

1994 ANNUAL REPORT

February 1995

Minneapolis Civilian Police Review Authority
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DIRECTOR'S FORWARD

I am pleased to submit the Minneapolis Civilian Police Review Authority's (hereinafter referred to as the "CRA") Annual Report for 1994. The CRA had another very busy and challenging year receiving, considering, investigating and making determinations regarding complaints. During 1994 the CRA had about 1100 contacts with the public on possible complaints against Minneapolis Police Officers. From those contacts, 150 resulted in signed complaints.

Our process is functioning well. In 1994 more citizens contacted the CRA than in previous years. For the first time, some police officers agreed to sustain their cases instead of going to evidentiary hearings. More complaints were successfully mediated than in previous years. Cases were processed more quickly. The average length of time it took our office to complete an investigation was 89 days.

The CRA has also been a valuable resource for the community in handling cases that never reach the formal complaint stage. All citizen concerns and complaints are taken seriously. We routinely answer questions about proper police procedure. Some cases are referred back to the precinct by the investigator who is often instrumental in resolving minor problems. All parties involved are treated fairly and with respect.

The nature of complaints with the CRA has remained constant since its inception. Excessive Force continues to be the largest complaint category. In 1994 58 percent of the complaints alleged excessive force as their primary characteristic, an increase of almost five percent from 1993. This is followed by Inappropriate Language and Conduct and Harassment.

Even though people of color make up just one-quarter of the city's population, 54 percent of those who were alleged victims of complaints filed with the CRA were people of color.

During 1994 the CRA continued to work with the chief and city officials regarding disciplinary issues. Lack of discipline by the chief on CRA sustained cases was troubling. We maintained that when officers break the rules there must be discipline consistent with the conduct and that abuse and misconduct cannot be tolerated. The frustrations regarding the chief's discipline came to the surface in November of 1994 when the chief rescinded disciplinary decisions in three of our sustained cases. In December of 1994 the CRA Board adopted proposed ordinance/legislative amendments which included disciplinary guidelines, clarification of the internal appeal process, adoption of a time-line for the chief to issue the disciplinary decision on a sustained complaint, and data practice amendments. (Please see Ordinance/Legislative Amendments, page 8 and 9.)

Our regular meetings with the Commanders of the Minneapolis

Police Department have improved the relationship between the department and the CRA. At those meetings the Commanders were advised of patterns and trends as they related to CRA complaints. For example, for quite some time the CRA had received complaints about missing drivers licenses, keys, and other items. As a result of the information provided to the department, these types of complaints have been greatly reduced. Cooperation at the precinct level has improved and a small percentage of cases are resolved at that level. At present a policy regarding search warrants is being clarified as a result of our efforts to bring concerns to the department. At the request of the Minneapolis Police Department I was one of the instructors at the newly established Citizens Police Academy as well as the Cadet Academy.

In 1994, as in previous years, the CRA provided the MPD with a "tracking system." On a quarterly basis the MPD was sent information regarding complaints against police officers that covered a period of one year. This included the allegations and findings in each case. The system is used to check all complaints against officers as possible indicators for behavioral patterns.

The CRA has made a commitment to provide impartial, independent and prompt investigations and dispositions of complaints and grievances in a manner which protects the public and individual officers of the Minneapolis Police Department. The CRA has worked diligently to achieve its goal of providing an independent review process which is fair and impartial.

In the aftermath of numerous police brutality lawsuits, criminal indictments of several Minneapolis police officers, the televised on-duty misconduct in the downtown beat, and the resignation of the Chief of Police, change in the department is forthcoming. Despite the tarnished image, I believe that we can all work together to strengthen public confidence and promote the highest attainable standards of integrity and professionalism in the city's police department.

The City of Minneapolis must strive for police professionalism; a police force not only competent to enforce the law, but one skilled to accommodate community needs, respect individual rights and work in partnership with other municipal agencies to ensure that law and order do not come at the expense of civil liberties or public trust. As Executive Director, I am committed to strengthening public confidence and assuring that the highest standards of professionalism are observed in the handling and disposition of allegations of abuse of authority.

Respectfully submitted,

Patricia J. Hughes
Executive Director

INTRODUCTION

The Minneapolis Civilian Police Review Authority was established by Ordinance of the City of Minneapolis January 26, 1990, to receive, consider, investigate and make determinations regarding complaints brought by the public against any Minneapolis Police Officer. The Authority includes a Board of seven members, an Executive Director, three Investigators, and three Administrative Staff.

