

1995 ANNUAL REPORT

March 1996

Minneapolis Civilian Police Review Authority
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DIRECTOR'S FORWARD

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.

I am pleased to submit the Minneapolis Civilian Police Review Authority's (hereinafter referred to as the "CRA") Annual Report for 1995. The CRA had another very busy and challenging year receiving, considering, investigating and making determinations regarding complaints. During 1995 the CRA had about 1,000 contacts with the public on possible complaints against Minneapolis Police Officers. From those contacts, 146 resulted in signed complaints.

During 1995 the CRA made major efforts to inform citizens, neighborhoods and community organizations about the CRA process, thereby increasing the agency's visibility. The internal process of the CRA continued to improve in its efficiency, effectiveness and responsiveness to citizens.

In 1994 the CRA had adopted a proposal to revise the Minneapolis Police Department Disciplinary Guidelines because of concerns about the prior chief's disciplinary decisions. As a result of perceived inequities, complaints on the effectiveness, consistency of discipline and the concern regarding "deliberate indifference," a committee (task force) was formed by the Minneapolis Police Department to work on a "matrix," a discipline guide to address these problems. CRA Board Member Brian Gorecki worked with representatives of the Minneapolis Police Department to develop Disciplinary Guidelines. This system will provide equality of discipline in all cases.

The City of Minneapolis' commitment to civilian oversight of police has been recognized nationally (See Exhibit J). In June of 1995 at the request of the American Civil Liberties Union of the National Capital Area, I testified before the Judiciary Committee of the Council of the District of Columbia regarding a proposed civilian review board. After a District of Columbia law firm

studied 24 police review boards located in cities across the country, it was determined that the Minneapolis Civilian Police Review Authority was a model system and that the proposed Washington, D.C. board should be modeled after the Minneapolis board. A bill now has been drafted that closely resembles the CRA.

The CRA has been a valuable resource for the community. 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 1995 49 percent of the complaints alleged excessive force as their primary characteristic, a 9 percent decrease from 1994. This is followed by Inappropriate Conduct and Language.

Even though people of color make up just one-quarter of the city's population, 54 percent of the alleged victims of complaints filed with the CRA were people of color. This number has remained constant for 1994 and 1995.

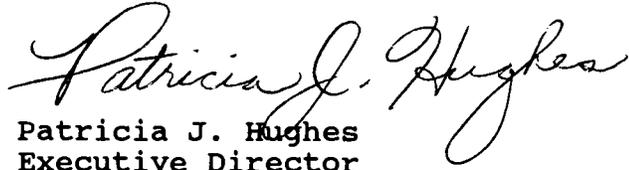
In 1995, as in previous years, the CRA has provided the Minneapolis Police Department with a "tracking system." On a quarterly basis the Minneapolis Police Department has been sent information regarding complaints against police officers that have covered a period of one year. This has included the allegations and findings in each case. The system is used to check all complaints against officers as possible indicators for behavioral patterns and allows the department to be proactive in dealing with suspected behavior problems.

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.

Over the past year there has been a noticeable change in the Minneapolis Police Department. I thank the citizens for having the courage to come forward in bringing police misconduct to our attention, the Mayor, City officials and community leaders for working with us and supporting our efforts, and Chief Robert Olson and those in police administration for their faith and support in the fairness of our process. 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



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 - 1995

During 1995 the Civilian Review Authority received 146 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 956 contacts with the public on possible complaints (Exhibit A) and disposition occurred on 917 of those intake calls, plus 32 calls remaining from 1994.

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. Sixty-nine percent of the alleged victims are under age 34. See Exhibit C.

Forty-nine 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 inappropriate language, inappropriate conduct, and failure to provide adequate or timely police service. A graph showing the types of cases received by the Civilian Review Authority in 1995 is attached as Exhibit D.

Thirty-six percent of the officers with complaints whose ages are known are between 31 and 35 years of age. Eighty-one percent of the officers have been on the force for less than six years. See Exhibit E.

