

CIVIL RIGHTS

MISSION

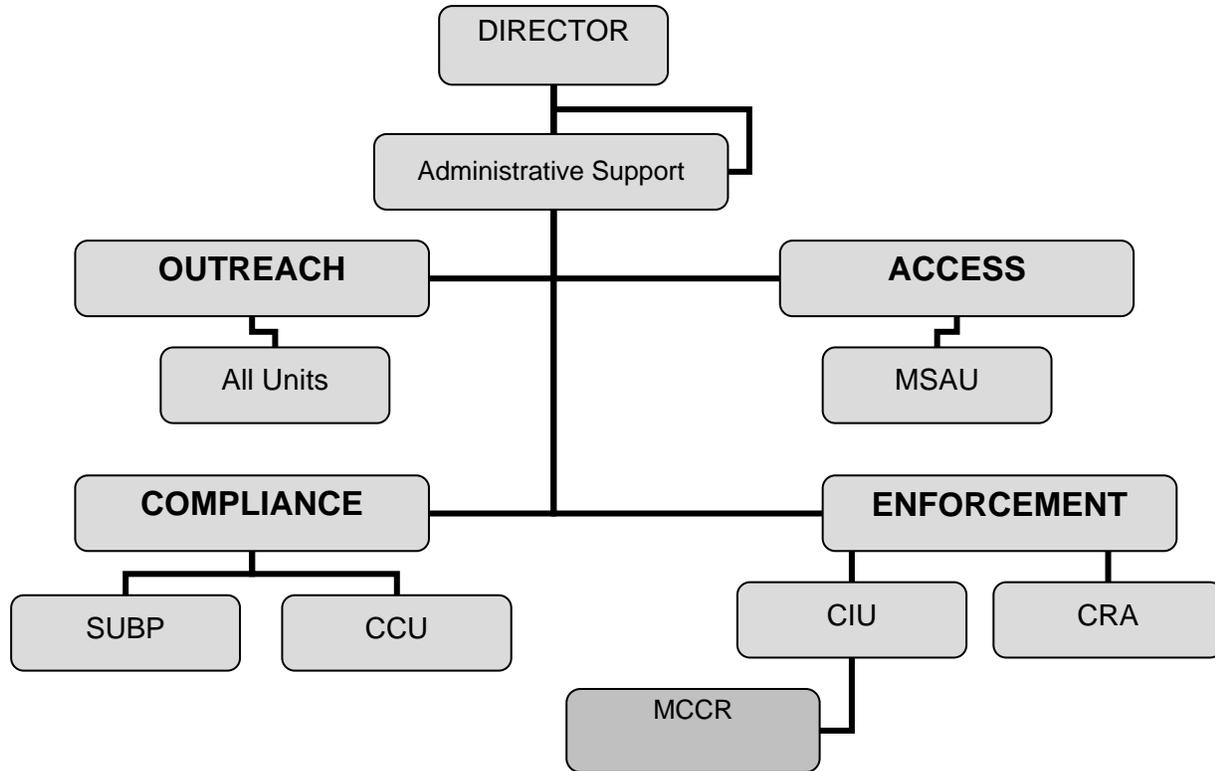
Through vigorous enforcement of the Federal, State and local civil rights laws, as well as education, mediation and conciliation, the Civil Rights strives to eliminate unlawful discriminatory practices, thus promoting the health, economic stability, access, welfare, peace, and safety of the community.

BUSINESS LINES

- **Outreach**
 - **All Units** promote the services of the department to the residents and visitors of Minneapolis by facilitating public forums and presentations. Our purpose is to educate residents and visitors about civil rights, anti-discrimination laws, and police misconduct.
- **Compliance**
 - The **Small and Underutilized Business Program (SUBP)** sets project goals for women and minority businesses in the awarding of City contracts in the areas of construction and development, provisions of goods and services; and requests for proposals; and
 - The **Contract Compliance Unit (CCU)** monitors, investigates, and reports construction employment and training participation, prevailing wage payments, affirmative action plans and violations of the City's equal benefits regulations.
- **Enforcement**
 - The **Complaint Investigations Unit (CIU)** investigates, conciliates and adjudicates complaints of discrimination; and
 - The **Civilian Review Authority (CRA)** investigates, mediates and adjudicates allegations of police misconduct, independent of the Minneapolis Police Department.
 - The **Minneapolis Commission on Civil Rights (MCCR)**, while not an operational entity within the MDCR, plays a crucial part in its work by: (1) initiating/investigating discrimination complaints; (2) reviewing complainant appeals of Director's "No Probable Cause" determinations; and (3) advising the Director and elected officials with respect to matters relating to the Commission's purpose.

