

Minnesota Department of Human Rights Court-Enforceable Settlement Agreement Common Questions

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Court-enforceable settlement explained

What led to the court-enforceable settlement agreement with the Minnesota Department of Human Rights (MDHR)?

- The Minnesota Department of Human Rights (MDHR) investigation launched June 1, 2020, after former Minneapolis police officer Derek Chauvin murdered George Floyd on May 25, 2020.

- On April 27, 2022, MDHR announced its findings. It found there was probable cause that the City and MPD had engaged in a pattern or practice of race discrimination.
- On July 21, 2022, the City and MDHR agreed to a Joint Statement of Principles governing negotiation of the issues identified in MDHR findings.
- On March 31, 2023, the City and MDHR approved a settlement agreement that:
 - Will resolve the charge of discrimination and probable cause determination
 - Ends the temporary restraining order previously entered by the court

[Read the joint statement of principles](#)

What are some of the key elements of the court-enforceable settlement agreement?

The settlement agreement:

- Outlines a process for reviewing and updating MPD policies and requires community engagement. Community members will have the opportunity to provide feedback via:
 - Community meetings
 - A web page for comment
- Requires the creation of MPD Review Panel. The Chief of Police will chair the panel. The panel will meet quarterly to:
 - Review, analyze and assess MPD's enforcement practices to determine if they are tactically sound
 - Determine whether there is a need for policy change
 - Assess whether enforcement activities are being used in a non-discriminatory manner
 - Identify whether additional resources or capacity outside MPD could assist in enforcement
 - Review use of force, traffic stops, pedestrian stops, discretionary searches, citations, and arrests.
- Requires officers to address, and in documentation refer to, names and pronouns appropriate to a person's gender identity. This is the gender identity as expressed or clarified by the person regardless of the person's recorded gender identity on an identification card.
- Requires supervisors to assess whether officers violated the non-discriminatory and impartial policing provisions in MPD policy, when reviewing officers':
 - Use of force and stops
 - Searches
 - Arrests
- Requires that during officer evaluations and promotions, MPD considers conduct that reflects a:
 - Commitment to procedural justice, and/or
 - History of biased or discriminatory policing

- Requires MPD to:
 - Assess what added resources are necessary to provide support services to MPD officers and follow mental health professional standards
 - Develop a plan, including a timeline for implementation, to prioritize and address the needs identified through the assessment
- Specifies data gathering requirements during certain officer interactions. The goal is to advance non-discriminatory policing.
- Requires changes to policies and training related to traffic stops and searches.
- Adds more training requirements for (among others):
 - Officers
 - Supervisors
 - Investigators
 - Field training officers (FTOs)
- Requires the City to conduct an audit so officers have all the resources they need related to:
 - Equipment
 - Technology
 - Facilities
- Requires an early intervention system. The system would collect and provide information that helps supervisors to:
 - Proactively identify at-risk behavior by officers under their command
 - Provide individualized interventions and support to address the at-risk behavior
- Requires most investigations into allegations of police misconduct to be completed within 180 days. The City recently approved an ordinance establishing a 15-member Community Commission on Police Oversight (CCPO). The CCPO is designed to improve transparency and accountability for allegations of police misconduct. The Commission will convene in the last part of April.
- Requires a new implementation unit within MPD. The unit will guide development of policies and training practices called for in the settlement agreement.

What's involved

Are all the requirements in the settlement agreement brand new for MPD?

No. The settlement agreement acknowledges that:

- MPD has undertaken important changes to its policies.
- The agreement is intended to build on those changes.

The agreement states that:

- The parties did not try to identify every paragraph where MPD's current policies or procedures reflect the requirements of the agreement.
- Including a requirement in the agreement does not mean that MPD is or is not currently satisfying the requirement.

The wide-ranging provisions of the settlement agreement reflect the City's and MPD's:

- Broad approach to a strong public safety system
- Goals for increasing accountability and transparency, and providing officers with training and support

What is an independent evaluator, and how will it be selected?

The City and MDHR will be responsible for selecting an Independent Evaluator through a process set forth in the court-enforceable settlement agreement.

