Police Practices in the Twin Cities

-A report prepared by the Minnesota Advisory Committee to the United States Commission on Civil Rights

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denial of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denial of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denial of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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ATTRIBUTION:
The findings and recommendations contained in this report are those of the Minnesota Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This report has been prepared by the Minnesota Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

RIGHT OF RESPONSE:
Prior to the publication of this report and consistent with Commission policy, the Minnesota Advisory Committee afforded to all individuals or organizations that may have been defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses have been incorporated, appended, or otherwise reflected in this publication.
LETTER OF TRANSMITTAL

Minnesota Advisory Committee to
The U.S. Commission on Civil Rights
July 1981

MEMBERS OF THE COMMISSION
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Louis Nafek, Staff Director

Dear Commissioners:

The Minnesota Advisory Committee to the U.S. Commission on Civil Rights submits this report, POLICE PRACTICES IN THE TWIN CITIES, as part of its responsibility to advise the Commission about civil rights problems within this State.

The investigation of the Minneapolis and St. Paul police departments was initiated by the Minnesota Advisory Committee after it received several complaints about police practices in the Twin Cities. These complaints originated principally from residents of minority and poor neighborhoods. The complaints alleged that some officers were using excessive force against civilians and that these abuses, when reported to the respective police departments, were tacitly condoned by lack of official action.

Specifically, the Committee evaluated the Twin Cities police departments' use of force practices, delivery of services, training, and employment of minorities and females. In addition, involvement of the State and Federal Government is reviewed along with selected issues in policing and proposed solutions to current problems.

The Committee held a two-day, fact-finding meeting in both Minneapolis and St. Paul at which knowledgeable persons presented facts and opinions concerning problems in the operation of the two departments and ideas for solving those problems. The Committee reviewed official policymaking and training procedures as well as the experiences and perceptions of community residents, police personnel, administrators, supervisors and patrol officers. Also, the Committee analyzed relevant data submitted by the Twin Cities police departments and other local, State and Federal agencies.

Based on the findings of this investigation, the recommendations are made for improving communication between citizens and the police, eliminating unnecessary use of force by police officers in effecting an arrest, increasing employment opportunities for minorities and women, and for increasing civilian participation in the operation of the departments. The recommendations are directed to local officials, police departments, and to State and Federal officials.

The Committee is particularly concerned with the present mechanism in place for resolving citizen complaints. It recommends that the city councils of Minneapolis and St. Paul establish an office of ombudsman to investigate complaints alleging violations of established policies and practices and to publish recommendations for appropriate action. Another primary concern of the Committee is the underutilization of minorities and women in the Minneapolis Police Department and with the miniscule number of minorities in both departments. The Committee recommends that both departments develop a plan that would expeditiously correct these situations.

The Minnesota Advisory Committee requests that you contribute to the resolution of these problems by supporting these recommendations and by taking appropriate action to ensure the equitable administration of justice in both Minneapolis and St. Paul.

Sincerely,

Lupe Lopez
Chairperson
MEMBERSHIP
MINNESOTA ADVISORY COMMITTEE TO THE UNITED
STATES COMMISSION ON CIVIL RIGHTS

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ACKNOWLEDGMENTS

The Minnesota Advisory Committee wishes to thank the staff of the Commission's Midwestern Regional Office in Chicago, Illinois, for coordinating the study and preparing this report on the problems of policing in the Twin Cities. The study was the principal staff assignment of Carmelo Melendez, equal opportunity specialist. The report was written by Carmelo Melendez and Ruthanne DeWolfe, regional attorney, who also provided legal counsel throughout the project. Melendez and DeWolfe also served as principal investigators. Editorial assistance was provided by Gregory D. Squires, research writer. Valuable assistance was also provided throughout the study by Delores Miller, Ada L. Williams and Mary K. Davis, support staff. This project was carried out under the supervision of Clark G. Roberts, regional director.

The staff of the Publications Support Center, Office of Management, was responsible for final preparation of the document for publication.
Chapter 1

Introduction

'A charge that two St. Paul policemen used unnecessary brutality in dealing with a 19-year-old black youth is under investigation by the city attorney's office,' Mayor Lawrence Cohen said Friday. —Pioneer Press, 1972

A hearing Monday night on alleged police brutality in St. Paul drew testimony from eight persons, most of whom claimed they or relatives were beaten and abused by police during arrest. —Pioneer Press, 1973

Minneapolis Mayor Albert Hofstede is a man caught in the middle. He is in the position—some think—the untenable position of trying to allay the feelings of belief of some citizens in black neighborhoods that police are harassing and brutalizing blacks. —Pioneer Press, 1975

Minneapolis and St. Paul have a long history of police community conflicts with the minority community. In its 1965 study, "Report on Police Community Relations in Minneapolis and St. Paul," the Minnesota Advisory Committee to the U.S. Commission on Civil Rights found that, "no antidote is provided to dispel the lack of confidence with which minority groups regard the police departments of Minneapolis and St. Paul and that this leads to hostility and provokes tensions on both sides which in many cases could be avoided." Months after the Committee's report, many cases of alleged police brutality were reported by the newspapers in both cities. Investigations and public hearings were conducted on police brutality by the local and state Human Rights Commissions, as well as the Mayor and County Prosecutors. In most instances the local outcries of minority community discontent with the police administration precipitated these actions.

The police are an essential part of our social order. Their power to connect law enforcement networks across boundary lines have made them both efficient and awesome. Nonetheless, the localities toward police officers continue to exist. In many communi-
In the nineteenth century, the nation was drawn together by railroads, many of which sprang up in two such cities. These two cities became the center of a great agricultural empire reaching across the Dakotas in Montana reaching beyond. Immigrants in search of a new and hopefully prosperous life came in three waves. It is interesting to note that the Germans, were the largest single nationality to settle in the state and not the Scandinavians as many think.4

Most of the blacks that migrated to the state of Minnesota worked in the railroad as wasters and porters. The majority of them had little or no education. For the most part, Minnesota's black population ended up in the Twin Cities area because of the industrial growth spawned by railroads and the picking for fruit.

According to the 1950 census, there were 590 Mexicans living in Minnesota, with most of them residing in St. Paul and Minneapolis. A report submitted to Gov. C. Elmer Anderson from the Governor's Interlocal Committee in 1953 stated that, at that time, just under a third of the 950 were scattered throughout 36 counties other than Ramsey and Hennepin. According to the report, it was now believed to be about 4,800 permanent Mexican families in Minnesota. Most Mexicans who migrated to the state of Minnesota were employed in agricultural labor.

The predominant Indian tribe in Minnesota is the Chippewas, formerly known as the Ojibway, a nomadic people who traveled in small groups. With the remaining population including 9 percent (35,000) black, 6 percent (23,000) American Indian, and 3 percent (11,000) others.

Population in the state increased 11.5 percent between 1960 and 1970, with the minority population increasing 57 percent and the white population increasing 11 percent. The white population inside central cities followed a national pattern in declining by 6 percent during this 10-year period while the minority population within cities grew 50 percent.8

Minneapolis

Industry grew quickly in this booming metropolis. Settlers from all over the nation came with their sleeves rolled up ready for work. It was an Illini who began the settlement on the west shore of St. Anthony Falls in the winter of 1848-50. Building the first permanent house. Many names were suggested for this new and growing community but it was Charles Hoag who creatively combined the Sioux word for laughing waters, Minnehaha, and the Greek word for city, polis, and the name Minneapolis was adopted. Minnesota was incorporated in 1856. A historic article by the Minneapolis Tribune depicted the beginnings of Minneapolis as follows:

Early on, Minneapolis endured and embraced the adventurers who sought fortune and opportunity, and the city became successively the headquarters for surveyors, the dealers in grain, the millers and merchants and railroad men.

Today, Minneapolis is known for its sizeable production of grain and highly sophisticated industry. Minneapolis has strong tradition of liberal politics passed down from the Scandinavians who were the first immigrants to the city, arriving in the 1880s. Minneapolis, however, is no different than any other major city in this country that has many of the same problems. With the established residents moving to the suburbs, and the inner city left to the young, the poor, and the minorities, Minneapolis followed the pattern of most major American cities.

The 1970 census indicates that Minneapolis has a population of 343,400. Of this number, 18,000 (or 5.2 percent) are black, and 6,000 (or 1.5 percent) are Hispanic. In addition, about 5,763 (or 0.1 percent) are American Indians, and 3,125 (or 0.1 percent) are Asian and Pacific Islanders.

St. Paul

St. Paul, former known as Pig's Eye, is the smaller of Minnesota's Twin Cities. It was founded 2 years before Minneapolis on November 1, 1854. Its origins as an old river town has a history similar to that of St. Louis. Unlike Minneapolis, St. Paul was a railroad transportation hub which attracted Irish and German Catholics, and for sometime was the largest of the two cities in addition to being the state capital.

Blacks began to appear in the census documents as early as 1850, with a total of 1,524 living in the city. Most blacks who migrated to Minneapolis were brought in by railroad to work in the packing houses. They were actually brought in as strike breakers which later had an adverse affect on those blacks that planted roots in St. Paul.3

According to the 1970 census, the total population of St. Paul was 209,900, with 10,735 (or 0.03 percent) black, 7,200 (or 0.02 percent) Hispanic, 1,857 (or 0.01 percent) American Indian, and 1,400 (or 0.01 percent) Asian and Pacific Islanders. St. Paul currently has the highest concentration of Hispanics of any community in the state, containing 9 percent of the state’s Hispanics.10

Minneapolis

It was a Congresswoman named Robert Smith from Illinois who bought the army mills located on the west bank of the Mississippi for $750, and John H. Stevens, a bookkeeper, who started a ferry service that attracted in the influx of settlers into the area which later became Minneapolis.11 It did not become Minneapolis until the settlement on the east bank of the river known as St. Anthony. Of this remedy, the one on the west bank merged in 1872.12 Later in 1888, the Stevens' ferry service was taken over by a local businessman.13 The citizens of Minneapolis elected a board of supervisors annually and had town meetings to conduct their business. The chairperson of this board became the town chief.14

Today the city of Minneapolis is in the county of Hennepin and consists of 13 wards. All the wards are required to have, as nearly as possible, equal population.15 The voters elect a mayor, comptroller,

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8 Minneapolis Police Department, Special Minneapolis Area Demographic Report, 1974 (hereafter cited as Minneapolis Police Special Demographic Report).
10 Minneapolis Police Special Demographic Report.
11 Ibid.
12 Ibid.
13 Ibid.
14 Minneapolis City Charter, Chapter 1 (St. Paul, 1933).
treasurer and city council, most commonly called aldermen. The city charter was amended on June 11, 1950, the number of aldermen were reduced from 26 to 13 and the term of office from 4 years to 2. The mayor is the chief executive of the city and the charter states: "[He]... shall take care that the laws of the State and the Ordinances of the city are duly observed and enforced." The mayor has complete power over the police department. He has the power to select the chief of police, either from within the ranks, or from the outside; contrary to the city of St. Paul, where the mayor is forced by civil service regulations to select someone from the ranks on a promotional basis.

St. Paul

The city of St. Paul is in Ramsey County and it has a strong mayor-form of government. The mayor is the chief executive of the city with administrative and executive powers. He has the power to enforce the laws and ordinances outlined in the city charter, he has the authority to appoint, and to remove with the advice and consent of the council, any officer of the city with the exception of the councilmen. Both the mayor and the councilmen are elected for a 2 year term of office.

The city council has the authority to legislate laws for the city as well as to conduct investigations. These investigations may be on affairs of the city and the conduct of any department, office, agency, and as part of its authorities, office or the power to issue subpoenas.

Even though the mayor has the power to appoint a police chief with the consent of the city council, there are several steps that must be followed before the mayor can make a final selection. The Civil Service Commission determines which three candidates are best qualified and submits the list of the mayor, the mayor then selects one of the three for approval of the council. If the council fails to approve any of the three candidates tested and recommended by the mayor, the person who has received the highest rating by the Civil Service Commission is made chief of police. Besides having the power to appoint all heads of departments, such as city clerk and fire chief, the mayor also appoints the city attorney. The city attorney represents the city in all cases and has full authority to appoint two deputies and such other assistants needed to carry out the legal business of the city.

Minneapolis Police Department

Minneapolis in the beginning had a simple and uncomplicated form of government. Like many small towns in this country today, it had town meetings with a board of supervisors in charge of the city's business. R. P. Russell was the first chief executive of the city and the first official act of the board of supervisors was to appoint its first town marshal, C. C. Berkman. Mr. Berkman's salary was initially to be $300 a year. In addition, he was assigned an assistant with the title of "constable." For some reason, the board of supervisors reduced the salary to $100 a year. This was not accepted by Mr. Berkman who resigned almost immediately and vacated the position to Amos Clark.

In 1867, Mayor Darius Morrison said, "a mayor without a police force to appoint and regulate would hardly feel that he was a mayor." And so it was that the Minneapolis police force began its operation with the police chief making $1,000 a year and the rest of him men making $65 a month.

A pattern began to develop with each election that still exists today. Every election a new mayor, and each mayor brought forth and implemented new programs and policies. For example, it was during Clark's term that police officers were required to wear uniforms for the first time, and a detective service became a permanent department of the force. It was Mayor Orlando Merriman's administration that successfully spaced a rule forbidding members of the police force to enter any saloon while on duty. The affairs of the police were taken out of the hands of the mayor in 1886 with the passage of the Police Commission Act. The Police Commission's first action was to reorganize the department, taking out the politics and instituting a merit system. This trend did not last very long because by 1889 the Act was amended to make the mayor ex-officio president of the commission. The final blow to the Commission came in 1890 when the legislature repealed the already diluted Police commission Act. So after 4 years, the mayor of Minneapolis once again gained full control of the affairs of the police department.

Although the department today cannot be compared in terms of structure and manpower, one can readily see that the mayor is a key political influence in the operation of the department. Chapter 6, Section 1 of the city charter states:

The mayor shall be vested with all powers of said city connected with and incidental to establishment, maintenance, appointment, removal, discipline and supervision of its police force. He shall, by and with the consent of the city council, appoint some suitable person as chief of police, subject to removal at the pleasure of the mayor, or for cause by a two-thirds (2/3) vote of the city council.

During field interviews, Commission staff spoke to five former chiefs of police who are now holding management positions in the department. This is no surprise since the mayor is elected for a term of 2 years and each mayor selects his chief.

The chief of police, under the supervision of the mayor, has responsibility to promulgate rules and regulate the operations of the department; make the proper assignment of watches and place of duty, and to make personal assignments of the department personnel's discharge of their duty.

The Minneapolis Police Department, like many other departments in this country, operates on a quasi-military system and officers are identifiable by their uniforms. The department was organized and they carried the city's protection through the numerous law enforcement efforts until 1863 when the city established the police department.

There are six precincts in the Minneapolis Police Department. Their boundaries coincide with the city's census tracts. Each precinct patrols its own designated areas as prescribed by the department. It is interesting to note that many police departments in this country use census tract boundaries because it allows them to compare their own crime data with that of the census socio-economic statistics. In doing this, the police department can also obtain an overall picture of what is happening in the districts.

The Minneapolis Police Department today has eight officials or top ranking administrators including the chief; 137 professionals (highest rank is a captain, mostly heads and supervisors of personnel departments); 168 technicians (mostly sergeants); 441 protective service (patrol officers), for a total of 754 sworn officers, and 3 community service officers. An additional 87 are in the nonsworn category, working in clerical, maintenance and skilled crafts. Of the 754 sworn officers working in the police department only 10 are black (1 female), 7 American Indian (no females), 1 Hispanic (no females), and a total of 7 white females.

St. Paul Police Department

Looking back in history St. Paul community developed at a strategic point of the Mississippi River, where all the boats ended their journey loaded with assorted merchandise for trade. St. Paul, with its growing logging industry, was wild and unruly. The city's early days provide good material for the making of a frontier movie today, including all the violence, recklessness, and disorder indicative of a growing unsettled frontier town. Alexander Ramsey was appointed mayor in 1854 by President Fillmore. He was an Indian agent, representing the United States to the ruthless uncivilized territory in 1851, only to resign in frustration 3 years later. It was soon after his resignation that William Miller was appointed to enforce the law on the Indian reservations until he resigned to run for the territorial congress.

As a result of economic depression and the Civil War, the city of St. Paul came to a standstill and the police department was disbanded. A force of 20 volunteers was organized and they ended the city law enforcement efforts until 1863 when the city council took over the police function. In 1863 the city council reorganized the force.

It wasn't until 1886 that the police department, out of necessity, established the first substation (disorganized police force) with 8 armed policemen. These officers were armed with revolvers and weared black uniforms.

Ibid.


Ibid.


Ibid.


Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.
tricts) which were strategically placed in the city as follows:

Ducas Station—at Robert and Delos Streets. It was demolished just a few years ago.

Margaret Station—at what is today 745-747 E. Margaret Street, near Hope. This building still stands—is now white stuccoed and contains apartments.

Rondo Station—at Rondo and Western Streets, where I-94 now runs. Closed in 1977.

Union Park Station—at 480 N. Prior. Fortunately this building still stands with only minor remodeling on its exterior. Today, you can still see above the frost doorway the inscription ‘Union Park Police Sub-Station.'

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Source: St. Paul Heritage Patrol

Many things have changed since 1863, and one of several significant changes has been the implementation of Team Policing, which will be discussed further in Chapter 6. Team Policing exists when all police work, both patrol and investigation, in a given area is unified under one command. A commander (supervisor) has a number of officers working in a team during a tour of duty and all would receive briefing of their particular neighborhood problems and crimes. It started as an experiment in 1973 on the west side of St. Paul, and it was on July 17, 1977 that the entire department was placed under the team concept.

As indicated earlier, the St. Paul police chief is appointed by the mayor with the consent of the city council, after the Civil Service Commission has followed selection procedures as prescribed in the city charter (Section 12.12). The chief of police serves for a term of six years, beginning with the preceding term until his successor is qualified and appointed.44

The chief of police has the responsibility of administering the affairs of the department, subject to the supervision and control of the mayor. The chief can be removed by the mayor with the approval of the council after a hearing is held before the council.45

The St. Paul Personnel Department reported to the Advisory Committee that of the total 535 sworn personnel there were presently 442 white officers (1 chief of police, 2 deputy chiefs, 131 sergeants and, and 308 police officers), 18 black officers (1 deputy chief, 1 sergeant, 16 police officers), 10 Hispanic officers (1 lieutenant, 3 sergeants, 7 police officers), 4 American Indian officers (1 deputy chief, 2 sergeants, 1 police officer), 2 Asian police officers and 10 female officers (2 white sergeants, 6 white police officers, 2 black patrol officers).46

The following chapters examine the structure of the police departments in Minneapolis and St. Paul, conflicts which have arisen between the police and segments of the community, and what is being done to resolve these conflicts.

44 Mark Ruhren, St. Paul Chief Service Commission testimony before the Minnesota Advisory Committee on Civil Rights hearing on St. Paul, Aug. 6, 1976, p. 335.

45 St. Paul, Minnesota City Charter, Section 12.13.

46 ibid.

Chapter 2

Problem: Police vs the Community

Acts of police misconduct and abuse of citizens in the Twin Cities have been recorded by newspapers and civil rights organizations, including the NAACP and Urban League, for many years. During the ‘60s, attempts were made to deal with ostensible police brutality by the minority community. And although it is usually minority groups who are affected most by police abuses, the problem is not limited to them.

For the most part there are two kinds of police misconduct. The first occurs during mass demonstrations, riots, or large gatherings of people where emotions are heightened by some perceived injustice. The second kind occurs systematically and represents a recurring pattern of abuse.47

The latter situation, which generally involves just the police officer and the individual alleging abuse, is more difficult to evaluate in terms of whether or not any wrongdoing actually occurred because there are few, if any, witnesses. Yet it is the recurrence, or alleged recurrence, of such isolated incidents which is largely responsible for the controversy over police policy and practice pertaining to use of force. Frequently, a citizen will feel he or she has been mistreated by an arresting officer when that officer was acting within proper authority. No doubt incidents do occur where an arresting officer has gone beyond his or her authority and has applied more force than necessary to effect an arrest. Part of the problem is the fact that many citizens and perhaps a few police officers do not know what behavior constitutes police abuse or misconduct. Police abuse or misconduct has been defined as "the unauthorized exercise of police discretion where the policeman acts without the capacity to impose legal sanction."48 Yet this definition does not resolve the ambiguities which arise when efforts are made to determine the acts which actually occurred in a given situation.

Minneapolis

A number of incidents occurring over the past few years have heightened fears of the police in the black community. A survey, conducted by the Minneapolis Tribune, of 362 residents who live on the northside and in South Minneapolis found that blacks had a greater tendency to criticize the police than their white neighbors. "The survey [said] nothing about whether blacks are right or wrong in their views of police. But it did indicate that the black perception of how they are treated by the criminal justice system—the police in particular—is a serious problem in Minneapolis."49

The Committee examined Uniform Crime reports which include the number of arrests by type of crime, age, sex, and race, for the city of Minneapolis for the years 1977 to 1979. The Committee examined the statistics for the first eight categories (referred to...
as index crimes) in the reports which are the most serious crimes. The data include those that were arrested and released without having been formally charged. During those three years, a total of 6,732 arrests were made for index crimes. Of that total, 2,193 or 32 percent were black, under the age of 18. In the adult category, there were 7,190 arrests of which 2,194 or 31 percent were black.

These data do not indicate whether the persons arrested were guilty or innocent. They only enumerate the number of people arrested for various crimes and the age, sex, and race of the individuals (see Table 2.1). These data do indicate, however, that minorities constitute a much higher proportion of those who are arrested than of the population in general. For example, while blacks represent just 4 percent of the Minneapolis population, they compared to 15 percent of those arrested. Coupled with the large number of police-arrest contexts of blacks and Americans Indians is the number of police-community conflicts that have taken place for several years in their communities.