ORGANIZATION CHART

**MINNEAPOLIS DEPARTMENT OF CIVIL RIGHTS
BUSINESS LINE ORGANIZATION**



FIVE – YEAR DEPARTMENTAL GOALS AND OBJECTIVES

City Goal (1-6)	City Strategic Direction (A-Z)	Department Goal	Objective
1 – A Safe Place to Call Home 2 – One Minneapolis	1b. Crime reduction: community policing, accountability & partnerships 2c. Equitable City Services & Geographically Placed Amenities	Enforce the Minneapolis Civil Rights Ordinance prohibiting discriminatory practices	1. Thoroughly and objectively investigate allegations of discrimination in a timely manner 2. Eliminate backlog of CIU Complaints
1 – A Safe to Call Home 2 – One Minneapolis	1b. Crime reduction: community policing, accountability & partnerships 2a. Close race and class gaps	Investigations under Title 9, Chapter 172 of the Minneapolis Civilian Police Authority Ordinance	1. Thoroughly and objectively investigate allegations of police misconduct in a timely manner 2. Improving upon the CRA Process (decreasing investigation time, thus increasing the level of trust with the broader community and enhancing relationship with police department)

City Goal (1-6)	City Strategic Direction (A-Z)	Department Goal	Objective
1 – A Safe Place to Call Home	1b. Crime reduction: community policing, accountability & partnerships	Insure equal and timely access to City Services, Decision-making Processes and Resource Opportunities for all residents and visitors.	1. Facilitate processes to better inform, engage and educate diverse communities relative to city services and decision making processes
2 – One Minneapolis	2a. Close race and class gaps		
2 – One Minneapolis	2a. Close race and class gaps	Proactively support workforce diversity in the City by establishing and monitoring employment hiring goals in cooperation with the Human Resources Department and all other City Departments	1. Correct historical underutilization of women and minority owned businesses and under-employment of protected classes within the City

RESULTS MINNEAPOLIS MEASURES, DATA AND TARGETS TABLE						
Measure Name	2004 Data	2005 Data	2006 Data	2007 Data	2008 Target	2011 Target
COMPLAINT INVESTIGATIONS UNIT						
# of new complaints filed with CIU (including files transferred from the EEOC)	116	181	226	231	157	157
% of CIU cases resolved thru mediation/conciliation	18.7%	12.8%	17.8%	23%	25%	25%
Average CIU investigation completion time (days).	747	786	696	634	585	240
CIVILIAN REVIEW AUTHORITY						
# of new complaints filed with the CRA	128	85	89	75	100	80
Average time for completion of CRA investigations	255	292	252	202	192	141
% of cases resolved thru mediation	10%	4%	17%	9%	20%	30%
% of excessive force complaints that resulted in sustained determinations	19%	14%	20%	0	N/A	N/A
CONTRACT COMPLIANCE UNIT						
% of women and minority employees participants on construction/building projects funded with City dollars	Pending	Pending	<u>Female</u> 4.3%	<u>Female</u> 4.1%	<u>Female</u> 4.1%	<u>Female</u> 10%
			<u>Minority Skilled</u> 8%	<u>Minority Skilled</u> 11%	<u>Minority Skilled</u> 11%	<u>Minority Skilled</u> 15%
			<u>Minority Unskilled</u> 15%	<u>Minority Unskilled</u> 10.6%	<u>Minority Unskilled</u> 11%	<u>Minority Unskilled</u> 15%
# of women, small & minority business certified to do business w/ the City	590	674	674	708	775	N/A

MULTICULTURAL SERVICES AND ACCESS UNIT						
Interpreting/Translating Services	3469	3987	3946	3043	2542	2000
Access to City Services	323	1018	1169	1438	1758	2000
Outreach for City Services and other tasks.	52	59	100	196	300	300
TOTAL	3844	5064	5215	46774	4600	4300
HOURS TOTAL	-	-	2467	3017	-	-

What key trends and challenges does your department face and how will they be addressed?

Challenge: Complainant Investigation Unit

There are several challenges that face this Unit. The most significant are: (1) backlog of old complaints; (2) time required to investigate complaints that are filed; and (3) stability of the staff of complaint investigators.

