



**Minneapolis**  
*City of Lakes*

**CIVILIAN POLICE REVIEW AUTHORITY**

**FIRST QUARTER REPORT**

**2011**

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## **Introduction**

The Minneapolis Civilian Police Review Authority (CRA) is responsible for receiving, investigating, mediating, and adjudicating civilian complaints against Minneapolis Police Department (MPD) officers. This report will provide information about citizen complaints involving the actions of MPD officers. This report will present data from the first quarter, the Chief's disciplinary actions, and the CRA's hot topics. It should be noted that the data contained in this report is a "snapshot" of the data at the end of the quarter. Some categories will be updated in future reports. This report does not include data from the MPD Internal Affairs Unit or the lawsuits filed against MPD officers.

The report is divided into four sections. Section I will provide CRA data collected from January through March 2011. Section II will discuss select complaint data for closer examination. Section III will discuss Chief's Discipline in the first quarter. Section IV will discuss the highlights of the CRA's hot topics.

## Section I First Quarter 2011 Statistics

The table below provides CRA data related to the number of civilian contacts, the demographics of the civilian contacts, and the allegations contained in complaints during the first quarter of 2011.

**Table 1 Complaint Data**

<b>Minneapolis Civilian Police Review Authority</b>		
<b>January 1 through March 31, 2011 statistics</b>		
1.	Number of initial complaints received	75
2.	Number of complaints sent for signature	20
3.	Number of signed complaints received	22
4.	Number of complaints withdrawn	0
5.	Percentage of complaints containing multiple allegations	59%
6.	Total number of allegations by type	76
	• Inappropriate Conduct	20
	• Inappropriate Language	18
	• Harassment	1
	• Excessive Force	34
	• Failure to Provide Adequate or Timely Police Protection	3
	• Discrimination	0
	• Failure to Report Use of Force	0
	• Retaliation	0
	• Theft	0
7.	Location of complaints by precinct	
	• Precinct 1	11
	• Precinct 2	1
	• Precinct 3	3
	• Precinct 4	3
	• Precinct 5	4
	• Outside City	0

8.	Location of complaint by ward	
	• Ward 1	1
	• Ward 2	1
	• Ward 3	0
	• Ward 4	0
	• Ward 5	3
	• Ward 6	1
	• Ward 7	10
	• Ward 8	2
	• Ward 9	0
	• Ward 10	3
	• Ward 11	1
	• Ward 12	0
	• Ward 13	0
	• Outside City	0
9.	Race of Complainants (includes victims) <sup>1</sup>	
	• Asian	3
	• Black	18
	• Latino	1
	• American Indian	0
	• Unknown	3
	• White	4
10.	Age of Complainants	
	• Under 21	1
	• 21 – 40	19
	• Over 40	6
	• Unknown	3
11.	Gender of Complainants	
	• Female	11
	• Male	18

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<sup>1</sup> Because the CRA ordinance allows any person with personal knowledge to file a complaint, the term “victim” is used to describe the individual who experienced the police action contained in the complaint.

12.	Race of Officer	
	• Asian	1
	• Black	4
	• Latino	1
	• American Indian	0
	• White	25
13.	Officers time on force	
	• Less than 5 years	13
	• 5 or more years	18

## Section II Complaint Data Break Out

### *Complaints*

Staff closed 73% of the initial complaints received during intake in the first quarter. Twenty-seven percent of the initial complaints closed warranted a complaint for signature. Those complaints contained allegations that the staff believed may be violations of MPD policy and procedure.

The CRA received 22 signed complaints, which was a significant increase in the number of complaints received during the same period last year. It should be noted that the 22 complaints received included complaints sent for signature during 2010. Eight of the complaints received during the first quarter qualified for priority complaint processing.

### *Allegations*

Excessive force allegations accounted for 45 percent of the allegations filed against MPD officers during the first quarter of 2011. In the first quarter of 2010, excessive force allegations only accounted for 14 percent of the allegations filed.

### *Location of Complaints*

The First Precinct and Ward 7 received the most complaints. The majority of the complaints received in the First Precinct and Ward 7 involved police conduct in the downtown business and entertainment district.