The CRA was created by the City of Minneapolis as an independent city agency separate from the police department which provides a civilian police review process which is prompt, fair and impartial, with due regard for the constitutional and legal rights of all persons. The CRA was created as a result of the lack of public confidence in the ability of the police to fairly investigate and evaluate citizen complaints of police conduct.



MISSION STATEMENT

Adopted May 4, 1994

The Minneapolis Civilian Police Review Authority was established by the City of Minneapolis to provide a fair and impartial process for review of citizen complaints of misconduct by Minneapolis Police Officers. The Authority exists to promote the highest attainable standards of integrity and professionalism in our City's Police Department. Public confidence is strengthened by assuring that citizen complaints about police conduct are taken seriously, are carefully investigated, and are reviewed by panels made up of citizens of our City.

The best interests of the people of the City of Minneapolis are promoted by the fair and thorough examination of the conduct of Minneapolis Police Officers. The goal of civilian involvement in review and disposition of citizen complaints is the improvement of the quality of police service in Minneapolis. This can only be achieved by treating all parties - complainants, witnesses, and charged officers, fairly and with respect.

NUMBERS AND TYPES OF COMPLAINTS - 1994

During 1994 the Civilian Review Authority received 150 signed complaints. A citizen's allegations are counted as a "complaint" only after an investigator interviews the complainant in detail, drafts a formal complaint and submits it to the complainant, and then the complainant signs and returns the formal complaint to the CRA Offices. However, the CRA had 1,062 contacts with the public on possible complaints (Exhibit A) and disposition occurred on 1,022 intake calls (Exhibit B).

People often call us with questions about proper police procedure. An investigator will spend time clarifying issues and providing the caller with helpful information. The majority of cases never get to the formal complaint stage. Some cases are referred to other sources. In other cases the complainant does not follow through with a formal complaint. Oftentimes, the complainant finds that there is actually no basis for a complaint after conferring with the investigator who advises them on proper police procedure.

Fifty-four percent of those who are the alleged victims of complaints filed with the CRA are people of color. Forty-six percent of the victims are between the ages of 21 and 34. See Exhibit D.

Fifty-eight percent of the complaints alleged the excessive use of force as their primary characteristic. The next three primary complaints, in their order of frequency, were improper language, inappropriate conduct, and harassment. A graph showing the types of cases received by the Civilian Review Authority in 1994 is attached as Exhibit E.

Forty-four percent of the officers with complaints are between 26 and 30 years of age. Seventy-one percent of the officers have been on the force for less than six years. See Exhibit F.

CASELOAD REPORT

AS OF 1/03/95

REPORTING FROM 03/20/91 TO 12/31/94

Signed Complaints	610
Completed Cases	
Successful Mediations	16
Dismissals	116
No Probable Cause	348
Probable Cause	62
Withdrawal	9
Pending Cases	
On Hold	1
In Mediation	2
In Investigation	54
Completed Investigations Awaiting Review	2
Number of Cases Ever Sent to Mediation	69
Status of Probable Cause Determination	
Hearings to be Scheduled	7
Hearings Scheduled	0
Hearings Held	55
Status of Cases Heard by Board	
Decisions Pending	1
Not Sustained	4
Not Sustained, Insufficient Evidence	6
Not Sustained, Officer Exonerated	9
Dismissed	7
Sustained	28

ORDINANCE/LEGISLATIVE AMENDMENTS

In December of 1994 the CRA Board adopted the following proposals because of the Board's concerns about the Chief's disciplinary decisions over the last three years, particularly his rescission of disciplinary decisions in three cases in November of 1994.

A. Disciplinary Guidelines.

Develop disciplinary guidelines or standards for use by the department when disciplinary decisions are rendered. The guidelines should be developed by the department in consultation with representatives of the Civilian Review Authority, the City Attorney's Office, the Police Federation, and other interested parties, and approved by the City Council. Once established, the appropriate disciplinary standard would be referenced in the Findings issued by the Board, and the Chief would be required to submit any disciplinary decision that does not comport with the guidelines to the Mayor for approval.