CASELOAD REPORT

AS OF 1/03/96

REPORTING FROM 03/20/91 TO 12/31/95

SIGNED COMPLAINTS	756
COMPLETED CASES	
Successful Mediations	20
Dismissals	142
No Probable Cause	434
Probable Cause	75
Withdrawal	10
PENDING CASES	
On Hold	0
In Mediation	1
In Investigation	74
Completed Investigations Awaiting Review	1
NUMBER OF CASES EVER SENT TO MEDIATION	83
STATUS OF PROBABLE CAUSE DETERMINATION	
Hearings to be Scheduled	5
Hearings Scheduled	0
Hearings Held	70
STATUS OF CASES HEARD BY BOARD	
Decisions Pending	0
Not Sustained	5 (7%)
Not Sustained, Insufficient Evidence	7 (10%)
Not Sustained, Officer Exonerated	10 (14%)
Dismissed	8 (11%)
Sustained	40 (57%)

This Caseload Report shows the total number of signed complaints received since April 15, 1991, when the CRA started to take complaints. It then breaks that number down into Completed Cases and Pending Cases.

The COMPLETED CASES fall into five categories: Successful Mediations, Dismissals, No Probable Cause, Probable Cause, or Withdrawal.

The Successful Mediations are cases where the complainant and officer(s) arrived at a mutually agreeable resolution of the

complaint through a thorough and frank discussion of the alleged misconduct held before a neutral third party.

The **Dismissals** are cases that were dismissed for one of several reasons, including but not limited to that there was no dispute as to the materials facts and no reasonable person could sustain a complaint based upon such facts; even if all of the complainant's alleged statement are true, no act of misconduct exists; the alleged facts are so unbelievable that no reasonable person could sustain the complaint based on such facts; and failure of the complainant to cooperate.

A complainant has the right to withdraw from the process at any time, before, during or after an investigation is conducted. The number of such cases are shown under **Withdrawal**.

Cases that aren't successfully mediated, dismissed or withdrawn are sent to an investigator who conducts a full investigation of the allegations.

No Probable Cause are cases where, after a full investigation, there was No Probable Cause to believe that a violation of city ordinance occurred and the complaint was dismissed as:

1. Officer exonerated, for one of two reasons:
 - a. The facts alleged in the complaint are true but do not constitute misconduct; or
 - b. The facts alleged in the complaint are not true; or
2. Insufficient evidence to sustain the complaint.

Probable Cause are cases where, after a full investigation, there was Probable Cause to believe that a violation of city ordinance had occurred and therefore the matter shall proceed to an evidentiary hearing. The results of those evidentiary hearings are shown in the latter half of the Caseload Report.

The PENDING CASES fall into four categories: On Hold, In Mediation, In Investigation, and Completed Investigation Awaiting Review.

A case is placed **On Hold** if there is a criminal investigation and/or charges or some other reason that the case cannot be investigated at the current time. This is a temporary status and the case will ultimately be taken off hold and investigated or withdrawn.

Cases **In Mediation** are those that are currently being mediated or where the complainant and officer(s) are considering whether or not they wish to participate in mediation. If the parties decide not to participate, or if mediation was tried but was not successful, the case returns to the investigator for full investigation. If the mediation is successful, the case is closed.

Cases In Investigation are those that are being actively investigated. The investigation must be completed within 120 days from the date the complaint is officially filed.

Completed Investigation Awaiting Review are those cases where the investigator has completed the investigation and written a report for consideration by the Executive Director, who makes the probable cause determinations.

The NUMBER OF CASES EVER SENT TO MEDIATION shows how many of the total signed complaints were sent to mediation. Mediation was not attempted on all of these cases since the officer(s) and complainant must agree to mediate. Mediation is not mandated; it is voluntary.