Complaints of police brutality, harassment by the police, and slow response to calls in minority neighborhoods, have been alleged by minority citizens.

Eric Benford was a young black man who was shot to death by a white police officer from Egan, a small suburb of Minneapolis. The officer thought that the young man was reaching for a gun at the time of confrontation. Organizations like the Urban League, NAACP, as well as the family and friends of this young man expected the grand jury to indict the officer. To their dismay, he was not indicted. Although this incident occurred in 1975, people today talk about it as though it happened yesterday. They still get upset.

Donna Folstad of the Minnesota Chippewa Tribe has had a case of police brutality in the courts for several years now. It is presently being considered by the Minnesota Supreme Court. She has had favorable findings up to this point but has not received any compensation yet. The case involves two police officers who apparently were taking information regarding an accident which involved Folstad and her friend. After pleading with the officers to accurately record the facts of the accident, in frustration she cursed at one of the policemen who became angered and proceeded to punch Ms. Folstad on the head and in the breast. She was handcuffed and shoved into the squad car with most of her upper chest exposed. To date, the Civil Rights Commission and District Court have ruled in her favor.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Arrests</th>
<th>Total Index Crimes</th>
<th>Total Arrests</th>
<th>Total Index Crimes</th>
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<tr>
<td>1977</td>
<td>2,600</td>
<td>900</td>
<td>1,200</td>
<td>300</td>
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<td>1978</td>
<td>2,500</td>
<td>890</td>
<td>1,190</td>
<td>290</td>
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<td>1980</td>
<td>1,000</td>
<td>320</td>
<td>580</td>
<td>170</td>
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Table 2.1: Minneapolis Police Department Statistics. The data includes offenses under 18 and adults.

1 Data from Minneapolis Police Department files, Iron City, Judy L. McCarthy, Associate, Administrative Research, Minneapolis Police Department, in Criminal Justice, Equal Opportunity Specialists, MPDRO, Minneapolis Police Department, Civil Rights Office, Nov. 30, 1976.
2 Ibid.
### TABLE 2.1

**Minneapolis Offenses—Number of Arrests**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number Index Crimes*</th>
<th>Total Black and %</th>
<th>Total Am. Ind. and %</th>
<th>Total White and %</th>
<th>Number Index Crimes</th>
<th>Total Black and %</th>
<th>Total Am. Ind. and %</th>
<th>Total White and %</th>
<th>% of Total Pop.</th>
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<td></td>
<td>Juveniles Under 18</td>
<td></td>
<td></td>
<td>Adults</td>
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<td>1977</td>
<td>2,490</td>
<td>765</td>
<td>380</td>
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<td>778</td>
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<td>899</td>
<td>397</td>
<td>1,203</td>
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<td>1,091</td>
<td>500</td>
<td>1,974</td>
<td>34 15 46 30</td>
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<td>1979</td>
<td>1,622</td>
<td>517</td>
<td>229</td>
<td>709</td>
<td>2,188</td>
<td>676</td>
<td>259</td>
<td>1,220</td>
<td>32 14 49 31</td>
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<tr>
<td>Total</td>
<td>6,732</td>
<td>2,182</td>
<td>1,006</td>
<td>3,245</td>
<td>7,190</td>
<td>2,188</td>
<td>910</td>
<td>3,972</td>
<td>32 75 48 31</td>
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</tbody>
</table>

*Total Index Crime columns reflect "Others" which are not broken out in the columns.

Source: Minneapolis Police Department and Census Bureau Reports.
About a year ago, two off-duty police officers came into a bar which is patronized primarily by the gay community. The officers allegedly picked a fight with a gay person and began to beat him badly. When squad cars came to the scene, they assisted the officers by keeping away anyone wanting to defend the man. Reports and charges were filed against the officers with the internal affairs unit, no official action was taken against the officers.4

On October 1977 an incident occurred at the Valley American Legion Post. There was a dancing being given by Chicanos for Muscular Dystrophy to honor a local hero who had died while saving another person from drowning. The police entered the premises before midnight on a complaint of stolen beer. The police shoved and beat several persons in this gathering. Although no criminal prosecutions resulted from this incident, severai affidavits were filed with private attorneys charging harassment by the police. When the case came before the judge, he ruled there was no interference by the police.5

Four years ago, two young men from South Minneapolis were carrying their own stereo to their automobile. The police, who happened to be across the street from them, assumed the stereo had been stolen. The police would not allow the youths to go into their apartment to get some identification. They were taken to a garage and provided the minority. And, some in the community who have agreed with the minority leaders that the police department to the continuous problems, a review system for controlling police misconduct. This committee included experts in law and police practices, but was not representative of the total community. After considerable amount of research, this committee offered some well thought out recommendations, some of which will be discussed in greater detail later in this report. In response to the Minneapolis Advisory Committees' query regarding the outcome of the recommendations, Dr. Ward responded, "Lots of statements of good intentions [were made], but I would say that by and large our recommendations at the Gallos Committee and other committees that have looked at Minneapolis Police Department [are] gathering dust on the shelves."6

St. Paul

Similar problems of police-community tensions, though perhaps not as extensive, were found in St. Paul. As in Minneapolis, minorities represent a much higher proportion of those arrested than they represent of the total population. During 1976, 1977, and 1978, there were 4,056 arrests for serious crimes made by the St. Paul Police Department (see Table 3.2). Of the total arrests, 2,194 (24 percent) were black and 310 (4 percent) were American Indians. As indicated earlier, blacks constitute just 3 percent of the total population and American Indians constitute just 1 percent. No comparable crime data are available for Hispanics. As in Minneapolis, arrest records reflect conflicts between the police and St. Paul's minority community.

One of the Committee's original concerns was with police-community conflicts occurring in Westside St. Paul involving Hispanics. Several incidents had occurred on the Westside and Hispanics were disappointed that in spite of efforts by leaders of that community to sensitize the political structure and the police department to the continuous problems, nothing had come of those efforts. A report on one of those incidents, written by Donald Lewis, Director of the St. Paul Department of Human Rights, clearly expressed the concerns the Hispanic community had, and in some respects coincided with complaints presented to the Committee.7

For example, some of the persons interviewed by Mr. Lewis in 1975 said that they were disillusioned with the city's willingness to deal with their complaints. They maintained that there was no effective or credible complaint procedure for dealing with complaints against officers. In addition, they claimed that there were no Hispanic police officers assigned to the Hispanic community.

The 1974 Fran McDonough Bar incident was one of the first which has led to tension between the police and the Hispanic community. This disturbance occurred at the Fran McDonough Bar when a small group of officers, in response to a stabbing, were confronted by an angry crowd. Hispanic leaders at that time felt the police handling of the situation escalated the confrontations between the police and the patrons at the bar. The Human Rights Department report to Mayor Cohen concurred and indicated that the incident could have been avoided if the police officers who initially arrived on the scene had handled the situation with more sensitivty.8 It was noted in the report that must police officers involved in the confrontation also refused to cooperate with the investigation of the incident.9 A second clash between the Hispanic community and police occurred in 1974 at the Blue Moon Bar.

As it was noted in the report that the Minnesota Police Department still believes that there was no great change in the number of Hispanic officers or the relationship between the police department and the Hispanic community. Today the St Paul Police Department still believes that human relations training which involves learning and respecting the lifestyles and culture of an ever growing Hispanic community is not needed. On investigative report on discrimination within the Minneapolis Police Department's Bar in St. Paul is Mayor Lawver D. Chilton, May 27, 1975.
### TABLE 2.2

**St. Paul Offenses—Number of Arrests**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Crimes</th>
<th>Total Black and %</th>
<th>Total Am. Ind. and %</th>
<th>Total White and %</th>
<th>Total Black and %</th>
<th>Total Am. Ind. and %</th>
<th>Total White and %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1976</td>
<td>2,963</td>
<td>684</td>
<td>106</td>
<td>2,079</td>
<td>1,871</td>
<td>3</td>
<td>93</td>
</tr>
<tr>
<td>1977</td>
<td>2,921</td>
<td>682</td>
<td>111</td>
<td>2,025</td>
<td>1,903</td>
<td>3</td>
<td>93</td>
</tr>
<tr>
<td>1978</td>
<td>3,172</td>
<td>618</td>
<td>93</td>
<td>2,126</td>
<td>1,923</td>
<td>3</td>
<td>93</td>
</tr>
<tr>
<td>Total</td>
<td>9,056</td>
<td>2,184</td>
<td>310</td>
<td>6,230</td>
<td>5,788</td>
<td>3</td>
<td>93</td>
</tr>
</tbody>
</table>

**Note:** The St. Paul Police Department did not break out the ethnic background of those persons arrested who were classified under the age of 18.

**Source:** St. Paul Police Department Annual Report for the years 1976, 1977, and 1978.
the other hand, Hispanic leaders maintain that unfamiliarity with or contempt for Hispanic culture on the part of the police is a major factor contributing to continuing Hispanic-police tensions.26 Problems have also arisen between the police and St. Paul's black community. On November 18, 1973, the Pioneer Press displayed the following headline, "City Attorney is Investigating Charge of Police Brutality." The article discussed the charges made against two officers for allegedly beating a young black man named William Earl McGee. According to the newspaper accounts, the young man had been pulled to the side by the two officers because his car had a taillight broken. In the process, they mistook McGee for a holdup man.27 For several years the case was the topic of conversation in the black community. Many blacks were indignant not only with the police officers' brutal treatment of the youth, but also with the court's decision to sentence McGee to 15 days in the workhouse for disorderly conduct and to acquit the two officers on all charges.28

Several aspects of this case led to the black community's discontent and disbelief of the way justice was served. Questions were raised such as, "If the police had determined that the youth was not the suspect of the robbery, why did they have to search his car? If all that was wrong involved a taillight, why did the police beat the youth so badly? Was the youth so strong that two officers had to punch both of his eyes until they became swollen shut?"29 It should be noted that William McGee was a National Merit Scholarship semi-finalist. The black community interpreted McGee's conviction as a miscarriage of justice.30 What was wrong involved a taillight, why did the police beat the youth so badly? Was the youth so strong that two officers had to punch both of his eyes until they became swollen shut? It should be noted that William McGee was a National Merit Scholarship semi-finalist. The black community interpreted McGee's conviction as a miscarriage of justice.30

The complaint of police brutality was the topic of a hearing held in 1973 by the St. Paul Department of Human Rights. At that hearing, eight people described incidents which allegedly involved police brutality.31 Incidents of police abuse have been described almost every year by the newspapers. A recent example was a July 10, 1979 article in the Minneapolis Tribune with the headline "Police brutality claims sour interest in review board." The article described a number of cases of alleged police brutality. The following are some of those cases along with others reported to the Committee Investigating the St. Paul police:

Robert Brustein, a white male, received numerous cuts, scrapes, and bruises during a scuffle with St. Paul police officers on March 14, 1979 in what started out as an arrest for an expired license plate. Accounts of the case show the police reports say one thing and the person arrested another.32

Ms. Eloise Adams, in response to a call from the St. Paul police regarding the arrest of her son, proceeded to the Public Safety Building where she encountered an officer. He told her to go to the Woodview Detention Center. When Ms. Adams refused to leave, the officer grabbed her arm, twisted it behind her back, and pushed her into the squad car. She filed a complaint against the department.33

A State Representative named James Ulland was stopped in the Selby-Dale neighborhood by two St. Paul police officers who treated him arrogantly and in a belligerent manner. The two officers stopped his car and searched it without probable cause.34

A man testified at a Department of Human Rights hearing that he was pushed down a flight of stairs and was beaten while handcuffed. He claimed the charges that were placed against him by the police were trumped up by the department. He was treated at the Central Medical Center and released.35

A businessman of St. Paul named J.D. Brigham was reported to have been beaten and dragged to a police car while taking groceries out of his car. The police officers beat him so badly that instead...
of taking him to the police station to charge him
they took him to the hospital for treatment. A
complaint was filed by Mr. Brigham with the
Department of Human Rights. 45

During 1976-1978, approximately 65 complaints
of police brutality were filed by civilians against St.
Paul officers. Most of those complaints were dis-
missed. Seven complaints were upheld. 46

While some of the complaints may be exaggerated
and in some cases unfounded, the Committee be-

Reactions by the community of alleged police
brutality have been spontaneous as each incident
occurs. The McDonough and Blue Moon Bar
incidents, involving mostly members of the Hispanic
community are examples of cases in which the
community has moved against actions of the St. Paul
police. A hearing by the St. Paul Department of
Human Rights and an investigation of the McDon-
ough Bar incident, produced good recommendations
which for the most part were never implement-
ed by the Mayor or the City Council.

A number of incidents occurred and com-
plaints have been filed involving police-community
conflicts in Minneapolis and St. Paul. At least in the
minds of many minority citizens in these communi-
ties, the specific incidents and the occuring issues
have not, in general, been adequately resolved. The
following pages describe alternative mechanisms
available for improving the process of filing com-
plaints and resolving prevailing controversies re-
garding excessive use of force in the Twin Cities.

Charles Brady, Attorney, statements before the Minnesota Advisory
Committee on the U.S. Commission on Civil Rights, Washington meet-

City of Minneapolis, Minneapolis Police Department, Manual Dec. 1978
(thereafter cited as Minneapolis Police Manual "Policy Manual.")

City of Los Angeles, Los Angeles Police Department, Policy Manual
March, 1977 (thereafter cited as Los Angeles Police Manual, "Use of
Force.")

City of Los Angeles, Los Angeles Police Department, Policy Manual
20

City of Los Angeles, Los Angeles Police Department, Policy Manual
3-030.

Chapter 3
Use of Force

Use of Force Policy

Minneapolis Police Department

In 1978, the Minneapolis Police Department adopted a comprehensive manual of rules and regulations "to govern the actions and discretion of police officers. 47 Impetus for the manual came originally from the 1975 "Ward Report," a study conducted by a special committee appointed by Mayor Albert Hofstede and chaired by Professor David Ward of the University of Minnesota. 48

Section 2-304 of the Minneapolis Police Depart-
ment Manual sets forth the standard for use of force
by police personnel:

In a complex urban society, officers are daily
confronted with situations where control must be
exercised to effect arrests and to protect the public
safety. Control may often be achieved through
advice, warnings, and persuasion. The use of
reasonable physical force may be necessary in
situations which cannot be otherwise controlled.

The Minneapolis Police Department Manual sets forth
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1 City of Minneapolis, Minneapolis Police Department, Manual Dec. 1978
2 City of Los Angeles, Los Angeles Police Department, Policy Manual, "Use of
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Reactions by the community of alleged police brutality have been spontaneous at each incident occurs. The McDonough and Blue Moon Bar incidents, involving mostly members of the Hispanic community are examples of cases in which the community has moved against actions of the St. Paul police. A hearing by the St. Paul Department of Human Rights and an investigation of the McDonough Bar incident, produced good recommendations which for the most part were never implement-ed by the Mayor or the City Council.

A number of incidents have occurred and complaints have been filed involving police-community conflicts in Minneapolis and St. Paul. At least in the minds of many minority citizens in these communities, the specific incidents and the underlying issues have not, in general, been adequately resolved. The following pages describe alternative mechanisms for handling complaints and resolving prevailing controversies regarding excessive use of force in the Twin Cities.

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In 1978, the Minneapolis Police Department adopted a comprehensive manual of rules and regulations "to govern the actions and discretion of police officers. 45" Impetus for the manual came originally from the 1975 "Ward Report," a study conducted by a special committee appointed by Mayor Albert Hofstede and City council President Louis DeMars and chaired by Professor David Ward of the University of Minnesota. 46

Section 2-304 of the Minneapolis Police Department Manual sets forth the standard for use of force by police personnel:

In a complex urban society, officers are daily confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may often be achieved through advice, warnings, and persuasion. The use of reasonable physical force may be necessary in situations which cannot be otherwise controlled. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm in accordance with state law.

The Minneapolis use of force standard is taken directly from the 1972 Policy Manual of the Department of Police, Los Angeles, California. 47 While some modifications have been made, most of the changes are insignificant. One change, however, is of considerable importance in its potential impact on police officers. In the Los Angeles version, force is not to be "resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. " That is, force may be used by Los Angeles officers only as a last resort.

Minneapolis in modifying the Los Angeles standards eliminated this provision. Thus, Minneapolis police officers are not required to use means other than physical force i.e., "advice, warnings, and persuasion" at any point to accomplish their goals. The shift is subtle but significant in permitting officers, unguided by objective standards, to determine whether and when force is necessary because a situation "cannot be otherwise controlled." The Minneapolis use of force policy does not require officers to try other means, such as talking with the person or calling for assistance, or even to consider such alternatives before resorting to force.

The Minneapolis version thus unwittingly permits an officer to use the results of his own incompetence in escalating a tense encounter with a civilian to become the basis for that officers decision that physical force is necessary to control the civilian. The Minneapolis standard for use of force is consistent with the 20 year old Model Penal Code (March 1972) (hereafter cited as Los Angeles Police Manual: "Use of Force," §215.


48 Ibid.

49 Minneapolis Police Manual, §§3-304.
which also vested discretion unbound by objective standards in the individual officer to determine when force is needed.4 Those standards permit the use of physical force whenever the individual officer believes such force is necessary to accomplish legitimate law enforcement goals. Neither requires officers to try persuasion first with coercive techniques to be utilized only as a last resort. The Los Angeles use of force policy appears to be quite similar to the British position, placing heavy emphasis on persuasion with force to be utilized only after persuasive techniques have been attempted and have failed or would clearly be futile.5

It is difficult to evaluate the extent to which the implicit rationing of force in the Minneapolis strategy is consistent with existing practices and to what extent it shapes future police conduct. At the very least, the existing policy seems to encourage the use of physical force slight unwarrantedly. According to Gerald Bridgeman, president, Police Officers Federation of Minneapolis most United States police departments including the Minneapolis Police Department put too great an emphasis on physical force and spend too much time teaching coercive techniques and too little time teaching officers to achieve their goals in ways other than using force.6 Bridgeman believes that the importance of persuasion as a technique to achieve civil cooperation is not generally recognized by police personnel.

Bridgeman also has acknowledged that a ready resort to coercive techniques is to a large extent a function of the immature and inexperienced. As officers mature personally and professionally, they tend to move up the ranks and away from day-to-day confrontations in which they have maxim un contact with civilians. As officers mature in their work, they learn to work without resorting to physical force or other authoritative tactics. Bridgeman has recommended that techniques of persuasive leadership should be taught to police officers by experts in human behavior in order to accelerate the process of professional maturity.7

There are some individuals according to Bridge-

man who cannot learn to handle authority without becoming destructively authoritarian and others who cannot learn to avoid unnecessary and destruc-

tive power struggles.8 By implication, Bridgeman recommends neither hiring nor retaining such individuals as police officers. But the majority of individu-

als, he believes are capable of learning a more cooperative approach toward police work.9 The Minneapolis Police Department does not offer formal training courses in such techniques which require high skill and considerable formal training. These skills, however, are especially effective in dispute resolution, an integral part of police work. As a result, through official use of force police and deficiencies in formal training, emphasis placed on force and the artifacts of force, the process of professional maturity is apparently impeded, and civilians continue to bear the brunt of unnecessarily heavy-handed police conduct such as that reported to the Minnesota Advisory Committee.10

St. Paul Police Department

St. Paul has also adopted the Los Angeles Police Department standard on use of force.11 However, unlike Minneapolis, St. Paul police have modified the Los Angeles version to add and a further restriction to Section 150.04 of the Police Department Manual which is identical to the Los Angeles provision except for the italicized amendment stated.

In a complex urban society, officers are daily confronted with situations where control must be exercised to effect arrests and to protect the public safety. Objectives may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular cir-

stances. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm. (emphasis added)

The official St. Paul use of force policy is quite restrictive. The policy permits officers to use force only as a last resort after other methods have been attempted without success or would have resulted in a change of objective if no other reasonable alternatives have been tried. Force is authorized as a function of developing a genuine understanding of the stresses and strains others endure along with self-confidence in their own leadership abilities.12 Than the capacity for persuasive leadership develops a function of compassion, and self-confidence, acquired through maturity and experience. Both Reding and Trooen as well as others who have analyzed the process of officer maturity and its consistencies to self-assertion from coercion to persuasion have identified a peculiar irony of police work. Younger officers least able to respond to situations calmly are the very officers who are assigned to patrol duty in which they have maximum contact with civilians and potentially adverse situations.13 As officers mature physically and professionally, they tend to move up the ranks and away from day-to-day interactions with civilians. Thus, officers with the best developed leadership skills, those who rely least often on force, are not the officers who most often interact with civilians. The consequence of promoting officers out of patrol duty is that civilians most frequently interact with younger, inexperienced officers, i.e., entry level patrol persons. Civilians thus form their attitudes about the police from the conduct of the very officers who Reding and Trooen assert are the least able to muster the calm dignity and self-assurance needed to achieve

prevent violent confrontations.14 Reding is implying, of course, that officers through inexperience or otherwise may through their conduct create very situations which officers subsequently determine required force. Reding is also implying that officers can and should be taught how to avoid creating violent confrontations by developing a repertory of persuasive techniques to accomplish their goals.

Consistent with Reding's reviews, Sergeant Perry Trooen,15 a 5 year veteran of the St. Paul Police Department agrees that any unwillingness or inabi-

li ty of police officers to use persuasive strategies other than authoritative tactics successfully is largely a function of professional maturity. In part, Trooen believes officers develop confidence in persuasive techniques as a function of developing a genuine understanding of the stresses and strains others endure along with self-confidence in their own leadership abilities. Than the capacity for persuasive leadership develops a function of compassion, and self-confidence, acquired through maturity and experience.
probability of arrest to the civilian for commission of a felony, so other effect to arrest the suspect, and the felony has used deadly force himself in the commission of the felony or the officer reasonable believes to be a felon who or threatened to use deadly force in the commission of the felony, or the effect of arrest of a person the officer reasonably believes to be a felon and who the officer believes will cause death or great bodily harm if his apprehension is delayed.

