a partnership with the MPD to assist in recruiting from within the members of these communities.

4.2.5 *Multicultural Recruitment Team.* The MPD will establish a Multicultural Recruitment Team for the purpose of:

- Identifying potential sources from which the MPD can recruit women, people of color, African Americans, American Indians and GLBT individuals;

- Identifying barriers to the hiring and promotion of women, people of color, American Indians and GLBT individuals;

- Developing recommendations to break down such identified barriers;

- Working on behalf of the MPD to establish relationships with community organizations willing to partner with the Department in its recruitment efforts; and

- Monitoring the participation of women, people of color, and American Indians in the recruitment program and report on such finding.

- Such other recruiting duties as may be assigned from time to time.

- The PCRC will, on an on going basis, identify for the multicultural recruitment team community based organizations willing to partner with the MPD in the recruiting of members of such communities and will work with the multicultural recruitment team to establish and maintain such partnerships.

The Team shall be led by the Recruiting Coordinator. The Multicultural Recruitment Team will prepare an annual report at the end of the fiscal year describing its activities and provide a copy of its report to the PCRC. This report will include the composition of the Team, the leadership of the Team, the goals and objectives of the Team, the budget for the team and the activities of the Team during the reporting period.

4.2.6 *Focus Group.* The MPD will annually, at the end of the fiscal year, convene a focus group to solicit input from community members, officers of color, American Indians, African Americans, women, GLBT individuals and recently hired candidates to assist with the refinement of its recruitment strategy.

4.2.7 *Review of Strategy with PCRC.* The MPD will review annually, at the end of the fiscal year, its recruiting strategy with the PCRC to determine the effectiveness of strategy and consider whether any modifications to the strategy are necessary or appropriate.

4.3 *Diversifying the Pool of Candidates for Initial Hiring.*

4.3.1 The Community Representatives of the PCRC will, on an on-going basis, identify for the Multicultural Recruitment Team community based organizations willing to partner with the Department in the recruiting members of such communities and will work with the Multicultural Recruitment Team to establish and maintain such partnerships.

4.3.2 The Community Representatives of the PCRC will, on an on-going basis, work with and encourage community organizations to conduct events that would facilitate MPD recruiting efforts.

4.3.3 The Community Representatives of the PCRC will, on an on-going basis, identify and notify the Multicultural Recruitment Team about community-based events that would be beneficial for the Team to attend for recruiting purposes.

4.3.4 In support of its recruiting efforts, the MPD will encourage all officers to attend community based events and, subject to staffing considerations, allow on-duty officers to attend such events.

4.3.5 *Psychological Exams.*

4.3.5.1 *Performance Evaluations.* The MPD will develop criteria to evaluate the performance of the professionals used by the MPD to conduct the psychological examinations of candidates. Such performance evaluations shall be conducted not less than every other year.

4.3.5.2 *Review of Examination Process.* The MPD and the PCRC will review and evaluate its psychological examination process. Such evaluation shall include consideration of expanding the roster of professionals by developing a diverse panel of three psychologist with whom it contracts and the practical and legal implications offering candidates a second examination following an unfavorable initial exam.

4.3.6 *Review of Hiring Process.* The MPD will conduct a comprehensive review of its hiring process and prepare a report on its findings. This review will include consideration of each step of the process and the potential impact that cultural differences might have on impeding a candidate from successfully navigating through the process. To the extent permitted under the Minnesota Government Data Practices Act, this report will be shared with the PCRC.

4.4 *Diversifying the Promoted/Appointed Ranks.*

4.4.1 *Identifying Career Path for Advancement.* The MPD will prepare and make available materials describing specific training programs and career achievements that are important in preparing employees for advancement. The MPD will identify potential candidates and consider all applicants from all communities of color, African Americans, women, American Indians, and members for the GLBT community for all supervisory, administrative, and policy making positions to include but not limited to those positions

carrying the rank or title of corporal, sergeant, ERU commander, K-9 supervisor, lieutenant, captain, inspector, deputy chief, and other key development positions. Such information will be maintained in a manner so as to make the materials easily accessible to all sworn MPD personnel. MPD will provide a copy of the materials to the PCRC.

