Minneapolis

City of Lakes

CIVILIAN POLICE REVIEW AUTHORITY

SECOND QUARTER REPORT

2010

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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 and second quarters, changes in the data, the Chief's disciplinary actions, and the CRA's hot topics. It should be noted that the data contained in this report is representative 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 police officers.

The report is divided into four sections. Section I will provide CRA data collected from January through June 2010. Section II will discuss select complaint data for closer examination. Section III will discuss the Chief's discipline in the second quarter. Section IV will discuss the highlights of the CRA's hot topics.

Section I Selected Data

The table below provides CRA data related to the number of civilian contacts, the demographics of the civilian contact, and the allegations contained in CRA complaints during the first and second quarters of 2010. The data is divided into the first quarter and second quarter to allow comparisons.

Table 1 Complaint Data

Minneapolis Civilian Police Review Authority (2010)		
	1Q	**2Q**
1. Number of initial complaints received	77	105
2. Number of complaints sent for signature	23	19
3. Number of signed complaints received	13	20
4. Number of complaints withdrawn	2	0
5. Percentage of complaints containing multiple allegations	69%	55%
6. Total number of allegations by type		
• Inappropriate Conduct	12	22
• Inappropriate Language	7	8
• Harassment	1	8
• Excessive Force	5	11
• Failure to Provide Adequate or Timely Police Protection	6	3
• Discrimination	4	0
• Failure to Report Use of Force	2	0
• Retaliation	0	0
• Theft	0	0
7. Location of complaints by precinct		
• Precinct 1	5	9
• Precinct 2	1	1
• Precinct 3	1	0
• Precinct 4	5	8
• Precinct 5	1	2
• Outside City	0	0

Minneapolis Civilian Police Review Authority (2010)		
	1Q	**2Q**
8. Location of complaint by ward		
• Ward 1	0	0
• Ward 2	0	2
• Ward 3	1	3
• Ward 4	2	2
• Ward 5	3	3
• Ward 6	1	1
• Ward 7	5	8
• Ward 8	0	0
• Ward 9	1	0
• Ward 10	0	1
• Ward 11	0	0
• Ward 12	0	0
• Ward 13	0	0
• Outside City	0	0
9. Race of Complainants (includes victims)[1]		
• Asian	0	1
• Black	10	13
• Latino	1	0
• American Indian	0	0
• Unknown	1	4
• White	6	7
10. Age of Complainants		
• Under 21	4	1
• 21 – 40	8	13
• Over 40	5	5
• Unknown	1	6

[1] 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.

Minneapolis Civilian Police Review Authority (2010)		
	1Q	**2Q**
11. Gender of Complainants		
• Female	6	8
• Male	12	17
12. Race of Officer		
• Asian	0	2
• Black	1	3
• Latino	0	1
• American Indian	1	1
• White	13	20
13. Officers time on force		
• Less than 5 years	5	8
• 5 or more years	10	19

Section II Complaint Data Break Out

This section provides additional information on data presented in Section I. The discussion below should aid the reader in understanding the changes in police misconduct complaints and the results of the CRA process during the first six months of 2010.

Complaints

Initial complaints increased during the second quarter. However, the number of initial complaints received in the second quarter drafted for signature decreased slightly as compared to the first quarter. The number of first quarter carry-over complaints that were closed during the second quarter can explain the reduction in the number of second quarter complaints drafted for signature. Carry-over complaints from an earlier quarter affect the productivity of the present quarter. Carry-over complaints are to be expected when the investigative resources cannot meet the demand.

Eighteen percent of the initial complaints received during the second quarter and closed during the second quarter warranted a complaint for signature (this does not include the number of

complaints that were carried over to the third quarter). Complaints sent for signature contained allegations that the staff believed may be violations of MPD policy and procedure.

The CRA received 20 signed complaints during the second quarter. The complaints received during the second quarter included complaints sent for signature from earlier quarters.