Except for adding requirement of reasonableness underlying the officer's belief that the suspected felon used or threatened deadly force or will cause death or great bodily harm if not speedily arrested, the Minnesota position agrees in essence with the Model Penal Code use of deadly force standard and with the President's Commission on Law Enforcement and Administration of Justice. The Minnesota enactment, however, is not as restrictive as that of the Federal Bureau of Investigation (FBI). Since 1973 the FBI has limited use only to occasions where the agent reasonable believes that he or another in danger of death or great bodily harm. Unlike the Minneapolis Police, FBI agents are not permitted to use firearms merely to effect the arrest of a felon even where such felons used or threatened deadly force in the commission of the felony. No State has enacted legislation as restrictive as the FBI's policy.

Minnesota is one of eight States which has limited the use of deadly force by peace officers for purposes of arrest to felonies which involved the use of deadly force. An additional seven States authorizes deadly force when the felony involved the use or threatened use of force less than deadly force. Fifteen States have thus moved to modify significantly the common law. The trend clearly is in the direction of granting of police officers lesser authority to use deadly force against civilians, a trend consistent with recent judicial interpretations of constitutional law. These interpretations have been grounded in the Fourteenth Amendment recognition that life is a fundamental interest, which may be invaded by the State only to the extent necessary to insure the public safety. 

The Minnesota statute limiting the use of deadly force by police officers is binding on all local police departments in that State. As a result, all departments were required to modify their policies following the 1978 State modification of use of deadly force policy. Both Minneapolis and St. Paul have modified their policies. Those policies are briefly reviewed here.

Minneapolis Police Department

The official police department in Minneapolis is the Minneapolis Police Department (MPD). The use of deadly force policy was reviewed in 1978 to conform with the new State law enactment. Basically, it represents a modification of policy to one of use only when the minimum amount of force necessary to accomplish their law enforcement responsibilities even where the use of deadly force is forbidden by law. For example, St. Paul police may use deadly force to defend themselves or others from death or great bodily harm. 3) Deadly force may be used to arrest a fleeing felon only when such an officer knows through the words or actions of the police department.
felon that he has used deadly force in the commission of the felony or another if apprehension were delayed, or 2) the officer has a warrant or probable cause to arrest a felon, other means have failed, and the felon has used or threatened deadly force in the commission of the felony. 

Officers are forbidden to fire warning shots unless the shots will not endanger any person and the officer believes it will obtain the fleeing felon's arrest without injuring him. The policy on warning shots is in accord with that of Los Angeles Police Department and is based upon the St. Paul Police Department's review of efficacy of warning shots in achieving lawful arrests without injury. As mentioned above, Minneapolis forbids firing warning shots altogether.

The restrictive 1978 St. Paul Police Department and State use of deadly force policy has caused a substantial decrease in the number of shots fired although the trend has been generally downward for at least 10 years. Thus, in 1971 there were 64 incidents involving police shootings by St. Paul officers and 40 in 1977. There were 27 shots fired in 1978 when the policy went into effect and all police officers had received training in implementation of the policy.

Between 1977 and 1979, four civilians were struck by shots fired by St. Paul police officers and one of those civilians (1977) died as a result of the shooting. In 1979 no civilians were wounded or died as a result of shots fired by St. Paul officers. According to Reding, the restrained use of deadly force by St. Paul police officers has been the unofficial policy which the official 1978 modifications merely codified. Nonetheless, by setting forth the policy in the form of rules and regulations and providing specific training and education on the use of deadly force, the St. Paul Police Department has been successful in decreasing the number of shots fired and thereby decreasing the likelihood that a civilian will be unnecessarily killed.

Policing the police has been the topic of much discussion and debate by citizens, city officials, academicians and civil rights workers not just in the Twin Cities but all across this country. This discussion is generated in part by a lack of public understanding, distrust of the police, and defensive attitudes of some police administrators.

Most police departments in this country now have formal procedures and personnel to conduct investigations of complaints against the police and to determine whether police policy has been followed as prescribed in their manuals. Since no police department is free of complaints about the police, all police departments have created a separate internal affairs department or unit to conduct investigations of police misconduct. Some departments are very aggressive in their investigation while others are considered "white-wash" operations. No system of police investigation can be effective if it does not have the cooperation of the other units within the department and the rank and file. Frequently, police officers are unwilling to complain about or testify to the misconduct of another fellow officer.

As described earlier, the Minnesota Advisory Committee on Criminal Justice Standards and Goals commentary said:

Discipline and accountability are essential to the agency. The integrity of the police agency can be maintained by an effective and responsive discipline system. Certainly public support will be strengthened by protecting them from the police misconduct and corruption through the changing of inadequate police policies and procedures, and the correction or removal of employees guilty of misconduct.

The President's Commission on Law Enforcement and Administration of Justice endorsed the idea of internal investigation procedures in this way:

Internal discipline can be swifter and, because imposed by the Officer's own superior, more effective. If properly carried out, internal discipline can assure the public that the department's policies concerning community relations are fully meant and enforced.

Nationally, internal investigative procedures vary widely from department to department. Many police departments have created a separate internal affairs unit to conduct investigations of police misconduct. Some departments are very aggressive in their investigation while others are considered "white-wash" operations. No system of police investigation can be effective if it does not have the cooperation of the other units within the department and the rank and file. Frequently, police officers are unwilling to complain about or testify to the misconduct of another fellow officer.

As described earlier, the Minnesota Advisory Committee has collected many complaints of police
misconduct in the Twin Cities. The Committee is concerned with these allegations of police misconduct, and the mechanism which has been established to investigate citizens' complaints.

Thomas L. Johnson, Hennepin County Attorney, said the following of the Minnesota Internal Affairs Unit:

In nine months as County Attorney, I have seen:

1. a serious allegation of police misconduct go uninvestigated because of a technical requirement that a written complaint must be filed;  
2. an allegation of a direct instruction from the chief administrator to the Internal Affairs Unit (IAU) not to investigate a case in which there were potential criminal charges were leveled;  
3. a failure of police officers to voluntarily come forth or to disclose all information known to them in incidents involving police vs. private citizens;  
4. inadequate investigation due to a failure to provide sufficient investigative and support staff to IAU; and  
5. police officers, through frustration with the inadequacies of existing review mechanisms, reporting to the press, others often providing only limited perspectives of an alleged incident.

Statements made to the Committee regarding the St. Paul Police Department's internal investigation mechanism were consistent with Johnson's observations.

Minnesota Internal Affairs Unit (IAU)

Citizen distrust of police internal investigative mechanisms has been documented as far back as September 1965, when the Minnesota Advisory Committee conducted a study of community relations in the Twin Cities. At that time, citizens' complaints were filed with one of the police inspectors in the department. Community persons told the Committee they had very little faith that their complaints would be given unbiased consideration.  
The Committee recommended that "it would be advisable to institute an impartial police review program with full citizen participation either by appointing a new body to monitor it or to utilize the services of an appropriate existing body such as the Mayor's Commission on Human Relations."  

Complaints of police abuse were filed with police inspectors until 1974 when a Internal Affairs Unit (IAU) was created. The unit was staffed by a lieutenant and a sergeant. In the first 8 months of operation, the unit received 96 complaints of which only 11 percent were sustained. Statistics reflecting the rate of the complaints were not available. In addition, all records of complaints filed with the department were regularly removed by the retiring police chief.  

During the first few years of the Internal Affairs Unit, the Deputy Chief had the power to decide whether a hearing was warranted or not. If a hearing was deemed warranted, regulations required an internal reviewing board or hearing panel to be composed of three members; a police federation representative, an officer from the accused officer's rank, and a Deputy Chief. In 1974, Jack McCarthy, then Minneapolis Police Chief, indicated to the Committee that the composition of this Review Board was bias in favor of the accused officer. He suggested that a fourth member, a captain, be appointed from the administration to provide better balance and greater objectivity. This fourth member was never added by the administration.  

Even with a seemingly favorable composition of the Review Board officers were apprehensive with the internal disciplinary process because of partisan politics. The Committee was concerned, for example, that they were opposing the winning mayoral candidate, they might not receive fair treatment at a disciplinary hearing.  

In 1976, Chief Elmer Nordland established a new hearing procedure which was endorsed by the Police Federation. This procedure had been recommended by a committee of citizens and police officials after study of the existing disciplinary process. The new procedure is still in effect requires that a complaint filed against an officer be screened by a board composed of a captain, a lieutenant, a sergeant and two police officers who are selected monthly by lot. After the complaint is screened, it is given to a hearing board composed of only members of the accused officer's rank. This process is intended to increase credibility and remove the possibility of political influence. The final decision in regard to discipline continues to rest in the hands of the police chief.

Complaints of police misconduct procedures have been opened up as well. Today, complaints may be submitted by telephone, by walk-in, and by mail. In addition, the city attorney and the mayor's office may refer complaints. If the complainant cannot come to the office of the internal affairs unit, the investigator will go to the person. All formal complaints must be signed by the aggrieved civilian and all known witnesses and relevant facts identified. Once the complaint has been thoroughly investigated, it is forwarded to the police administration for a decision (i.e., sustained, not sustained, exonerated, unfounded). The administration then sends the complaint and decision back to the office which first received the investigation. This is done so that a local record can be kept of how long it takes the administration to resolve individual complaints. Both criminal and noncriminal complaints are also forwarded to the city attorney who determines whether actionable criminal conduct is involved. After the complaint has been reviewed by the city attorney, it is returned. IAU then advises the complainant of the disposition of the case. According to the supervisor of IAU, all persons who have filed formal complaints receive notice at the completion of the investigation.  

Table 4.1 indicates the number of complaints filed 1976-1979. The table shows that there is a particularly high number of complaints in the categories of assault, procedure violations, rules and regulations, and attitude. The percentage of complaints sustained has ranged between 6 and 13 percent.  

The largest number of complaints (between 35 and 49 percent) is in the assault category. A roughly equivalent number of complaints has also been filed in a group of categories which reflects abuse of behavior though not physical assault by police.

Over 40 percent of the complaints regularly concern attitude, procedure, and rules and regulations. These complaints include rudeness, refusal to write a report, and sloveness in responding to a call. No data are available, however, on the disposition of complaints in specific categories. Between 1976 and 1979, the highest numbers of complaints against officers were filed in the fourth and sixth precincts. While it was reported that some complaints were made merely because patrol officers are reasonably aggressive at making necessary arrests. The fourth precinct, located on the North Side and having the largest concentration of blacks, had the second highest. The sixth precinct, which has a stable minority population had the highest number. On the other hand, an administration official was quoted in the same report as saying that some police officers are poorly supervised, adding that some first line supervisors consider themselves "Kings" who feel they don't have to answer to anyone. A former police officer with the Minneapolis Police Department said: "Some of the police men you have today aren't secure in their own minds. They can't handle themselves so they overreact."  

As indicated in Table 4.1, there has been a 35 percent decrease in the number of complaints filed between 1976 and 1979. One explanation for this decline was offered by Urban League Director Gleen Craven. He claimed that while the incidence of brutality has increased, blacks do not file complaints because they believe the department will not do anything with their complaints. Michael J. Davis who is with the Public Defender's Office responded to the question, "Why do you not recommend that your clients file complaints with Internal Affairs Unit?" with:  

It's been the policy of the Internal Affairs Department not to let the clients know what's happening on the investigation. They may or...
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault</td>
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<td>87</td>
<td>79</td>
<td>50</td>
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<td>Excessive Force</td>
<td></td>
<td></td>
<td></td>
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<td>Theft</td>
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<td>23</td>
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<td>Sex</td>
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<td>4</td>
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<td>Harassment</td>
<td>13</td>
<td>9</td>
<td>4</td>
<td>10</td>
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<tr>
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<td>78</td>
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<td>Rules &amp; Regulations</td>
<td>35</td>
<td>31</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Civil Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Offense</td>
<td>2</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>293</td>
<td>236</td>
<td>158</td>
<td>102</td>
</tr>
<tr>
<td>Total Complaints</td>
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</tr>
<tr>
<td>Findings</td>
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<td></td>
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<tr>
<td>Sustained</td>
<td>23</td>
<td>18</td>
<td>10</td>
<td>13</td>
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<tr>
<td>Not Sustained</td>
<td>115</td>
<td>88</td>
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<td>70</td>
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<tr>
<td>Exonerated</td>
<td>43</td>
<td>39</td>
<td>15</td>
<td>6</td>
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<tr>
<td>Unfounded</td>
<td>60</td>
<td>63</td>
<td>39</td>
<td>5</td>
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<tr>
<td>Pending Investigation</td>
<td>32</td>
<td>7</td>
<td>39</td>
<td>5</td>
</tr>
<tr>
<td>Closed by the Chief</td>
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<td></td>
<td></td>
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<tr>
<td>Referred to Park Police</td>
<td>1</td>
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Source: Minneapolis Police Department
TABLE 4.1

<table>
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<tr>
<th>Type of Complaint</th>
<th>1979</th>
<th>1978</th>
<th>1977</th>
<th>1976</th>
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<tr>
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<td>7.0</td>
<td>6.0</td>
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<td>Trust worthy</td>
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<td>0.0</td>
<td>0.0</td>
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<td>Useless</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
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<tr>
<td>All Harmful</td>
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<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
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<td>Abuse of Authority</td>
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<td>0.0</td>
<td>0.0</td>
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<tr>
<td>Professional</td>
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<td>Procedure</td>
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<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
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<td>Procedure Breach</td>
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<tr>
<td>Civil Service</td>
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<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Other</td>
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<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Total Complaints</td>
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<td>7.0</td>
<td>6.0</td>
<td>5.0</td>
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<tr>
<td>Found Not Sustained</td>
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</tr>
<tr>
<td>Not Sustained</td>
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<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
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<tr>
<td>Unfounded</td>
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<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Unfounded</td>
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<td>0.0</td>
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</tbody>
</table>

Note: Minneapolis Police Department

Another possible reason for the drop in complaints is IAU's policy of prosecuting citizens who it believes have made false accusations. An attorney with the Public Defenders Office related to the Committee the following incident:

After the interview by the Internal Affairs officers and their investigation, they later charged the lady with two additional crimes: one, a false report to the police; and secondly, making a false report to the newspaper. . . . The lady was taken to court. She was not represented by me on the new charges. The attorney handling the case tried to receive the Internal Affairs investigation. . . . The City Attorney's Office did not want to turn [the papers] over. The Court ordered that they turn it over and then the City Attorney's Office dismissed the charges. 24

Evaluations of the review system of the Minneapolis Internal Affairs Unit have generally been highly critical. In addition, newspaper accounts of police officers' "ugly moods," internal struggles within the department, politics, and accusations of corruption have virtually destroyed the credibility of the system in the minds of many community groups. 25

County Attorney Tom Johnson, one of several public officials who have criticized the system, said, "The division [had] come under intense scrutiny. . . . because of the seriousness of recent charges against the Minneapolis police. They included allegations of officers having sex with prostitutes, beating suspects with shotguns, harassment of gay bathhouse customers, provoking fights, forcing their way into homes without warrants, and firing weapons while off duty."

In describing an incident when the police allegedly beat several civilians in a bar, Bruce Brookway, Editor of the Punedly Gay newspaper, told the Committee, "In spite of the fact that they [IAU] had names, addresses, telephone numbers of the gay people in the bar who were willing to act as witnesses to this incident, none of them were called. . . . Norlund's administration has been..."
accused of slowing down the investigation of many cases involving alleged police misconduct. According to Beaty, "I don't know where these complaints came from, but I don't think they were accurate in the cases that were noted." The Minneapolis Advisory Committee learned that complaints filed by citizens against the police were processed by the personnel officer of the St. Paul Police Department. The police chief of the St. Paul Police Department said that this personnel officer was the least biased person in his department and that the best person to deal with complaints of police misconduct. However, minority citizens told the Committee that they had very little faith their complaints were going to be dealt with fairly.20

As early as 1973, the business sector of St. Paul complained about the lack of an effective complaint review unit. During its study, it received much opposition from the police department and its efforts to collect information from other police departments in the country were either ignored or solicited a negative response.21

The subject of internal review of police misconduct has been raised by minorities in St. Paul for several years. Conflicts between the black community and police reached a peak in the early 1970s. Mon complaints expressed by minority communities and excessive use of force exist in the Twin Cities, the Minnesota Advisory Committee learned that complaints filed by local civil rights organization, and the St. Paul Internal Affairs Unit (IAU). As one observer concluded:

In most complaints against the police, it is the plaintiff's word against the officer. The courts, the St. Paul Human Rights Department, and the St. Paul Police Internal Affairs Unit, which investigates allegations made against officers, generally are reluctant to sustain such complaints.22

Today, the St. Paul Police Department does not use the personnel officer for establishing a civilizing a complaint review unit. During its study, it received much opposition from the police department and its efforts to collect information from other police departments in the country were either ignored or solicited a negative response.23

The subject of internal review of police misconduct has been raised by minorities in St. Paul for several years. Conflicts between the black community and police reached a peak in the early 1970s and by 1975, the Hispanic community was voicing concerns about the same issue. The consistent complaint on the part of minorities was, and is, that police officers are not responsive to community differences in culture and lifestyle. The most common complaint expressed by minority communities from 1965 through 1978 has been that the police are racially prejudiced and use unnecessary force to make arrests. The question of whether "prejudice and excessive use of force" exist in St. Paul was raised in the Committee's fact-finding meeting held August 10, 1979. Dr. David Dugas, head of the Team Police Evaluation Unit, explained to the Committee that according to a survey he conducted, minorities tend to perceive more prejudice and excessive use of force on the part of police. Koenig also added, that although the data were not conclusive it was possible to assume from the data that minority perceptions were right.24

These feelings of distrust and powerlessness are compounded by the consistent results of complaints filed with the courts, local civil rights organization, and the St. Paul Internal Affairs Unit (IAU). As one observer concluded:

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28
WRITTEN REPRIMAND:
Copy to the member's personnel file signed by the chief of police.

RETRAINING:
A recommendation that the member be retrained in an area that precipitated or contributed to the cause for complaint against the member. A recommendation for retraining will supplement the other actions available to the board and cannot be a singular disposition. A letter from the chief of police or the deputy chief of the accused will be forwarded to the training section commander directing him to undertake the retraining measure, with recommendations as to the length and content of the retraining period. The training section commander will advise the deputy chief at the conclusion of the recommended period completion of the retraining, the training section commander will take and render an opinion as to the effect on the member's future performance in this area. A copy of this letter will also be forwarded to the personnel officer for insertion into the member's personnel file for a matter of record.

TABLE 4.2
1. SUSPENSION:
By the chief of police—not to exceed thirty days.

2. ORAL REPRIMAND:
A letter noting the facts of the incident will be inserted in the member's personnel file by the personnel officer upon receipt from the deputy chief.

3. WRITTEN REPRIMAND:
Copy to the member's personnel file signed by the chief of police.

TABLE 4.3
St. Paul Police Department Internal Affairs Complaints 1975–1979

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Received</th>
<th>Exonerated</th>
<th>Unfounded</th>
<th>Not Sustained</th>
<th>Sustained</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979</td>
<td>128</td>
<td>31 (24/41)</td>
<td>11 (9/55)</td>
<td>36 (28/49)</td>
<td>38 (30/70)*</td>
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<tr>
<td></td>
<td>Use of Excessive Force</td>
<td>41</td>
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<td>0 (2,9/5)</td>
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<td></td>
<td>Discrimination or Harassment</td>
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<td>5 (29/7)</td>
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<td>12 (36/16)</td>
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<td>76 (29)</td>
<td>20 (7/7)</td>
<td>74 (29)</td>
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<tr>
<td>1978</td>
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<td>15 (8/2)</td>
<td>35 (15/54)</td>
<td>59 (31/87)</td>
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<td>24</td>
<td>11 (46/7)</td>
<td>0 (0/0)</td>
<td>0 (0/0)</td>
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<tr>
<td></td>
<td>Use of Excessive Force</td>
<td>46</td>
<td>21 (44/15)</td>
<td>4 (8/11)</td>
<td>15 (25/25)</td>
</tr>
<tr>
<td></td>
<td>Discrimination or Harassment</td>
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<td>6 (75/6)</td>
<td>0 (0/0)</td>
<td>2 (17/3)</td>
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<td></td>
<td>Inaction/Slow Response</td>
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<td>14 (40/10)</td>
<td>11 (25/34)</td>
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<tr>
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<td>TOTAL Employee Investigations</td>
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<td>65 (20)</td>
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<tr>
<td>1977</td>
<td>220 (22/51)</td>
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<td>58 (26/53)</td>
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<td></td>
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<td>43</td>
<td>20 (47/10)</td>
<td>0 (0/0)</td>
<td>15 (25/14)</td>
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<td></td>
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<td>48</td>
<td>21 (44/15)</td>
<td>4 (8/11)</td>
<td>18 (39/16)</td>
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<tr>
<td></td>
<td>Discrimination or Harassment</td>
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<td>8 (62/6)</td>
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<td>8 (15/23)</td>
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<td>35 (9)</td>
<td>110 (29)</td>
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<tr>
<td>1976</td>
<td>237 (28/61)</td>
<td>50 (21/52)</td>
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<td>68 (29/62)</td>
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<tr>
<td></td>
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<td>40</td>
<td>15 (28/14)</td>
<td>6 (15/6)</td>
<td>14 (25/14)</td>
</tr>
<tr>
<td></td>
<td>Use of Excessive Force</td>
<td>46</td>
<td>10 (21/9)</td>
<td>8 (17/8)</td>
<td>34 (50/24)</td>
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<tr>
<td></td>
<td>Discrimination or Harassment</td>
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<td>6 (46/5)</td>
<td>2 (15/2)</td>
<td>4 (31/4)</td>
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<td></td>
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<td>12 (16/13)</td>
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<td>99 (22)</td>
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<td>1975</td>
<td>183 (10/49)</td>
<td>55 (29/42)</td>
<td>56 (29/38)</td>
<td>57 (30/62)</td>
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<td></td>
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<td>81</td>
<td>6 (17/6)</td>
<td>23 (28/16)</td>
<td>38 (47/26)</td>
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<tr>
<td></td>
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<td>5 (16/22)</td>
<td>14 (28/11)</td>
<td>23 (46/16)</td>
</tr>
<tr>
<td></td>
<td>Discrimination or Harassment</td>
<td>18</td>
<td>5 (28/12)</td>
<td>10 (56/8)</td>
<td>3 (17/2)</td>
</tr>
<tr>
<td></td>
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<td>81</td>
<td>1 (2)</td>
<td>29 (36/22)</td>
<td>57 (33/18)</td>
</tr>
<tr>
<td></td>
<td>TOTAL Employee Investigations</td>
<td>423</td>
<td>41 (16)</td>
<td>151 (31)</td>
<td>147 (35)</td>
</tr>
</tbody>
</table>

*Percent of Total Receiving/Percent of Total Investigations (i.e., Exonerated, Unfounded, etc.).