## *Complainants*

There has been no change in the distribution of “who” files the majority of complaints against Minneapolis police officers. During the first quarter, blacks filed the most complaints. This is consistent with the historical average of nearly 65% percent of all CRA police misconduct complaints involving blacks as the Complainants or Victims of police misconduct allegations.

## *Mediation*

Two complaints were referred to mediation (one complaint from 2010 and one complaint from the first quarter of 2011). Mediations were held on both complaints. One complaint was successfully mediated. The unsuccessfully mediated complaint was returned to investigation.

## *Board Activity*

The board heard 18 complaints during the first quarter of 2011. The board fully sustained or partially sustained four complaints. Those four complaints contained 17 excessive force allegations. Hearing panels averaged 12 days to deliver 14 hearing panel determinations. The hearing panels sustained 23 percent of the allegations, as shown in Table 2.

**Table 2 Board Data**

<b>Disposition of Complaints</b>	<b>2011</b>
○ Number of complaints heard by panel	<b>18</b>
○ Number of complaints fully sustained	<b>3</b>
○ Number of complaints partially sustained	<b>1</b>
○ Number of complaints not sustained	<b>4</b>
○ Number of complaints dismissed <sup>2</sup>	<b>6</b>
○ Number of complaints determination pending	<b>6</b>
● Number of allegations contained in complaints heard	<b>101</b>
○ Number of allegations sustained	<b>23</b>
○ Number of allegations not sustained	<b>59</b>
○ Number of allegations dismissed <sup>3</sup>	<b>17</b>

<sup>2</sup> Includes complaints dismissed by CRA manager 172.85.(b)

<sup>3</sup> Id.

<b>Disposition of Complaints</b>	<b>2011</b>
• Types of allegations sustained	
○ Inappropriate conduct	<b>5</b>
○ Inappropriate language	<b>1</b>
○ Harassment	<b>0</b>
○ Excessive force	<b>17</b>
○ Failure to provide adequate or timely police protection	<b>0</b>
○ Discrimination	<b>0</b>
○ Failure to report use of force	<b>0</b>
○ Retaliation	<b>0</b>

### **Section III Discipline**

The Minneapolis Police Chief delivered 12 disciplinary decisions involving 17 officers. The CRA board heard the complaints of those decisions between 2009 and 2010.

**Table 3 Disciplinary Decisions by Complainants (Jan. – Mar. 2011)**

<b>Quarter Decision Rendered</b>	<b>Total Decisions</b>	<b>No Discipline</b>	<b>Discipline</b>	<b>% Discipline</b>
<b>1st</b>	12	0	0	0%

As the table above shows, the Chief did not imposed discipline on any of the sustained complaints. Table 4 shows that none of the seventeen officers who received sustained complaints received discipline.

**Table 4 Disciplinary Decisions by Officers (Jan. – Mar. 2011)**

<b>Quarter Decision Rendered</b>	<b>Total Officers</b>	<b>No Discipline</b>	<b>Discipline</b>	<b>% Discipline</b>
<b>1st</b>	17	17	0	0%

*First Quarter Disciplinary Decisions*

Once the CRA investigates and renders a sustained determination on a misconduct allegation, the file is forwarded to the Chief for a disciplinary decision. The MPD aligns the MPD policy to the CRA allegation after the file is forwarded to the MPD. The Chief has sole discretion to impose discipline, training, coaching, or take no action against an officer. It also should be noted that the Chief has sole discretion to determine the level of the misconduct allegation after the CRA complaint has been investigated and sustained. This is important because the level determines the reckoning period; and under the MPD’s new application of the reckoning period, the level of the allegation determines whether discipline will be imposed or not.

Table 5 below provides the CRA sustained violations, the MPD policy and procedure violations, the Chief’s reasoning for the disciplinary decisions, and the facts as determined by the CRA board.

