

CIVIL RIGHTS DEPARTMENT

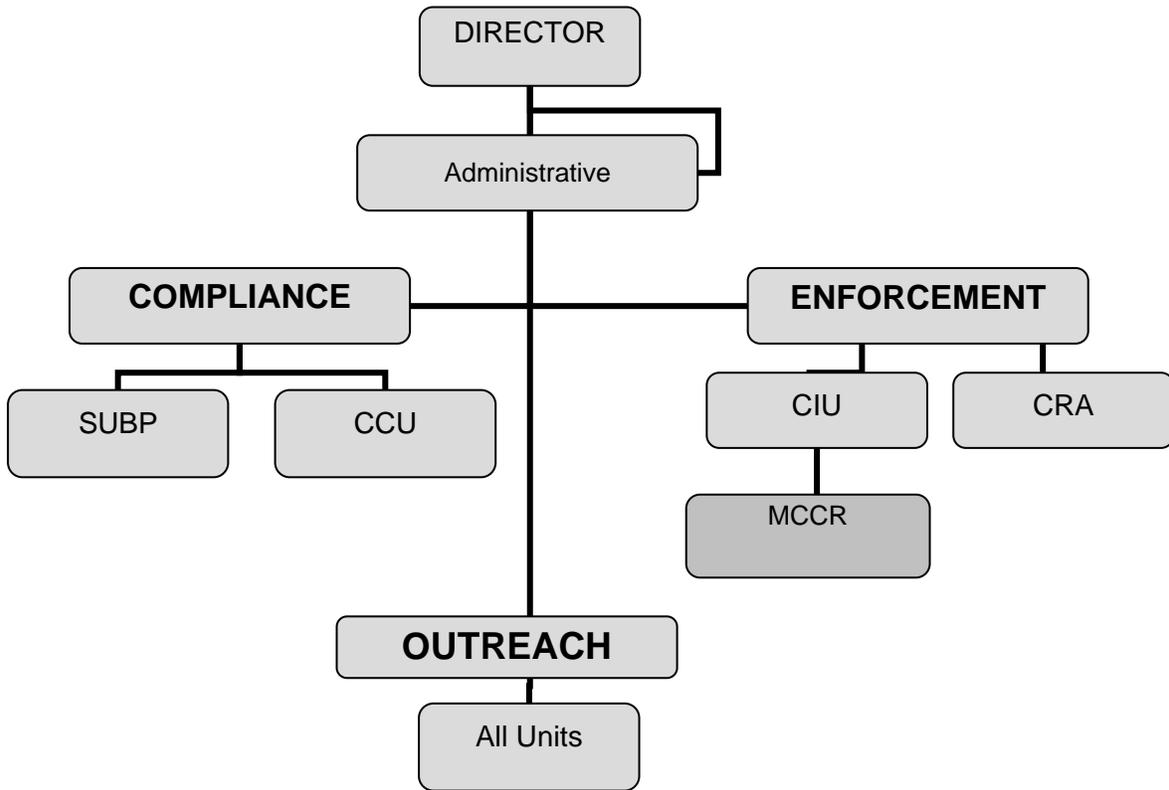
MISSION

The Minneapolis Department of Civil Rights values a goal of One Minneapolis by seeking to eliminate disparities in treatment, accommodations, employment and economic opportunities for women and citizens of color. Through education, promotion, mediation and conciliation, as well as vigorous enforcement of Federal, State and local civil rights laws, the Minneapolis Department of Civil Rights strives to foster opportunities while eliminating 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 participation goals for women and minority businesses on 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 the execution of the Department's role. Among other duties it: (1) initiates/investigates discrimination complaints; (2) reviews complainants appeals of Director's "No Probable Cause" determinations; and (3) advises the Director and elected officials with respect to matters relating to the Commission's purpose.

ORGANIZATION CHART



**FIVE – YEAR DEPARTMENTAL GOALS, OBJECTIVES, AND PERFORMANCE MEASURES
(ALIGNED WITH CITY GOALS AND STRATEGIC DIRECTIONS)**

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 2 – One Minneapolis	1b. Crime reduction: community policing, accountability & partnerships 2a. Close race and class gaps	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	Proactively support workforce diversity in the City of Minneapolis by establishing and monitoring employment hiring goals, Support and provide training and employment opportunities through City generated or supported projects.	1. Correct historical underutilization of women and minority owned businesses and under-employment of protected classes within the City of Minneapolis

