

Minneapolis Civilian Police Review Authority

Response to MCPRA Redesign Report

April 1998

**Minneapolis Civilian Police Review Authority
400 South Fourth Street, Suite 1004
Minneapolis, Minnesota 55415
Telephone: 370-3800
Fax: 370-3846**

MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY
400 South Fourth Street - Room 1004
Minneapolis MN 55415-1424

Office (612) 370-3800
Fax 370-3846
TTY 673-2157



April 6, 1998

Joan Campbell, Chair
Ways and Means/Budget Committee
Minneapolis City Council
307 City Hall
Minneapolis, MN 55415

Dear Chair Campbell:

In June of 1997, the City Council of Minneapolis appointed a redesign team to:

Conduct an analysis of the Minneapolis Police Civilian Review Authority (CRA) to determine whether the CRA provides the appropriate service required (based on current expectations), in the most cost-effective manner, and whether the CRA has the structure and the staffing to provide this service.

Having completed its analysis, the Redesign Team submitted a copy of its report to the Civilian Police Review Authority Board on November 18, 1997.

After several lengthy public meetings, discussions both private and public among the CRA's Board Membership, its Executive Director and Staff, the attached document represents the considered and unanimous response of the Board Members of the Civilian Police Review Authority to the Redesign Team's Report.

The Process:

At its January, February, March, and April monthly public meetings, as part of its regular agenda, the CRA Board has engaged in an open and frank public discussion of the Redesign Team's Report regarding the CRA, its service, structure, and cost-effectiveness.

Having discussed at length each of the recommendations and findings of the Redesign Team in its November 1997 Report, the board members of the CRA unanimously agreed to draft a response to each of the Report's Recommendations, detailing both what the CRA has been and is doing with regard to the recommendation in question (where such knowledge seemed to be lacking) and what the CRA intends to do in the future in light of the Report's recommendation.

In light of the unanimous conclusions reached by the CRA Board at its February monthly meeting, a draft Response Report to the Redesign Team's Report was written. This draft was then reviewed by the board members of the CRA at both its March and April monthly meetings and was unanimously adopted as the official response of the CRA Board to the Redesign Report authorized by the Mayor and City Council of Minneapolis.

Conclusions:

While the Response Report of the CRA Board speaks for itself, the CRA Board Members wish to say that they have found the critical self-reflection of the CRA, that the Mayor and the City Council have created by authorizing this review of its service, structure, and cost-effectiveness a valuable and enhancing exercise. Every agency, both public and private, could clearly benefit from having its mission and service regularly held to the light of careful public scrutiny. The Board Members of the CRA believe the CRA is no different in this regard and the CRA Board believes the agency's future will be stronger and will offer better service to the citizens of Minneapolis in light of this careful and thoughtful review.

Sincerely,

The Board Members of the Minneapolis Civilian Police Review Authority

Lucille Anderson
Kenneth Beck
Robert Boughton
Brian Gorecki
Daryl Lynn, Chair
Mark Matthews
Amy Yellow Thunder

cc: The Honorable Sharon Sayles Belton, Mayor
The Honorable Jackie Cherryhomes, President, City Council
City Council Members
Robert Olsen, Chief of Police
Kathleen O'Brien, City Coordinator, Chair, Redesign Team
Members of Redesign Team

Minneapolis Civilian Police Review Authority

Response to MCPRA Redesign Report

April 1998

I. Issue Area: "Does the CRA provide the appropriate service . . . based on current expectations?"

A. General Recommendation: The CRA should explore mechanisms for interacting with the public more frequently and making delivery seamless.

1. Specific Recommendations:

a) Setting up branch officers throughout the city and/or establishing office hours in community centers, police precincts, public libraries, parks, etc.

(1) CRA Response:

(a) The position of the CRA is that it is not practical to have sites outside of downtown because it is too costly. There is insufficient staff to go into the community on a regular basis. With only three investigators handling several hundred calls on possible complaints each year, it would not be an efficient use of their time.

*(b) Investigators have always been willing to go out into the community for interviews when people cannot come downtown. The CRA will make certain that the various public agencies have information on the Civilian Review Authority along with the fact that its investigators are willing to meet with complainants at mutually agreed places and times outside the CRA offices. **

b) Exploring the use of appropriate technologies to increase community awareness of the CRA and its services.

(1) CRA Response:

*(a) The CRA has been working with Information and Technology Services in order to update computer service for the future, which would include Internet services with a web site on the Civilian Review Authority. **

(i) The website would allow users to download information about what the CRA does, about its monthly meetings, how to contact the CRA, and how to communicate with the CRA via e-mail as well.