**Table 5 Disciplinary Decisions**

<b>CRA File</b>	<b>CRA Sustained Violations</b>	<b>MPD Policy and Procedure Violations</b>	<b>Sent to Chief &amp; Chief Decision</b>	<b>Chief’s Disciplinary Decision</b>
<b>1</b>	Harassment  Inappropriate Conduct	Professional Policing MPD P/P5-104.01	Sent to Chief 10/18/2010  Chief Decision 1/10/2011	<b>No Discipline</b> – Expiration of the Reckoning Period (complaint too old)
<b>Facts</b>	<p>The Complainant alleged that, during a traffic stop, an officer approached the Complainant in an intimidating and hostile manner.</p> <p>The Complainant alleged that when he attempted to explain his actions, the officer stuck his head in the driver’s window, inches from the Complainant’s face and stated, “Tell it to the judge!” The Complainant alleged that when he made a comment to the officer about his “rude” behavior, the officer threatened to arrest him and made the statements, “You pay my salary – then I want a bonus,” and “Citizens are jerks, too!”</p> <p>The Complainant alleged that the officer threatened to cite the Complainant for not wearing a seatbelt, even after observing Complainant remove his seatbelt to give the officer requested identification. The Complainant further alleged that the officer threw the citation and Complainant’s driver’s license and insurance card into the vehicle onto the dashboard.</p>			
<b>2</b>	Inappropriate Conduct	Use of Discretion MPD P/P 5-103	Sent to Chief 12/30/2010	<b>No Discipline</b> – Expiration of the Reckoning Period

			Chief Decision 1/10/2011	(complaint too old)
<b>Facts</b>	<p>The Complainant alleged that, at the scene of the Complainant's arrest for domestic assault, an officer searched him and removed two cellular phones, money and keys from his person. The Complainant alleged that the officer tossed the cellular phones and money inside Complainant's vehicle and then gave the Complainant's girlfriend the keys to his vehicle. It is alleged that the Complainant did not give the officer permission to release his vehicle to the girlfriend, and when he objected to the officer giving the keys to the girlfriend, the officer stated he could do anything he wanted.</p> <p>The Complainant alleged that days later when he located his vehicle, the tires and rims were damaged and the items that the officer placed inside the vehicle were missing.</p>			
<b>3</b>	Excessive Force  Inappropriate Language  Inappropriate Conduct	Professional Code of Conduct MPD P/P 5-105 (10)	Sent to Chief 12/15/2010  Chief Decision 1/5/2011	<b>No Discipline</b> – Expiration of the Reckoning Period (complaint too old)
<b>Facts</b>	<p>The Complainant alleged that Officer #1 and Officer #2 used excessive force against Victim #1 when he was not resisting or threatening either officer.</p> <p>The Complainant alleged that Officer #1 pulled Victim #1 out of a chair while grabbing him by the throat. Officer #1 then forced Victim #1 onto the floor and struck Victim #1 several times with a knee in the ribcage and buttocks.</p> <p>Complainant further alleged that Officer #2 assisted in forcing Victim #1 to the floor. While on the floor, Officer #2 struck Victim #1 with a closed fist in the side of the face and head several times.</p> <p>Complainant alleged that both officers used inappropriate language toward Victim #1 when, trying to handcuff him, said, "Get on the f**king ground," and "Get your hands behind your fucking back."</p> <p>Victim #3 solely restrained Victim #2 who became upset by the actions of the officers toward Victim #1, who is Victim #2's brother. The Complainant further alleged that Officer #2 engaged in inappropriate conduct when he aimed his taser at Victim #3 and told him to "Get the f**k back."</p> <p>The Complainant further alleged that after Victim #1 was placed in handcuffs, Officer #1 approached Victim #2, grabbed him by the hair, and forced him onto the floor. While Victim #2 was going to the floor, Officer #1 kned him in the ribs when Victim #2 was not offering any resistance.</p>			
<b>4</b>	Inappropriate Language  Discrimination in	Accident Packets- Property Damage MPD P/P 7-509	Sent to Chief 12/15/2010	<b>No Discipline</b> – Expiration of the Reckoning Period (complaint too old)