The backlog situation continues to be troubling. The Unit has performed a “triage” analysis of the existing cases and divided them into the following classifications: (1) cases that are sufficiently investigated and can be completed within a reasonable short amount of time; (2) cases that require additional investigative effort and will require a relatively long period of time for completion; and (3) cases, which for various reasons (weak basis for complaint, loss of witnesses, respondent and complainant no longer available) cannot be brought to closure. These cases will be dismissed.

The second challenge, relating to investigative timeframes, will be addressed by the application of a new intake and investigation methodology. This methodology is a result of the Business Process Improvement initiative. The new methodology was implemented on June 15, 2008. Additional improvements in effectiveness and efficiency will result in the implementation of the CAO's Practice Manager Database as the Unit's recordkeeping system. This system is tentatively planned to be implemented on August 1, 2008.

In regards to turn-over among the investigative staff, the department has implemented new hiring, management and training actions. Also, the more efficient methodology will improve staff morale and levels of job satisfaction.

Challenge: Evaluation of the Contract Compliance Unit's Responsibilities, Workloads and Outcomes

The MDCR commissioned an independent review of the Contract Compliance Unit's responsibilities, workloads and outcomes. The study was completed in May of 2007. As a result of the May 2007 analysis of the Contract Compliance Unit several new initiatives were implementing. These include: (1) hiring several new employees (replacing existing vacancies); (2) instituting new and modifying existing policies; and (3) improving work methodologies and support systems.

Another major result of this activity is the purchase and implementation of a new computer based contract compliance monitoring system. This system is planning on going live August 1, 2008. It will result in significant increases in the efficiency and effectiveness of the Unit.

Tend/Challenge: The number and size of contracts awarded to minority and women owned contractors remains small

In 2007, the construction contracts awarded to minority and women owned businesses were as follows:

1. Total Contracts awarded – MBE = 4,796,041
WBE = 10,022,449
2. % of total City expenditures – = 13%

The low level of performance has been the norm for decades. One of the results of this trend has been an increased demand from both elected officials and community residents to increase the participation of women and minority owned businesses. It is our expectation that several of the budget initiatives (e.g. section 3 monitoring and reporting and proposed changes to M.C.O § 423) as well as the program initiatives that were initiated in 2008 (e.g. implementation of new contract compliance monitoring system; completion of a disparity study; cooperative, multi-jurisdictional M/WBE contractor capacity building within the City of St. Paul, Metropolitan Economic Development Association; institution of new City Department goals for purchasing of goods and services from minority and women owned businesses) will be successful in responding to the challenge.

Challenge: Compliance with Federal Monitoring and Participation Mandates

The City as a recipient of Community Development Block Grant Funds (CDBG), is required to administer a Section 3 program. The program requires that businesses and residents, located in the area of a project funded in whole or part by CDBG funds, have an ample opportunity to participate as businesses or employees in the economic opportunities generated by the project. The City does not have a consistent and effective system for meeting these requirements.

Not having a program places funding in jeopardy. Over the past couple of years, HUD has increasingly supported economic liability on recipients found in noncompliance. A new law was passed this year which would allow penalties up to ten (10) percent of the overall funding.

There has not been a Section 3 program administered by the City since the Heritage Park Project. It would appear that such a program and reporting requirement would fit best within the additional functions of Civil Rights. It would require that the department apply resources to develop a program which would certify, promote and monitor Section 3 employees and businesses. The department requests funding from CDBG or other resources to cover this need and fund one position (\$60,000).

Challenge: Reducing the CRA process timeline

The length of time to complete CRA investigations is important to the citizens, police administration and officers. The CRA ordinance requires that investigations be completed within 60 days, unless there is a one-time 30-day extension. Currently, the CRA does not complete the majority of its investigations within this timeframe.

The CRA has two investigators who are responsible for investigating allegations that may arise from the actions of over 800 uniformed police officers. Based on the number of officers compared to the number of investigators, the CRA's investigative capacity is strained. This

strained capacity affects the timeliness of CRA investigations and thus is an additional contributor to the public's waning confidence in the CRA's ability to address misconduct issues in a meaningful manner. Additionally, officers have expressed concerns about the length of time of having open complaints against them. There are also implications for police administration in its own use of CRA findings to impose discipline on police officers.