*(b) The CRA is exploring the possibility of having its meetings taped for regular showing on Community Access cable television, along with regular announcement of its meetings and services in community newspapers, the Star and Tribune, and local community radio programs. **

c) Increasing community presentations including joint appearances with police representatives.

(1) CRA Response:

*(a) Educating the community about the CRA has been an ongoing process since the inception of the CRA. With over 100 community organizations and agencies of the city already contacted, we will expand our list to include block clubs, libraries, neighborhood centers and schools. **

(b) The CRA will continue to hold some monthly Board meetings in the community. The Executive Director will continue to teach at the Citizens Police Academy and the Police Academy.

*(c) As has been past practice, the CRA will generate articles in community newspapers to inform people of its existence and the services it provides. The CRA will also investigate inclusion in the Star and Tribune's public announcements. The CRA currently has a video text message on Cable Channel 34 informing the public of the date and time of all CRA meetings. **

*(d) Although the CRA has already been involved in presentations with police representatives, we will look for additional opportunities to make these joint presentations. This will be coordinated with the Chief of Police's office. **

d) Requesting all departments and agencies that take complaints work together to coordinate the civilian review complaint process so that options are explained in a uniform manner and complainants receive information about the various venues.

(1) CRA Response:

*(a) The CRA will continue to provide department heads and city agencies with information on the CRA and allow for opportunities for a representative from the CRA to talk to various groups, which could include new employee orientation programs provided by the City of Minneapolis. **

(b) The CRA and the Internal Affairs Division (IAD) of the Minneapolis Police Department work closely together on all aspects of civilian complaints. IAD refers all civilian complaints to the CRA.

B. General Recommendation: Although it might be preferable to have open hearings, little can be done in this regard because of the current state law. However, post-hearing communication by the CRA should be improved to bring a better understanding of what happened and why.

1. Specific Recommendations:

a) When a complaint is sustained, a letter should be sent explaining what will happen next (i.e. the Police Chief will determine discipline). It should also outline how and when a complainant can follow up to find out additional information.

(1) CRA Response:

*(a) The letter sent to the complainant already informs the complainant that the Police Chief will make a disciplinary decision. We will follow up with additional information regarding time limits. **

*(b) The CRA will supply all citizens filing a complaint with a flowchart that shows in plain English the process through which a complaint goes during review by the CRA. The chart will show relative timeliness for each step in the process. They will also be supplied with a copy of the CRA rules for review of complaints. **

b) In cases where the complaint is not sustained, the CRA should do a better job of explaining why that decision was reached and the options available to the complainant.

(1) CRA Response:

(a) Under the Data Practices Act, very little information can be given to the complainant. Whether it is a decision from an evidentiary hearing or a determination on an investigation, most information is considered private data. The City Attorney has been very conservative in interpreting the law, and accordingly the CRA can release very little information. For example, on a sustained case the City Attorney advised the CRA that we could not even use the term "sustain"; all that can be said is that the case has been referred to the chief for discipline.

*(b) The CRA will develop letters that explain in general terms regarding the kinds and types of decisions that are within its authority to reach and give some general information to those filing a complaint without violating the Data Practices Act. **

c) All letters should be written in conversational English. If possible, personal follow up should also take place to help address the complainants' and officers' questions and concerns.

(1) CRA Response:

*(a) The letters that are sent to officers and complainants were originally approved by the City Attorney's Office. Some technical language is required. We will develop a cover letter containing general statements about the investigation, and advise complainants and officers they can contact the Executive Director for additional explanation. **

(b) The CRA is in the process of developing an appropriate survey to evaluate its services. Once it is developed, this survey will be sent to all of the primary constituents involved in an individual complaint process:

*e.g., the complainant, the officer(s) against whom the complaint was made, witnesses, counsel for the officers against whom the complaint was made, and any other relevant stakeholders with a significant interest in the process and its fairness. **

d) Recommendation: The CRA should consider giving customers clear expectations about the length of time an investigation will take (e.g. "You can expect to hear back from us within 60 days") and then follow up if problems occur. For example, a brochure could be developed that outlines the guidelines and steps a complaint can take to track progress.

(1) CRA Response:

*(a) It has always been the practice that investigators discuss the process with complainants and provide them with a copy of the Administrative Rules, including time limitations. However, in the future staff will develop a brochure that will give a complainant an explanation of the process and a clear expectation of time likely to be involved in the completion of each step. **

e) Recommendation: The CRA should set up an internal tracking system to determine how long complaint processing takes and devise ways to improve it if necessary.