Source: St. Paul Police Annual Reports.
Sir Robert Peel, founder of the London Metropolitan Police, believed that one of the qualities indispensable to a policeman was a perfect command of temper. Later, an English writer concurred with Peel by describing tact (the ability to deal with all types of people and classes, without upsetting them) and quiet nerves as two very important qualities which a police officer needs. The word “quality” has been used and reused to refer to many characteristics of policing. A report by the President’s Commission on Law Enforcement and Administration of Justice used the word “quality” in reference to high educational standards. Such standards, the Commission believed, must be established because they had found that many current police officers were ill-equipped to handle their jobs involving everyday encounters with social problems and with people whose outlook on law differs from theirs. In addition, the report emphasized that a major and most urgent step in the direction of improving police-community relations was to recruit more minorities as policemen.

George E. Berkley, in his book The Democratic Policeman, said that in order for a police department to be more democratized it had to draw recruits from all sectors of the population. “The more the police force mirrors the population and the more diversity of groups within the police ranks, the more cross-pressures it will have.” Cross pressure, argued Berkley, provides for more groups to be represented and prevents one group from controlling the others. Most importantly, he argued that members of the force could learn from exposure of other groups. Police departments in this country are not generally representative of their communities and many suits have been filed to remedy this problem.

Minneapolis

According to the Minneapolis Police Department in 1980, 96.4 percent of the 729 sworn positions are held by white. Of the total sworn personnel, 1.5 percent were black, 0.2 percent were Hispanic, and 0.8 percent were American Indian. At the level of administrative officials, whites occupied 99.7 percent of these positions. There is one black (3 percent) in a supervisory position. Females occupied 8 sworn positions, none above the rank of patrol person. According to the the City of Minneapolis Planning Department, Minneapolis is 88 percent white, 8 percent black, 1 percent Hispanic, 3 percent American Indian, and 1 percent Asian.

According to the Director of the Minneapolis Affirmative Action Program, Larry Blackwell, the above figures represent serious underutilization of women and minorities in the Minneapolis Police Department.

The City of Minneapolis has a workforce of more than 8,500 and is the largest employer in the metropolitan area. All persons seeking employment in the City must apply through the Civil Service Commission. The Commission has the power to promulgate rules and regulations as well as to maintain a merit system. The Civil Service Commission is directed by a three-person board who are appointed by the mayor and the city council. The Commission has a staff of 42 employees who at various levels within the agency conduct the recruitment, selection, and certification of prospective employees of the city. All positions designated by the title "Classified Service" fall under the civil service provisions. Those designated "Unclassified" do not. Applicants applying for "Classified" positions may take a written examination specific to each job, and/or, a performance and oral examination and/or an evaluation of training and experience.

Vacancies in the classified service shall be filled by re-employment, promotion, original appointment, transfer or demotion as provided in these rules. According to Minnesota Sessions Laws of 1978, Chapter 511, upon receiving a requisition prepared by the department, Civil Service Commission, and the City Council approved the proposal and moved toward implementation. In 1975, the Minneapolis Civil Service Commission, under the direction of the Task Force in that same year. Lt. Raymond Chief John R. Jensen established the Recruitment Department. In 1975, the Minneapolis Police Department, was named Recruitment Director of the Task Force for the department's Recruitment Division. The 1975 Minneapolis police recruitment effort proved to be very successful. A total of 2,693 persons applied. Of that number, 2,571 were eligible to take the police written examination. Of the applicants, 978 successfully passed the examination and of that number, 407 were invited to take the agility test. Of the 254 who passed the agility test, only 128 were residents of Minneapolis, and only those persons were invited to take the oral examination. Of the 128, 106 actually took the oral examination. Thirty-two passed. Two of those individuals were rejected by the police department because they had prior felony convictions, leaving 30 of the original applicants to begin police training. The Minneapolis Police Department, the Civil Service Commission, and the City Council approved the proposal and moved toward its implementation. A selection committee was appointed composed of individuals from the Minneapolis Police Department, the Civil Service Commission, and the Minneapolis Employment and Training Program whose primary responsibility was to recruit individuals from the protected classes. The participants of this program were designated "Public Safety Trainees." The recruitment class attracted a total of 61 applicants. According to Mr. Blackwell, the documentation that he allowed us to see any of the validation documents. The Civil Service Commission denied him access to the documents because it asserted validation studies are not public information due to the limitations mandated by the Minnesota Government Data Privacy Act. According to Mr. Blackwell, the documentation that he was interested in was not restricted by the act. Steve Musso is described in the Affirmative Plan as the contact person in the Minneapolis Civil Service Commission with respect to test validation. Midwestern Regional Office staff called Musso to request information regarding the procedure used to validate the test. According to Musso, the consulting firm, Personnel Decisions, Inc. He also stated: The Civil Service Commission here in Minneapolis has a research and evaluation unit. We probably allocate a larger percentage of our total department resources to research and development activities than most jurisdictions.

<table>
<thead>
<tr>
<th>TABLE 5.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975 Application Flow Percentages and Ethnicity</td>
</tr>
<tr>
<td>Procedure Flow</td>
</tr>
<tr>
<td>Applicants</td>
</tr>
<tr>
<td>Eligible for Exam.</td>
</tr>
<tr>
<td>Failed Written Exam.</td>
</tr>
<tr>
<td>Eligible for Agility Test</td>
</tr>
<tr>
<td>Failed Agility Test</td>
</tr>
<tr>
<td>Eligible for Oral Exam.</td>
</tr>
<tr>
<td>Failed Oral Exam.</td>
</tr>
<tr>
<td>NEW HIRES</td>
</tr>
</tbody>
</table>

Minorities include Blacks, Native Americans, Spanish Surnamed, and Orientals. Those used as others' or unknowns' are not included as the first five rows of columns five and six do not sum to 100.

**Larry Blackwell, Affirmative Action Officer of Minneapolis, said that he was not allowed to see any of the validation documents. The Civil Service Commission denied him access to the documents because it asserted validation studies are not public information due to the limitations mandated by the Minnesota Government Data Privacy Act.**

**Steve Musso is described in the Affirmative Plan as the contact person in the Minneapolis Civil Service Commission with respect to test validation. Midwestern Regional Office staff called Musso to request information regarding the procedure used to validate the test. According to Musso, the consulting firm, Personnel Decisions, Inc. He also stated:**
### TABLE 5.2

Police Training Program
First Recruitment

<table>
<thead>
<tr>
<th></th>
<th>WHITE</th>
<th></th>
<th>BLACK</th>
<th></th>
<th>HISPANIC</th>
<th></th>
<th>NATIVE AMERICAN</th>
<th></th>
<th>TOTAL</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>male</td>
<td>%</td>
<td>female</td>
<td>%</td>
<td>male</td>
<td>%</td>
<td>female</td>
<td>%</td>
<td>male</td>
<td>%</td>
</tr>
<tr>
<td>Total Applicants</td>
<td>6</td>
<td>100.0</td>
<td>10</td>
<td>100.0</td>
<td>17</td>
<td>100.0</td>
<td>10</td>
<td>100.0</td>
<td>2</td>
<td>100.0</td>
</tr>
<tr>
<td>Didn't Complete Assessment</td>
<td>2</td>
<td>33.3</td>
<td>1</td>
<td>10.0</td>
<td>3</td>
<td>17.6</td>
<td>1</td>
<td>10.0</td>
<td>1</td>
<td>16.7</td>
</tr>
<tr>
<td>No Show—Initial Interview</td>
<td>2</td>
<td>33.3</td>
<td>1</td>
<td>10.0</td>
<td>6</td>
<td>29.4</td>
<td>4</td>
<td>40.0</td>
<td>1</td>
<td>16.7</td>
</tr>
<tr>
<td>Ineligible</td>
<td>3</td>
<td>17.6</td>
<td>1</td>
<td>10.0</td>
<td>2</td>
<td>11.8</td>
<td>1</td>
<td>10.0</td>
<td>1</td>
<td>16.7</td>
</tr>
<tr>
<td>Rejected by Selection Committee</td>
<td>2</td>
<td>33.3</td>
<td>7</td>
<td>70.0</td>
<td>6</td>
<td>35.3</td>
<td>4</td>
<td>40.0</td>
<td>2</td>
<td>100.0</td>
</tr>
<tr>
<td>Potential Candidates</td>
<td>2</td>
<td>33.3</td>
<td>7</td>
<td>70.0</td>
<td>6</td>
<td>35.3</td>
<td>4</td>
<td>40.0</td>
<td>2</td>
<td>100.0</td>
</tr>
<tr>
<td>Completed Assessment— Potential Candidates</td>
<td>1</td>
<td>16.7</td>
<td>4</td>
<td>40.0</td>
<td>2</td>
<td>11.8</td>
<td>1</td>
<td>10.0</td>
<td>1</td>
<td>100.0</td>
</tr>
<tr>
<td>Failed Physical</td>
<td>1</td>
<td>16.7</td>
<td>2</td>
<td>20.0</td>
<td>4</td>
<td>23.5</td>
<td>2</td>
<td>20.0</td>
<td>2</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: columns may not equal 100% due to independent rounding.

* A total of 13 applicants actually started the classes September, 1979.
study and did begin the process by sending out an initial survey of job descriptions to police officers. The Civil Service Commission quickly realized that the test would not be validated in time for the 1975 examinations if it followed the consulting firm’s time schedule. The Commission thus decided to take over the validation process and complete it with Civil Service staff.

Recently the State has assumed greater authority over the hiring of Minneapolis police officers. The Minnesota Peace Officers Standard and Training Board (POST Board) now has the authority to decide whether an aspiring law enforcement candidate has the right to work in the State of Minnesota. The Board has the responsibility to certify training programs and issue Licenses to Minnesota peace officers. In 1971 the Board certification process will have a significant impact on the selection of future law enforcement officers. Blackwell stated that “The POST BOARD will be requested to review their standards in light of the actual impact on the employment of minorities and women.” Blackwell stated that the POST Board licensing examinations had not been validated, and had been told by Mark Shields, Director of the Board, that he did not intend to validate them. However, Shields has stated that the tests have been validated and that the test items were originally derived from job analyzes. Shields said that the Board does not fall under Federal Uniform Guidelines governing personnel selection. Therefore, the Board is not required to validate any of their tests. He emphasized that their licensing examinations only contained questions on curriculum. The issue of whether or not authorities of this type fall under the Uniform Guidelines has been raised in several court cases. The constant argument by licensing authorities has been that because they are not the employer their examinations do not fall under the guidelines. However, such arguments have been rejected because licensing examinations do in fact affect the employment status of a prospective police officer. According to Neil McPike, Office of General Counsel, Equal Employment Opportunity Commission (EEOC), licensing authorities do in fact control the means for employment and, consequently, they fall under the requirements of the Uniform Guidelines. These guidelines require that tests including licensing examinations which are failed by a significantly disproportionate number of minorities must be validated to insure that they are job related. No one has taken the Board examination yet. Another issue which has been raised regards the educational requirements of prospective police officers. During the early 1970’s the only requirement for a beginning patrol officer in the city of Minneapolis was that of a high school education. As early as 1972, the police department and the Civil Service Commission tried to institute a two-year college requirement for every prospective applicant. However, that did not pass official approval and, as a result, the 1975 applicants were not required to possess a college education. In 1977, however, the Minnesota State Legislature passed a law requiring beginning police officers to have completed a 2-year program in an approved vocational technical college or an approved program in a college or university.

The Minnesota Civil Service Commission has promulgated certain education and experience requirements for eligibility for promotional examination. The rule states that “Promotion to any position in the class specifically shall be based upon the means for employment and, consequently, they fall under the requirements of the Uniform Guidelines.”

### Table 5.2

<table>
<thead>
<tr>
<th>Police Training Program</th>
<th>First Recruitment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Applicants</td>
<td>3,000</td>
</tr>
<tr>
<td>Hispanic</td>
<td>150</td>
</tr>
<tr>
<td>Native American</td>
<td>300</td>
</tr>
<tr>
<td>Total Applicants</td>
<td>1,000</td>
</tr>
<tr>
<td>Eligible for Test</td>
<td>800</td>
</tr>
<tr>
<td>Eligible for Certification</td>
<td>100</td>
</tr>
<tr>
<td>Total Applicants</td>
<td>500</td>
</tr>
<tr>
<td>Pass Written</td>
<td>300</td>
</tr>
<tr>
<td>Pass Oral</td>
<td>200</td>
</tr>
<tr>
<td>Total Applicants</td>
<td>400</td>
</tr>
<tr>
<td>Pass Written or Oral</td>
<td>300</td>
</tr>
</tbody>
</table>

Note: Total number may not equal 100% due to independent rounding.

<table>
<thead>
<tr>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>500</td>
<td>1000</td>
<td>250</td>
<td>1000</td>
<td>250</td>
<td>1000</td>
<td>250</td>
<td>1000</td>
<td>250</td>
<td>1000</td>
<td>250</td>
<td>1000</td>
<td>250</td>
<td>1000</td>
<td>250</td>
<td>1000</td>
<td>250</td>
<td>1000</td>
<td>250</td>
</tr>
</tbody>
</table>

* This study was conducted by the Minneapolis Affirmative Action Plan, Section I, Introduction, p. 14.
<table>
<thead>
<tr>
<th>Male</th>
<th>Eligible as of 9/25/79</th>
<th>Additional Number</th>
<th>Eligible as of 8/01/80</th>
<th>Additional Number</th>
<th>Eligible as of 5/1/81</th>
<th>Resulting Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>364 99.2</td>
<td>33</td>
<td>417 99.6</td>
<td>16</td>
<td>433 98.2</td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>376 97.7</td>
<td>28</td>
<td>406 99.6</td>
<td>11</td>
<td>417 94.6</td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>5 1.3</td>
<td>3</td>
<td>8 1.9</td>
<td>1</td>
<td>9 2.0</td>
<td></td>
</tr>
<tr>
<td>Native American</td>
<td>0 0.0</td>
<td>1</td>
<td>1 0.2</td>
<td>0</td>
<td>1 0.2</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>3 0.8</td>
<td>3</td>
<td>6 1.4</td>
<td>2</td>
<td>7 1.6</td>
<td></td>
</tr>
<tr>
<td>White Female</td>
<td>3 0.8</td>
<td>2</td>
<td>5 1.3</td>
<td>2</td>
<td>7 1.6</td>
<td></td>
</tr>
<tr>
<td>Black Female</td>
<td>0 0.0</td>
<td>1</td>
<td>1 0.2</td>
<td>0</td>
<td>1 0.2</td>
<td></td>
</tr>
<tr>
<td>Hispanic Female</td>
<td>0 0.0</td>
<td>0</td>
<td>0 0.0</td>
<td>0</td>
<td>0 0.0</td>
<td></td>
</tr>
<tr>
<td>Native American Female</td>
<td>0 0.0</td>
<td>0 0.0</td>
<td>0 0.0</td>
<td>0 0.0</td>
<td>0 0.0</td>
<td></td>
</tr>
<tr>
<td>Total Minority</td>
<td>6 1.6</td>
<td>6</td>
<td>12 2.8</td>
<td>5</td>
<td>17 3.9</td>
<td></td>
</tr>
</tbody>
</table>

Source: Minneapolis Affirmative Action Plan
Action Officer Larry Blackwell had suggested that 1979 exam be delayed until July 1980 to increase the pool eligible minorities and women. This recommendation was not accepted, however, and the exam was given as scheduled in 1979. Blackwell also recommended that the 5-year experience requirement be reduced to 3 years thereby doubling the number of minorities and women eligible to take the promotion examination. This recommendation was implemented by the Civil Service Commission.46

On December 1979 the Civil Service Commission gave the sergeant's examination to 164 patrol officers. Of these, 16 were minorities and women; 8 black males, 1 black female, 2 American Indians, and 5 white females. The test for captain was given early in 1979 although the applications were closed on July 21, 1978.47 There were 45 white males and 1 black male who took this examination. None has been promoted although seven passed and are currently on the eligible list.

According to Connie Kintop from the Minneapolis Civil Service Commission, more officers would probably have taken the test if they felt that the administration was likely to promote anyone. Kintop said that the department is top-heavy with administrators and that it was trying to cut back through attrition. Therefore, it was not likely that anyone would be promoted for at least the next 3 years.48

Some have said that the department is top-heavy with high ranking administrators because of the past patronage system.49 Considering the concentration of minorities and women at the officer's level and the present number of ranking white administrators, it will be a long time before any minority or woman becomes a lieutenant, sergeant, or captain because of attrition.

This problem with minorities and women locked into low-level positions, however, is not unique to the Minneapolis Police Department. One solution to a similar problem was approved in 1979 by the Supreme Court. In that case, United Steel Workers of America v. Weber, the Court approved an employer's voluntary affirmative action including the establishment of a temporary two-track seniority system for promotion.50 To date, Minneapolis has not implemented any system to ensure that women and minorities will be promoted to supervisory and policy-making positions in the immediate future.

A newly appointed peace officer can be removed from service without a hearing during his or first first 12 months of employment following training. However, once a peace officer has worked 12 continuous months, the officer cannot be removed even for just cause unless a formal written charge is first submitted to the Civil Service Commission and the officer is given 10 days to respond and request a hearing. A hearing must be conducted by the Civil Service Commission or designated hearing examiner or panel that make recommendations to the Commission after it has investigated the charges. A superior officer or the city may file charges of incompetence or misconduct against a peace officer with the Civil Service Commission at which time the commission, if proper request is received, will conduct a hearing after not less than 10 days notice to employee on day of hearing. The hearings are open to the public and the commissioners have the power to subpoena all documents, witnesses, and papers relevant to the investigation. It then prepares a written report of its findings and conclusions. If the Commission upholds the charges, the officer may be discharged or the Civil Service Commission can modify discipline to a suspension without pay for a reasonable period but not to exceed 30 days. If an officer is found culpable of the charges, his/she may appeal the decision in district court by notifying the Commission within 10 days of the written notice.51

The Police Officers Federation of Minneapolis is the bargaining agent for all Minneapolis police officers with the exception of the chief and his deputies.52 All members join voluntarily and there is no dues check-off.53 The Federation is an independent body and has no affiliation with any national or state organization.54

The Police Federation provides some social activities for its members, but more importantly, it has the reputation of being a very strong lobbying arm of the police officers in Minneapolis. Sgt. Gerald Bridgeeman, President of the Federation, told the Advisory Committee the Police Federation is a
lobbying agency at the state, Federal, City council, and Civil Service Commission levels.  

The Federation provides its membership with a variety of service. According to Bridgezman, the Federation provides offers with representation during Internal Affairs investigations to assure that the officers' rights are protected. In the area of personnel, employment, it may hire an expert attorney to conduct contract negotiations, and it may hire a private attorney when an individual disciplinary case may have class implications. The Federation represents officers in binding arbitration when necessary to resolve labor disputes with therapy since state law prohibits officers from striking. The Federation frequently represents police officers in appeals before the Civil Service Commission although police officers are free to obtain their own counsel.

During the field interviews conducted by Midwestern Regional Office staff, many police officer complained about the politics in the department. Some went as far as to say that politics was cause of much of the stress experienced by officers in the department today. According to psychologist Peter Mayo in his study of Minneapolis police officers, "Police politics frustrate more than 90 percent of the wives. The women believe their husbands' abilities have little to do with their chances of promotion; what counts most is whose mayoral campaign the policemen backed the feel." The Minneapolis Star interviewed more than 50 percent of the female officers, about the problem of politics. Most of them agreed that "every new mayor appoints a new police chief, rewards his friends and punishes his political enemies." It is interesting to note that former Mayor Albert Hof te lost a 1973 bid for the mayoral office after trying to keep the police out of the campaign. Learning that lesson, as he said later, he encouraged police officers to help him and he won.

Bridgezman told the Minneapolis Regional Office that he was against politics in the department, and that the Federation lobbied heavily against legislation limiting the political activism of police officers. The legislation failed to pass. Bridgezman maintained there are significant differences between police officers being involved in politics and politicians being involved in the Minneapolis Police Department. Psychologist Peter Maynard noted during the period of time he was conducting his study of the Minneapolis Police Department, "the Federation of the department's sworn personnel received transfers as political rewards or punishments, depending on whether the officer supported or opposed Mayor Albert Hofte in 1977." There are many issues involved in depoliticizing the Minneapolis Police Department, Bridgezman said. "There is no possible approach to that problem, he suggested, it to limit the chief's powers to transfer police officers."