B. Clarification of the Internal Appeal Process.

In recent discussions with the Chief it appeared that the Chief allowed informal internal appeals of his disciplinary decisions without any input from the Civilian Review Authority. The Chief had indicated that in these informal, internal appeals he took into consideration new arguments or information provided by an officer. Minneapolis Code of Ordinances, Title 9, Chapter 172.1230, requires the Chief to base his disciplinary decisions on the findings the CRA submits. This language must be strengthened to state that before the Chief can consider any new information brought forward by the officer, that new information must be forwarded to the Board for its consideration. At that time, the Executive Director would also have any opportunity to evaluate the new information. After considering the new information, the Board could change its findings or let its findings stand.

C. Adoption of a Time-Line for the Chief to Issue the Disciplinary Decision on a Sustained Complaint.

On average, the Chief had taken 90 days after findings were submitted to issue a disciplinary decision on a complaint. If the recent cases in which the Chief reversed himself after imposing discipline were included, the average length of time would be much higher. The ordinance should be amended to require the Chief to render a disciplinary decision within 30 days of receiving the findings, except in extraordinary circumstances.

D. Data Practices Act Amendments.

Investigative information gathered by our agency is governed by the State Data Practices Act and in most instances cannot be released to the complainant or the public until a few years after the complaint is heard by the Board. The Board has consistently advocated minor changes in state law to make more information available to the complainant.

The following Data Practices Act amendments were adopted by the Board in December of 1994.

1. Authority to release to the complainant the full Findings of Fact on a complaint at the time the findings are issued by the Board when a complaint is sustained.
2. Authority to release to the complainant the full Findings of Fact on a complaint at the time the findings are issued by the Board when a complaint is not sustained due to insufficient evidence.
3. Authority to allow the complainant to attend the entire evidentiary hearing, subject to reasonable restrictions imposed by the panel chair to provide for sequestration of the complainant as a witness.

CONCLUSION

The Minneapolis Civilian Police Review Authority is committed to provide an independent, impartial and effective process for review of citizen complaints of misconduct by Minneapolis police officers. The goal of civilian review is to improve the quality of police service in Minneapolis. The 1994 Annual Report is indicative of the CRA's attempt to accomplish this goal.

It is obvious from the numbers and types of complaints received that the CRA is sensitive to cultural diversity, that citizen complaints are taken seriously and that the public is confident in our process. The CRA has continued to make the complaint process more effective in order to resolve individual complaints satisfactorily.

CRA has continued to be a positive influence on police management by providing the department with information to help screen potential problem officers as well as identifying deficiencies in the practices, policies and procedures with the aim of encouraging systemic improvements to remedy such deficiencies.

In order to improve the quality of police service in Minneapolis effective discipline must be maintained. The CRA has continued to push for change in this area. Discipline must be consistent with the misconduct. Abuse of authority cannot be tolerated.

In conclusion, citizen oversight is necessary for a progressive and professional police department.

CONTACTS REGARDING POTENTIAL COMPLAINTS

<u>Month</u>	<u>1993</u>	<u>1994</u>
January	62	88
February	44	48
March	94	84
April	91	90
May	80	81
June	77	100
July	86	108
August	104	102
September	79	82
October	81	85
November	80	102
December	<u>80</u>	<u>90</u>
	958	1,062

Contacts with the CRA include telephone calls as well as in person contact made by the public requesting to file a complaint or inquiring as to whether there are grounds to file a complaint.

EXHIBIT A

INTAKE CALLS

There were a total of 1,062 intake calls received in 1994, 90 of which remained open at the end of 1994. There were an additional 50 calls received in 1993 that were resolved in 1994. Therefore, in 1994 1,022 intake calls were handled. The dispositions are as follows:

Advised	175	17%
Complainant's Location Unknown	3	
Referred to MPD	90	9%
No Basis	172	17%
No Complaint	114	11%
No Complainant Follow Up	61	6%
No Response from Complainant	150	15%
No Wish to File	56	5%
Referred Other than to MPD	27	3%
Complaint Withdrawn	1	
Complaint Sent	<u>173</u>	17%
Total	1,022	

