

AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS

By Zerby

Amending Title 9, Chapter 172 of the Minneapolis Code of Ordinance relating to Fire and Police Protection: Civilian Police Review Authority.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 172.150 of the above-entitled ordinance be amended to read as follows:

172.150. Mediation. ~~(a) The review authority shall inform all complainants and officers of the possibility of mediation as an alternative to the review authority processes.~~

(a) The review authority manager may refer a complaint to mediation. 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 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, the review authority manager may dismiss the complaint or refer it for further investigation, hearing, and review under this chapter.

(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 cause for discipline by the chief of police. 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.

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

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

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

(k) The Review Authority Manager shall follow the following guidelines in referring complaints to mediation.

(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 complaint involving the same or similar allegations arising from an incident which occurred within one year prior to the date of the incident from which the current complaint arises.

(4) The following allegations are appropriate for mediation:

(i) Threatening, abusive, discourteous or offensive language.

(ii) Failure to provide timely or adequate police service not resulting in death or substantial bodily harm, including refusal to provide name or badge number.

(iii) Wrongful stop, detention, or arrest.

(iv) Discrimination based on protected class status.

(v) Excessive force, only if physical injuries are de minimus and do not require medical treatment.

Section 2. That Section 172.180 of the above-entitled ordinance be amended to read as follows:

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.