Some have said that the Federation runs the police department and indeed it has been clearly indicated in several mayors elections that the Federation can be a deciding factor. For years police officers have complained of being victims of political transfers and some have allegedly reaped benefits by supporting the right candidate.

St. Paul

The St. Paul Police Department consists of 546 sworn personnel. Of that number, 92.7 percent are white, 3.7 percent are black, 2.4 percent are Hispanic, 0.9 percent are American Indian, and 0.4 percent are Asian and others. Above the entry rank of police officer, 95 percent are white, 1.1 percent are black, 1.6 percent are Hispanic, and 2.2 percent are Asian and others. Of the 10 sworn officers, 9 are entry rank police officers and 2 are sergeants. For purposes of comparison, the population of St. Paul is 93 percent white, 3 percent black, 2 percent Hispanic, 1 percent American Indian, and less than 1 percent Asian.

The employment figures of minority sworn personnel in the St. Paul Police Department today do not indicate a serious underrepresentation of minority. However, St. Paul's employment of minorities in the police department has not occurred by chance or without clear opposition from the majority group. For example, when the St. Paul Police Department hired its first black police officer, Lois W. Thomas, back in 1881, the city politicians and citizens were incensed.  

March 1, 1972, a suit was filed in Federal District Court, charging the St. Paul Police Department with discriminatory hiring practices. The suit was initiated by most of the men who had been employed in the community Services Officers Program. According to these men, they had been told that the program would last 2 to 3 years and that during those three years they would be able to take the Civil Service Commission examination as often as necessary until they pass. However, on December 16, 1971, a test was given and the individuals were told that if they failed the test given on that date they would be terminated. The suit challenged the validity of the civil service test, charging that "Many questions demand skills and knowledge which are foreign to members of the Black community." The Federal court ultimately ruled that the examination was not job related and ordered the city to design an examination for the court to review. Both parties and the court agreed to a plea which would allow 12 out of the 50 recruits to be from the black community. At the time the suit was filed, the minority representation in the St. Paul Police Department was 1.4 percent, and the total minority population was 6 percent.

Griffin who has over 30 years experience with the St. Paul Police Department was appointed to take the place of the Minority Recruitment Program, which was created in the agreement. A firm called Personnel Decision, Inc., was hired to validate the civil service test for the next examination. However, the final validated examination was stolen from the office of the plaintiffs' attorney. An examination which had been validated in Chicago was secured for the 1974 examination. Table 5.4 reports the number of applicants for the 1974 Civil Service Commission test and the number of recruits for that year. On September 8, 1975, the new recruit class included 9 black males, 1 black female, and 1 Hispanic male out of a total of 43 recruits. Though blacks and Hispanics fared well on the 1974 test, only 2 percent of the recruits were women though they constituted 24 percent of the original applicants.

Some of the individuals who took the examination charged that it was administered improperly and that they had been given erroneous instructions. On
According to Mark Robertson, a Personnel Assistant with the city of St. Paul Police Office, a full-time person has been assigned to work closely with the Civil Service Commission staff to recruit minority and women for the police department.39 The last recruiter was a police sergeant who worked for several months specifically to attract members of minority communities.40 The test which is now administered approximately every 2 years produces a list of eligible persons to enter recruit training at the police training center. Total points are given by the Personnel Office and are used to determine employment status.

### Table 5.4

<table>
<thead>
<tr>
<th>Race and Sex of Applicants for Civil Service Test and of New Recruits: St. Paul Police Department 1974</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicants Total</td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Recruits</td>
</tr>
</tbody>
</table>

* Includes females of all races, thus partially overlapping previous three columns. Total column is sum of subsequent four columns.

** Includes D. G. Gleason, Chief Examiner and Director of Personnel for St. Paul. St. Paul has stated that his records indicate 1100 individuals actually applied for the examination rather than 1126.

*** Total recruits in this or any comparable years in each category who became recruits.

Source: James S. Griffin, Police in the St. Paul Police and Fire Department.

### Table 5.5

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL Applicants</strong></td>
</tr>
<tr>
<td>----------------------</td>
</tr>
<tr>
<td>Written Exam.</td>
</tr>
<tr>
<td>Physical Exam.</td>
</tr>
<tr>
<td>Total passed Written Exam.</td>
</tr>
<tr>
<td>Total passed Physical Exam.</td>
</tr>
<tr>
<td>Total written exam.</td>
</tr>
<tr>
<td>Total oral exam.</td>
</tr>
</tbody>
</table>

* Of these five, two are black, two are American Indian, and one is Asian.

Source: St. Paul Civil Service Commission.

### Table 5.6

<table>
<thead>
<tr>
<th>Race and Sex of Applicants for Civil Service Test and of New Recruits: St. Paul Police Department 1974</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicants Total</td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Recruits</td>
</tr>
</tbody>
</table>

* Includes females of all races, thus partially overlapping previous three columns. Total column is sum of subsequent four columns.

** Includes D. G. Gleason, Chief Examiner and Director of Personnel for St. Paul. St. Paul has stated that his records indicate 1100 individuals actually applied for the examination rather than 1126.

*** Total recruits in this or any comparable years in each category who became recruits.

Source: James S. Griffin, Police in the St. Paul Police and Fire Department.

### Table 5.7

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL Applicants</strong></td>
</tr>
<tr>
<td>----------------------</td>
</tr>
<tr>
<td>Written Exam.</td>
</tr>
<tr>
<td>Physical Exam.</td>
</tr>
<tr>
<td>Total passed Written Exam.</td>
</tr>
<tr>
<td>Total passed Physical Exam.</td>
</tr>
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Source: St. Paul Civil Service Commission.

### Table 5.8

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<tr>
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<td>------------------</td>
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<tr>
<td>Total</td>
</tr>
<tr>
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Source: James S. Griffin, Police in the St. Paul Police and Fire Department.

### Table 5.9

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL Applicants</strong></td>
</tr>
<tr>
<td>----------------------</td>
</tr>
<tr>
<td>Written Exam.</td>
</tr>
<tr>
<td>Physical Exam.</td>
</tr>
<tr>
<td>Total passed Written Exam.</td>
</tr>
<tr>
<td>Total passed Physical Exam.</td>
</tr>
<tr>
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</tr>
<tr>
<td>Total oral exam.</td>
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Source: St. Paul Civil Service Commission.

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<tr>
<th>Race and Sex of Applicants for Civil Service Test and of New Recruits: St. Paul Police Department 1974</th>
</tr>
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<tbody>
<tr>
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</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Recruits</td>
</tr>
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* Includes females of all races, thus partially overlapping previous three columns. Total column is sum of subsequent four columns.

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*** Total recruits in this or any comparable years in each category who became recruits.

Source: James S. Griffin, Police in the St. Paul Police and Fire Department.

### Table 5.11

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td><strong>TOTAL Applicants</strong></td>
</tr>
<tr>
<td>----------------------</td>
</tr>
<tr>
<td>Written Exam.</td>
</tr>
<tr>
<td>Physical Exam.</td>
</tr>
<tr>
<td>Total passed Written Exam.</td>
</tr>
<tr>
<td>Total passed Physical Exam.</td>
</tr>
<tr>
<td>Total written exam.</td>
</tr>
<tr>
<td>Total oral exam.</td>
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</tbody>
</table>

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Source: St. Paul Civil Service Commission.

### Table 5.12

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<thead>
<tr>
<th>Race and Sex of Applicants for Civil Service Test and of New Recruits: St. Paul Police Department 1974</th>
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<tbody>
<tr>
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</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Recruits</td>
</tr>
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</table>

* Includes females of all races, thus partially overlapping previous three columns. Total column is sum of subsequent four columns.

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*** Total recruits in this or any comparable years in each category who became recruits.

Source: James S. Griffin, Police in the St. Paul Police and Fire Department.
eligibility list. However, in 1955, Griffin applied for the sergeant's promotional examination and received a good service rating. As a result of his score and his Veteran's preference, he was fifth on the list and was subsequently promoted to sergeant. Only after 11 years was an examination given for the position of lieutenant. In 1969, Griffin was 1 of the 13 to take the captain's examination and in 1970 he was promoted to captain. This was significant because at that time there were three blacks in the entire St. Paul Police Department.

In 1972, Griffin received the highest score on the Civil Service examination for the position of deputy chief. William McCutcheon, a white applicant, received the second highest score. The Civil Service Commission, under its "Rule of Thirds," gave Chief R.H. Rowan the names of the top three candidates who qualified for the position. Chief Rowan selected the second on the list, William McCutcheon, breaking a 50-year department practice of always choosing the highest ranked candidate. Griffin appealed the decision to the Civil Service Commission and threatened to take legal action. The matter was resolved when the St. Paul Police Department reorganized the department and created a fourth deputy position allowing both Griffin and McCutcheon to be promoted.

Regulations governing involuntary separation from the St. Paul Police Department require that the officer be allowed a hearing. The officer may be represented by his or her own attorney while the department is represented by the city attorney's office.

The procedures established by the St. Paul Civil Service Commission are virtually the same as those of its counterpart in Minneapolis. Both Commissions are subject to State Civil Service law.  

Chapter 6, Section 13.09 of the St. Paul City Charter states that the city council recognizes bargaining agents for appropriate employee units in accordance with State law and may, by ordinance, enter into collective bargaining agreement to the extent not prohibited by law. The city of St. Paul has a contract with the St. Paul Police Federation covering wages, hours, fringe benefits, working conditions, grievances, and binding arbitration of disputes. The contract is subject to civil service rules and regulations and cannot be ratified until the Commission has approved it.

As indicated in the charter, the St. Paul Police Department and the Federation must themselves resolve all disputes or abide by the decision of an arbitrator brought in to resolve the issue. Federation President William Gillespie indicated that he was not too happy with this binding arbitration requirement, but that there is no alternative because police officers are not allowed under State law to strike.  

The basic role of the Federation is to negotiate a contract for the membership and to make sure all provisions in the contract are followed. Almost all of the officers on the force are represented by the Federation, with the exception of the chief and his four deputies.

To date, there are no women or minorities in the upper echelon of the Federation. The Federation's executive body consists of the president, treasurer, secretary, vice-president, and a master-at-arms. According to Gillespie, the president is the only elected officer and the rest including the stewards are appointed by him. When asked if the Federation surrounding the policy of affirmative action, Gillespie said "No." He elaborated that "the selection and the direction process is basically one of management and the terms and working conditions are basically those of labor. It's best if they remain separate." Gillespie has emphasized that the role of the Federation was mainly to represent the members in employment matters and that anything else was outside his purview. He also said that the Federation was the political arm of the St. Paul police officers and that "we actively represent the interest and the concerns of the men." The following chapter will discuss community concerns over the equitable distribution of police services.

The distribution of police services is not a problem peculiar to any particular city in this country. Most police departments in this country have had to deal with the issue of utilization of manpower at one time or another. Practically all departments have at some time determined their police manpower to be insufficient, requiring the development of a system permitting a more efficient allocation of services.

A variety of methods are utilized to determine the number of personnel to be assigned by shift and precinct. One of those methods utilizes a formula which weights the number of crimes and radio calls for service in the previous year, and the population of each precinct. Patrols are then assigned according to the precinct weighted scores. Perhaps the easiest method is to assign the same number of officers to each precinct. However, this is generally thought to be a poor method for proper utilization of manpower.

Another widely used system tabulates the number of service calls received in each precinct and then assigns officers to precincts according to the number of calls. However, as the Chicago Reporter found in a study of the Chicago Police Department, this system tends to shift manpower from the most dangerous precincts where the crime rates are declining to the safest where the incidents of the crime have increased.

Regardless of the method adopted by the police departments, it was recommended by the President's Commission on Law Enforcement and Administration of Justice, that police departments collect data, conduct studies, and develop programs leading to a more equitable and proficient procedure for allocation of services. Clearly, continuing evaluation of current practices is essential to improved policing.

Most police departments in this country believe that if the proper number of patrols are assigned to patrol their beats day and night, and if they are ready for action, the apprehension of criminals will rise. Related to this philosophy is the belief that the omnipresence of patrol forces is the greatest deterrent of crime. Such patrols are often labeled crime preventive patrols. While in the process of preventive patrol the police officer is expected to respond to calls for service. A call for service could range from a complaint of a barking dog, or a request to find a lost child, to a command to stop a robbery in progress. A substantial number of calls for service are clerical in nature.

A major concern of police administrators regarding calls for service has been centered around the issue of "Response Time," i.e., the time it takes from the moment the police are called to the time a squad arrives on the scene of the incident. Many police officials have examined various ways to reduce response time. Most officials desire rapid response to create the impression of effective police presence. It has been argued that the shorter the response time, the higher the chance police patrols have for apprehension. However, studies of response time have reached divergent conclusions. For example, the Los Angeles Police Department found that short
response time correlates with the ability to make an arrest.1 However, a more recent study conducted by the Kansas City Police Department indicated that:

- reporting time was longer than either the time it took to dispatch a call or the time it took to travel to a call, and nearly as long as the combined time to dispatch and travel to a call. Response time was found to be unrelated to the probability of making an arrest or locating a witness for some time after the crime had occurred. For those crimes involving a victim or witness, reporting time was the strongest time determinant of arrest and witness availability.2

The Minnesota Advisory Committee received numerous complaints regarding the distribution of services to minority communities and the length of time it took for police to respond to calls for service. This chapter will describe the policies of the Twin Cities' police departments and the perceptions of the community concerning the allocation of services.

**Minneapolis Police Department**

The Minneapolis Police Department (MPD) Communication Center received 535,808 telephone calls in 1978 and of those calls, 217,000 resulted in some type of police action. The center thus received approximately one call per citizen in 1978.3

There are presently 729 total sworn personnel in the Minneapolis Police Department, and of those approximately 440 are patrol officers. Patrol officers in Minneapolis are assigned to one of six precincts which have their own designated boundaries. Officers can be reassigned to other precincts only after the officer has been given notice 3 days prior to the action.4 The number of officers assigned to a district is determined by the number of calls for service and the level of crime in the district. Therefore, the precinct with the highest number of calls and thus the highest crime rate is assigned the greatest number of officers to patrol its boundaries.5 In 1978, the Minneapolis Police Department distributed its personnel as shown in Table 6.1.

According to the Minneapolis Police Manual, the dispatcher who sits in the Communication Center has the authority to assign calls to all sworn personnel including superior officers. He also has the authority to prioritize the calls according to the level of urgency using the specified codes in the police manual. Although there are specific codes for each priority level, the dispatcher has the ultimate authority to judge whether the call requires immediate response or not.6 The dispatcher has access to two channels, one to the north half and the other to the south half of the city.7

The fourth precinct has the highest number of minority residents and also has the highest number of officers (87) assigned to patrol its boundaries. The first precinct has 86 officers assigned to it as well as a Canine Unit. This precinct is in the heart of the business district. The sixth precinct has the highest incidence of crime and yet is third in line with 84 officers assigned to the area.

A number of comments pertaining to the distribution of services were made to the Committee by police officials and other Minneapolis residents. For example, Capt. John B. Jensen, former Police Chief and now in charge of the fourth precinct, said that officers are on the beat about 56 percent of the time and are performing some type of service the remaining 44 percent. He stated that 65 percent of the complaints received in his precinct were directly related to slow response time.8 In addition, Jensen stated that many of the residents in his precinct are afraid of the police. Although the fourth precinct has a higher concentration of minorities than any of the other precincts, only three of the 87 officers assigned to the area are black.9

Lt. Charles Wodash, Head of the Community Relations Unit, said that a large number of the complaints against the police department, particularly those regarding response time, result from a lack of information on the part of the citizen.10 The department does not monitor response time now because it has found that response time has little to do with capture rate. One reason for this is the often

<table>
<thead>
<tr>
<th>TEAM/AREA</th>
<th>Total Calls</th>
<th>Percent of Calls</th>
<th>Number of Officers Assigned</th>
<th>Percent Assigned</th>
<th>Pop. of Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Team A-1</td>
<td>20,497</td>
<td>15.02</td>
<td>43</td>
<td>15.46</td>
<td>46,375</td>
</tr>
<tr>
<td>Team A-2</td>
<td>25,798</td>
<td>19.42</td>
<td>54</td>
<td>18.42</td>
<td>52,384</td>
</tr>
<tr>
<td>Team A-3</td>
<td>22,854</td>
<td>17.77</td>
<td>44</td>
<td>15.8</td>
<td>62,694</td>
</tr>
<tr>
<td>Team B-4</td>
<td>24,175</td>
<td>18.53</td>
<td>47</td>
<td>16.9</td>
<td>92,000</td>
</tr>
<tr>
<td>Team B-5</td>
<td>21,008</td>
<td>15.4</td>
<td>44</td>
<td>16.5</td>
<td>49,244</td>
</tr>
<tr>
<td>Team B-6</td>
<td>21,422</td>
<td>16.7</td>
<td>46</td>
<td>16.5</td>
<td>17,000</td>
</tr>
</tbody>
</table>

Source: St. Paul Police Department.
serious lapse of time between the time of the offense and the time of the call.⁴ℒ

Donna Polstad of the Chippewa Tribes Housing Corporation, told the Committee that while working on a domestic problem, they would not respond, particularly if the incident was in the North Side in the Indian Little Earth Housing area."⁵

According to former Chief Elmer Nordlund, there are an increasing number of calls for police service and increasingly fewer officers to answer them. Recent budget cutbacks have reduced the number of sworn personnel from 772 to 758 and the nonsworn from 112 to 94."⁶ Nordlund said that although the sixth precinct has a larger number of residents, and the number of renters.⁷ He added that black areas have the same problems as white areas and there is no special treatment by the police department of particular areas.⁸

Hobert T. Mitchell, President of the Minneapolis Branch NAACP, said that unlike other cities black officers in Minneapolis are not assigned to black residential areas.⁹ Deputy Chief Bruciani agreed that black officers are not assigned to predominantly black areas.¹⁰

During that year, the Minneapolis Police Department handled 599,199 calls, of which 138,149 were calls for service. The Center received an average of 1,642 calls per day and 68 calls per hour.

On July 17, 1977, the St. Paul Police Department implemented team policing. Team policing can be defined as "combining all line operations of patrol, traffic, and investigation into a single group in a given number of city blocks under one unified command."¹¹ St. Paul has been divided into six team areas and police officers seem to prefer this structure to the previous system which broke the city into precincts.¹² Preliminary findings of a study by Dr. David Koenig, head of the evaluation unit, indicated that civilians and business persons also support the team policing program.¹³ Table 6.2 indicates the number of officers, number of calls, and approximate population of each team area.

All of the calls to the police department are received by an operator in the Minneapolis Communication Center. While taking the call, the operator enters the nature of the call on a card and immediately gives it a priority. He then relays the call to the dispatcher who assigns a squad to respond. The dispatcher may assign a squad from an area other than the one in which the call originated depending on the priority and the availability of personnel.¹⁴ Table 6.3 indicates how calls are prioritized. The department keeps a record of response time involving priority calls 2 and 3. The team lieutenants receive these reports periodically and with the approval of the deputy chief make the actual assignments of officers. Sgt. Reding, Commander, Research and Development, has said, "Team Lieutenants... are directly responsible through the team concept for managing the resources of their team."¹⁵ As managers of their team, they are held accountable to the deputy chief of that sector.¹⁶

In her statement to the Committee, Peggy Foster, President of the Westside Citizens Organization in Area B-16, complained about the lack of response by police to request for service in her area. Ms. Foster had recently polled some of the residents in her neighborhood. She said that to her surprise, many residents complained of the low visibility of the police in their neighborhoods. Also, ever since the Team Office had moved to its present location in the airport, responses to calls were taking longer.¹⁷ Team B-6 has the highest concentration of Hispanics. The most outstanding problem expressed by them is lack of police visibility in their community.¹⁸

TABLE 6.3

<table>
<thead>
<tr>
<th>Priority</th>
<th>Type of Call</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Critical</td>
<td>Life/property at risk, immediate and significant threat of serious injury or death</td>
</tr>
<tr>
<td>2</td>
<td>Moderate</td>
<td>Serious injury/threat of serious injury, or property damage with significant potential for serious injury or death</td>
</tr>
<tr>
<td>3</td>
<td>Minor</td>
<td>Minor injury/threat of minor injury, or property damage with minor potential for serious injury or death</td>
</tr>
</tbody>
</table>

Source: St. Paul Police Department.