Challenge: Community Outreach Activities

As the limited staff works to increase efficiency of CRA process, other aspects of the CRA ordinance are placed on hold. Specifically, this relates to the CRA outreach activities that are mandated by the City ordinance. The CRA is responsible for conducting a community outreach program, which has never been fully funded. This is a missed opportunity for the City to educate the community about policing and establishing additional community ties, which will ultimately assist with the public safety goal. As the City's only *independent* investigator of police misconduct allegations, the CRA has the ability to enter communities as a neutral observer and educator, which would allow the community to raise questions and receive answers regarding police actions.

Challenge: Cultural Awareness Training

The CRA is mandated to collaborate with the MPD on cultural awareness training. Through informal conversations with MPD personnel, past cultural awareness training has not produced measurable results in the officers. The MDCR and MPD management will conduct an analysis to determine the reasons for this lack of success and recommend follow-up actions that will achieve the desired results. The CRA should continue to discuss cultural awareness training with the MPD and develop a workable program modeled after other successful programs from departments across the country.

Challenge: Backlog of Probable Cause Complaints with the Commission

There is an increase in the number and complexity of probable cause cases transferred to the Commission for resolution. Currently, the Commission has 24 cases on its docket. A challenge in 2008 will be addressing the number of PC cases that are scheduled for a Public Hearing in 2008. There are nineteen (19) Probable Cause cases that will be scheduled for a Public Hearing. These hearings will stretch into 2009. This increase has resulted in concerns over resources. This concern raised by the lawyers on the commission, who must act as presiding officers on the three-member panels that hear the complaints. This is of particular concern because it affects the timeliness of the enforcement agency's administrative processes. The Department might explore the use of Administrative Law Judges to handle these cases, in addition to maximizing the attorney-commissioner positions with the Commission.

What changes to the ordinance are needed to improve services and/or reduce cost?

There are two areas where the ordinance changes must be recommended. The first relates to the SUBP ordinance. The changes would include: (1) requirement of "prompt payment" of minority and women owned businesses by the general contractors after completion of the work. The suggested payment period would be in 14 days; and (2) a fixed percentage of City expenditures, as identified by annual budget line items, would be dedicated to minority and women owned businesses. The percentage amount would be predicted upon the "availability of such businesses as identified by the results of the Disparately Study that will be completed in December 2008. The ordinance language would be mandated after Minn. Stat. Section 166.16.

The second potential ordinance change relates to the Civilian Police Review Authority (CRA). The City Attorney is currently seeking an opinion from the Minnesota Department of Administration (MDA) concerning data privacy issues, relative to the function of the CRA. The outcome the MDA decision may suggest a change to the ordinance. At this time, a more specific recommendation cannot be presented.

Another potential cause for a change in the CRA Ordinance is the pending lawsuit initiated by the Minneapolis Police Federation ("the Federation). A decision in favor of the Federation will create a potential situation where an entity other than the CRA Board can override a CRA panel's sustained complaint. If this scenario occurs an ordinance change will be required.

A final potential change would be to consider changing the current 90-day requirement for completion of a CRA investigation. Staff resources do not allow the unit to consistently meet this deadline.

FINANCIAL ANALYSIS

EXPENDITURE

Civil Rights' 2009 budget of \$2.7 million is a 3.5% decrease from 2008.

REVENUE

The department's revenue from EEOC (Equal Opportunities Employment Commission) work share agreement is projected in 2009 at \$54,000. This remains the same as 2008.

FUND ALLOCATION

The department is funded by the general fund (87%) and CDBG funds (13%).

ORIGINAL BUDGET

The Mayor recommended \$150,000 in one-time funding for a youth apprentice program, with a \$150,000 match from CPED. The Mayor also recommended the transfer of Multicultural Services to the Neighborhood and Community Relations Department. This includes a General Fund reduction of \$275,000 and CDBG reduction of \$117,000. The transfer will result in the transfer of six employees from Civil Rights to Neighborhood and Community Relations. The Mayor recommended \$90,000 in CDBG funding for federal monitoring and compliance and a reduction of \$10,000 to meet the five-year financial direction. The Council approved these recommendations.

MAYOR'S REVISED BUDGET

The Mayor recommended a reduction of \$180,000.

The Mayor further recommended transferring the investigations function that continues to provide protections for Minneapolis residents from the City to the State effective January 1, 2010. The department should report back to the Health, Energy, and Environment Committee with a transition plan no later than June 1, 2009.