EXHIBIT B

THE COMPLAINT PROCESS

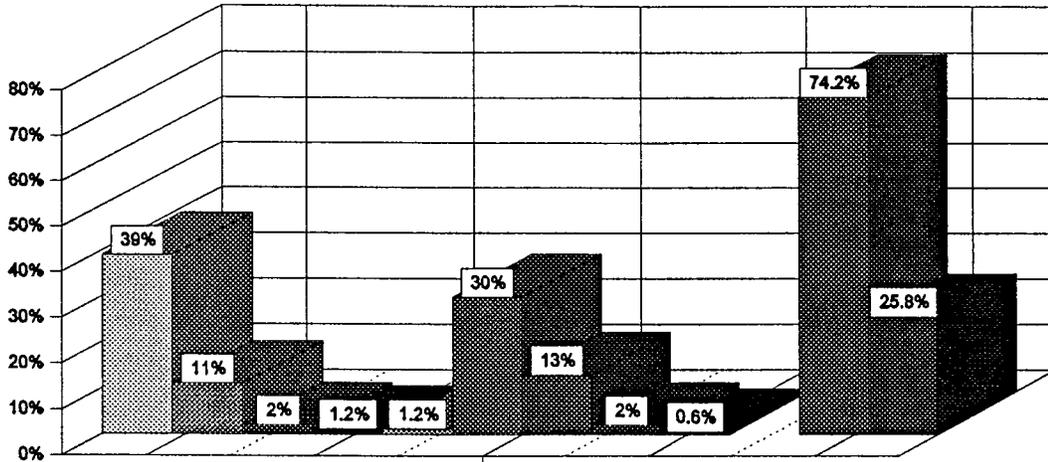
To file a complaint an individual contacts the office of the Authority and is assigned an investigator. Any person who has personal knowledge of alleged misconduct on the part of an officer may file a complaint with the Authority. No complaint will be deemed filed with the Authority until it has been reduced to writing and signed by the complainant. Within thirty days of the date the signed complaint is filed, the Executive Director makes one of these decisions: 1) recommend the case for mediation; 2) dismiss; or 3) forward the case to investigation. If the case reaches the third stage, the investigator conducts a thorough investigation and makes a recommendation to the Executive Director of the Authority as to whether or not there is probable cause that misconduct occurred. The Executive Director then makes the probable cause determination.

If probable cause is found, the Executive Director informs the Chairperson who appoints a Hearing Panel which usually consists of three Board members, with one member designated as chair of the panel. The panel chair holds a pre-hearing conference with the Executive Director, the officer, and the officer's attorney. At the pre-hearing the participants attempt to resolve matters about evidence and the scope of the hearing. The matter is then scheduled for an Evidentiary Hearing. The Executive Director of the Authority is the person who carries the complaint forward and argues on behalf of the complainant.

At the evidentiary hearing the Executive Director presents witnesses for the complainant and the officer has an attorney who represents the officer's defense on the complaint. After the hearing is concluded the panel deliberates privately. The panel makes findings on the facts (conclusions about what actually occurred) and makes a finding as to whether the complaint is sustained or not. The matter is referred to the Chief of Police who makes the decision as to what disciplinary action will be taken, if any. When the Chief has made his decision, he must provide his reasons in writing to the Mayor and to the Authority.

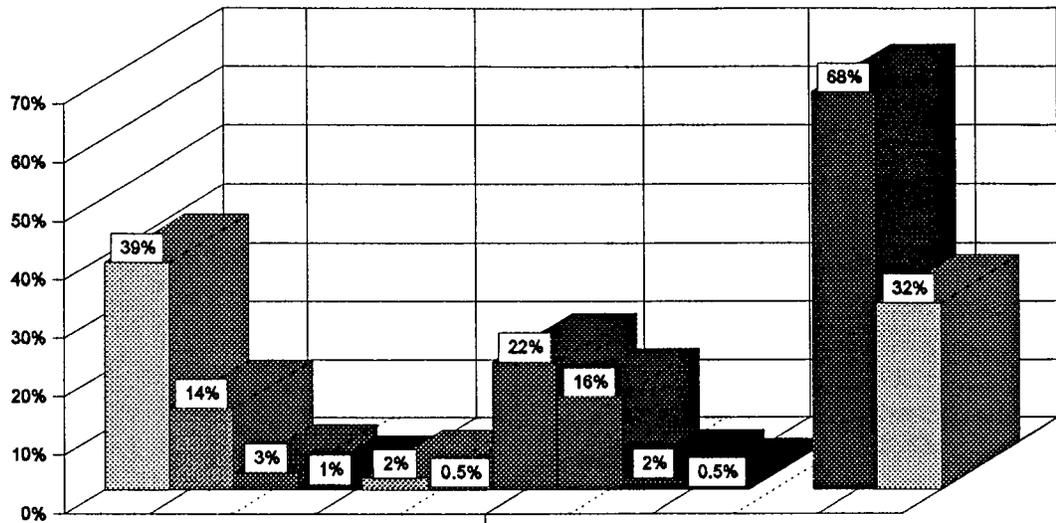
EXHIBIT C

ALLEGED VICTIM BY RACE/GENDER - 1994



	Black male - 39%		White female - 13%
	Black female - 11%		Unknown male - 2%
	Hispanic male - 2%		Unknown female - .6%
	Hispanic female - 1.2%		Total male - 74.2%
	Asian male - 1.2%		Total female - 25.8%
	White male - 30%		