4.4.2 *Inclusive Succession Planning.* The MPD will develop and implement a formal succession planning program for all the above positions. The MPD will monitor the participation of female officers, officers of color, American Indian officers in the program as well as publish a report which outlines the gender and racial demographics of persons who participate in the program.

4.4.3 *Reporting.* The MPD acknowledges that merely making available the materials referenced in Section 4.4.1 may be insufficient to impact the diversity of supervisory, administrative and policy making positions. Therefore, the MPD will track the participation of its employees in such training and career achievements by race, sex, and all protected classes. When such data indicate that female officers, officers of color, and American Indian Officers are underrepresented[1] in their participation, the MPD will actively recruit and encourage participation among such underrepresented classes of employees. The MPD will publish and distribute to the PCRC an annual report summarizing such tracking data and the efforts of the Department regarding the participation of female officers, officers of color, African American officers, and American Indian Officers.

4.4.4 *Mentor Program.* The Minneapolis Police Department will develop and implement a formal mentorship program for all ranks. The MPD will monitor the participation of female officers, officers of color, American Indian Officers in the program. MPD will publish a report, which outlines the gender and racial demographics of persons who participate in the program.

4.4.5 *Performance Management.* The MPD will adopt the recommendations of the City of Minneapolis performance management system regarding the use of the performance review process to identify and encourage potential candidates for promotion and to provide career counseling to those employees who express an interest in advancement within the organization.

4.4.6 *City Leadership Development Program.* The MPD will allow and encourage participation in the City of Minneapolis Leadership

[1] "underrepresented" as defined by Title VII.

Development Program. MPD will monitor the participation of women, people of color, African Americans, and American Indians in this program and report on such finding.

4.4.7 *Tuition Reimbursement Program.* The MPD will explore establishing a tuition reimbursement program to assist all officers interested in pursuing advanced degrees thereby improving their likelihood for promotion. The MPD will also monitor participation of all female officers, officers of color, African American officers and American Indian officers enrolled in the reimbursement program. If determined by the City to be financially feasible, the MPD shall meet and negotiate with the Police Officers Federation of Minneapolis ("Federation") regarding the terms and conditions of such a program.

4.5 *Improving the Work Environment.* The MPD seeks to maintain a work environment in which all employees are comfortable and feel that they have an opportunity for advancement.

4.5.1 The MPD, with the advice and consultation of the PCRC, will develop and conduct a survey of all employees concerning their perceptions of the MPD work environment and specifically their perceptions as to whether all employees have a fair opportunity for advancement within the Department. After such initial survey, the MPD will periodically conduct a similar survey. Survey data will be summarized and the results will be published and shared with the PCRC. The survey will be conducted in a manner to allow officers to respond in an anonymous manner, if they so choose and, to the extent possible, will request that the responding officers identify their race and sex.

4.5.2 The MPD will work with the Multicultural Recruitment Team and the PCRC to review the results of the survey and develop proposals to address any identified problems.

4.5.3 The PCRC will assist the MPD in seeking financing to assist with conducting the work environment survey and implementing any recommendations resulting there from.

4.6 *Hiring Initiatives.* The parties acknowledge that no diversification of the workforce can occur if the MPD is engaged in a freeze on hiring or promotion and that any efforts at diversification will be lost if layoffs are made. Therefore, the MPD will develop a budget and strategy to increase its hiring and promotions.

Section 5. **Cultural Awareness and Sensitivity.** To recognize and to acknowledge the diversity within the community and within the MPD, the MPD will work with the Police Community Relations Council and other community leaders, and will recruit community contacts and experts for consultation.

5.1 *Languages.* The MPD recognizes that the community it serves and protects is made up of different cultures, races, ethnicities, and sexual orientations. Because language differences can be a barrier to effective communication, is one indication of cultural affiliation, the MPD agrees to:

5.1.1 Annually evaluate and report the languages commonly used in the City.

5.1.2 Publish all literature it routinely prepares and disseminates to the public in languages including, but not limited to, the following:

- English
- Spanish
- Hmong
- Somali

5.1.3 Periodically review whether the list of languages in Section 5.1.2 remains representative of the languages commonly used in the City and make modifications to such list as appropriate.