COUNCIL REVISED BUDGET

The Council concurs with the Mayor's recommendations.

The Council directs staff to work with community stakeholders, including the commission on Civil Rights, Council members and the Mayor's office, to form a task force to analyze the performance of all business lines and make recommendations for budget reductions. This analysis shall include examination of the State Department of Human Rights' capability to handle all or part of the complaint investigations unit, and the service impacts to all business lines of a potential cut of \$300,000 (cumulative from 2009 and 2010) to the department's budget. The department is directed to report back to the Health, Energy, and Environment Committee with the task force recommendations no later than June 1, 2009.

The budget for this department includes a reduction of BIS charges of \$11,500 due to the Council's actions to reduce the BIS budget by \$725,000. This reduction in BIS charges will subsequently reduce the department's appropriation by the same amount. Backing out this reduction in charges, the 2009 supplemental budget for Civil Rights is \$2,735,248, a 3.1% decrease from the 2008 Adopted budget.

RESULTS IMPLICATIONS

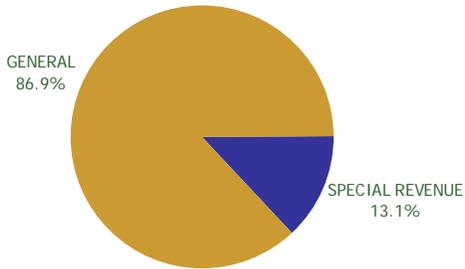
The department anticipates it can absorb the Council's revised cuts while minimizing impacts to its core services.

CIVIL RIGHTS EXPENSE AND REVENUE INFORMATION

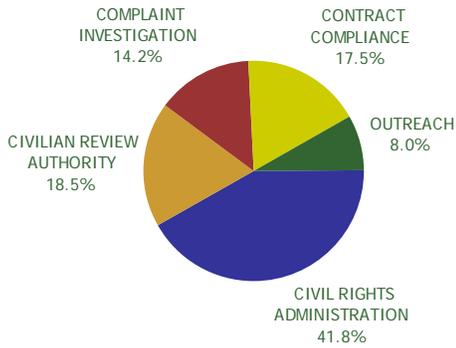
EXPENSE	2006 Actual	2007 Actual	2008 Adopted Budget	2009 Revised Budget	Percent Change	Change
GENERAL						
Salaries and Wages	982,173	1,181,506	1,295,961	1,184,455	-8.6%	(111,506)
Fringe Benefits	236,916	310,161	423,680	425,635	0.5%	1,955
Contractual Services	673,983	584,969	532,635	488,685	-8.3%	(43,950)
Operating Costs	132,420	246,798	233,166	261,231	12.0%	28,065
Capital	0	0	6,558	6,742	2.8%	184
TOTAL GENERAL	2,025,492	2,323,434	2,492,000	2,366,748	-5.0%	(125,252)
SPECIAL REVENUE						
Salaries and Wages	271,842	173,553	178,216	82,113	-53.9%	(96,103)
Fringe Benefits	76,797	51,717	54,532	30,764	-43.6%	(23,768)
Contractual Services	47,585	34,231	88,682	235,313	165.3%	146,631
Operating Costs	711	0	8,570	8,810	2.8%	240
TOTAL SPECIAL REVENUE	396,935	259,501	330,000	357,000	8.2%	27,000
TOTAL EXPENSE	2,422,427	2,582,935	2,822,000	2,723,748	-3.5%	(98,252)

REVENUE	2006 Actual	2007 Actual	2008 Adopted Budget	2009 Revised Budget	Percent Change	Change
GENERAL						
Charges for Service	40,100	57	0	0	0.0%	0
Charges for Sales	0	35	0	0	0.0%	0
Other Misc Revenues	(1,100)	0	0	0	0.0%	0
TOTAL GENERAL	39,000	92	0	0	0.0%	0
SPECIAL REVENUE						
Federal Government	1,200	46,440	54,000	54,000	0.0%	0
TOTAL SPECIAL REVENUE	1,200	46,440	54,000	54,000	0.0%	0
TOTAL REVENUE	40,200	46,532	54,000	54,000	0.0%	0