⁴⁴ Ibid.
⁴⁶ Elmer Nordlund, Chief of Police, interview in Minneapolis, Minnesota, July 7, 1977.
⁴⁷ Ibid.
⁴⁸ Ibid.
⁴⁹ Minneapolis Tribune, p. 21.
⁵⁰ David Peerson and Joe Logan, "Black Cops: The Minor or Bad Angel?" Minneapolis Star, May 18, 1978.
⁵² Law Enforcement and Administration of Justice Report, p. 118.
⁵⁵ Ibid., pp. 533-534.
⁵⁶ Ibid., p. 387.
⁵⁷ Ibid., pp. 533-534.
⁵⁸ Ibid.
### TABLE 6.3

<table>
<thead>
<tr>
<th>PRIORITY 1</th>
<th>PRIORITY 2</th>
<th>PRIORITY 3</th>
<th>PRIORITY 4</th>
<th>PRIORITY 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFFICER DOWN, INJURED, NEEDS</td>
<td>ANY FELONIOUS CRIME IN PROGRESS</td>
<td>DOMESTICS, NEIGHBOR TROUBLE, ETC., WHERE</td>
<td>ANIMAL BITE NOT AMOUNTING TO</td>
<td>BARKING DOG</td>
</tr>
<tr>
<td>ASSISTANCE</td>
<td>ANY MATTER WHICH CALLER INDICATES IS</td>
<td>THREAT OF PERSONAL SAFETY IS NOT</td>
<td>SEVERE PERSONAL INJURY, SUSP.</td>
<td>LOUD RADIO, STEREO ETC.</td>
</tr>
<tr>
<td></td>
<td>AN URGENT NATURE</td>
<td>INDICATED</td>
<td>VEHICLES, PERSONS</td>
<td>NOISY PARTY</td>
</tr>
<tr>
<td></td>
<td>INTRUSION OR ROBBERY ALARM</td>
<td>TRAFFIC ACCIDENTS NOT INVOLVING PERSONAL INJURY</td>
<td>DISORDERLY PERSONS NOT AMOUNTING</td>
<td>PARKING COMP.</td>
</tr>
<tr>
<td></td>
<td>ANY MATTER INVOLVING PERSONAL INJURY</td>
<td>FIGHTS WHERE THE USE OF WEAPONS IS NOT INDICATED</td>
<td>TO PROPERTY DAMAGE</td>
<td>MOVING TRAFFIC VIOLATORS</td>
</tr>
<tr>
<td></td>
<td>OR IMMINENT THREAT OF SAME</td>
<td>(MUTUAL AFFRAYS)</td>
<td>ASSIST CITIZEN IN NON-EMERGENCY</td>
<td>UNWANTED ANIMALS IN HOUSE, BATS,</td>
</tr>
<tr>
<td></td>
<td>ASSIST FIRE DEPT.</td>
<td>WINDOW PEEPERS--PROWLERS--TRESPASSING EXPOSERS</td>
<td>MATTER.</td>
<td>SQUIRRELS, ETC.</td>
</tr>
<tr>
<td></td>
<td>ROBBERY OR PURSE SNATCH WHICH</td>
<td>PERSONS CAUSING PROPERTY DAMAGE NOT AMOUNTING TO</td>
<td>DRUNK DISTURBING SEE COMP. FOR</td>
<td>UNSAFE CONDITION, ROADWAY</td>
</tr>
<tr>
<td></td>
<td>OCCURRED JUST PRIOR TO CALLING</td>
<td>CRIMINAL DAMAGE</td>
<td>FELONIOUS CRIME REPORT, AUTO THEFT,</td>
<td>SIDEWALK ETC.</td>
</tr>
<tr>
<td></td>
<td>ASSAULTS IN PROGRESS WHICH ARE NOT</td>
<td>ASSIST POLICE, OTHER AGENCY, NOT AMOUNTING TO</td>
<td>FRAUD, FORGERY, SEX, ASSAULT, BURLARY,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MUTUAL AFFRAYS</td>
<td>PRIORITY #1 or #2</td>
<td>THEFT (WHEN SUCH TIME HAS</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ELAPSED THAT AN APPREHENSION IS</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NOT A PROBABILITY)</td>
<td></td>
</tr>
</tbody>
</table>

Source: St. Paul Police Department.
citizens was a communication problem with the police resulting primarily from language and cultural differences and the alleged indifference of the police to their community concerns.\textsuperscript{49} Team B-5 has the highest concentration of black citizens. Kwame J.C. McDonald, Executive Director of the Summit University Crime Prevention Council told the Committee:

While there is much needed improvement, I would compare the relationship of the community-police in our neighborhood favorable with any other community. McDonald attributes this good relationship in large part to the fact that residents are on a first-name basis with many of the officers in the B-5 Summit area.\textsuperscript{50} That is, officers and civilians in that area have apparently been able to overcome the "us versus them" mentality which many experts believe cripples effective police service to the community.

In the following chapter, selected issues in police training for Twin Cities' officers and supervisors are reviewed.

\textsuperscript{49} Ibid., pp. 115, 120.
\textsuperscript{50} Kwame J.C. McDonald, Executive Director of the Summit University Crime Prevention Council, Written Statement (Kwame J. McDonald) Aug. 9, 1978.
attitudes of police officers in terms of making them more accepting of cultural differences; field procedure training which tries to prepare an officer to respond properly in volatile situations; and environment training which provides the officer with an understanding of the social system. Interestingly enough such training programs have been widely accepted but not always effective. Police attitudes often remain unchanged, field approaches are still the same, and officers for the most part are still insensitive to the complexities of their communities' social structure.

Minneapolis Police Department

During the 1960's, the Minneapolis Police Department was very much aware of the need for community relations training and for a time provided some training which involved academics and other representatives of the broader community. But as in many other police departments, human relations or community relations was not a part of the total training process. It was and still is considered only as a special class, one which most officers consider a bore. Experts agree that this approach has not worked and will not work. The most effective training for good community relations is one that recognizes community relations as an integral part of the total operations and not a special program that is done periodically to appease certain alienated segments of the community.

During the fact-finding meeting held in Minneapolis, Police Chief Donald Dwyer was asked whether training in the Minneapolis Police Department was adequate. His response was, "No, I don't believe that police training is adequate anywhere throughout this country, especially in-service training." Dwyer added, "the police officer should be back in the classroom type setting for at least 40 hours per annum." If the Minneapolis Police Department were to implement such a training program for their 754 sworn officers, approximately 15 officers would be removed from duty each week of every year. This would be quite costly and cause serious manpower problems. The department has lost 130 officers in the last 2 or 3 years through attrition who have not been replaced because of budget cuts. As a result of overall departmental budget restrictions and cutbacks on personnel, the training division was ordered to develop an in-service training program which would not remove the officer from the street. It was reported by Captain Jack McCarthy, Commander, Administrative Services Division, that the training division was taken out of administrative services in 1978 and another director was named at which time no training was conducted for a period of eight to nine months. This year the thrust of training has focused on 18 video tapes that last 20-minutes covering legal developments and issues pertaining to stress. But no training programs deal with problems arising from cultural or ethnic diversity.

The Minnesota State Advisory Committee raised the question of training provided by the department. Lt. Ron Findorff who is presently in charge of training stated that all newly promoted sergeants and supervisors were sent to an intensive community school conducted by the FBI Academy. Findorff and McCarthy argued that training of superiors has been conducted for the last 5 or 6 years. However, when Sergeant Gerald Bridgepnan, President of the Police Federation was asked whether he had received management training or training of any kind when he was promoted to first line supervisor his response was, "I moved from the street to first line supervisor with no training at all and was put in some very precarious position." Sergeant Bridgepnan has been in the police department for the last 16 years. Furthermore, in 1978 officer Barbara Besty was promoted from officer to supervisor of the Internal Affairs Unit without any supervisory experience or training whatsoever. William Kennedy, Minneapolis Public Defender, has said that one of the major problems in the Minneapolis Police Department is that there is very little training provided to supervisory positions.

St. Paul Police Department

The St. Paul Police Department organized its first formal training program in 1920 and in 1930 established its first police academy. The early 1960's were years of a great turmoil in St. Paul. The St. Paul Police Department responded by having different community persons to lecture on their particular communities and cultures to the officers during training. These training were terminated shortly after they were begun in part because the officers interpreted them as degrading experiences. According to Lt. John McCabe, director of training, another reason for discontinuing these classes was that minority communities were not cohesive enough to identify spokes persons that would be accepted by most members of the groups. Lt. John McCabe has claimed the academy did not have time to develop a large initial or in-service cultural training program. Further, McCabe had no faith in the success of the program.

Today the Academy offers a 22-week training program which includes 680 hours of classroom instruction. McCabe has a staff of two sergeants who collaborate with him in developing courses to be included in the training program. St. Paul provides more comprehensive training for management and supervisory personnel than Minneapolis apparently does. Sergeant Timothy Erickson reported that he had received 40 hours of mandatory supervisory training. Most of the officers who were asked about training agreed that experience as a patrol officer on the beat is the best way to learn. George Hutzon, Commander of Team B-6, when asked about training for supervisors, responded "Well, I spent eight years as a patrolman, which is probably the most valuable training you can get... "He added that training was adequate.

It was evident from testimony and interviews that the St. Paul Police Department does not consider sensitizing police officers to diverse cultures in St. Paul to be an issue of high priority and necessary for good police work. In this respect, the St. Paul and Minneapolis Police Departments have been no different.
External Oversight and Control of the Police

"The operations of the police like the operations of any other administrative agency that exercises governmental authority must be subject to effective legislative, executive, and judicial review and control." The subject of external control of the police whether local or national is not a new topic within the area of criminal justice. The relationship between the police and the city government is still uncertain and not clearly defined in many areas of the country.

According to one authority, "Police accountability is critical to the democratic process. Without adequate accountability measures, the police may be used as an arm of oppression by the State, or they may behave anti-socially and illegally for their own ends." Some local governments have decided that having an elected police chief, appropriate public control can be maintained. Others have decided that by allowing the Mayor to appoint the Chief with the approval of the local legislative body policy can be better controlled. However, it is clear that neither method is a guarantee against incompetence, lack of law enforcement, and improper use of authority.

City Councils and Mayors

Minneapolis

Ultimate control in local government, is normally exercised through the ballot box. The Mayor of Minneapolis is generally considered the person in control of the police department because he appoints the Chief of Police. The Mayor serves as the representative of the Mayor and is confirmed by the city council. The Council can by two-thirds vote remove the Chief. After the Chief is chosen, he is given total responsibility to run the department. Mayor Hoffstede said, "Any chief who is a competent chief should want to make his own decisions. In addition I don't want the time to make all the decisions for the police department." I allow the chief to run the department. The City Council controls the Police Department budget by determining the budget levels each funding year. According to Mayor Hoffstede: Beginning in 1978, the office of the Mayor prepares a city budget on a line item basis. A budget analysis is assigned to the police personnel throughout the year on budget matters. General and detailed budget hearings are held with the police department during the summer months. The Mayor makes his budget recommendations by August 15. The City Council then conducts budget hearing in October and November to determine the funding level of each department for the subsequent year.

On occasion the Council commissions special committees for investigation on specific issues. For example, in 1982, during Mayor Ann's second administration when discipline and absenteeism in the police department became a real serious problem, the city council appointed a committee to investigate the department. In 1975, Mayor Hoestede and the President of the Council commissioned a special committee headed by Professor David Ward of the University of Minnesota to examine police practices and problems focusing on mechanisms for controlling police misconduct. Following a number of public hearings, the city council in October of 1976 directed the police department to develop a manual of rules and regulations. An advisory committee including citizens outside the police force was appointed to review the rules and make recommendations.

St. Paul

In St. Paul, the Mayor appoints the Police Chief but the Mayor's choice is limited to the three candidates certified by the Civil Service Commission. The Civil Service Commission determines the qualifications and fitness of the candidates applying and selects the three best candidates. After the Mayor selects one of the three the council must approve the choice. The Chief serves for a period of 6 years which may be viewed as a stabilizing factor for the Police Department. The fact that the Chief is in office for 6 years, despite any turnover in the city administration reportedly helps keep politics out of the department. Mayor George Latimer told the Minnesota Advisory Committee, "I don't believe that a good mayor is one who intervenes and starts telling the Police Chief who he should charge with a crime, which rumors or allegations should be investigated and which should not." The City Council, although a legislative body, has the power to investigate into the affairs of the city and conduct of any department, or agency. The Council for this purpose may take testimony under oath and subpoena witnesses on order for the district court. One Council member had begun to investigate police problems in St. Paul in 1979. However, on her death the investigation apparently terminated. The Council does not conduct investigations into the affairs of the police department. For the most part, its involvement in police matters has been limited to approval of the budget and appointment of the Chief.

Local Civil Rights Agencies

Minneapolis

There are presently two closely related civil rights agencies in the city of Minneapolis. First, the Department of Civil Rights is under the authority of Mayor who appoints the director with the approval of the City Council. The Department has the responsibility to investigate complaints of discrimination, and to conciliate the dispute. The Department also reviews issues such as Bilingual Education, Police Community Relations, and Civil Rights Legislation. Second, the Commission on Civil Rights which was formerly called the Commission on Human Relations conducts public hearings on discrimination complaints when attempts at conciliation by the Department of Civil Rights have failed. The Commission can also advise city agencies, work with organizations or groups interested in the objectives of the Commission, exchange information and records with State and Federal agencies and also conduct compliance reviews of employers and contractor. The Commission has 17 members, some of which must be attorneys, are appointed by the Mayor with Council consent. In addition, the city attorney provides legal staff to handle all legal matters for both the Commission and the Department.

These two Minneapolis civil rights agencies have developed from those established in the 1940's. Hubert Humphrey, Mayor of Minneapolis from 1945 to 1949 was the force behind the establishment of the

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2 Ibid.
3 Ibid.
5 Ibid., p. 32
7 Ibid.
8 Ibid.
9 Ibid.
10 Ibid.
11 Ibid.
12 Ibid.
13 Ibid.
I'd...

Against himself.

while Shanahan could not be subpoena to testify quashed the subpoena because

ordering Shanahan to appear at the Civil Rights Commission. The trial court

This led to a...

who had the support of the Police Federation and

ble cause to believe that Wiley's

violated. The Department requested that Shanahan

arresting him for suspicion of burglary because he is

Department by Earthia Wiley charging that Officer

resulted from a complaint filed with Civil Rights

the police it was possible that

thought there were no criminal charges filed against

sion.

of the Minneapolis Civil Rights

The Human Rights Ordinance states that it is a

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misdemeanor for any person to knowingly partici-

the Commission on Human Relations may result

in employment, housing, education, public

The Human Rights Department was

by

the Department of Human Rights for investigation and enforcement.

St. Paul

The St. Paul Human Rights Department was created in 1967. Since then, the ordinance creating the

City Civil Rights Commission had been amended approximately 15 times. The Director of the

Department is appointed by the Mayor with the consent of the Council.

The governing ordinance prohibits discrimination in employment, housing, education, public

services and public service on the grounds of race, color, religion, creed, sex, national origin, ancestry,

age or disability.

The Human Rights Ordinance states that it is a

misdemeanor for any person to knowingly participate

in any prohibited act.

The director of the Human Rights Department has the power to investi-

gate any alleged violations of this ordinance. If after investigating the alleged violation, he finds reason to

believe that a violation has occurred, he may refer the matter to the city attorney for criminal prosecu-

tion. He can also initiate civil enforcement proceed-

ings or try to get a settlement through conciliation which when approved by the Commission has the

same force as a Commission order. However, none of the evidence obtained in the investigation or

through the civil enforcement procedure can be used or introduced in any subsequent criminal

proceedings arising out of the same violation.

From January, 1976 to July, 1980 the following complaints were filed against the St. Paul Police

Department: Excessive Use of Force 20

Intimidation 1

Harassment 4

Physical Abuse 4

Physical Assault 7

Mistreatment 8

Some of these 24 complaints, 3 were conciliated by the department. One of the three is in the category of

harassment and two are categorized as physical assault.

According to Don Lewis, former director of the St. Paul Human Rights Department, there were a lot of

problems between the police and the black community in the early 70's. Within a few years, problems between the police and Hispanics rather than between police and blacks had become

common. At that time, complaints were being received almost on a daily basis. In 1973 the St. Paul Human

Rights Department held a public hearing around the issue of police community relations. But only 8

persons testified at the hearing and Lewis speculated that people failed to speak out because they were

fearful of police retaliation and harassment.

In March, 1975, Lewis was asked to investigate a disturbance which occurred at Fran McDonald's

Bar. The disturbance involved an altercation be-

The city is spending more new money now than earlier under the old system.

In summary, the St. Paul Human Rights Depart-

ment has made some efforts to investigate police

community problems objectively. The report pub-

lished. He reported that a recent survey conducted for the St. Paul Police Department (Crime Report) showed that 30 percent of St. Paul citizens were satisfied with local police service. Letter from Chief Wilton

McKutchon, St. Paul Police Department, to the Mayor, August 28, 1981.


The Bi-Racial Coalition of the St. Paul Police Department asked him to look into a complaint

filed by a St. Paul resident. Chief McKutchon indicated that only a few resident investigations were

conducted.
lished in 1975 by Donald Lewis contained some basic recommendations that were designed to improve relations between the police and the Hispanic community. However, according to Mr. Lewis those recommendations were never implemented.

City Attorneys

Minneapolis

The nature of the Minneapolis city attorney's involvement in issues of police misconduct is complex and takes on different forms from the type of proceeding, i.e., administrative or judicial. For example, a police officer who is administratively disciplined internally and appeals to civil service as is his statutory right will find the City attorney representing the Police Department against him if requested by the Department.35 Should the Civil Service Commission sustain the administrative sanction and the officer subsequently appeals to the district court, the city attorney will represent both the Police Department and the Civil Service Commission against the officer. In such cases, the police officers may retain their own counsel or is provided with legal assistance by the police union.34 Where a police officer sues the Police Department for employment discrimination, the city attorney also represents the Police Department against the officer.36

On the other hand, if a police officer is sued by a civilian for the same misconduct which led to the administrative sanction and that misconduct arose in the course of the officer's employment and was not for the same misconduct which led to the administrative sanction and that misconduct arose in the course of the officer's employment and was not, the city of Minneapolis, in a 1978 lawsuit, found that the city is not liable for the actions of the officer even though the officer was found guilty of a crime.38 In another situation, the city attorney represented the Police Department in civil actions alleging misdeeds of police officers, such as assault, disorderly conduct and one pleaded guilty of assault.39

However, the city has never refused to pay an officer's attorney's fees upon recompense. The city attorney's office likewise represents the Police Department in a number of civil cases in which a police officer is accused of misconduct. In 1976, for example, a judge found that the city attorney was not liable for the actions of the officer.40 The city attorney's office also represents police officers in civil actions against them when the misconduct occurs within the scope of the officers' responsibilities.42 On the other hand, the city of Minneapolis criminally prosecutes police officers for misconduct which violates St. Paul ordinances. In criminal proceedings, the city attorney's Office does not represent the officer but rather represents the State against the officer.43

Currently, there are a number of civil cases alleging misconduct of police officers pending in Minnesota courts.44 Several complaints involving police misconduct have been filed by the city, the city attorney with the city attorney's Office, the city attorney with the city attorney's Office. The city attorney's Office reviews allegations of misconduct and determines whether a complaint shall be filed.45

In the past, the Minneapolis Attorney's Office has reviewed the reports of its staff attorneys to the Police Department to provide legal opinions as needed regarding proper police action in specific situations.46 In addition, the attorney provided regular training for police officers in such constitu­tional standards for search and seizure, right to counsel, and line-up, as well as legal liability of officers for misconduct.47

The Minneapolis city attorney's office does not review police shootings nor otherwise evaluate police behavior on a routine basis other than as described above.48 At the request of the police department, however, the Office does review Internal Affairs Division case files for possible criminal prosecution.49 It is anticipated, however, that when a new police recruit class is organized the Office will participate in the initial training programs.50

St. Paul

The St. Paul city attorney's office also represents the city and the Police Department against officers who appeal disciplinary sanctions to the Civil Service Commission or bring charges of employment discrimination.51 As is the case in Minneapolis, the city attorney represents officers in civil actions against them when the misconduct occurs within the scope of the officers' responsibilities.52 On the other hand, the city of St. Paul criminally prosecutes police officers for misconduct which violates St. Paul ordinances. In criminal proceedings, the city attorney's Office does not represent the officer but rather represents the State against the officer.53

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The St. Paul city attorney's office does not participate in routine review police conduct nor does it consult with the U.S. Attorney or the County Prosecutor's Office in regard to practices of the St. Paul Police Department nor to review national trends and recommendations in regard to improving police standards and policies.58 According to Paul McCloseky, Assistant St. Paul city attorney, each of the foregoing legal bodies has its own area of responsibility and interests and those areas do not overlap.59 That is, the U.S. Attorney is involved with the FBI, the county prosecutor with the Sheriff's Police, and the city attorney with the city Police Department. As a result of this clear delineation of concern, there is no cooperative review, for example, of police shootings within St. Paul.60 In fact, the St. Paul city attorney as his counterpart in Minneapolis does not participate in any local committee to review police shootings or other uses of deadly force by city police officers. In addition, the office provides severely limited input into the training of public officers and serves as legal advisor although not as in-house counsel to the Department.

County Prosecutors

Hennepin County

The Hennepin County attorney is responsible for prosecuting all felonies committed within Hennepin County.61 That authority covers felonious misconduct of police officers directed against civilians, e.g., murder or assault in the second degree.62 Of the six cases of police misconduct presented to the Hennepin County Grand Jury during 1979, none was returned with an indictment.63 Four others were still under consider­ation by the county attorney at year's end.'4 Those 11 complaints represent charges filed originally with
the Internal Affairs Unit which were sustained and subsequently transmitted to the county attorney for consideration at gross misdemeanors and felonies.\(^{33}\)

The Hennepin County Attorney, Thomas L. Johnson, told the Minnesota Advisory Committee at its September 1979 fact-finding meeting that the police department was responsible for gross misdemeanors and felonies occurring in St. Paul.\(^{34}\) As with the Hennepin County attorney, the authority of the Ramsey County attorney flows from the State.\(^{35}\) Where a County-wide Grand Jury determines that there is probable cause to believe that conduct of a police officer constitutes a gross misdemeanor or felony and returns an indictment, the County Prosecutor is responsible under State Law for prosecuting that officer.\(^{36}\)

Investigations of police misconduct, however, are not handled by the County Prosecutor's Office but rather by a law enforcement agency such as the officer's own Internal Affairs Unit or the Bureau of Criminal Investigation.\(^{37}\) Between 1976 and 1979, two St. Paul police officers were criminally prosecuted by the County Attorney.\(^{38}\) The formal charges lodged against the officers were assault.\(^{39}\) Both officers, one of whom is no longer with the St. Paul Police Department, were found not guilty by the jury.\(^{40}\)

According to James R. Koon, Assistant County Attorney, the Grand Jury as it reviews cases of police misconduct referred to it by the Internal Affairs Unit serves as a competent citizen's review board to the extent that it evaluates whether such misconduct constitutes a criminal violation.\(^{41}\)

Like his counterpart in Hennepin County, the Ramsey County Attorney does not participate in any committee to review use of deadly force by police officers nor with the city or Federal attorneys to discuss police practices in St. Paul.\(^{42}\) The County Attorney's Office does provide initial and in-service training in regard to legal standards applicable to law enforcement proceedings. This training consists of mock courtroom experience in order to help officers prepare to testify at criminal trials and in administrative proceedings. The training in regard to legal liability by its nature does not stress optimum performance standards but rather that minimum standards below which officers incur liability for themselves and potentially for the city which employs them. In-service training is limited to changes in the law which significantly affect law enforcement activities.\(^{43}\) For example, the recent change in the State law concerning use of deadly force by police officers which significantly narrowed the situation in which the use of such force is legally permissible required such updated training.\(^{44}\) Other areas are covered as new statutory law and judicial interpretations dictate.