5.1.4 Train officers to identify the languages commonly used in the City and be aware of the language resources available to assist effective communication.

5.1.5 Encourage officers to learn a language other than English and develop tools to facilitate opportunities for interested officers.

5.1.6 The MPD will commit to establish a financial incentive for officers who are proficient in a language other than English after meeting and negotiating with the Federation regarding the terms and conditions of such a program.

5.1.7 The MPD will include in its annual report statistical data regarding the extent to which its personnel are proficient in languages other than English and identify such other languages.

5.2 *Training.*

5.2.1 The MPD will use officers and contract with community members of different cultures or ethnic backgrounds to assist in training

regarding topics involving interacting with people from other cultures, races, ethnicities, or sexual orientations.

5.2.2 The Community Representatives of the PCRC will, on an on-going basis, work with and encourage community organizations to conduct events that would facilitate cultural awareness among MPD officers.

5.2.3 The Community Representatives of the PCRC will, on an on-going basis, identify and notify the MPD about community-based cultural events that would be beneficial for officers to attend for the purpose of improving cultural awareness.

5.2.4 The MPD will encourage all officers to attend community based cultural events and, subject to staffing considerations, allow on-duty officers to attend such events.

Section 6. Racially Biased Policing. Racially biased policing is the act of making law enforcement decisions solely on the basis of race. Often called "racial profiling," racially biased policing is not only wrong, it is illegal. The MPD does not condone and will not tolerate any form of biased policing. In order to address community concerns about the extent to which MPD officers engage in biased policing, the MPD agrees to the following provisions.

6.1 *Further Research and Analysis.* The MPD will continue its work with the Council on Crime and Justice to gather and analyze additional data relating to traffic stops and searches incident to traffic stops in Minneapolis. The specific types of data to be gathered, the data collection period, the uses of such data and the protocol for reporting have not yet been established by the Council on Crime and Justice. However, the MPD will collect data to be mutually agreed upon with the PCRC and in conjunction with other agencies. With the new 800 MHz system, data such as identification and geographic information will be readily available. To ensure that the interests of the community and police officers are represented in the process in which these important decisions will be made, the MPD will include Community Representatives from the PCRC and the Federation on the MPD team working with the Council on Crime and Justice.

6.2 *Reporting.* The MPD will follow the reporting protocol established jointly with the Council on Crime and Justice.

6.3 *Dissemination of Business Cards.* The MPD will provide its officers with business cards and require that officers give his/her card to a person upon request.

6.4 *Training.* The MPD will provide its employees with the training specified in Section 9.

Section 7. Accountability of Police Officers – the Complaint and Discipline Process.

7.1 *Accountability.* The conduct of police officers is governed by the MPD Manual and applicable state and federal law. The failure of an officer to comply with the standards of conduct set forth in the manual and in law will subject the officer to discipline.

7.2 *Complaint Process.* In order to for the public to have confidence in its police department, the department must provide an effective and efficient means to file allegations of misconduct against police officers. The department also needs to provide a complainant with timely information regarding the status of his/her complaint. This process is essential not only for the credibility of the department with the public, but also because it provides the department with the information it needs to take appropriate remedial action.

7.2.1 The MPD will develop and implement a single form entitled the "Minneapolis Police Conduct Incident Report Form" that can be used to commence an investigation.

7.2.2 The MPD will publish and prepare the Minneapolis Police Conduct Incident Report Form in the languages including but not limited to:

- English
- Spanish
- Hmong
- Somali

7.2.3 The complainant may direct that the form to be submitted to the Commander of the Internal Affairs Unit ("IAU") for review. Following the initial review, if it is determined that the complaint warrants an investigation, the complaint will be forwarded to IAU or to the officer's precinct commander. If the initial review is sufficient to determine that no misconduct occurred, the complainant will be so advised.