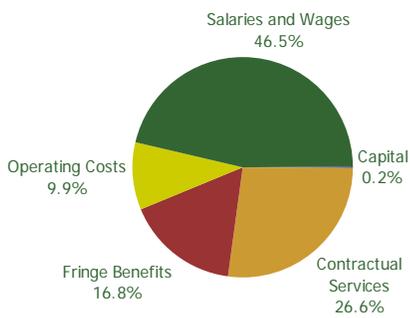
Expense by Fund



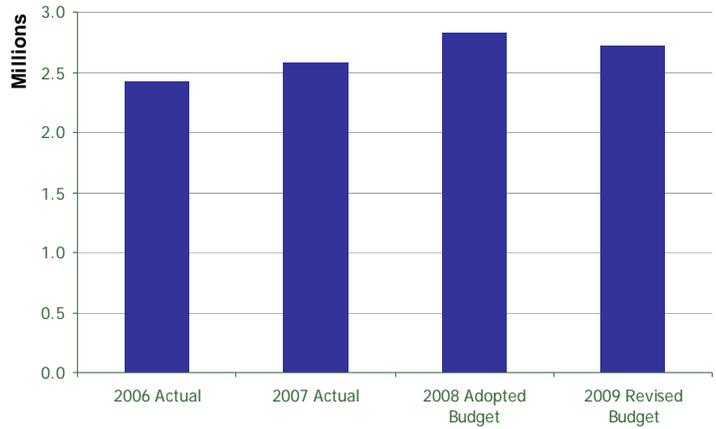
Expense by Division



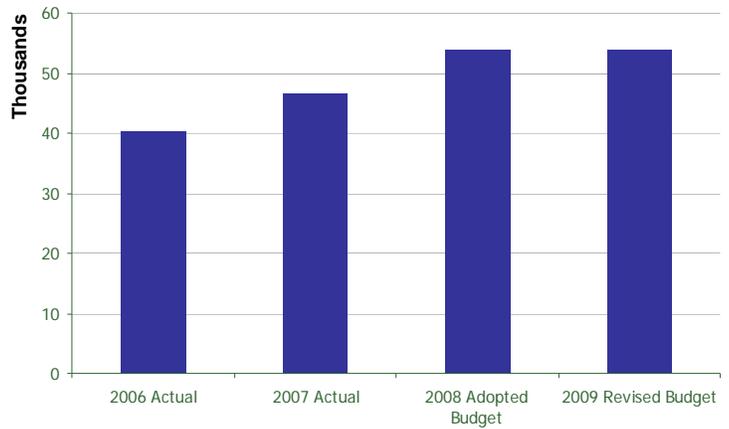
Expense by Category



Expense 2006 - 2009



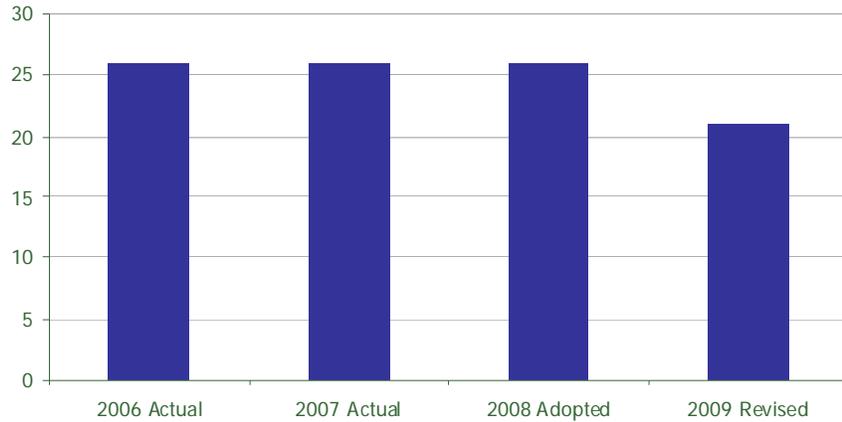
Revenue 2006 - 2009



CIVIL RIGHTS Staffing Information

Expense	2006 Actual	2007 Actual	2008 Adopted	2009 Revised	% Change	Change
CIVIL RIGHTS ADMINISTRATION	5	5	5	5	0.0%	
CIVILIAN REVIEW AUTHORITY	4	4	4	5	25.0%	1
COMPLAINT INVESTIGATION	5	5	5	5	0.0%	
CONTRACT COMPLIANCE	6	6	6	6	0.0%	
OUTREACH	6	6	6		-100.0%	(6)
TOTAL	26	26	26	21	-19.2%	(5)

Positions 2006-2009



Positions by Division