Allegations

During the second quarter, the number of complaints containing multiple allegations continued to decrease. Complaints containing multiple allegations decreased from 69 percent in the first quarter to 55 percent in the second quarter. Historically, complaints containing multiple allegations ranged from 75 to 85 percent of the signed complaints received. The CRA will closely monitor this data to determine whether this is a developing trend or a one-time occurrence.

Inappropriate conduct and excessive force allegations accounted for 63 percent of the allegations received. Excessive force and harassment had noticeable increases during the second quarter.

Location of Complaints

The First and Fourth Precincts continued to receive the most complaints. Ninety percent of the complaints filed during the second quarter came from the First and Fourth Precincts. There has been no change in distribution of the location of the complaints.

Complainants

There has been no change in the distribution of “who” files the majority of complaints against Minneapolis police officers. Blacks continued to file the most complaints during the second quarter.

Mediation

Of the 20 complaints received during the second quarter of 2010, five complaints were referred to mediation. The CRA held three mediations; two complaints were successfully mediated, and one complaint failed in mediation. Two complaints were dismissed because the complainant failed to cooperate with the mediation program.

Board Activity

The board heard 16 complaints during the second quarter of 2010. The board fully sustained or partially sustained three complaints. Prior to the hearing stage, eight complaints were dismissed because the complainant failed to provide a statement or evidence clearly showed that there was not a violation of MPD policy. Hearing panels averaged 37 days to deliver disciplinary decisions. The hearing panels sustained 29 percent of the allegations heard during the second quarter of 2010.

Table 2 Board Data

Disposition of Complaints	**1 Q**	**2Q**
• Number of complaints heard by panel	**12**	**16**
o Number of complaints fully sustained	**2**	**2**
o Number of complaints partially sustained	**4**	**1**
o Number of complaints not sustained	**5**	**2**
o Number of complaints dismissed[2]	**1**	**8**
o Number of complaints determination pending	**1**	**4**
• Number of allegations contained in complaints heard	**101**	**42**
o Number of allegations sustained	**23**	**12**
o Number of allegations not sustained	**59**	**4**
o Number of allegations dismissed[2]	**17**	**23**
• Types of allegations sustained		
o Inappropriate conduct	**5**	**2**
o Inappropriate language	**1**	**5**
o Harassment	**0**	**2**

[2] Includes complaints dismissed by CRA manager 172.85.(b)

Disposition of Complaints	1 Q	2Q
o Excessive force	**17**	**1**
o Failure to provide adequate or timely police protection	**0**	**0**
o Discrimination	**0**	**1**
o Failure to report use of force	**0**	**1**
o Retaliation	**0**	**0**

Section III Chief's Discipline

The Chief delivered five disciplinary decisions involving nine officers during the second quarter of 2010. The CRA board heard the complaints of those decisions between 2008 and 2009. Table 3 shows the Chief's discipline decisions.

Table 3 Disciplinary Decisions by Complaints

Quarter Decision Rendered	Total Decisions	No Discipline	Discipline	% Discipline
1	4	2	2	50%
2	5	4	1	20%
Total	9	6	3	30%

As the table above shows, in the second quarter, the Chief imposed discipline on one of the five sustained complaints returned to the CRA. Table 4 below shows that one of the nine officers who received sustained complaints received discipline.

Table 4 Disciplinary Decisions by Officers

Quarter Decision Rendered	Total Officers	No Discipline	Discipline	% Discipline
1st	5	3	2	40%
2nd	10	9	1	10%
Total	15	12	3	20%

Second Quarter Disciplinary Decisions

This section provides information on the five complaints returned from the Chief during the second quarter. Table 5 contains the Chief's actions related to the individual officers during the second quarter.

Table 5 Second Quarter Disciplinary Decisions from the Chief of Police

Discipline Imposed	**Number of Officers:**
Letter of Reprimand	1
No discipline	9

Table 6 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. It should be noted that the CRA places the civilian allegations in the CRA allegation categories, while the MPD aligns the MPD policy to the CRA allegation after the file is forwarded to the MPD.