7.2.4 The MPD agrees to make the Minneapolis Police Conduct Incident Report Form and materials describing the complaint process available at all MPD precincts, the IAU, and community organizations, to include but not limited" to:

- Barbara Schneider Foundation
- American Indian Movement, Peacemaker Center
- A.W.M.I.N.
- Minneapolis American Indian Center, Metropolitan Urban Indian Directors
- Southeast Asian Community Council
- Chicanos Latinos Unidos en Servicios *(C.L.U.E.S.)*
- The City, Inc.
- Minneapolis Urban League
- Minnesota State Baptist Convention, Inc.
- OutFront Minnesota
- Somali American Friendship Association
- Upper Midwest American Indian Center
- Urban Coalition
- University of Minnesota Student Legal Services

7.2.5 The MPD agrees to periodically provide training to staff at the agency where such forms are available regarding the complaint process and the manner in which the Incident Report is to be completed and submitted.

7.2.6 The MPD will provide training to supervisors regarding the proper response to the receipt of a report of police conduct.

7.2.7 The MPD will revise its Policy and Procedure Inquiry and Referral Form (PPI) to remove the following language: "Complaints that are based solely on harassment, attitude and rudeness will not be accepted without information of specific behavior that may be a violation of the MPD's policies and procedures".

7.2.8 The Internal Affairs will produce an annual report reviewing the activity of the unit.

7.3 *Disciplinary Process.* The United States Constitution and Minnesota laws provide that public employees cannot be disciplined without due process. Due process has been interpreted to mean that discipline cannot be imposed without "just cause" and that the employee has a right to appeal an imposition of discipline to a neutral fact finder such as an arbitrator or a civil service commission.

7.3.1 *Paid Leave of Absence.* When a public employer determines that the allegations against an employee are so serious that the employee should be relieved of duty pending the investigation and the imposition of discipline, the employee is entitled to be placed

on a paid leave of absence during such time because of the legal requirement that the employee not be disciplined without due process.

7.3.2 *Disciplinary Options.* Pursuant to the Minneapolis Civil Service Rules and the MPD Discipline Manual, disciplinary options are coaching, oral reprimand, written reprimand, suspension, demotion and termination. Both documents provide that discipline is to be corrective and not punitive.

7.3.3 *Report of Disciplinary Actions.* Subject to the provisions of the Minnesota Government Data Practices Act, the MPD will prepare an annual report summarizing data regarding complaints against officers and the disposition, including the nature of any discipline of such complaints.

Section 8. Removal of Children from the Home/Out of Home Placement

8.1 The MPD recognizes that when a child is removed from their home, it is not only traumatic for the child, but also for the child's family and community as well. Accordingly, the MPD agrees to take the following measures to limit the circumstance in which a child is removed from his/her home to those in which such action is necessary to protect the safety and well-being of the child.

8.1.1 The MPD will participate in periodic meetings with the following entities to discuss the issues surrounding out of home placement and the procedures used to remove children from their homes.

- Juvenile Detention
- SOS (Social Out reach Services)
- Truancy
- St. Joseph's
- Child Welfare
- Hennepin County

8.1.2 The MPD agrees to review with the PCRC;

- Those cases in which a child may have been removed due to race.
- Current policies and procedures to develop appropriate modifications or protocol.
- Exploring the feasibility of improving accountability of these services to the public by seeking out competitive out of home placement providers

8.1.3 The MPD agrees that officers will work with available and appropriate social service agencies in determining whether it is necessary to remove a child from his/her home. This notification for the family of the child will be language appropriate.

Section 9. **Training.** The parties recognize that training MPD employees is one of the best ways to positively impact the nature of the interaction between officers and the community. To further the mutual interests of the parties, the MPD agrees to train its employees on this agreement and to implement or continue the following training programs.