	Conduct or Services	Professional Code of Conduct MPD P/P 5-105(14)	Chief Decision 1/5/2011	
	<p>Complainant was involved in a traffic collision. Complainant called 9-1-1 to report the collision. Complainant stated that an officer arrived in response to his 9-1-1 call.</p> <p>Complainant alleged that the officer used inappropriate language when the officer addressed him in a rude and demeaning manner while addressing the other party, who happened to be white, in a polite and cordial manner. Complainant alleged that every time he tried to explain himself to the officer, the officer reacted harshly toward him and approached him in a forceful manner, causing Complainant to feel unsafe.</p> <p><b>Facts</b> Complainant alleged that the officer discriminated against him as the officer treated him differently from the other party because he (Complainant) is black.</p> <p>Complainant alleged that while the other party was explaining to the officer how the collision occurred, the officer used inappropriate language when the officer said of Complainant, "His vision is poor."</p> <p>Complainant stated that he asked the officer why he made a derogatory comment about his vision. Complainant alleged that the officer then used inappropriate language against him and said to Complainant, "Shut up!"</p>			
5	Excessive Force	Use of Force MPD P/P 5-301.01  Truthfulness MPD P/P 5-101.01	Sent to Chief 4/21/2010  Chief Decision 2/8/2011	<p><b>No Discipline</b> – Expiration of the Reckoning Period (complaint too old)</p> <p>Training and Policy Failure that has been corrected</p> <p>Disagreed with CRA Board Determination</p>
	<p><b>Facts</b> The Complainant alleged that Officer #1 used excessive force against him when Officer #1 tasered the Complainant while he was not demonstrating any threatening or violent action against the officer(s).</p> <p>Complainant alleged that Officer #2 used excessive force against him when Officer #2 struck the Complainant with a flashlight several times on his right leg while he was not demonstrating any threatening or violent action against the officer(s).</p> <p>Complainant alleges that an Officer #3 used excessive force against him when Officer #3 forcibly held down the Complainant by stepping on his neck after the Complainant had been incapacitated by the taser.</p> <p>Complainant alleges that Officer #4 used excessive force against him when Officer #4 forced the Complainant into a squad car, striking the Complainant's head on the squad car's door frame.</p>			

6	Inappropriate Conduct Inappropriate Language Harassment	Use of Discretion MPD P/P 5-103	Sent to Chief 1/19/2011  Chief Decision 2/14/2011	<b>No Discipline –</b> Expiration of the Reckoning Period (complaint too old)  Disagreement involving case law on search
<b>Facts</b>	<p>Complainant alleged that, during a traffic violation, an officer confiscated his Minnesota identification and an audio recorder he had on his person and did not return the items back to him. The Complainant alleged that the officer took possession of his cell phone and scrolled through it.</p> <p>The Complainant alleged that while seated in the back seat of the officer's squad car, the officer was threatening and said to the Complainant: "Sit back and shut the f**k up," "Do you really want me to get out and beat your ass," "What the f**k you looking at," "You are one of those little dumb-ass ni**ers," and "I feel like taking you out."</p>			
7	Inappropriate Conduct Inappropriate Language Harassment	Use of Discretion MPD P/P 5-103	Sent to Chief 1/20/2011  Chief Decision 2/3/2011	<b>No Discipline –</b> Expiration of the Reckoning Period (complaint too old)
<b>Facts</b>	<p>The Complainant alleged that an officer used excessive force against her when the officer punched her in the face with a closed fist and then used his department-issued chemical irritant on her when she was not offering aggressive resistance against him.</p> <p>The Complainant alleged that the officer used excessive force against her when the officer forcefully drove his knee into her back while she was lying on the street completely still and she was offering no resistance to any officer at the time he did this.</p> <p>The Complainant alleged that the officer used inappropriate language directed toward the Complainant in a demeaning tone. While the Complainant was explaining her health problems in the presence of other officers, the officer added, "She is faking. She has been faking the whole time."</p> <p>The Complainant alleged that the officer engaged in inappropriate conduct when he willfully mistreated and/or gave inhumane treatment to the Complainant. After the Complainant stated that she could not stand up due to an existing knee condition, the officer grabbed the Complainant by her arms, which were handcuffed behind her back, and jerked on them numerous times, lifting the Complainant off the ground by the arms, while telling Complainant, "Get up!; You're fine!; You're faking!; Now, you're up."</p>			
8	Inappropriate Conduct Inappropriate Language Theft	Procedural Code of Conduct MPD P/P 5-107(4)	Sent to Chief 3/10/2011  Chief Decision 3/24/2011	<b>No Discipline –</b> Expiration of the Reckoning Period (complaint too old)
<b>Facts</b>	<p>The Complainant alleged that she became involved in a civil dispute with the proprietor of a hair salon when the Complainant needed to leave the shop while her hair was being braided, in order to pick up her son from a bus stop across the street from the shop.</p>			