State Oversight

Peace Officers Standards and Training Board

In 1977 Minnesota embarked on a unique course of action by enacting a statute which established a State agency with the power to exercise control over the conduct of local police officers as well as to prescribe standards for the education and training of peace officers.\(^{45}\) The agency was named the Peace Officers Standards and Training Board (Board).\(^{46}\)

While other states had established State standards for training, Minnesota became the first State to require local police officers to be licensed at both the local and State levels. As part of its express power to license local police officers, the Board was also granted the implied power to revoke police licenses for officer misconduct.\(^{47}\) Thus, Minnesota has established a mechanism for external control and review of the conduct of individual police officers.

The Board currently consists of an executive director and 11 members.\(^{48}\) The current executive director, Mark Shields, is a former police officer who was employed by the St. Paul Police Department.\(^{49}\) The members of the Board as required by statute consist of two sheriffs, four peace officers at least two of whom are police chiefs, two persons experienced in law enforcement though not presently employed as police officers, and two members of the public, all of whom are appointed by the Governor, and the Superintendent of the Minnesota Bureau of Criminal Apprehension.\(^{50}\) The Board thus includes not only persons with a law enforcement background, but also members of the general public who together prescribe basic requirements for police officer training and oversee the conduct of individual officers with applicable State and local rules governing peace officer conduct.

An approved academic program in regard to the education and training of police officers, the Board has enacted regulations which describe the academic and skills requirements for Minnesota peace officers.\(^{51}\) There are three avenues to becoming a Minnesota police officer:

First, a local police agency may hire a high school graduate who is physically and mentally fit. The agency must then bear the costs of an extensive academic and skills training course currently offered by the St. Paul and Minneapolis Police Departments and the Minnesota State Patrol. After successful completion of such a course and upon successful completion of a qualifying exam, the officer is licensed by the State.\(^{52}\)

A second way of entering law enforcement in Minnesota is through a 2- or 4-year college program which has been approved by the Board and offers academic law enforcement courses. Upon completion of such a program, the applicant is permitted to take the academic portion of the licensure exam and subsequently to enroll in a skills program. After successful completion of the skills program and qualifying exam, and after serving a 1-year probationary period, the officer is licensed by the State.\(^{53}\)

A third route in Minnesota law enforcement is through a vocational-technical school which offers law enforcement procedures in addition to police training.\(^{54}\) This training consists of a qualifying exam, and after serving the required probationary period, the officer is licensed by the State.\(^{55}\)

Because the first method of becoming a peace officer requires local agencies to bear the costs of educating and training their new officers, it is anticipated that this traditional method will gradually be phased out, at least in smaller cities.\(^{56}\) The Board currently consists of an executive director and 11 members.\(^{57}\) The current executive director, Mark Shields, is a former police officer who was employed by the St. Paul Police Department.\(^{58}\) The members of the Board as required by statute consist of two sheriffs, four peace officers at least two of whom are police chiefs, two persons experienced in law enforcement though not presently employed as police officers, and two members of the public, all of whom are appointed by the Governor, and the Superintendent of the Minnesota Bureau of Criminal Apprehension.\(^{59}\) The Board thus includes not only persons with a law enforcement background, but also members of the general public who together prescribe basic requirements for police officer training and oversee the conduct of individual officers with applicable State and local rules governing peace officer conduct.

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has indicated that it intends to retain its police academy to provide training not only to its novice officers, but also, as needed, to other agencies throughout the State. The Minneapolis Police Department, on the other hand, intends to disband its recruit training academy, relying instead on the college and vocational-technical school programs. The minimum basic law enforcement course prescribed by the Board requires academic instruction in several subjects. These subjects are: 1) administration of justice, 2) Minnesota statutes, 3) criminal law, 4) human behavior, 5) juvenile justice, and 6) law enforcement operations and procedures. The skills training requirements are: 1) techniques of criminal investigation and testimony, 2) patrol functions, 3) traffic law enforcement, 4) firearms, and 5) defensive tactics. 

The Board is responsible for ensuring the adequacy of instruction and of instructors, both of the basic training every three years for continued licensure. The local and county police agencies are required to provide the prescribed training courses. The Board is authorized to establish a basic training academy to provide training not only to its recruits, but also, as needed, to other agencies throughout the State. The Minneapolis Police Department, on the other hand, intends to disband its recruit training academy, relying instead on the college and vocational-technical school programs. The minimum basic law enforcement course prescribed by the Board requires academic instruction in several subjects. These subjects are: 1) administration of justice, 2) Minnesota statutes, 3) criminal law, 4) human behavior, 5) juvenile justice, and 6) law enforcement operations and procedures. The skills training requirements are: 1) techniques of criminal investigation and testimony, 2) patrol functions, 3) traffic law enforcement, 4) firearms, and 5) defensive tactics.

The Board has determined what conduct constitutes a violation of its standards of conduct and thus grounds for revocation or nonrenewal of the State license. This conduct includes: 1) conviction of a felony within Minnesota or elsewhere held in good faith, 2) presenting a false statement on an important matter to the Board under oath which the officer does not believe at the time he offers the statement, or making a false statement to the Board while obtaining or renewing a license, 3) failing to comply with the Board’s continuing education requirements, 4) failing to pay the State licensing fee, and 5) violating Board rules.

Because of limited resources, the Board has decided that when it receives a complaint of alleged misconduct or a release of a local police officer, it will rely on the officer’s local law enforcement agency to investigate the facts, rather than developing its own investigative staff.Ordinarily, the Board will accept the summary and findings of the local investigation as being adequate, but will review the findings for errors, omissions, or other deficiencies. During this latter complaint investigation, the Board is permitted to use its powers to conduct personal investigations, but only if the Board determines such officers have engaged in misconduct. The role of the Board in imposing standards of conduct for individual police officers and enforcing those standards through its licensing powers is a developmental stage. Final rules were not enacted until October 1979. According to the Board, the existing rules are not comprehensive, and the Board is considering the need for a more efficient and thorough system of enforcing these rules. If the current policy proves ineffective, the Board will have to consider expanding its investigative responsibilities. At the present time, such expansion is not being considered.

The Minneapolis Department of Human Rights is mandated to investigate charges of discrimination based upon race, color, national origin, sex, marital status, age, or handicapping condition. In addition, employers who discriminate against a person on the basis of age or handicapping condition may be found liable for violating state or local laws. However, the Board is concerned about the need for a more efficient and thorough system of enforcing these rules. If the current policy proves ineffective, the Board will have to consider expanding its investigative responsibilities. At the present time, such expansion is not being considered.

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tions, and brutality for reasons of race, five complaints remain open.126 Two of these complaints involve allegations of physical brutality.127 Under the Department's criteria for speedy investigation of complaints involving physical violence, investigation of those complaints is being handled on a high-priority basis.128 In August of 1979, a case filed with the Department in 1975 against three white Minnesota National Guardsmen for misuse of force against a black woman, Willie Mae Dennis, was settled for $3,812.35.129

Since 1969 the Department has received 27 charges against the St. Paul Police Department alleging discrimination in public services and 3 complaints of race and sex based employment discrimination.130 Of the 27 complaints charging discrimination in public services, 22 were filed by blacks, 1 by an Hispanic, 2 by American Indians, and 2 by Caucasians.131 Of that total, the Department made a finding of probable cause in only one case which involved allegations that a white police officer had struck a 15-year old American Indian male in the face and encouraged a police dog to bite the unrestrained boy.132 The case was ultimately dismissed when the Department could not locate the complainant within 6 months of the time probable cause was found, two years after the complaint was filed.133

The Department does not keep a record of grievances lodged by civilians which are not grounded in one of the protected categories over which the Department has jurisdiction. Therefore the Department cannot determine how many grievances have been lodged by civilians alleging harassment or brutality which do not alleging any other specially protected basis because the Department does not have jurisdiction over these grievances. Individuals who lodge such grievances of police misconduct are ordinarily referred to another avenue such as Legal Aid or a private attorney.134 When a formal charge is accepted the Department, first investigates and makes a determination of whether or not there is probable cause to believe that the allegations have merit.135 The time from the filing of the complaint until the probable cause determination may require up to 2 years of investigative work.136 After investigation, there is an attempt to conciliate the matter.137 If conciliation fails, the Commission issues a complaint and a notice for public hearing.138 The case is then referred to the Attorney General, Office for Litigation.139 A State Hearing Examiner, who presides at a public hearing, reaches a conclusion and issues an order based upon the facts of the case.140

The hearing examiner has the authority to impose sanctions for violations although the examiner is decision is appealable to the district court and in the Minnesota Supreme Court.141 Two cases in which a hearing examiner found in favor of the Minnesota Department of Human Rights and against a Minneapolis police officer are both currently on appeal to the district court.142

In no case filed with the Department based upon alleged misconduct by a St. Paul police officer has a formal complaint been issued and, consequently, no administrative hearing has been held.143 According to Commissioner Marilyn McClure, and her investigative staff, the Department's lack of access to the Internal Affairs Unit files does not preclude the Department from taking action against police officers.144

Although the Minneapolis Governmental Data Act,145 and the Minnesota Department of Human Rights, Police Commission, 14, 10, 12-13, 15. The Minneapolis Police Department's Face Recognition Information Unit, in cooperation with the National Center for Missing and Exploited Children, the St. Paul Police Department, and the Minneapolis Police Department, was established to facilitate the investigation of missing children. The Minneapolis Police Department provided the Unit with the photographs of the missing children. The National Center for Missing and Exploited Children provided the photographs of the children's facial recognition data. The Minneapolis Police Department provided the photographs of the missing children's faces. The Minneapolis Police Department provided the photographs of the missing children's faces. The Minneapolis Police Department provided the photographs of the missing children's faces.

Specifically, where a final disposition has been reached, the name of the complainant, the internal disposition of the Minneapolis Governmental Data Act, the Minneapolis City Code, and the Minneapolis Commission on Human Rights, are relevant to incidents of alleged police misconduct which do not allege a racial or sexual basis for discovery.147

According to the Executive Director of the Police Officers Standards and Training Board, such action by St. Paul or any other city would not relieve the city of its statutory obligation to investigate thoroughly for the Board all complaints of police misconduct in violation of Board rules and regulations.148 In a series of recent decisions, the municipal court of Ramsey County has determined the Minnesota Governmental Data Act must be interpreted as categorically exempt from the Act.149 Therefore, the St. Paul Police Department Internal Affairs Unit files to be public.150 Specifically, where a final disposition has been reached, the name of the complainant, the internal disposition of the Minneapolis Governmental Data Act, the Minneapolis City Code, and the Minneapolis Commission on Human Rights, are relevant to incidents of alleged police misconduct which do not allege a racial or sexual basis for discovery.151

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The Law Enforcement Assistance Administration (LEAA) which is currently being phased out156 has been one source of Federal funding flowing to the nation's police departments.157 Funding has been available for such programs as law enforcement.
A second source of Federal funds flowing to the Twin Cities' police departments is the Office of Revenue Sharing (ORS), Department of the Treasury, which disburses monies under the Fiscal Assistance to State and Local Governments Act. As a condition to receipt of ORS funds, a municipal grantees is required to hold at least one public hearing on proposed expenditures of Federal revenue sharing funds no less than 7 days before the city budget is presented to city council for approval. A second hearing on the final proposed budget and allocation of the revenue sharing funds to city council is also required. In addition, the Act requires that the city council report on the proposed expenditures of Federal revenue sharing funds and that a report of how the revenue sharing funds have actually been expended. Public participation in deciding the most appropriate uses for the revenue sharing funds is encouraged by the Act.

The city of Minneapolis has established a criminal justice council required under a recent local law which enacts the board evaluates plans for local law enforcement activities, provides technical assistance in developing crime prevention programs, funds local criminal justice activities, and performs a number of other facilitative services for Minneapolis city and the Twin Cities.

A special program utilizing CETA funds has been utilized in the Twin Cities. The Minneapolis Police Department, under the Comprehensive Employment and Training Act (CETA). The purpose of CETA, which was enacted in 1973, is to provide training and to encourage employment opportunities for economically disadvantaged individuals who are underemployed and unemployed.

Minneapolis has devoted some of its CETA funds to an affirmative action educational program. A special program utilizing CETA funds has been utilized in the Twin Cities.

The Minneapolis Police Department has received nearly $3 million in Federal funds for its $14.57 million law enforcement budget. In Minneapolis, law enforcement activities represent approximately 10 percent of the total city budget while in St. Paul those activities regularly consume 22 percent of the total St. Paul budget.

Law enforcement represents a significant public expense for the Twin Cities.

Enforcement of Civil Rights

Misuse of Force

The Minneapolis Advisory Committee originally focused its attention on the Minneapolis and St. Paul Police Departments only after receiving a number of complaints from citizens and community groups that some police officers were subjecting blacks, Native Americans, and Hispanics to unnecessary and abusive force because of their minority status. The Committee also received complaints that law enforcement agencies were not fully admitting and thoroughly investigating complaints from individuals and from community groups, and that some police officers were subjecting blacks, Native Americans, and Hispanics to unnecessary and abusive force because of their minority status. The Committee also received complaints that law enforcement agencies were not fully admitting and thoroughly investigating complaints from individuals and from community groups, and that some police officers were subjecting blacks, Native Americans, and Hispanics to unnecessary and abusive force because of their minority status.
The DOI is responsible for coordinating the enforcement efforts of Federal funding agencies under Title VI. In addition, DOI has promulgated extensive regulations setting forth standards and procedures to implement Title VI. For example, every recipient of Federal funds must, as a condition of receiving benefits, provide an express assurance that it will comply with the nondiscrimination requirements of Title VI. If it appears to the funding agency that the assurances are 'untrue or are not being honored,' these DOI guidelines provide for investigation and, if necessary, an administrative or judicial proceeding to secure compliance or to terminate funding. The regulations also provide for consolidated hearings in certain circumstances when two or more Federal agencies are funding a single recipient who is alleged to be in noncompliance with Title VI.

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close to provide ORS with jurisdiction to enforce compliance.

Police departments exist to benefit the communities which maintain them. Therefore, the ultimate beneficiaries of police services and, therefore, of the ORS funds are members of the civilian community. No police departments or ORS funds may discriminate against members of racial minorities through infliction of excessive force or otherwise and still comply with the ORS requirements. However, in order for ORS to hold the police department or the city itself liable for racially motivated misuse of force by individual police officers as a basis for fund termination or prohibition of any monitoring activities in regard to these statutes enacted subsequent to the Civil Rights Act of 1964, the 1973 Comprehensive Employment and Training Act (CETA) enactment prohibited discrimination in any CETA funded program based on race, color, creed, national origin, or sex, and political affiliation. Whenever a prima facie case of a CETA program, e.g., a city or a subgrantee or a community-based organization, failed to comply with the nondiscrimination provisions, the Secretary of Labor (Secretary) was empowered to seek compliance. If the prima sponsor or subgrantee refused to alter its practices, in bringing the recipient into compliance with CETA nondiscrimination requirements, the Secretary was authorized either to refer the matter to the DOJ for enforcement proceedings or to proceed directly under Title VI to an administrative hearing in order to terminate funding.

The provisions discussed above have remained except for the addition of age, handicap, and religion, as protected categories. Under the regulations enacted by DOJ under its CETA responsibilities, every application for CETA funding must be accompanied by assurances that the recipient will comply with the nondiscrimination and affirmative action requirements. In addition, the regulations provide for periodic compliance reviews by the DOJ. If a recipient is found to be engaging in unlawful discriminatory conduct and such conduct provides for periodic compliance reviews by the DOJ. If a recipient is found to be engaging in unlawful discriminatory conduct and such conduct does not result in bringing the recipient into compliance, the DOJ may bring a criminal action against the individual or individuals responsible for the recipient's culpability.

The Employment and Training Administration (ETA) is responsible for monitoring the implementation of affirmative action requirements. ETA has received no complaints of discrimination under the CETA program in either Minneapolis or in St. Paul arising from the conduct of police officers. In addition, regular monitoring of the Twin Cities CETA programs by ETA has revealed no areas of noncompliance with CETA requirements. If complaints of unlawful discrimination based on excessive force or brutality were received, however, ETA has determined that it would refer the matter to DOJ for review and enforcement.

The Attorney General, DOJ, is authorized to bring criminal actions on behalf of individuals who deprive other persons of their civil rights under a number of statutes. Under one authority, 18 U.S.C.§241 (1976), the Attorney General may institute criminal proceedings against persons who conspire to injure anyone in the exercise of his or her constitutional or other federally secured legal rights. Under a second authority, 18 U.S.C.§242 (1976), the Attorney General may bring a criminal action against and local public employees who willfully deprive an inhabitant of a State of his or her constitutional or other federally protected rights. In addition, the Attorney General may bring a criminal action under 18 U.S.C.§245 (1976) against anyone who willfully inflicts or attempts to injure any person because of his or her race who is exercising a federally protected right. These three potential jurisdictional bases for criminal action against a police officer who brutalizes a civilian, the Attorney General generally proceeds under §242. According to the Criminal Section, DOJ, §245 would not be appropriate for litigating the misuse of force by police personnel.

Both 18 U.S.C.§241 and §242 currently require for a finding of guilt that the defendant specifically intended to deprive the citizen or inhabitant of the State of his or her constitutional or other federally protected right. In Sovereign v. United States which expressly established this principle, a young black man was arrested and then beaten to death by police officers. The Supreme Court determined that only if the defendant peace officers had specifically intended to deprive the victim of a federally protected right, in this case his Sixth Amendment right to be tried by a jury rather than by a court, i.e., by a beating, could the officers be found guilty. The specific intent requirement has severely hampered the ability of the Attorney General to protect the rights of civilians against the excessive use of force by police officers. However, under a proposed revision of the criminal code, this specific intent requirement would be eliminated.

A further impediment to the ability of the Attorney General to protect civilians against the excessive use of force by police personnel in many states is a State use of force policy based on the common law which permits police officers to use deadly force against civilians to effect the arrest of any unarmed but escaping felon. Where a peace officer's use of deadly force has resulted in the death of a civilian, a State law at least one U.S. Attorney has determined that the officer appears to be immune from federal prosecution.

Until recently, Minnesota peace officer use of force policy accorded with the broad grant authority under federal law. In 1978, the Minnesota legislature enacted a new and restrictive use of force statute which permits peace officers to use deadly force against civilians only 1) to protect self or others, 2) to effect the arrest of an individual who either committed or attempted a felony with the actual or threatened use of force, or 3) to effect the arrest of an individual who committed or attempted a felony where the officer reasonably believes that the individual will cause death or great bodily harm if his or her apprehension is delayed. By tightening up its own State peace officer use of deadly force policy, Minnesota has effectively, albeit inadvertantly, expanded the jurisdiction of the Federal government over police officer's actions.

The DOJ has received a number of complaints of excessive use of force by police officers in the Twin Cities over the last several years. Since January 1, 1976, the DOJ has received 17 complaints of misuse of force against Minneapolis police officers and 6 against St. Paul officers. Those complaints have been principally allegations of brutality.

One complaint arising from the conduct of a Minneapolis Police Officer involved the shooting of...
a civilian, and was triggered by a local newspaper article. Two complaints including a shooting incident arising in Minneapolis remain open at the present time, one involving a black male and one a white male civilian. The others have all been closed without criminal prosecution. Of the 17 complaints filed against Minneapolis police officers, one was made against a female, seven by black males and eight by white males, and two by racially unidentified males. Of the six complaints lodged against St. Paul officers, two were filed by black males, two by white males, and two by racially unidentified males.

The foregoing complaints against Twin Cities' police officers were originally filed with the Federal Bureau of Investigation in Minneapolis. The local FBI responded in one of three ways to the complaints in accord with routine procedures. Ten of the complaints including the two pending in Minneapolis were handled by the local FBI office through its "preliminary investigation" procedure. This procedure involves interviewing the complainant and/or victim, checking local FBI records on the complainant, victim, and subject, interviewing all eyewitnesses, locating and preserving physical evidence and then contacting the U.S. Attorney for his opinion on the merits of the case and the need for further investigation. The FBI handled six of the complaints through its "limited investigation" procedure. This procedure involves investigating the complaint and/or victim, checking local FBI records on the complainant, victim, and subject, interviewing all eyewitnesses, locating and preserving physical evidence and then contacting the U.S. Attorney for his opinion on the merits of the case and the need for further investigation. The FBI handled six of the complaints through its "limited investigation" procedure. This procedure involves investigating the complaint and/or victim, checking local FBI records on the complainant, victim, and subject, interviewing all eyewitnesses, locating and preserving physical evidence and then contacting the U.S. Attorney for his opinion on the merits of the case and the need for further investigation. The FBI handled six of the complaints through its "limited investigation" procedure. This procedure involves investigating the complaint and/or victim, checking local FBI records on the complainant, victim, and subject, interviewing all eyewitnesses, locating and preserving physical evidence and then contacting the U.S. Attorney for his opinion on the merits of the case and the need for further investigation.