Alleged Victim by Race/Gender - 1993



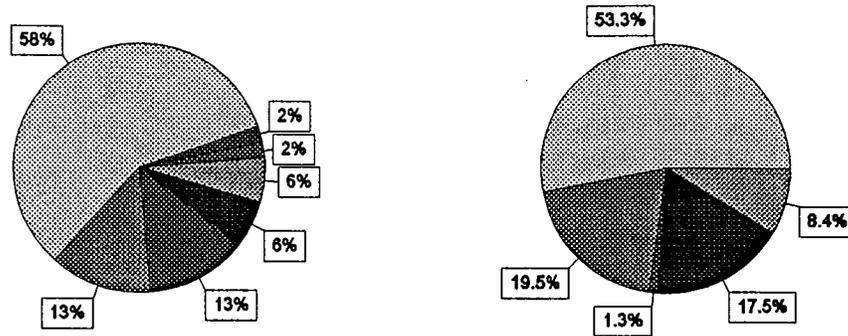
Black male - 39%	White male - 22%
Black female - 14%	White female - 16%
Hispanic male - 3%	Unknown male - 2%
Hispanic female - 1%	Unknown female - .5%
American Indian male - 2%	Total male - 68%
American Indian female - .5%	Total female - 32%

ALLEGED VICTIMS BY AGE

	1994	1993
16 or Under	12	20
17 to 20	15	13
21 to 25	25	23
26 to 34	51	57
35 to 45	41	44
46 and Over	15	21
Unknown	<u>5</u>	<u>2</u>
	164	180

In one 1994 case a person's disability was an issue. In another case a person's affectional preference was an issue.

Complaints by Primary Allegations



1994

1993

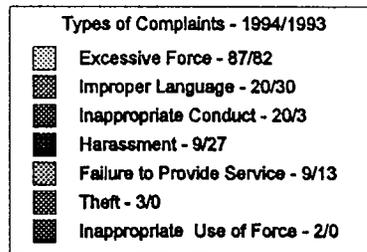


EXHIBIT E

COMPLAINTS AGAINST OFFICERS BY AGE AND EXPERIENCE

Age of Officer at the Time of the Incident

	<u>1993</u>	<u>1994</u>
21 and Younger	0	0
22-25 Years Old	8	17
26-30 Years Old	92	94
31-35 Years Old	66	60
36-45 Years Old	25	33
46+ Years Old	<u>11</u>	<u>10</u>
	202	214

Officers' Years on Minneapolis Police Department at Time of Incident*

	<u>1993</u>	<u>1994</u>
Less Than 2 Years	18	45
2-5 Years	127	106
6-10 Years	40	43
11+ Years	<u>17</u>	<u>20</u>
	202	214

* Some officers have served on other police departments prior to coming to Minneapolis.

EXHIBIT F

COMPLAINT BY PRECINCT

Precinct	1993 Complaints	1994 Complaints
2	13	15
3	46	52
4	55	56
5	39	24
Unknown	<u>1</u>	<u>3</u>
	154	150

The precincts vary by size and number of officers assigned. Following is information on each precinct:

	<u>Second</u>	<u>Third</u>	<u>Fourth</u>	<u>Fifth</u>
Population Served	60,000	130,000	85,000	108,000
No. of Officers Assigned	51	121	121	94
Percent of Total Police Calls Calls Served	11%	33%	33%	23%

EXHIBIT G

**COMPLAINTS GENERATED THROUGH
OFF-DUTY EMPLOYMENT**

From April of 1993 through the end of 1994 290 cases were filed with the CRA, 27 (9 percent) of which involved officers working in off-duty capacities. Approximately two-thirds of those complaints alleged use of excessive force. Others involved language, harassment, failure to provide service or inappropriate conduct.