	<p>The Complainant alleged that she had informed the proprietor of the shop that she would return to the shop immediately upon meeting her son at the bus, so they could complete the braiding. When the proprietor insisted that the Complainant pay for the incomplete services in full, the proprietor locked the Complainant inside the store.</p> <p>Complainant alleged that Officer #1 engaged in inappropriate conduct when he responded to the store in response to a 9-1-1 call from the Complainant, required the Complainant to pay for the services in full, and then charged the Complainant via citation with theft of services.</p> <p>The Complainant alleged that Officer #1 used inappropriate language against her when she complained to him that she did not receive full services from the shop. Complainant alleged that the officer replied, "That's what you get for being an a**hole."</p> <p>The Complainant alleged that Officer #2 engaged in inappropriate conduct when he touched her inappropriately while conducting a search of her person.</p> <p>The Complainant alleged that Officer #2 physically assaulted her and sexually harassed her.</p>			
9	<p>Inappropriate Conduct</p> <p>Inappropriate Language</p> <p>Harassment</p>	<p>Use of Discretion MPD P/P 5-103</p> <p>Professional Code of Conduct MPD P/P 5-105(14)</p>	<p>Sent to Chief 1/20/2011</p> <p>Chief Decision 3/2/2011</p>	<p><b>No Discipline</b> – Expiration of the Reckoning Period (complaint too old)</p>
Facts	<p>The Complainant was stopped and detained by several Minneapolis police officers after taking a photograph of officers getting into a van outside of a police training facility.</p> <p>The Complainant alleged that during the stop, an officer searched him and removed the messenger bag he was carrying. The Complainant was then handcuffed and detained for an unreasonable amount of time.</p> <p>The Complainant alleged that, during the detainment, Officers #1 and #2 used derogatory language. Complainant alleged that Officer #1 called Complainant a "f**king terrorist", and officers made threatening remarks toward Complainant.</p> <p>Complainant alleged that his hat fell to the ground during his detainment and an officer deliberately stepped on it and kicked it to the storm drain.</p> <p>Complainant alleged that, when his messenger bag was later returned to him prior to his release, Complainant later discovered the contents inside his bag damaged (punctures in his water bottle and bicycle tire pump), and a used beverage cup discarded inside the bag.</p>			
10	<p>Inappropriate Conduct</p> <p>Retaliation</p>	<p>Report Writing MPD P/P 4-602</p>	<p>Sent to Chief 10/7/2010</p> <p>Chief Decision 3/3/2011</p>	<p><b>No Discipline</b> – Expiration of the Reckoning Period (complaint too old)</p>