MEASURES, DATA AND TARGETS TABLE						
Measure Name	2004 Data	2005 Data	2006 Data	2007 Data	2008 Data	2011 Target
COMPLAINT INVESTIGATIONS UNIT						
# of new complaints filed with CIU (including files transferred from the EEOC)	116	181	226	231	296	250
% of CIU cases resolved thru mediation/conciliation	18.7%	12.8%	17.8%	23%	22%	25%
Average CIU investigation completion time (days).	747	786	696	634	688	440
CIVILIAN REVIEW AUTHORITY						
# of new complaints filed with the CRA	128	85	89	75	68	80
Average time for completion of CRA investigations	255	292	252	202	218	141
% of cases resolved thru mediation	10%	4%	17%	9%	12%	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> 6.35%	<u>Female</u> 6.1%
			<u>Minority Skilled</u> 8%	<u>Minority Skilled</u> 11%	<u>Minority Skilled</u> 12.58%	<u>Minority Skilled</u> 13.5%
			<u>Minority Unskilled</u> 15%	<u>Minority Unskilled</u> 10.6%	<u>Minority Unskilled</u> 17.73%	<u>Minority Unskilled</u> 14.9%

# of women, small & minority business certified to do business w/ the City	590	674	674	708	691	N/A
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What key trends and challenges does your department face and how will they be addressed?

Challenge: Complainant Investigation Unit

In 2009 Civil Rights' challenges were as follows: (1) backlog of old complaints; (2) time required to investigate complaints filed; and (3) stability of staff of complaint investigators.

The backlog is improving rapidly, due to the application of improved methodologies and technology. 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. This focus allows for improved utilization of human resources and higher case completion productivity. The department has made excellent use of law school interns and contract investigators. Additionally, the department has re-allocated FTE spending, eliminating a clerical position and adding another complaint investigator.

In January 2009, the department has implemented a new intake and investigation methodology as a result of the Business Process Improvement initiative. Additional improvements in effectiveness and efficiency have been achieved as a result of the implementation of the CAO's Practice Manager Database as the Unit's recordkeeping system. This system was fully operational in March of 2009.

The department has implemented new hiring, management and training actions. The more efficient methodology will improve staff morale and levels of job satisfaction. The result of these actions has been "zero" turnover among investigators with the status of permanent full time. This high level of stability has resulted in improved productivity and has contributed to improved responsiveness and service to complainants and respondents.

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

As a result of the May 2007 analysis of the Contract Compliance Unit several new initiatives were implemented. 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.

A computer based contract compliance monitoring system went live in June 2009. Significant increases in the efficiency and effectiveness of the Unit were experienced immediately.

The City of St. Paul has also purchased this computer based Contract Management System, and Hennepin County may purchase the same system or one very similar in operation. This technology base will create the foundation for the various jurisdictions to

partner in monitoring and enforcement efforts, resulting in improved efficiency and transparency for both the community and general contractors.

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

In 2008, the construction contracts awarded to minority and women owned businesses were as follows:

1. Total Contracts awarded – MBE = \$4,309,036.38
WBE = \$5,536,765.23
2. % of total City expenditures – = 13%

The low level of performance has been the norm for decades and there has been an increased demand from both elected officials and community residents to increase the participation of women and minority owned businesses.

As a result of the enhancements in the functions and productivity of the CCU, we have seen significant improvements in the minority/female workforce and small business participation. The first quarter 2009 statistics are as follows:

Employment:

- 12.58% Minority Skilled (Goal = 11%)
- 17.73% Minority Unskilled (Goal = 11%)
- 6.68% Female (Goal = 6%)

Small Businesses:

- \$4,517,377.38 or 6.19% MBE
- \$5,889,781.84 or 8.07% WBE
- % of the total City expenditures = 14.3% (Goals are project specific)

The department expects several of the budget initiatives recommended in the 2009 budget (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 (budget request)

The City of Minneapolis, 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.

Lack of a program places funding in jeopardy. Over the past couple of years, HUD has increasingly supported economic liability on recipients found in noncompliance. A law was passed this year which would allow penalties up to ten (10) percent of the overall funding.

The City has not administered a Section 3 program since the Heritage Park Project. It would appear that such a program and reporting requirement would fit best within the additional functions of the Civil Rights Department. It would require that we apply resources to develop a program which would certify, promote and monitor Section 3 employees and businesses. The department received funding from CDBG to fund one position. Due to the hiring freeze in early 2009, this position was not filled until May of 2009. However, we are already beginning to obtain its benefits.

Challenge: Reducing the CRA process timeline

The length of time to complete CRA investigations is important to 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 complaints are open against them. There are also implications for police administration in its own use of CRA findings to impose discipline on police officers.

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 54 cases on its docket. A challenge in 2009 will be addressing the number of PC cases that are scheduled for a Public Hearing in 2009. 29 Probable Cause cases will be scheduled for a Public Hearing. These hearings will stretch into 2010. This increase has resulted in concerns over resources 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 is exploring several scenarios that would reduce this backlog; they include the use of Administrative Law Judges to handle these cases, increasing the number of attorney-commissioner positions with the Commission, and applying BPI methodology to the Commission hearing process.