The STATUS OF PROBABLE CAUSE DETERMINATIONS identifies the status of cases identified as **Probable Cause** cases under Completed Cases earlier in the Caseload Report. Those cases are broken down into three categories: **Hearings to be Scheduled, Hearings Scheduled and Hearings Held.**

The STATUS OF CASES HEARD BY BOARD indicates how many of the cases where an evidentiary hearing was held were **Sustained, Not Sustained, Dismissed,** or where the **Decision is Pending.** In a given case there might be more than one charge against an officer or one or more charges against several officers. In recording the findings, if any charge against any officer is sustained, that case is recorded as **Sustained.** If no charge against any officer is sustained, it is recorded as **Not Sustained.** A case may be not sustained for one of two reasons:

1. Officer exonerated, for one of two reasons:
 - a. The facts alleged in the complaint are true but do not constitute misconduct by the Officer; or
 - b. The facts alleged in the complaint are not true;
2. Insufficient evidence exists to sustain the complaint.

CONCLUSION

The Minneapolis Civilian Police Review Authority provides an independent, impartial and effective process for review of citizen complaints of misconduct by Minneapolis police officers. The ultimate goal of civilian review is to improve the quality of police service in Minneapolis.

The numbers and types of complaints received demonstrate that the CRA is sensitive to cultural diversity, that citizen complaints are taken seriously, and that the public is confident in our process. CRA continues to influence police management by providing the Department with information to help screen potential problem officers, as well as to identify deficiencies in the practices, policies and procedures.

Over the past year there have been noticeable changes in the Minneapolis Police Department. Positive steps have been taken to provide equality of discipline and to promote the highest possible degree of mutual respect between the Minneapolis Department and the Community. Abuse of police authority cannot be tolerated. The CRA exists to promote the highest attainable standards of integrity and professionalism in our City's Police Department.

CONTACTS REGARDING POTENTIAL COMPLAINTS

<u>Month</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
January	62	88	89
February	44	48	82
March	94	84	87
April	91	90	74
May	80	81	70
June	77	100	87
July	86	108	89
August	104	102	108
September	79	82	77
October	81	85	74
November	80	102	61
December	<u>80</u>	<u>90</u>	<u>58</u>
	958	1,062	956

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.

THE COMPLAINT PROCESS

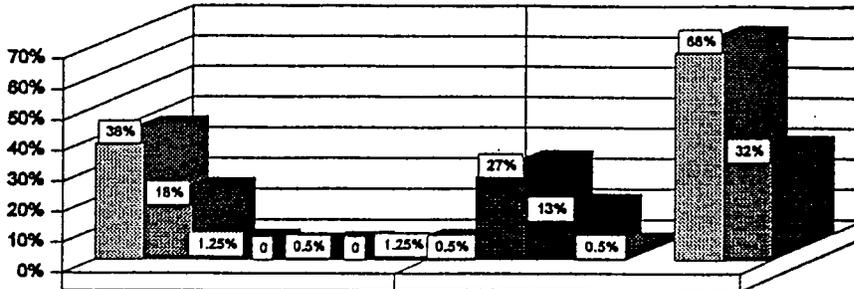
To file a complaint an individual contacts the office of the Authority and is assigned an investigator. Any person who has personal knowledge of alleged misconduct on the part of an officer may file a complaint with the Authority. No complaint will be deemed filed with the Authority until it has been 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.

