Minneapolis
City of Lakes

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Approved 5/17/04

TO: Mayor R.T. Rybak
City Council Members

FROM: Scott Reeves, Assistant City Attorney

DATE: May 26, 2004

RE: Civilian Review Authority Ordinance Amendments

INTEROFFICE MEMORANDUM

I have been asked by the chair of the Civilian Review Authority to provide you with a summary of the proposed amendments to Chapter 172 of the Minneapolis Code of Ordinances. The amendments to Chapter 172, currently before the City Council on its May 28, 2004, agenda, would accomplish the following:

1. Increase the size of the CRA Board from 7 to 11 members. (Subsection 172.30(a)). The purpose of this amendment is to reduce the backlog of pending complaints by providing more members for hearing panels.

2. Authorize a review authority investigator, as well as the manager, to attend the hearing and present the investigatory findings and recommendations. (Subsection 172.100(b)). This amendment would relieve the manager of the requirement of attending every hearing. In all cases, the manager would still review the file and make recommended findings and determination.

3. Authorize the manager to employ unpaid volunteers to perform the duties of community outreach advocate on a temporary basis. (Subsection 172.170(a)). The position of community outreach advocate is authorized in the ordinance, but has not been funded.

4. Authorize the community outreach advocate to attend and assist the complainant at the hearing, but not otherwise participate at the hearing. (Subsection 172.100(c)).

5. Extend the deadline for filing a request for reconsideration of hearing panel decision from 5 days to 30 days. (Subsection 172.120(a)).

6. Amend the language of Section 172.180 to provide that police officer attendance and questioning at the panel hearing is subject to Garrity and the Minnesota Government Data Practices Act. This explicitly recognizes Garrity immunity at the hearing panel stage. It also allows the panel to excuse the complainant during testimony and questioning of the officer in order to preserve the private data

character of the information gathered at the hearing under the Minnesota Government Data Practices Act.

Please feel free to contact me if you have any questions.

SR:hhp

cc: Chief William P. McManus
Michael Friedman, CRA Board Chair

04A-00145