(1) CRA Response:

*(a) The CRA has had such a system in place since 1992. The Executive Director requires all investigations to be completed within 90 days even though the rules say 120 days. The CRA can track a complaint from the beginning of the process until the end. This process can also be separated to reflect: (1) the time it takes a complaint from signature through the investigation; and (2) for cases where Probable Cause is found, the time from the determination to the findings of fact. **

f) Recommendation: The CRA should continue to utilize its contract with the Minneapolis Mediation Services and look for ways to seek more mediated solutions.

(1) CRA Response:

(a) The CRA is presently following this recommendation.

(b) Successful mediations in 1997 were 61 percent higher than 1996.

We continue to encourage mediation on both an informal and formal level.

g) Recommendation: Once a mediation settlement is agreed to by both parties, the CRA should make sure its rules regarding the finality of settlement agreements are enforced.

(1) CRA Response

(a) There are specific rules regarding mediation. The CRA has routinely abided by these rules.

(b) As part of the rules for mediation, any agreement reached through mediation is not made known to the CRA. It is private information.

(c) If one party fails to abide by the mediation agreement and that fact is made known to the CRA, the complaint will be reopened.

(d) Mediation is not successful and is not considered complete until the parties involved live up to the mediated agreement. It is up to Minneapolis Mediation to monitor whether the parties follow through on their agreement. The CRA has little control in this area, however, what control it does have it continues to oversee carefully.

II. Issue Area: Evaluating whether the CRA is Satisfying Expectations - "Does the CRA provide the appropriate service...based on current expectations."

A. Recommendation: The CRA's effectiveness should be measured through regular attitude and opinion surveys of stakeholders. Regular surveys of complainants, police officers, crime prevention specialist, community organizers, business groups and ordinary citizens are the best way to ascertain if customers are satisfied with service the CRA is providing and to help the CRA strengthen its relationships with its stakeholders.

(1) CRA Response:

*(a) At this time the CRA is contacting experts in the field to develop a survey that is appropriate to evaluate the type and quality of service the CRA delivers. **

*(b) Once a particular survey has been adopted, it will be sent to all relevant CRA stakeholders to fill out. **

(c) *An independent city agency will collect responses to the survey and quarterly compilations of survey results will be made and maintained by the CRA and will be included in its annual report. **

B. Recommendation: The service efficiency of the CRA should continue to be measured by the timely handling of cases as is currently done by the CRA executive director. Investigations must not take longer than 120 days and the executive director expects them to take no longer than 90 days.

(1) CRA Response:

(a) *The CRA agrees with this recommendation. This has been a longstanding practice of the CRA.*

III. Issue Area: Is the CRA cost efficient - "whether the CRA provides the appropriate service required (based on current expectations), in the most cost-effective manner

A. Recommendation: If the CRA were eliminated, the Police Department would need to add investigators in IAD, resulting in a net cost savings to the City of less than the current cost of the CRA. These cost savings could be offset by the valued added to the community of a citizen-run police oversight function. Therefore, cost savings to the City should not be used as the prevailing reason to change the future of the CRA.

(1) CRA Response:

(a) *There are no cost savings to be had if the CRA functions were to be done either by another city agency or if they were sub-contracted by the City in some manner. All other oversight alternatives to the CRA are clearly more costly than the services currently provided by the CRA.*

(b) *The public has asked for a civilian review authority outside of the police department. The CRA meets this request*

(c) *With the movement of most urban police agencies to "community-oriented policing," the existence of the CRA is an essential element in any police agency's modernization to community oriented policing.*

IV. Issue Area: Structure - "and whether the CRA has the structure...to provide service?"

A. Recommendation: The training of the CRA Board members should be strengthened to reflect the responsibility of their role.

(1) CRA Response:

(a) The Board has clearly met this recommendation regarding training. Board members are well qualified and committed to the process of civilian oversight.

(b) The following brief biographies of current board members are provided as evidence for the above view:

(i) **Lucille Anderson:** Anderson grew up in North Minneapolis and graduated from North High School. She received her Bachelor of Arts degree from the University of Minnesota and later enrolled in graduate courses at Boston College. Ms. Anderson has significant experience in working both with the community and the police. She began her career working for the Hennepin County School for Girls. She subsequently spent several years in the Boston area working with first-time offenders. She has worked for many years in New York City as both a probation officer and parole agent. She also worked with the US Federal Marshall's office and the Boston Police during the busing riots. Ms. Anderson has also been a social worker in the City of Los Angeles and was a member of its Foster Care Emergency Response Team as well. More recently she has been a volunteer for the Hennepin County Domestic Abuse Project.