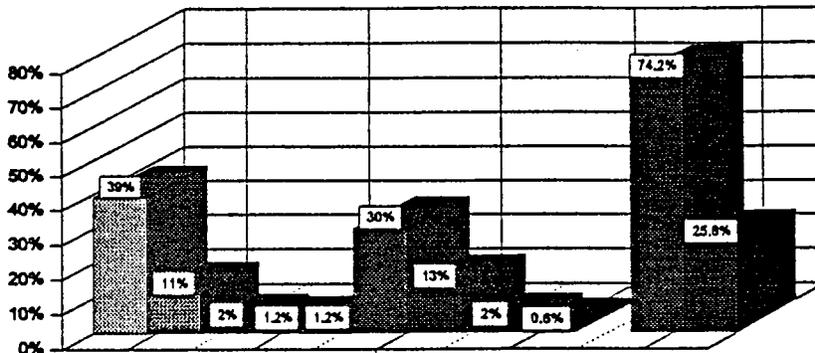
ALLEGED VICTIM BY RACE/GENDER

1993 - 1995



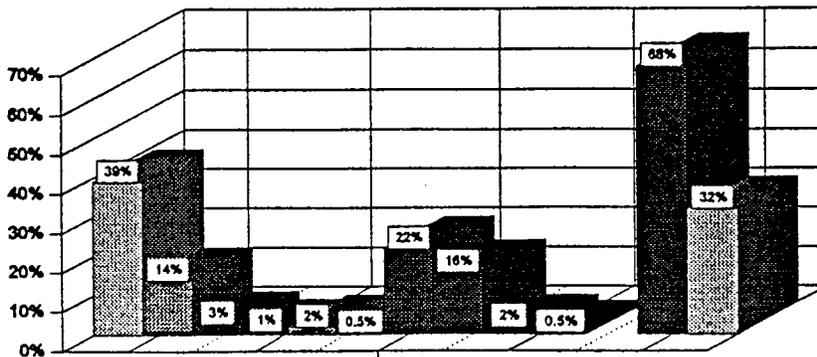
Alleged victim by race/gender - 1995

Black male - 38%	Indian female - .5%
Black female - 18%	White male - 27%
Hispanic male - 1.25%	White female - 13%
Hispanic female - 0	Other male - .5%
Asian male - .5%	Total male - 68%
Asian female - 0	Total female - 32%
Indian male - 1.25%	



Alleged victim by race/gender - 1994

Black male - 39%	White female - 13%
Black female - 11%	Unknown male - 2%
Hispanic male - 2%	Unknown female - .8%
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%
Indian male - 2%	Total male - 68%
Indian female - .5%	Total female - 32%

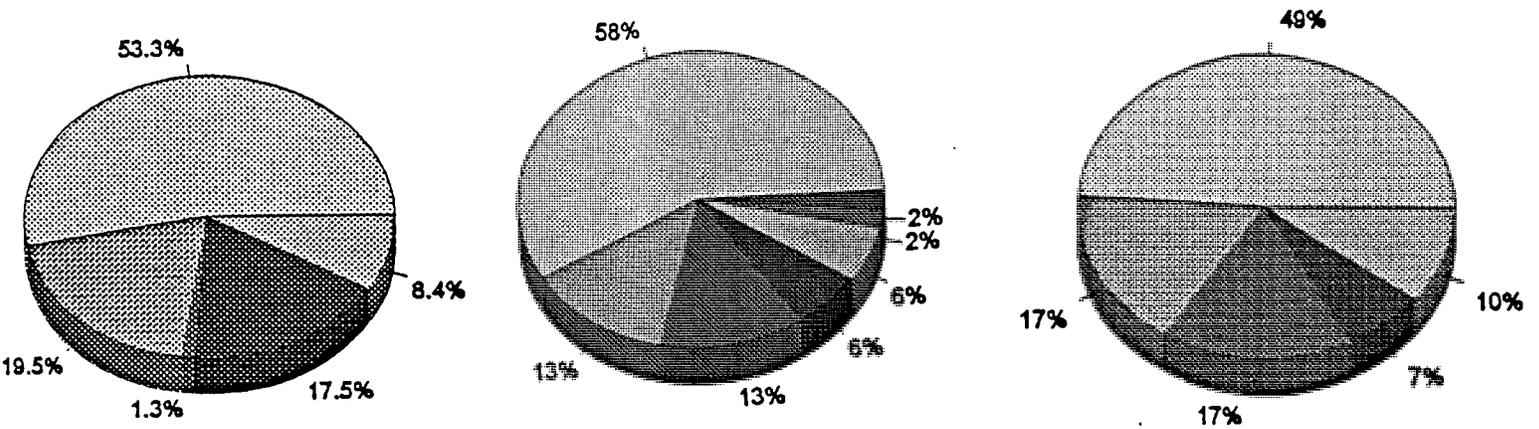
ALLEGED VICTIMS BY AGE

	<u>1995</u>	<u>1994</u>	<u>1993</u>
16 or Under	15	12	20
17 to 20	22	15	13
21 to 25	25	25	23
26 to 34	57	51	57
35 to 45	29	41	44
46 and Over	19	15	21
Unknown	<u>6</u>	<u>5</u>	<u>2</u>
	173	164	180