Several locations generated more than one of these complaints, including the White Castle at West Lake Street and Blaisdell (3), City Center (3), Mississippi Live (3), Gay Nineties (4), and the Hennepin County Welfare Office at 5th Street and 4th Avenue (2).

EXHIBIT H

COMPLAINTS REFERRED TO MEDIATION

In 1994 17 cases were referred to mediation. The parties in eight of those cases agreed to mediate. Seven of those cases were successfully mediated; one was returned to investigation. In the nine cases where mediation was not agreed to, it was refused by the complainant in six cases and by the officer in three cases. Of the cases not mediated, the ultimate determination was two Probable Causes, six No Probable Causes, and two yet to be determined.

Of the 71 cases sent to Mediation from April of 1991 through January 27, 1995, 16 were successfully mediated and 2 are currently in the mediation process. Those 16 successful cases involved 2 allegations of excessive force, 6 allegations of language violations, 3 allegations of harassment, 3 allegations of failure to provide adequate or timely police service, and 2 allegations of inappropriate conduct. There may have been additional allegations involved, but those noted were the primary allegations in each case.

Of the remaining 53 cases where mediation was not successful or one or both parties chose not to mediate, the following chart shows the ultimate findings in those cases and which party refused to mediate.

Finding	Refused to Mediate			Mediated But No	Total
	Complainant	Officer	Both	Resolution	
No Probable Cause	10	17	5	3	35
Dismissed	3	3	3		9
Withdrawn	1	1			2
Pending		3			3
Probable Cause	2	2			4
	16	26	8	3	53

Of the 35 No Probable Cause Determinations, allegations included 3 excessive force, 21 language, 6 harassment, 1 theft, 2 failure to provide, and 2 inappropriate conduct.

Of the 9 cases that were Dismissed, 6 involved allegations of language, 2 allegations of harassment and 1 excessive force.

Of the 2 cases that were withdrawn, 1 alleged excessive force and the other, lack of service.

Of the 3 cases returned to investigation where findings have not yet been rendered by the Executive Director, 1 involves excessive force and 2, inappropriate conduct.

Of the 4 cases where Probable Cause was found, 2 were language violations, 1 harassment, and 1 was excessive force. Ultimately, 1 (language) was sustained and 2 (language and harassment) were not sustained due to insufficient evidence, and 1 is pending hearing.

EXHIBIT I

**DISCIPLINARY ACTIONS BY THE CHIEF
ON SUSTAINED CASES THROUGH 12/31/94**

Of 28 sustained cases sent to the Chief of Police, the Chief has made disciplinary decisions on 28, as follows:

On ten cases that involved a sustained charge of **excessive force**, the discipline on **four cases** was **letters of reprimand**, on **one case** a **10-day suspension without pay**, and on **another case** a **one-day suspension without pay**. No discipline was imposed in four cases.

On one case that involved sustained charges of **excessive force and harassment**, the discipline was **Use of Force Training**.

On three cases that involved sustained charges of **excessive force and language**, a **three-day suspension without pay** was imposed in one case, **no discipline** was imposed on another, and a **20-day suspension without pay** was imposed on the third.

On eight cases that involved a sustained charge of **language**, the discipline in **six cases** was a **letter of reprimand**, in another case a **3-day suspension without pay and additional training**, and in the remaining case **no discipline** was imposed.

On one case that involved sustained charges of **language and harassment**, the discipline on the language charge was a **letter of reprimand**. **No discipline** was given on the harassment charge.

On four cases that involved a sustained charge of **harassment**, the discipline in one case was a **letter of reprimand** and in the other three **no discipline** was imposed.

On one case that involved a sustained charge of **inappropriate conduct**, the discipline was a **20-day suspension without pay and a 60-day ban on off-duty jobs**.

EXHIBIT J

**BOARD MEMBERS
SERVING DURING 1994**

Ann Viitala, Chair	6/90 to Present
Lucille Anderson	4/94 to Present
Kenneth Beck	9/94 to Present
Robert Boughton	6/90 to Present
Brian Gorecki	5/94 to Present
Helen Marie Lewis	10/91 to Present
Rick Stafford	3/92 to 12/94
David Ward	6/90 to to 9/94

STAFF

Patricia J. Hughes	Executive Director
Robin Lolar	Investigator
Roger Danielski	Investigator
Gerald Dexter	Investigator
Jackie Bosquez	Program Assistant
Sharon Pelka	Clerk Typist II
Marsha Rode	Clerk Typist II