(ii) **Kenneth Beck:** Mr. Beck has been a member of the CRA Board since 1994. He is a graduate of Washburn High School in Minneapolis and Hamline University in St. Paul. He also has engaged in postgraduate studies at Garrett Theological Seminary, Northwestern University, and St. John's University. He was a minister of United Methodist Churches from 1946-87, a staff associate of Hamline University from 1987-92, and remains active in many church and community organizations in the Twin Cities, including the school board, anti-poverty programs, and the Council of Churches. Mr. Beck serves on the CRA Board because he believes in creates both the perception and the reality of a safer community in the city he loves.

(iii) **Robert Boughton:** Mr. Boughton is the longest serving CRA Board member. He was one of the original board members appointed in 1990 and served as its Chair during the CRA's formative years. He is currently the Board's vice-Chair. He holds a Bachelor of Arts degree from Chicago's Teachers College, a Master of Arts degree from the University of Minnesota, and a Specialist Degree in

Education, Police and Administration from the University of Minnesota. Mr. Boughton has over twenty-five years of teaching experience and has taught for the last twelve years in the Minneapolis Public School system. He has also been a Minneapolis Park Police Agent for the last twelve years as well. Mr. Boughton is certified as a bilingual/bicultural educator (Spanish/English) and is the proud father of six children and has lived in the City of Minneapolis for twenty years.

(iv) **Brian Gorecki:** Mr. Gorecki has been active in various community organizations for a number of years. He has served as his Block Club Leader for the last eleven years, has participated in numerous Political Action Committees, and has worked with the CCP/SAFE Team to create and help to implement strategies to deal with problem properties. He has also been a community organizer and was Housing Director for the Northside Resident's Redevelopment Council. Mr. Gorecki has also participated in police training that focused on police procedures during forced-entry drug raids.

(v) **Daryl Lynn:** A life-long resident of Minneapolis, Mr. Lynn has served as one of the original CRA investigators and has served on the Board and as its Chair since 1996. He is currently the Assistant Ombudsman for Corrections for the State of Minnesota. In addition, he has worked for the Public Defender's Office of the State of Minnesota, Operation DeNovo, Project Remand, and the County Home School of Minnetonka. He has a Bachelor of Science degree in Sociology with an emphasis in Criminal Justice from Mankato State University.

(vi) **Mark Matthews:** A native of Allentown, Pennsylvania, Dr. Matthews has been a proud resident of the City of Minneapolis for the last twenty years. He holds a doctorate in philosophy from the University of Minnesota where he specialized in the history of philosophy, political Philosophy, and ethics. He is currently a tenured professor of philosophy at Metropolitan State University where he is responsible for university-wide instruction in various fields of professional ethics. Among his professional ethics teaching, Dr. Matthews teaches courses in police and criminal justice ethics to both current and future criminal justice officers in the university's School of Law Enforcement. He is a national and local lecturer in both philosophy generally and in police and criminal justice ethics more specifically. He has served as a consultant for several local police agencies in offering continuing education in police ethics to their officers. He is a graduate of the Minneapolis Police Department's Citizen's Academy and began his four-year term as a board member of the Minneapolis Civilian Police Review Authority in November of 1997. He is the proud father of two daughters, Matthea and Zoe, ages five and four and sees his work on the CRA Board as part of a sustained, personal commitment to make the City of Minneapolis a more livable and decent place for both his own children and the children of others.

(vii) **Amy YellowThunder:** A member of the CRA Board since March of 1996, Yellow Thunder lives with her three children in the Longfellow Neighborhood of South Minneapolis. For the past four years she has worked as a Dispositional Advisor in the Ramsey County Public Defender's Office. Prior to this she was a Hennepin County Juvenile Probation Officer. She also has fifteen years of experience in the Chemical dependency field.

(c) *Most members have gone through training such as the Citizens Academy, ride-alongs, and use of force training provided by the police department, as well as other outside training opportunities.*

B. Recommendation: Periodic monitoring should be done to ensure co-option does not become an issue. (Regarding Staff)

(1) CRA Response:

(a) *The CRA investigators are professionally trained. Board members are not concerned that the investigators are being co-opted. Investigators have a good working relationship with the IAD, but individual officers do not influence them. The Executive Director makes the final decision on a complaint.*

(b) *There exists no known, objective, scientific measure for "co-optation." Therefore, "monitoring" of this possibility must be subjectively assessed by the Executive Director of the CRA and its Board members.*

(c) *The Internal Affairs Division of the Minneapolis Police Department does not have a formal measure to monitor their investigators, nor are they required to. Both the Executive Director of the Civilian Review Authority and the head of Internal Affairs, through their supervision of their investigators, monitor the relationship between the investigators and police officers.*

C. Recommendation: The current relationship between the executive director and the CRA Board could create the potential for bias and should be monitored regularly.