Role of independent evaluator

The primary role of the independent evaluator is to fairly and efficiently evaluate the City's compliance with the terms of the court-enforceable settlement agreement. The independent evaluator's scope of work will include:

- Reviewing and approving MPD's policies and plans
 - Engaging with City partners on changes needed to establish compliance with the settlement agreement
 - Developing measures and metrics to assess the City's progress in implementation
 - Providing technical assistance on initiatives
 - Reporting on the City's progress
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Independent evaluator expertise

The settlement agreement requires that, among other things, the independent evaluator:

- Has demonstrated expertise and experience relating to modern law enforcement practices and large-city policing
- Understands that non-discriminatory, constitutional policing creates a stronger public safety system
- Has demonstrated experience effectively working with diverse communities on issues of public safety

- Has demonstrated expertise in transforming policing culture, policies, and accountability structures, in civil rights, and in data analysis
- Has expertise in monitoring and oversight, and preparation of reports or other written materials for diverse audiences on complex topics
- Acts in accordance with standards of integrity
- Consistently demonstrates professionalism and respect in all interactions with community members, MPD officers, and all others with whom the independent evaluator interacts.

Request for proposals

Within two weeks of court approval of the settlement agreement, the City will publish a request for proposals (RFP) for an independent evaluator. During the RFP process:

- The City and MDHR will evaluate the candidates and agree on a group to interview.
- Following the interviews, the City and MDHR will agree on finalists.
- The finalists will appear at two public meetings to make a presentation to the public. The presentation will include:
 - Information about the members of their team and the team members' backgrounds
 - Proposed methodologies for evaluating compliance and implementation
 - Their community engagement plan
- The finalists will also have an opportunity to respond to questions submitted by members of the community.
- From the finalists, MDHR and the City will select an independent evaluator.
- The contract with the independent evaluator must be executed within four months of the day the court approves the settlement agreement.

How long will this settlement agreement last?

The settlement agreement has many requirements, and it will be a long process to fully comply. The settlement agreement initially has a four-year term. Compliance may then be reviewed on an annual basis until the court determines that the City and MPD have shown full and effective compliance with the terms of the agreement.

Compliance

Full and effective compliance means that the City and MPD must show that they have:

- Incorporated all requirements of the agreement into policy

- Trained relevant personnel as needed to fulfill their duties related to the requirements
- Held employees accountable for violating policies in practice

The City and MPD do not need to satisfy a specific numerical test to show full and effective compliance so long as they:

- Demonstrate substantial adherence to the requirements and continual improvement
- Have met the overall purpose of the agreement's provisions

How much will this agreement cost the City?

Under terms of the settlement agreement, the budget for the independent evaluator will be up to \$1.5 million annually. This is in addition to the costs for requirements such as:

- Personnel
- Services
- Facilities
- Equipment
- Technology

Community benefit and involvement

How does the court-enforceable agreement with MDHR benefit the community?

The City and the Minneapolis Police Department (MPD):

- Are committed to lawful, non-discriminatory policing
- Understand that effective public safety must be built on community trust

The settlement agreement is designed to enhance MPD's relationship with the communities it serves through:

- Increased transparency and public input
- Improved oversight and accountability systems
- Increased transparency and data analysis
- Enhanced support for officers through:
 - Robust employee wellness programs
 - Law enforcement policies
 - Training

- Supervision

The agreement:

- Is a broad and extensive roadmap for positive change in the department
- Encompasses significant reforms that will take time to accomplish

How can community members be involved in the reform efforts?

Members of the communities MPD serves will play a crucial role in the work ahead. Within the next few months, the City will:

- Create a web page to receive comments from community members on MPD's policies and practices
- Hold public engagement sessions on MPD's mission, vision, values, goals, and many policies

As MPD policies are revised, MPD will:

- Post the policies for public comment
- Consider all community feedback in the development or revision of its policies

Independent evaluator

The community will also play a critical role in the selection of an independent evaluator. The independent evaluator will evaluate the City's and MPD's implementation of the terms of the settlement agreement.