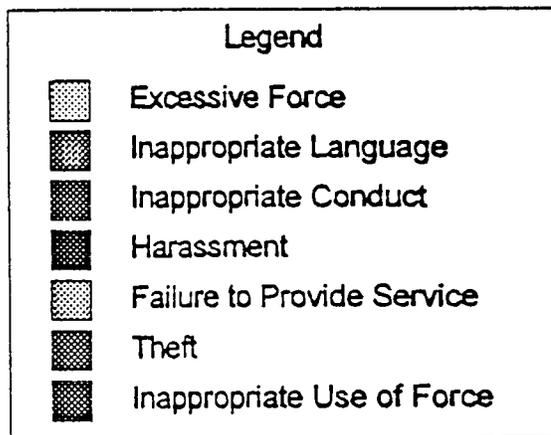
In one 1994 case a person's disability was an issue. In another case a person's affectional preference was an issue.

In one 1995 case a person's disability was an issue. In five cases a person's affectional preference was an issue.

TYPES OF COMPLAINTS



1993		1994		1995	
Excessive Force	82	Excessive Force	87	Excessive Force	72
Inappropriate Language	30	Inappropriate Language	20	Inappropriate Language	25
Inappropriate Conduct	3	Inappropriate Conduct	20	Inappropriate Conduct	25
Harassment	27	Harassment	9	Harassment	11
Failure to Provide Service	13	Failure to Provide Service	9	Failure to Provide Service	13
Theft	0	Theft	3	Theft	0
Inappropriate Use of Force	0	Inappropriate Use of Force	2	Inappropriate Use of Force	0



COMPLAINTS AGAINST OFFICERS BY AGE AND EXPERIENCE

Age of Officer at the Time of the Incident

	<u>1993</u>	<u>1994</u>	<u>1995</u>
21 and Younger	0	0	0
22-25 Years Old	8	17	2
26-30 Years Old	92	94	50
31-35 Years Old	66	60	63
36-45 Years Old	25	33	48
46+ Years Old	<u>11</u>	<u>10</u>	10
Unknown			<u>85</u>
	202	214	258

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

	<u>1993</u>	<u>1994</u>	<u>1995</u>
Less Than 2 Years	18	45	18
2-5 Years	127	106	104
6-10 Years	40	43	61
11+ Years	<u>17</u>	<u>20</u>	20
Unknown			<u>55</u>
	202	214	258

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

COMPLAINT BY PRECINCT

<u>Precinct</u>	<u>1993 Complaints</u>	<u>1994 Complaints</u>	<u>1995 Complaints</u>
2	13	15	15
3	46	52	45
4	55	56	64
5	39	24	21
Unknown	<u>1</u>	<u>3</u>	<u>1</u>
	154	150	146

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	62,560	117,760	84,640	103,040
No. of Officers Assigned	85	149	133	112

EXHIBIT F

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).

In 1995, of 146 complaints, 7 (5%) involved officers working in off-duty capacities at 7 different locations. Six of those complaints (86%) alleged use of excessive force; one alleged inappropriate conduct.

COMPLAINTS REFERRED TO MEDIATION

	Sent to Mediation	Successful Mediation	Unsuccessful Mediation*	Comp. Officer Refused by Mediation	Both Unk.	Total	Determinations/ Cases Returned to Investigation
1991	14	1	1	2	8	12	1 PC(not sustained) 3 Dismissal 6 NPC
1992	27	6	1	5	10	20	2 Withdrawal 2 PC (1 sustained; 1 not sustained) 5 Dismissals
1993	11	2	0	5	3	9	1 Dismissal 8 NPC
1994	17	8	1	5	3	8	2 PC (Sustained) 5 NPC 1 Dismissal
1995	14	4	1	4	3	9	7 NPC 1 Dismissal 1 Open
Totals	83	21	4*	21	27	58	