Table 6 Second Quarter Disciplinary Decisions

CRA File	**CRA Sustained Violations**	**MPD Policy and Procedure Violations**	**Sent to Chief** **&** **Chief Decision**	**Chief's Disciplinary Decision**
1	Excessive Force Inappropriate Language	Use of Force MPD P/P 5-301.01 Professional Code of Conduct MPD P/P 5-105.14.15	Sent to Chief 6/2/10 Chief Decision 6/18/2010	**No Discipline** – Complainant pled guilty to Obstructing with Force and Disorderly Conduct (credibility) Expiration of the Reckoning Period (complaint too old)

Facts	Complainant and victims lived in the upper level of a duplex. Complainant and victims were detained as they were approaching their residence. After officers had nearly completed the search of the lower unit, the complainant and victims were allowed to enter their upper residence. While officers continued to search the lower unit, complainant and victims stood on their balcony. Officers ordered the complainant and the victims to go back inside their residence and threatened to arrest the complainant and victims. The officers and the complainant exchanged words. An officer picked up a wooden dowel, ran up the stairs onto the deck where the complainant was standing, and struck the complainant in the face with the dowel. The officer handcuffed the bleeding complainant. More officers arrived and forced open the complainant's door. An officer tased one of the victims and the other victim was injured by the officers. Officers used racial language and swearing during the incident. The complainant and victims suffered injuries.

2	Inappropriate Conduct Harassment	Searching Arrestees MPD P/P 9-201 Use of Discretion MPD P/P 5-103	Sent to Chief 4/16/10 Chief Decision 6/8/10	**No Discipline** – Expiration of the Reckoning Period – "A" violation (complaint too old) Policy Failure
Facts	Officers searched driver and passengers in a questionable manner and under questionable circumstances. Officers searched complaint for driving while license revoked. Officers searched the passengers. Officers did not provide any facts to support the need for the searches. Male officer caused the female driver concern about the manner in which the officer searched her.			

3	Inappropriate Conduct	Use of Discretion MPD P/P5-103	Sent to Chief 2/18/10	**No Discipline** – Expiration of the Reckoning Period – "A" violation (complaint too old)

	Failure to Provide Adequate or Timely Police Protection	Complaints-External Reporting MPD P/P 2-102	Chief Decision 6/8/10	
Facts	Complainant went to a police precinct to file a complaint against an officer who he believed had spoken to him discourteously and unprofessionally during a traffic stop. When the complainant attempted to make the complaint, another officer refused to assist the complainant. During that time, the first officer, whom the complainant wanted to make a complaint against, appeared at the precinct, interfered with his attempts to make a complaint, and intimidated the complainant with a threatening manner.			

4	Excessive Force Harassment	Use of Discretion MPD P/P 5-103 Use of Force MPD P/P 5-104 Impartial Policing MPD P/P 5-303	Sent to Chief 12/17/09 Chief Decision 4/7/2010	**Discipline** – Letter of Reprimand **No Discipline** – (Use of Force and Impartial Policing) Expiration of the Reckoning Period – “A” violation (complaint too old) Factual issues with CRA findings.

Facts	Complainant approached officers while officers were speaking to her friend. An Officer told the complainant to leave the area. The complainant told her friend that she would see her friend later after he was "finished being harassed by the police." One of the officers speaking with her friend approached the complainant and asked for her identification. The complainant produced a school identification. The officer told her that the identification was unacceptable and that she had to go to the precinct. The complainant agreed to walk with the officers to the precinct. Along the way to the precinct, the complainant was forced against a wall and handcuffed. While one officer held her against the wall, the other officer sprayed the complainant with mace. A squad arrived to take the complainant to the precinct and later to jail to be booked for obstruction of legal process. The complainant suffered injuries to her forehead and swelling and abrasions around the eye. Complainant entered a plea of guilty to disorderly.