9.1 *Use of Force.* The MPD agrees to continue annual training for all officers regarding the appropriate use of force, to include deadly force. Such training shall include but not be limited to such topics as:

9.1.1 The circumstances in which the use of deadly force is authorized under applicable law and MPD policy.

9.1.2 The use of "Verbal Judo", de-escalation techniques and other defensive tactics.

9.1.3 The proper application and use of the Lateral Vascular Neck Restraint (LVNR) and the significant distinction between the LVNR and a choke hold. *See Section 1.2.3.*

9.2 *Mental Health*

9.2.1 CIT Personnel. The MPD agrees to provide a training program for its Crisis Intervention Team consisting of 40 hours of initial training and refresher training at least twice per year. The training topics for CIT personnel will include:

9.2.1.1 Recognizing whether a person is mentally ill or developmentally disabled.

9.2.1.2 The use of less lethal weapons, verbal judo, de-escalation techniques, and other defensive tactics.

9.2.1.3 The MPD will include nationally recognized experts as well as local experts to assist in the delivery of such training.

9.2.2 During in-service training, the MPD will give all officers an orientation to mental health and mental illness issues and train all officers in mental health response.

9.3 *Cultural and Language Training.* The MPD agrees to train its officers regarding issues relating to race, diversity and the culture of people living in the City of Minneapolis.

9.3.1 Beginning with the fall 2004 and the spring 2005 training cycle, the MPD will conduct mandatory training for all officers regarding undoing racism, ethnic stereotypes, prejudice and white privilege.

9.3.2 In subsequent in-service training cycles and continuing thereafter, the MPD agrees to include cultural competence topics such as undoing racism, ethnic stereotypes, prejudice and white privilege in the curriculum for each annual in-service training cycle conducted by the department.

9.3.3 The MPD agrees to make available to officers language classes in languages to include: Spanish, Hmong, Somali and American Sign Language (ASL)

9.4 *Biased Policing*

9.4.1 MPD will require all officers to attend training regarding the inappropriate conduct that fosters perceptions of biased policing.

9.4.2 MPD will require all officers attend training on human rights, undoing racism and diversity. The MPD will contract with agencies or organizations that offer specialized training in these areas of human rights, racism and diversity.

9.4.3 The MPD will offer training programs in which a majority of the attendees are not necessarily employees of the MPD.

9.4.4 All mandatory training of current sworn and civilian personnel of the MPD will be completed within five years of the Effective Date of this Agreement.

9.4.5 The MPD will include the training specified in Sections 9.4.1 and 9.4.2 in the training provided to its new recruits and mandate that such training be completed as a condition of passing probation.

Section 10. Equipment

10.1 *Cell Phones.* The MPD acknowledges the need for all on-duty patrol officers to have access to a cell phone in order to improve service in a

variety of areas including access to the language translation service, consultation with social service agencies regarding the removal of a child from the home, and direct contact with other support services. Subject to the provisions of Section 12, below, the MPD will develop a plan to provide all on-duty officers with access to a cell phone.

10.2 In order to improve the effectiveness and efficiency of its personnel, the MPD will review its practices regarding the extent to which officers have adequate supplies of the department-issued tools they need in the performance of their duties such as documents/forms, restraints, and technological access.

Section 11. **Budget.** The MPD, in consultation with the PCRC, will prepare an analysis of the cost of implementing the provisions of this agreement and seek funds from the City Council, grants or other sources in order to obtain the resources necessary to implement the provisions of this Agreement.

Section 12. **Effective Date.** This agreement shall become effective upon the ratification of the agreement by all of the parties or their respective governing bodies.

Section 13. **Expiration.** This agreement will expire on the fifth anniversary of the effective date. However, upon the mutual agreement of the parties this agreement may be renewed for successive terms of three years each.

Section 14. **Performance, Monitoring and Compliance of the agreement.**

14.1 *PCRC.* One of the important functions of the PCRC is to serve as a mechanism of self-enforcement of this agreement and to oversee implementation of this agreement.

14.2 *Compliance Lieutenant.* The MPD will dedicate one full-time lieutenant position to monitor and coordinate compliance with the terms of this Agreement.