EXHIBIT B

* In all four cases the ultimate determination was No Probable Cause

Disciplinary Actions Resulting from CRA Sustained Complaints as of February 7, 1996

Of 28 sustained cases sent to the Chief of Police John Laux or Acting Chief Richard Schultz from January of 1992 through March 16, 1995, the Chief made disciplinary decisions 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 letter of reprimand was imposed in one case, no discipline was imposed on another, and an 18-day suspension without pay (5 hard; 15 soft) 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 three-day suspension without pay and additional training, in another a one-day suspension without pay, 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 an 18-day suspension without pay (3 hard; 15 soft).

Since becoming Chief of Police on March 17, 1995, Chief Robert Olson has made the following disciplinary decisions:

On three cases that involved language charges, the discipline was two letters of reprimand and one one-day suspension without pay.

On one case that involved excessive force, the discipline was a one-day suspension without pay.

On one case that involved excessive force, language and harassment, the discipline was a five-day suspension without pay.

On six cases that involved inappropriate conduct, the discipline was two letters of reprimand and one one-day suspension without pay.

Three cases are pending at the time of this report.



American Civil Liberties Union of the National Capital Area
1400-20th Street, N.W. □ Washington, D.C. 20036 □ 202-457-0800

August 1, 1995

Ms. Ann Viitala, Chair
Minneapolis Civilian Review Authority
Century Plaza - Suite 452
1111 Third Avenue, south
Minneapolis, MN 55404-1008

Dear Ms. Viitala:

Patricia Hughes has been an invaluable help to us in the District of Columbia as we try to reinstitute a method for citizen review of police misconduct.

The ACLU of the National Capital Area convinced the law firm of Piper & Marbury to write a lengthy analysis of the District of Columbia's Civilian Complaint Review Board and propose a more efficient system. After studying review systems across America, Minneapolis' Civilian Review Authority was chosen as the model system.

Ms. Hughes was invited to testified before the Judiciary Committee of the Council of the District of Columbia to talk about the CRA. She was a very articulate spokesperson and was asked questions about all parts of the Authority. She had extensive knowledge about the system which she explained in a very clear and concise manner. She impressed everyone with the success of the Authority under her leadership. Due to the strength of the CRA and our confidence that a strong Executive Director, like Patricia Hughes, can make the system work, we have written a bill that closely resembles Minneapolis' Authority.

We hope to continue to work with you to help us have a system of police review that serves our citizens as well as yours serves Minneapolis.

Sincerely,


Mary Jane DeFrank
Executive Director

Emilio Civdanes, *Chairperson* • Robert Plotkin, *Vice Chairperson* • Cynthia Harrison, *Secretary* • Felice Levine, *Treasurer*

EXECUTIVE BOARD: Adrienne Barth, Charles Cerf, H. Stewart Dunn, Jr., Eugene Fidell, Jocelyn Frye, Judith L. Harris, Karen Hendricks, Elinor Horwitz, David Joseph, Fred Joseph, Betty Ann Kane, Robert Kapp, Barry Katz, Jonathan Katz, Lawrence Mirel, Sandra Peavey, Dan Rapoport, Thomas Schneider, Richard Seligman, Paul Siegel, Rita Soler-Ossolinski, Helene Toiv, Matthew S. Watson, Claudia Withers

STAFF: Mary Jane DeFrank, *Executive Director* • Arthur B. Spitzer, *Legal Director* • Charles Wilson, Stephen Block, *Staff Attorneys* • Suzin Glickman, *Public Education Director* • Alpha A. Gibbs, *Finance Director* • Leland Y. Larsen, *Assistant Finance Director* • Carolyn Martin, *Staff Assistant* • Zoraida Medina-Russell, *Secretary*

**BOARD MEMBERS
SERVING DURING 1995**

Ann Viitala, Chair	6/90 to 12/95
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
Daryl Lynn	3/95 to Present

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