<b>Facts</b>	<p>The Complainant alleged that an officer engaged in inappropriate conduct. The Complainant alleged that he related specific information to the officer about damage to his motor vehicle. The officer wrote a report about the incident; however, she failed to include all principal and relevant information available to her at the time of the report.</p> <p>The Complainant alleged that the officer failed to write an adequate report out of retaliation for a previous complaint made against her by the Complainant.</p>			
<b>11</b>	<p>Inappropriate Conduct</p> <p>Inappropriate Language</p> <p>Harassment</p> <p>Excessive Force</p>	<p>Use of Force MPD P/P 5-301.01</p>	<p>Sent to Chief 1/20/2011</p> <p>Chief Decision 3/16/2011</p>	<p><b>No Discipline –</b> Disagreed with CRA Board Determination</p>
<b>Facts</b>	<p>An officer responded to the Complainant’s address. The Complainant alleged that, after the Complainant came out of the apartment into the hallway to meet with the officer, the officer made the statement, “You are a little disrespectful motherf**ker”, and then punched the Complainant several times in the face. Complainant alleged that as the officer was attempting to punch the Complainant again, he missed and struck Witness #1.</p> <p>The Complainant alleged that the officer made the statement, “Get that f**ker out of my sight”, and after the Complainant was allowed to leave, the officer followed, taunting the Complainant, calling the Complainant a “pu**y” and acting in a provoking manner.</p> <p>The Complainant alleged that, as the Complainant was walking down the street away from the incident, the officer drove his squad toward Complainant onto the sidewalk, got out of the squad car, grabbed the Complainant by the arm, pinned Complainant against the squad car and began punching the Complainant repeatedly in the face. Complainant was then placed inside the officer’s squad car and transported to jail.</p>			
<b>12</b>	<p>Inappropriate Conduct</p> <p>Excessive Force</p>	<p>Use of Force MPD P/P 5-303</p>	<p>Sent to Chief 12/16/2010</p> <p>Chief Decision 1/5/2011</p>	<p><b>No Discipline –</b> Expiration of the Reckoning Period (complaint too old)</p>
<b>Facts</b>	<p>Complainant alleged that after he talked with officers who had arrested his friend, Complainant walked back inside his apartment building, without the officers telling him to stop or placing him under arrest; however, as the Complainant was getting into the building elevator, Complainant stuck up his middle finger at the officers. Complainant alleged that, at that time, an Officer #1 entered the building, reached into the elevator and grabbed Complainant’s arm. Due to the officer’s force, Complainant and the Officer #1 fell against the elevator walls.</p> <p>Complainant alleged that shortly after the Officer #1 grabbed his arm, Officer #2 tasered Complainant several times when the Complainant was not resisting.</p>			

As Table 5 shows, seventy-five percent of the sustained complaints did not receive discipline because the Chief determined that the complaints were too old for corrective action (reckoning period). The MPD asserts that the corrective intent that would have been associated with discipline

on the complaint would have been minimal or possibly nonexistent. Essentially, the MPD views any disciplinary decision or coaching against an officer or officers on a complaint considered to be too old as punitive and unfair to the officers. It is clear that this practice by the Chief exacerbates community members' perceptions and beliefs that the MPD will continue to nullify the CRA's work, if allowed. One startling example of the abuse and misuse of the reckoning period is the application of the reckoning period to deny corrective action on a complaint that the MPD received within its determined reckoning period, but was denied corrective action because the MPD did not make a discipline determination until after reckoning period had expired.

Other issues that continued to cause concern for the board and negate the purpose and function of the board was the Chief's use of a disagreement with the facts as determined by the board. As stated in previous reports, the CRA ordinance provides the Chief with an opportunity to address the board with evidence of a factual dispute. The Chief did not use the opportunity before making the decision to not discipline on those complaints that he disagreed with the facts. Another issue that arose during the first quarter involved the Chief's denial of discipline because of a disagreement on the case law. While this may be an acceptable reason for denying corrective action, the Chief failed to definitively state case law that authorized the constitutional violation in the case at hand.

The average length of time for the Chief to deliver the 12 disciplinary decisions was 43 days.

## **Section IV Hot Topics**

### *Priority Complaints*

In response to the MPD's use of a reckoning period on newly sustained CRA complaints, during the fourth quarter of 2010, the CRA began a pilot priority complaint process for complaints that met certain screening criteria. During the fourth quarter of 2010, twenty-eight complaints were entered into the priority investigation process, and eight more were added during the first quarter of 2011. Since the beginning of the pilot program, the CRA has completed 15 of the priority complaint investigations, averaging 98 days. The CRA will closely monitor the MPD's handling of the priority complaints.

During the second quarter, the CRA will begin developing a process to handle non-priority complaints in a manner that is effective, but efficient.

### *Ordinance Changes*

The CRA has been working diligently on proposed ordinance changes that will allow the agency to process complaints timelier and provide additional structure to the communication of disciplinary decisions. The CRA anticipates significant ordinance changes during the third quarter of 2011.

### **Section V Conclusion**

While it is disappointing that the Chief has now established a pattern of denying discipline because of the application of a reckoning period on timely filed complaints, the CRA is encouraged by the initial results of the priority complaint process investigations. As stated above, the CRA will closely monitor how the MPD handles those complaints. It is the CRA's hope that the priority complaint process will increase the public's confidence in the City's ability and desire to respond fairly to citizen's sustained allegations of police misconduct.