5	Inappropriate Language Inappropriate Conduct	Professional Code of Conduct MPD P/P 5-105.10 and 5-105.14	Sent to Chief 6/2/10 Chief Decision 6/23/2010	**No Discipline** – Expiration of the Reckoning Period – "A" violation (complaint too old)
Facts	Officer used inappropriate language toward the complainant's school age son.			

As shown above, the Chief declined to discipline on five complaints because the MPD viewed the complaints as "too old." The MPD has taken the position that any disciplinary action (including non-disciplinary, coaching) on older complaints would be punitive and that the corrective intent that would have been associated with discipline on those complaints would be minimal or possibly nonexistent. The Chief's rationale for no discipline because of the age of the complaints clearly highlights the need for an additional CRA investigator.

The table above also shows that the MPD declined to discipline on the sustained excessive force allegations. The Chief's handling of excessive force allegations continues to cause the board and citizens to question the level of seriousness that the MPD places on excessive force allegations.

The average length of time for the Chief to deliver the five disciplinary decisions was 44 days.

Section IV Hot Topics

CRA Workload

The CRA's investigative capacity continues to be stretched to the limits, which as seen above clearly affects the Chief's decisions to impose discipline on an officer. When there is an increase of initial complaint activity, investigative resources are moved from completing ongoing investigations to processing initial complaints. Thus, the CRA continues to remain in a perpetual state of shifting priorities dictated by the timing of the next wave of initial complaints. The result is delays in ongoing investigations, which creates aging complaints that may ultimately be determined by the MPD to be too old for discipline.

The CRA is exploring various options to maximize the outcomes of the CRA investigative resources. Some of the options may result in ordinance changes and changes in how CRA complaints are processed and the type of complaints received.

Move to City Hall

During the second quarter, the Civil Rights leadership team determined that the CRA should relocate to City Hall. The CRA will be housed in its home department, the Civil Rights Department. The move will allow the CRA and the other Civil Rights units to better coordinate and utilize resources and create more efficiency in the overall departmental operation.

Chief Reconsideration

During the second quarter, the Chief made a notable change when he made his first request for reconsideration of a sustained CRA complaint. City Council provided the Chief a reconsideration option in 2006. The reconsideration option allows the Chief to present a legal or factual basis for the reversal of a hearing panel decision to the full CRA board.

Civilian Reconsideration

In 2008, the Minneapolis City Attorney advised the CRA to stop releasing data related to several status categories. During the second quarter, the Minnesota Court of Appeals held that the CRA must inform the public of not sustained complaints to allow complainants the ability to request reconsiderations, pursuant to the CRA ordinance. This ruling allows the CRA to resume its practice of informing the public that complaints have been not sustained and that a complaint has been sent to Chief for disciplinary action. Communities United Against Police Brutality (CUAPB) brought the legal action challenging the advisory opinions of the City Attorney and the Minnesota Department of Administration.

New Board Members

The CRA Board received four new members during the second quarter. These new members bring a variety of experiences and knowledge to the board. The board has the full complement of 11 board members. This is the first time since 2003 that the board has a full board.

Training for New Board Members

New board members participated in training in the following areas:
Ethics
Use of Force – Legal aspects
MN Government Data Practices Act
Open Meeting Law
MN Public Employees Labor Relations Act
Conflict of Interests
Roberts Rules

Training in MPD training in the use of force will occur in during the third quarter.

Facebook

The board started a Facebook page in April. The page contains a Wall, Contact Info/About, Discussion, Links, Notes, Photos, Mission Statement, and Calendar of events. Comments are moderated.

Section V Conclusion

It is evident that the success of civilian oversight in Minneapolis depends on trust and cooperation from all interested parties – CRA, MPD, elected officials, and the citizens of Minneapolis. Removing inefficiencies, streamlining processes, and eliminating or changing services may create short-term results, but additional resources and a sincere commitment to civilian oversight from all parties will allow the CRA to meet the needs of officers and citizens.