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

There are several areas where 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. 166.16. The CCU has already implemented a prompt payment requirement. However, it would be prudent and more effective to solidify it via ordinance.

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.

A third 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.

Fourth, there are ordinance changes that will be required to support the implementation of the new city-wide affirmative action plan. However, specific recommendations cannot be offered until the affirmative action plan is approved by the City council and the Mayor.

Finally, if the operation of the CIU is suspended, several changes in the ordinance may be required. If and when this occurs, the City Attorney’s Office and the Department will develop specific recommendations. It might also be prudent to suggest statutory changes to the Minnesota Human Rights Act. In order to compensate for the loss of investigative capacity and appeal/review opportunities currently available via the Minneapolis Commission on Civil Rights.

What actions will the department take to meet the current financial projections (5% reduction in all funds)?

A 5% reduction for Civil Rights would be \$110,000. The department would take these cuts in Contractual Services. Computer system support in the amount of \$50,000 would be discontinued. Additionally, the department will reduce its use of contract investigators.

FINANCIAL ANALYSIS

EXPENDITURE

The total 2010 Civil Rights’ budget of \$2.394 million, a 12.1% decrease from 2009.

REVENUE

The department's revenue from EEOC (Equal Opportunities Employment Commission) work share agreement is projected in 2010 at \$55,000.

FUND ALLOCATION

The department is funded by the general fund (85%) and CDBG funds (15%).

ORIGINAL BUDGET

The Mayor recommended a reduction of \$164,000 and one position from the current service level for this department. Council approved the Mayor's recommendations. Additionally, Council reduced Civil Rights' operating budget by \$93,000 and 1 FTE, and directed the department to develop standards of progress on eliminating the CIU case backlog by December 31, 2011 and present to the MDCR reporting committee no later than February 2010. Quarterly progress reports to MDCR should begin in February 2010. The City Coordinator was directed to recommend to the Civil Rights reporting committee in January 2010, a community engagement plan to gather input from stakeholders on the future and functions of the Minneapolis Department of Civil Rights.

The budget for this department includes a reduction of BIS charges of \$29,200 due to the Council's actions to reduce the BIS budget. This reduction in BIS charges will subsequently reduce the department's appropriation by the same amount. Additionally, the budget for this department includes a \$562 decrease in appropriation due to the Council's actions to fund two internal audit positions. Back out both changes, the 2010 Council Adopted Budget for the department is \$2,423,999, a 11.0% decrease from the 2009 Revised Budget.

MAYOR'S REVISED BUDGET

The Mayor included no reduction to this department.

COUNCIL REVISED BUDGET

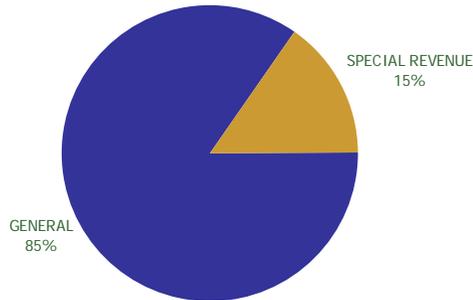
Council approved the Mayor's recommendation.

CIVIL RIGHTS EXPENSE AND REVENUE INFORMATION

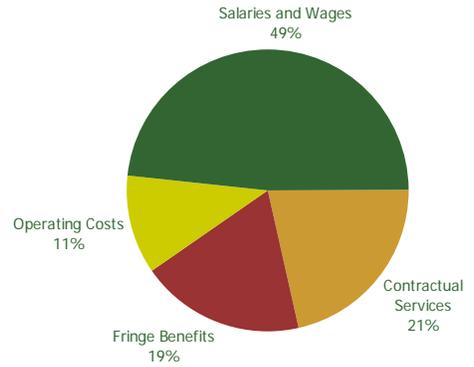
EXPENSE	2007 Actual	2008 Actual	2009 Revised Budget	2010 Revised Budget	Percent Change	Change
GENERAL						
Salaries and Wages	1,181,506	1,188,905	1,184,455	993,663	-16.1%	(190,792)
Fringe Benefits	310,161	336,424	425,635	383,822	-9.8%	(41,813)
Contractual Services	584,969	730,366	488,685	379,775	-22.3%	(108,910)
Operating Costs	246,798	253,631	261,231	269,612	3.2%	8,380
Capital	0		6,742	2,366	-64.9%	(4,376)
TOTAL GENERAL	2,323,434	2,509,326	2,366,748	2,029,237	-14.3%	(337,511)
SPECIAL REVENUE						
Salaries and Wages	173,553	237,044	82,113	165,202	101.2%	83,090
Fringe Benefits	51,717	77,911	30,764	67,323	118.8%	36,559
Contractual Services	34,231		235,313	132,475	-43.7%	(102,838)
Operating Costs	0		8,810	(1)	-100.0%	(8,811)
TOTAL SPECIAL REVENUE	259,501	314,955	357,000	365,000	2.2%	8,000
TOTAL EXPENSE	2,582,935	2,824,281	2,723,748	2,394,237	-12.1%	(329,511)