(1) CRA Response:

(a) *It is difficult to assess whether the structural bias of which the recommendation speaks is likely to favor or not the CRA Board's assessment of the Executive Director's performance. There is reason to think it might go either way.*

(b) *The Board does not believe the current relationship between the Executive Director and the Board is one that creates a bias either*

favoring or not their assessment of the Executive Director's performance.

(c) Board members are independent people with ample professional and life experience in evaluating the workplace performance of people who work for and with them.

D. Recommendation: If a decision is made to ask the Minnesota legislature for subpoena power for CRA hearings, the power should be afforded to representatives of police officers as well.

(1) CRA Response:

(a) The Board agrees with this recommendation.

E. Recommendation: The disciplinary authority of the police chief should continue to be supported.

(1) CRA Response

(a) The Board agrees with this recommendation.

F. Recommendation: The police chief should document and communicate his reasons for not disciplining an officer when a complaint is sustained by the CRA. If the Chief's own investigation leads him to believe the CRA was wrong in sustaining a complaint, he should state his difference of opinion with the CRA board, determine the discipline he feels is appropriate, and carefully document the reasons for his actions.

(1) CRA Response:

(a) The Board agrees with this recommendation, but points out there is a 30 day time limitation for the Chief to make his disciplinary decision.

V. Issue Area: Staffing - (Does the CRA have) "the right staffing to provide...service?"

A. Recommendation: To the extent there is concern about the performance of the Executive Director or the staff, these concerns should be brought to the attention of the CRA Board.

(1) CRA Response:

(a) *The Board agrees with this recommendation.*

B. Recommendation: To strengthen trust with the City Council and Mayor, the Board could invite them to comment and contribute to its annual review of CRA staff and operations.

(1) CRA Response

(a) *In the interests of cultivating trust and when circumstance merit, the CRA will solicit comments from the City Council and the Mayor regarding its annual review of CRA Staff and its operations. **

C. Recommendation: The CRA Board should require (and provide sufficient funding for) its investigators to take regular training in the field of investigating police conduct.

(1) CRA Response:

(a) *Since the establishment of the CRA, training has been provided for its investigators. This includes, but is not limited to, training regarding use of force, verbal judo, search warrants, cultural diversity, domestic abuse, plus specific training on investigating, interviewing and interrogation by CLEAR and Reid and Associates.*

D. Recommendation: All applicants for the Board should go through the Citizen's Police Academy before being considered for appointment.

(1) CRA Response:

(a) *The Board agrees that it is a good idea for Board members to attend the Citizen's Academy and they should be encouraged to do so; however, the Board does not believe that individuals should be required to do so before appointment.*

E. Recommendation: The Council and Mayor should recognize the importance of the Board and show respect for its service by actively recruiting highly qualified members.

(1) CRA Response:

(a) *The Board agrees with the recommendation and awaits a plan by the Council and Mayor for how they intend to actively recruit members.*

(b) *The Board wishes to be involved in active partnership with the Council and the Mayor in the development and implementation of such a plan.*

F. Recommendation: A balanced panel should be created to evaluate and recommend board candidates to ensure diverse, qualified candidates for these important positions.

(1) CRA Response:

(a) *The Board agrees with the recommendation and awaits a plan by the Council and Mayor for how they intend to create this panel.*

(b) *The Board wishes to be involved in active partnership with the Council and the Mayor in the development and implementation of such a panel.*

VI. Issue Area: Civil Rights Department Oversight

A. General Recommendation: With the passage of the Charter amendment, a number of issues will need to be resolved:

1. Specific Recommendation: How to present complainants from agency shopping, that is, going from one complaint venue to another trying to find an outcome to their liking.

(1) CRA Response

(a) *The CRA has no authority to control where the complainants choose to file their complaints.*

2. Specific Recommendation: A means will need to be developed to track increased caseloads to ensure that resources are available to address the changing needs.

(1) CRA Response:

(a) The CRA already has the means to track caseloads and cannot speak for the Civil Rights Department.

(b) The CRA stands ready to cooperate with the Civil Rights Department to track potential increased caseloads should the need to do become apparent.

3. Specific Recommendation: A systematic approach to communicating among the CRA, Civil Rights Department and IAD will need to be developed so that unnecessary investigations are not undertaken.

(1) CRA Response

(a) The heads of the various entities already regularly communicate with one another to insure that unnecessary investigations are not undertaken.

- * Responses to recommendations followed by an asterisk indicate that the CRA is taking some action. (In many recommendation areas action had already been initiated by the CRA and is ongoing. On other recommendations some action is needed by other agencies involved in the process.)