Process for selecting an evaluator:

- Within two weeks of court approval of the settlement agreement, the City will publish a request for proposals for an independent evaluator.
- The candidates selected as finalists will appear in at least two public meetings in different locations in the City. They will make public presentations that include:
 - Information about the members of the finalists' team and the team members' backgrounds
 - Proposed methodologies for evaluating compliance and implementation
 - Their community engagement plan
- At these meetings, the finalists will have an opportunity to respond to questions from the community.

Settlement agreement

In partnership with the communities that MPD serves, the settlement agreement sets forth a path toward improved MPD:

- Policy
- Training
- Oversight
- Employee support

Minneapolis communities will participate in the implementation of the settlement agreement. The City will ask for public comment on MPD policies and practices through:

- A webpage
- Public engagement sessions

The independent evaluator's will:

- Share its assessment with the public
- Regularly meet with community stakeholders to:
 - Discuss the City's and MPD's progress under the settlement agreement
 - Explain the Independent Evaluator's reports and the agreement implementation process
 - Understand community perspectives on police interactions
- Conduct annual community surveys
- Hold at least one community meeting every four months at varied locations throughout the City

More settlement context

Does the settlement agreement mean that the City has admitted to MDHR's findings?

No. The settlement agreement shows the City's and MPD's commitment to:

- Have MPD operate lawfully and free from discrimination
- Ensure that MPD officers recognize people's humanity, dignity, and civil rights
- Take necessary measures to build trust between MPD and all communities in the City
- Invest in the important work ahead rather than expend time and expense on taxpayer-funded litigation with MDHR

Why is MDHR filing a new lawsuit against the City; does that mean this entire matter is starting over?

No. In the Joint Statement of Principles, MDHR and the City agreed to negotiate a “court enforceable settlement agreement.”

Now that MDHR and the City have entered into a settlement agreement, MDHR will file:

- A lawsuit in court and, at the same time
- The settlement agreement and MDHR’s and the City’s joint motion for the court to approve the settlement agreement

The lawsuit:

- Is just a necessary part of the process for the settlement agreement to be approved by the court
- Makes the agreement “court enforceable,” as agreed in the Joint Statement of Principles
- Has no new allegations
- Contains allegations based on MDHR’s previous investigation and probable cause determination from April 2022

[See joint statement of principles](#)

Department of Justice investigation

What is the status of the U.S. Department of Justice investigation, and what will happen to the MDHR settlement agreement if there is a Department of Justice consent decree?

The U.S. Department of Justice (DOJ) has an ongoing pattern or practice investigation into the City and MPD regarding whether MPD has a pattern of violating federal law.

If the DOJ reaches a consent decree with the City, MDHR and the City have agreed to modify the MDHR settlement agreement, if necessary, so that there is no conflict between the MDHR settlement agreement and a DOJ consent decree. Independent evaluator

MDHR and the City also have agreed that only one person or entity will independently evaluate compliance with both the MDHR settlement agreement and a DOJ consent decree.

Before selecting an independent evaluator, the City and MDHR will share information about the candidates with the DOJ and request DOJ feedback on the selection. Likewise, if DOJ and the City enter into a consent decree, the City will consider feedback from MDHR about a federal monitor and will invite the DOJ to do the same.

The person or entity selected to monitor a DOJ consent decree might be different from the independent evaluator of the MDHR settlement agreement. If this happens then MDHR has agreed that:

- The independent evaluator will be terminated, and
- The person or entity selected to evaluate compliance with the DOJ consent decree will evaluate compliance with both the consent decree and the MDHR settlement agreement

[Read statement from DOJ about investigation](#)

What is the distinction between a consent decree and a court-enforceable settlement agreement?

The City and MDHR have entered into a court-enforceable settlement agreement.

The term “consent decree” is:

- Generally used to describe a settlement agreement filed with the court with the parties’ permission
- Most often used in federal court matters, particularly with respect to the U.S. Department of Justice’s police pattern and practice agreements with cities

In the Joint Statement of Principles, MDHR and the City used the term “consent decree” to describe what may occur in the future between the U.S. Department of Justice and the City. In contrast, MDHR and the City used the term “court enforceable settlement agreement” to describe what MDHR and the City would negotiate to resolve MDHR’s findings.

[See joint statement of principles](#)