14.3 *First and Second Year Following Adoption of Agreement.* During the first and second year following the Effective Date of this Agreement, the MPD will report quarterly to the PCRC, the City Council and the Mayor on its progress toward implementing the provisions of this Agreement. Each report will identify any specific deficiencies and items of non-compliance and will specify the MPD's plan and timetable to rectify such problems.

14.4 *Continuing Reporting.* Within sixty (60) days following the third anniversary of the Effective Date, and every anniversary date thereafter so long as this Agreement remains in effect, the MPD will report to the

PCRC, the City Council and the Mayor on its progress toward implementing the provisions of this Agreement. Each report will identify any specific deficiencies and items of non-compliance and will specify the MPD's plan and timetable to rectify such problems.

14.5 *Remedy.* In the event that any party fails to comply with a provision of this Agreement, the party seeking compliance shall notify the non-complying party in writing specifying the deficiency and the action required to remedy the deficiency. The party receiving such notice shall respond in writing within ten days. The parties shall work with the PCRC to resolve the dispute promptly. If the parties are unable to resolve the dispute on their own, any party may contact the Community Relations Service ("CRS") of the United States Department of Justice and request that the CRS convene mediation facilitate a resolution of the dispute.

14.6 *Compliance Subcommittee.* A ten member compliance subcommittee will be created made up of five members representing organizations from the UCMT and designated by the UCMT and three members from the MPD and two members from the Department of Civil Rights who will chair the committee.

14.7 *Compliance.* In the event that the PCRC believes the Chief or other department heads have failed to comply with any portion of this agreement and the dispute can not be resolved between the parties, the compliance subcommittee will investigate the matter and report its findings and recommendations directly to the Executive Committee of the City Council (herein after, "Executive Committee") for compliance, annual review, salary increase or other action deemed appropriate by the Executive Committee. However, if the Executive Committee fails to take action recommended by the PCRC and if in the sole discretion of the PCRC the action taken by the Executive Committee was not adequate, the PCRC will retain its rights to implement remedies under 14.5.

SIGNATURE PAGES TO FOLLOW

UNITY COMMUNITY TEAM

Reverend Ian D. Bethel, Sr.
Co-Chair, Community Unity Team
Minnesota State Baptist Convention, Inc.

William Means
Co-Chair, Community Unity Team
Minnesota O.I.C. State Council

Ronald Edwards
AAPA

Clyde Bellecourt
American Indian Movement

Evangelist Mary Flowers Spratt
A.W.M.I.N.

Mark Anderson
Executive Director, Barbara Schneider Foundation

Harry "Spike" Moss
The City, Inc.

Zachary Metoyer
Federal Mediation Now, Inc.

Justin Huenemann
Co-Chairman, Metropolitan Urban Indian Directors

Anita Urvina Selin
Minneapolis Commission on Civil Rights

Gregory Gray
Minneapolis Urban League

Gloria Freeman
New Beginnings Baptist Tabernacle

Booker Hodges
New Directions Youth Ministry

Alfred Flowers
New Directions Youth Ministry

Doug Federhart
OutFront Minnesota

Marie Clark
University of Minnesota Student Representative

Tony Looking Elk

Urban Coalition

Michael Yang
Urban Coalition

UNITED STATES DEPARTMENT OF JUSTICE
COMMUNITY RELATIONS SERVICE

_____

Patricia Glenn
Federal Mediator

MINNEAPOLIS POLICE DEPARTMENT

_____

Robert K. Olson
Chief of Police

WTINESSED BY MEDIATION TEAM MEMBERS:

_____

Lucy Gerold
Deputy Chief

_____

Sharon Lubinksi
Deputy Chief

_____

Inspector Robert Allen

_____

Inspector Stacy Altonen

_____

Inspector Tim Dolan

_____

Inspector Donald Harris

_____

Sgt. Medaria Arradondo

_____

Sgt. Michael Davis

Sgt. Duwayne Walker

Officer Mark Klukow

Officer Laura Turner

Sgt. John Delmonico

James P. Michels

Council Member Paul Zerby, Second Ward

Allan Bernard

Vanne Owens-Hayes

Eileen Kapaun

Police Mediation Agreement: Accept and approve agreement.