REVENUE	2007 Actual	2008 Actual	2009 Revised Budget	2010 Revised Budget	Percent Change	Change
GENERAL						
Federal Government	0	(1,500)			0.0%	0
Charges for Service	57	23,055			0.0%	0
Charges for Sales	35	26			0.0%	0
Other Misc Revenues	0				0.0%	0
TOTAL GENERAL	92	21,581			0.0%	0
SPECIAL REVENUE						
Federal Government	46,440		54,000	55,000	1.9%	1,000
TOTAL SPECIAL REVENUE	46,440		54,000	55,000	1.9%	1,000
TOTAL REVENUE	46,532	21,581	54,000	55,000	1.9%	1,000

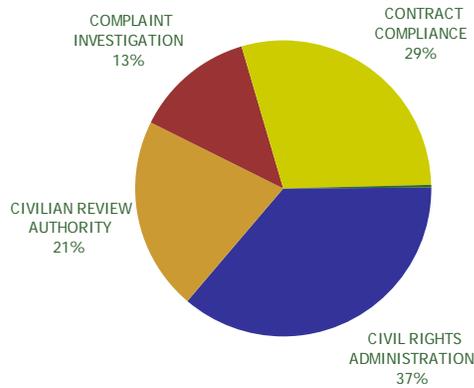
Expense by Fund



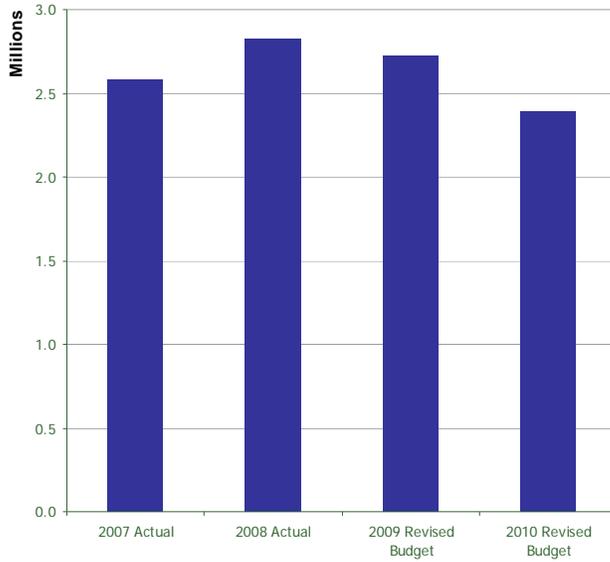
Expense by Category



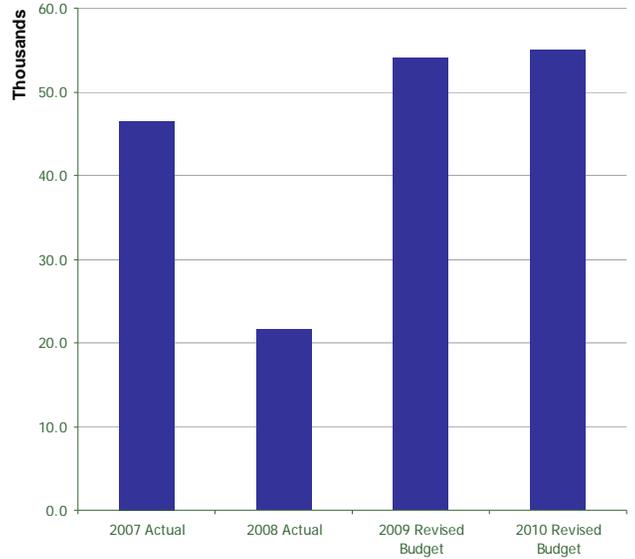
Expense by Division



Expense 2007 - 2010



Revenue 2007 - 2010



CIVIL RIGHTS

Staffing Information

Expense	2007 Actual	2008 Adopted Budget	2009 Revised Budget	2010 Revised Budget	% Change	Change
CIVIL RIGHTS ADMINISTRATION	5.00	5.00	5.00	3.00	-40.0%	(2)
CIVILIAN REVIEW AUTHORITY	4.00	4.00	5.00	5.00	0.0%	
COMPLAINT INVESTIGATION	5.00	5.00	5.00	4.00	-20.0%	(1)
CONTRACT COMPLIANCE	6.00	6.00	6.00	7.00	16.7%	1
OUTREACH	6.00	6.00	6.00	6.00		
TOTAL	26.00	26.00	21.00	19.00	-9.5%	(2)

Positions by Division

Positions 2007-2010