Discrimination in the Allocation of Police Services

The Minnesota Advisory Committee also received complaints from members of minority communities in the Twin Cities that their neighborhoods were "overcontrolled and scrupulously protected" by their police. These complaints are discussed more fully in Chapter 4.

The responsibility of various Federal funding agencies to ensure that the beneficiaries of those funds are not denied their fair share of those monies for reasons of race, color, sex, or national origin have already been discussed. Where allegations that police services and benefits are being inequitably distributed are based on economic or social factors, however, Federal funding agencies do not have jurisdiction to require that police departments alter their policies.

The Department of Justice has received no complaints of racial, national origin, or sex based discrimination in the distribution of police services in violation of Title VI, LEAA, ORS, and ETA, and has also received no complaints under its respective authorities. Consequently, no Federal agency is currently monitoring nor intends to monitor the equal distribution of police services throughout the geographic jurisdiction of the Minneapolis and St. Paul Police Departments.

Employment Discrimination

As indicated in Chapter 3, minorities and women are underutilized in the Minneapolis and St. Paul police departments, particularly in the higher ranking positions. For example, stated directly or implicitly in the Minneapolis Police Department's employment statement, the Minneapolis police population is just 88 percent white, 97.6 percent of the 546 sworn officers are white, 99.4 percent of all promotions are among whites, and 99 percent of the 218 sworn officers are white.

The Equal Employment Opportunity Commission (EEOC) is primarily responsible for enforcing Title VII which forbids employment discrimination based upon sex or race. Not only is discrimination in hiring prohibited, but also discrimination in promotion, pay, assignment, and other terms and conditions of employment. If EEOC receives complaints of unlawful discrimination, it mailed a letter of response to the complainant, and if the case is found to be procedurally proper, the EEOC refers the case to a Federal agency for review. If the EEOC determines the case to be procedurally improper, a complaint is dismissed. The EEOC forwards the case to the DOJ for judicial enforcement.

Since 1976, the EEOC has received two complaints of sex-based employment discrimination against the Minneapolis Police Department. Both complaints alleged sex discrimination in hiring and in assignment. One complaint was closed without action by the EEOC at the end of 1976. The second complaint is currently active with the EEOC awaiting analysis of relevant data by its statistical unit. These are the only employment discrimination complaints which have been filed with the EEOC against the Minneapolis Police Department.

Between 1972 and 1976, three complaints of employment discrimination were filed with the EEOC against the St. Paul Police Department. Two complaints involved alleged sex discrimination in promotion and conciliation failed. These complaints were closed without enforcement action by the EEOC.

The complaint filed by the black male was closed without enforcement action after the EEOC learned that the black male had been discharged by the police, even though he had filed a complaint challenging the reasons for his discharge. The black male was also represented by counsel who negotiated his discharge, which the EEOC was prepared to challenge in court. The EEOC, however, did not file suit because the discharge was based on a determination of no probable cause and it was not file for a right-to-sue letter.

Employment discrimination complaints are discussed more fully in the EEOC's 1976 report to Congress.

In addition, discrimination based on sex and race, national origin, or handicap is prohibited. In these matters, the St. Paul Police Department is required to file annual compliance reports with the EEOC. Since 1976, the EEOC has received no complaints of employment discrimination.

The Office of Civil Rights Compliance of LEAA has reviewed the required Equal Employment Opportunity Program (EEOP) submission from Minneapolis and has determined that it complies with the policies in that program. LEAA has not been required to submit an EEOP for review. The Office of Civil Rights Compliance of LEAA reports that it has no reason to investigate the St. Paul EEOP since it has received no complaints of employment discrimination.
dissparity" between the recipient's work force and the nonlabor market work force.\textsuperscript{104} According to Treadwell O. Phillips, Manager of the Civil Rights Division, ORS, no complaints of employment discrimination have been received arising from the practices of either the Minneapolis or the St. Paul Police Departments.\textsuperscript{105} As a result, ORS has not investigated either of the Twin Cities' Police Departments beyond a cursory review of the required nondiscrimination assurances. The CETA program is principally designed to provide job training and employment to economically disadvantaged persons.\textsuperscript{106} The statute which mandates the CETA program forbids discrimination based on race, color, sex, or national origin and further prohibits denying an otherwise qualified applicant employment on these bases in any program or activity funded with CETA monies.\textsuperscript{107} The accompanying regulations also prohibit such discrimination.\textsuperscript{108} Therefore, if race or sex-based accompanying regulations also prohibit such disparity between the recipient's work force and the potential labor market work force.\textsuperscript{109} In addition, discrimination based on religion, age, handicap, political affiliation or belief, and citizenship status is also prohibited under the CETA amendments.\textsuperscript{110}

However, if race or sex-based employment discrimination were alleged, the Employment and Training Administration (ETA) would have no jurisdiction to determine whether the recipient to bring its practices into compliance with the nondiscrimination requirements of CETA.\textsuperscript{111} If informal conciliation efforts fail, the Administration would have to proceed to an administrative hearing to seek compliance or fund termination.\textsuperscript{112}

The ETA has reviewed the submissions of the cities of Minneapolis and St. Paul who, as prime sponsors, are responsible for the compliance of their departmental grantees with the CETA nondiscrimination requirements.\textsuperscript{113} Review by ETA has revealed no areas of noncompliance by either the Minneapolis or St. Paul Police Departments.\textsuperscript{114}

The present chapter has analyzed the authority of local, state, and Federal agencies to review the practices of the Minneapolis and St. Paul Police Departments in regard to use of force, distribution of police services, and employment discrimination. In addition, the monitoring and enforcement activities of these agencies has been discussed. The following chapter will compare the policies and practices of the Minneapolis and St. Paul Police Departments.\textsuperscript{115}

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\textsuperscript{104} 31 C.F.R. §12.62(a)(1980).

\textsuperscript{105} Telephone interview, Jan. 3, 1980.


during interactions with civilians is a significant source of police policy-making. Thus actual law enforcement policy is to a large extent created neither by upper echelon police personnel nor by civilians, but rather by non-supervisory police personnel. For example, an individual police officer who decides to stop and question all black juveniles riding bicycles in white residential areas is creating police policy. Such policy could receive neither official authorization by upper-level police administrators nor approval of the community-at-large. For example, an individual police officer riding bicycles in white neighborhoods as contrasted with those depressed neighborhoods as contrasted with those from other areas of the Twin Cities.

The unwritten departmental rules lower level personnel of broad discretion to establish official policy is unique to policing. In most occupations, the extent of individual discretion varies directly with the level of the decision-maker in the organization. This occurs because the amount of latitude granted to the decision-maker is a function of his or her power and control. The unique situation in policing indicates that the greatest power and control is possessed by the entry-level police officer who routinely develops his own law enforcement policy through on-the-spot judgments. These judgments are often made in low visibility situations when both officer and civilians are under stress. Emotion-laden situations have been found to be inappropriate occasions for policy formulation. For example, studies have indicated that stressful confrontations do not lead to rational problem-solving but rather represent a principal cause of police officer misrecognition of provocations and threat and, consequently, a significant source of officer-civilian violence.

Experts agree that police officers need firm and clear administrative rules to limit discretion and guide officers in the proper exercise of their responsibilities to "serve and protect," in an even-handed way. For example, if it is determined that the congregation of individuals on connecting pedestrian skyways impedes the flow of traffic and must be prohibited, then even-handed law enforcement policy would require that all groups of individuals, be they white, female, black, Hispanic, juvenile, or otherwise be asked to congregate elsewhere. Recognition of the need for limiting discretion to achieve even-handed law enforcement is found in the National Advisory Commission on Criminal Justice Standards and Goals. In their 1973 report, Police, the Commission concluded:

> The U.S. Commission on Civil Rights, Fair hearings meeting, August 8-9, 1979, transcript (hereafter cited as Minneapolis Police Department, Minneapolis Transcript, p. 85).


Every police agency should acknowledge the existence of the broad range of administrative and operational discretion that is exercised in the community. Therefore, acknowledgment should take the form of comprehensive policy statements that publicly establish the limits of discretion, that provide guidelines for its exercise within those limits, and that eliminate discriminatory enforcement of the law.

Both Minneapolis and St. Paul have developed official policies in regard to the proper exercise of discretion by police officers. In both cases, the departmental policies represent modifications of the Los Angeles Police Department standards developed in 1972. Both the Minneapolis and the Los Angeles Police Department Manuals state: "In order to respond to varying law enforcement needs in the different parts of the City, the Enforcement Policies must have flexibility in development and methods of enforcement; however, enforcement policies should be formulated on a city-wide basis and applied uniformly in all areas." The Manuals do not, however, provide guidance for officers in specific situations.

St. Paul provides that law enforcement decisions must be at all times reasonable, based upon the facts of the situation and the judgment of the officer. The Minneapolis Enforcement Policies require that even-handed law enforcement policy be formulated on a city-wide basis and applied uniformly in all areas. The Manuals do not provide guidance for officers in specific situations.

Civilian Participation in Policing

Administrative Rulemaking

The Minneapolis Police Department manual rules and regulations were enacted without broad citizen participation. St. Paul also promulgated its Police Department manual with little subjecting the proposed rules and regulations to public scrutiny. Neither Twin Cities police departments currently provide notice to the public prior to a new rule or regulation codifying law enforcement policy is enacted nor before one is amended. As a result, citizens in the Twin Cities do not participate directly in the development of a law enforcement goals and priorities, in the determination of the limits of police discretion, and in the standards for police conduct.

Neighborhood Advisory Committees

Neighborhood Advisory Committees are an integral part of the decentralized team police concept. These Committees can provide residents whose function it is to advise the neighborhood police agency about local problems in law enforcement. Both Minneapolis and St. Paul have established citizen advisory councils as a component of their team procedures. However, according to former Minneapolis Chief of Police Elmer Nordmeyer, most advisory councils have been inactive and have provided only very limited input into the development of departmental policy. In addition, because of financial constraints, Minneapolis is moving away from the decentralized team police approach, a move which will further distance police from non-emergency contact between police and community members.

Budget constraints, however, have maintained its advisory councils despite budget constraints. During the early years of team policing in St. Paul, these councils were very active. Over time, however, police participation in these councils has reportedly become less active, limiting community involvement in the monitoring of law enforcement policy and police conduct.

Officer Participation in Community Affairs

One avenue of improving communication between police personnel and civilians and lessening friction which is reportedly endemic to police is through community advisory councils. Officers are permanently assigned through a combination of internal and external procedures. Several of the mechanisms for reviewing the recommendations of the National Advisory Commission on Criminal Justice Standards and Goals report recommended that such stable working hours diminish work-related stress and contribute to family stability. The fixed shifts could also enable officers to commit themselves to active involvement in community affairs. Nonetheless, those officers who volunteered to talk with the Minneapolis Police Advisory Committee all reported that they do not routinely take an active part in community affairs. As a result, an excellent opportunity for informal communication between police and civilians is being missed.

Reviewing Police Conduct

Several of the mechanisms for reviewing the conduct of individual police officers and, where necessary, imposing sanctions for misconduct discussed below have been implemented or proposed in various communities. None has received the unqualified approval of police and civilians and community members.

Internal Affairs Units (IAU)

Internal Affairs units designed to investigate allegations of police misconduct and make recommendations for action to the departmental police chief have been widely established in response to the recommendations of the National Advisory Commission on Criminal Justice Standards and Goals.

That Commission and others have emphasized the necessity for an effective internal discipline system consisting of a separate investigation unit to determine the facts underlying allegations of police misconduct and a chief administrative officer willing to accept the responsibility for the conduct of his or her subordinates and equally willing to control abuses.

Officers assigned to the internal affairs unit report that their jobs are difficult and that they suffer severe personal problems. According to Arthur Niederhoffer, professor of criminal justice and former police officer, officers hesitate to violate professional solidarity to turn in an officer for misconduct. Niederhoffer reports that a rule in New York which requires officers to report the misconduct of fellow officers is known informally as the "rat rule" which no officer with "self-respect" obeys. The stigma appears to carry over to internal affairs assignments. As a result, experts including the authors of the National Advisory Commission on Criminal Justice Standards and Goals report recommended that such officers be rotated on a regular basis.

One way in which an internal affairs unit can be used as a preventive as opposed to a punitive agency is in regard to police misconduct is through regular monitoring of the conduct of all police personnel. A complaint card on each officer is maintained which lists all complaints lodged against the officer and the ultimate disposition of the complaint regardless of outcome. If a pattern appears to be developing, the officer's captain is notified, generally the captain engages in a counseling program with the officer to assist the person in altering his or her behavior before punitive action becomes necessary. In one community, Los Angeles, California, such a monitoring system was effective in reducing complaints 50 percent.


Police, p. 175.

Police, p. 251.

Police, Standards 16:1, pp. 473.

Stewart, p. 242.

Minneapolis and St. Paul both maintain internal affairs units. While the Internal Affairs Unit of Minneapolis does not routinely monitor the conduct of police officers, the St. Paul Internal Affairs Unit does monitor the conduct of police officers. While the Minneapolis Police Department does not routinely monitor the conduct of police officers, the example, monitors charges of resisting arrest or civilians, charges of excessive use of force by police officers, peer review panels have also been recommended and implemented in at least two cities, Oakland, California and Kansas City, Missouri. The concept of the peer review panel was developed by Hans Toch, an eminent professor of criminal justice for the Oakland police department. Toch has worked extensively to develop ways of eliminating all excessive force inflicted by police officers on civilians. In his opinion, a goal he believes is essential in a democratic society. In working with the Oakland police department, Toch was able to identify a few officers who appeared to be violent prone, and more likely than others to become involved in physical confrontations with civilians. Rather than merely advocating positive action against such officers, Toch implemented a peer review panel which was established in 1975 at the Minneapolis Police Department. Toch was a member of the panel, which consisted entirely of fellow police officers, including members who themselves had earlier been referred for involvement in violence. Toch believed that those officers who had successfully curbed their own tendencies to respond to civilians with excessive force would serve as successful role models.

Resolving Civilian-Police Disputes

Office of Ombudsman

The Ombudsman concept has its roots in Europe.

Conflicts between police and the public are inevitable. The police are charged with maintaining order and enforcing the law, while the public has a right to expect law enforcement officers to behave in a fair and impartial manner. The role of the ombudsman is to act as an impartial intermediary in resolving conflicts between the police and the public. The ombudsman is typically an independent, non-law enforcement individual who is appointed by the police department. The ombudsman's primary function is to provide a forum for the public to voice complaints against the police and to ensure that the police department's policies and procedures are followed.

The ombudsman is often referred to as the "neutral third party" or the "conciliation officer." The ombudsman is not a lawyer and does not represent the interests of the public or the police department. The ombudsman's role is to facilitate the resolution of disputes between the police and the public through a process of mediation and conciliation.

The ombudsman is typically appointed by the police department's director or chief. The ombudsman is chosen for their ability to act as an impartial mediator and for their knowledge of the police department's policies and procedures. The ombudsman is often a retired police officer or a former police officer who has been trained in mediation and conciliation.

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The recommendation of the Ward Report that an office of ombudsman be established in Minneapolis has not been implemented. However, in discussing the ombudsman concept, the former Minneapolis Chief of Police, Donald R. Dwyer, indicated that he would support this form of external review if the office had the power and responsibility to monitor all city departments, not merely the police department, and if the choice of ombudsman was totally apolitical.

The Mayor of St. Paul, George Latimer, has stated that establishing an office of ombudsman in St. Paul is unnecessary. According to Latimer, such external review would not be as effective as the current St. Paul practice which utilizes "an aggres-
vative complaint and information office with a City Council and Mayor that supports aggressive investiga-
tion of a whole range of complaints." Latimer has concluded that an ombudsman "which is re-
moved and is of necessity in a rather ivory tower setting in which there will be a case-by-case resolu-
tion at best" would be ineffective.

**Arbitration**

Although arbitration and its conceptual sister mediation\(^{93}\) have been used extensively to resolve disputes in a variety of problem areas such as landlord-tenant, minor criminal matters between defendans and victims, labor disputes, and grievances in prisons, they have not been utilized in resolving civilian-police disputes.\(^{88,93}\) Arbitration and mediation of such disputes could, however, be utilized to supplement the activity of internal affairs units.\(^ {93}\) Arbitration involves a neutral decision-maker at appellate level.\(^ {98}\)

The arbitrator evaluates the respective positions of the disputants together with the underlying facts and decides what action is appropriate.\(^ {98}\) In voluntary as opposed to binding arbitration, his or her decision is persuasive but not binding on the par-

\(^{98}\) Minneapolis Transcript, p. 611.

\(^{98}\) Ibid, p. 700.

**Mediation** (64)\(^{93}\) involves a neutral decision maker (the arbitrator) who assists the parties reconcile their differ-
tences through recognition of common interests.\(^ {57}\) Thus, an individual would continue to file a com-

\(^{98}\) Ibid, p. 700.

\(^{93}\) Minneapolis Transcript, p. 799.

\(^{98}\) Ibid, p. 700.

\(^{88}\) Ibid, p. 700.

\(^{57}\) Ibid, p. 700.

\(^{93}\) Minneapolis Transcript, p. 611.

\(^{98}\) Ibid, p. 700.

\(^{98}\) Minneapolis Transcript, p. 611.

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\(^{93}\) Minneapolis Transcript, p. 611.

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Chapter 10

Findings and Recommendations

The present study of the Minneapolis and St. Paul police departments was undertaken by the Minnesota Advisory Committee after receiving a steady stream of complaints about police practices in the Twin Cities. These complaints originated principally from residents of minority and poor neighborhoods. The complaints alleged that some officers were mistreating force against civilians and that these abuses when reported to the respective police departments were being tacitly condoned by lack of official action. In addition, the committee received a number of complaints that minority and poor neighborhoods were often underprotected against criminal activity by the police. In short, the complainants alleged that their communities were "underprotected and overcontrolled." In response to the urging of a number of individuals and community groups in the Twin Cities, the Minnesota Advisory Committee launched an investigation of police practices in Minneapolis and St. Paul. The committee reviewed official policy-making and training procedures, as well as the experiences and perceptions of community residents and police personnel, including administrators, supervisors, and officers. The committee held two-day, fact-finding meetings in both Minneapolis and St. Paul at which knowledgeable persons presented facts and opinions concerning problems in the operation of the two police departments and ideas for solving these problems. In addition, the committee analyzed a mountain of relevant data submitted by the Twin Cities' police department and other local, state, and federal agencies.

Specifically, the committee evaluated use of force policies and practices, delivery of police services, and the employment of minorities and females by Minneapolis and St. Paul police departments. The most significant problem from which the committee identified at the local level appears to be the lack of community input into the establishment of departmental policy and in the review of police practices. The latter is due in large part to the unavailability of essential data on persons outside the Twin Cities' police departments which are essential to adequate monitoring activities. Thus, there is currently no satisfactory answer to the question "who polices the police" in Minneapolis and St. Paul.

In addition to reviewing departmental policies and practices, the committee also evaluated the oversight of local, county, state, and federal agencies charged with various responsibilities to ensure high quality police performance. While deficiencies were certainly found, the committee also concluded that Minnesota has recently enacted some exceptionally progressive legislation which hopefully will ensure well-qualified police personnel and provide external control of police discretion and external sanctions for abuses of police authority.

The following section sets forth the specific findings made by the Minnesota Advisory Committee for each of the Twin Cities' police departments. Recommendations to solve the problems identified are also presented. Although the initial phase of the committee's work has now been completed, the committee will continue to monitor the Minneapolis and St. Paul police departments and evaluate the impact of changes currently being proposed and implemented.

Findings

Problem: Police v. the Community

Minneapolis

Minority citizens in Minneapolis distrust the police and believe that their communities suffer greater abuse at the hands of the police than their white counterparts.

St. Paul

Tensions between members of minority communities and the police persist and, as in Minneapolis, minorities in St. Paul perceive that the St. Paul Police Department discriminates against members of their communities, particularly the Hispanic community. One consequence is a high level of distrust in minority communities of St. Paul Police officers.

Use of Force

Minneapolis

1. The Minneapolis Police Department does not adequately prepare its officers to use persuasive techniques to achieve civilian cooperation with immediate law enforcement goals.

2. In comparison to professionally mature officers, younger and inexperienced officers are more likely to use force against civilians.

3. The Minneapolis Police Department use of deadly force policy conforms with state law.

4. Although Minneapolis police officers rarely use deadly force against civilians, the number of shots fired doubled in 1979 over the number fired in 1978, an increase which is cause for alarm.

St. Paul

1. The St. Paul Police Department Manual requires police officers to use force to control situations only after other reasonable means have been attempted or would clearly be ineffective.

2. The St. Paul Police Academy provides inadequate training to recruits and to inexperienced officers in techniques for controlling situations other than through force.

3. In comparison to professionally mature officers, younger and inexperienced officers are more likely to use force against civilians.

4. Many citizens have complained that St. Paul police officers abuse their authority through verbal and physical harassment.

5. The St. Paul Police Department use of deadly force policy conforms to state law.

6. The number of shots fired by St. Paul police officers has been steadily diminishing over the last 10 years.

Accountability

Minneapolis

1. The Minneapolis Police Department's Internal Affairs Unit does not adequately respond to citizens' complaints against Minneapolis police officers.

2. Minority citizens in Minneapolis generally have little confidence in the Minneapolis Police Department's Internal Affairs Unit.

St. Paul

Many minority citizens in St. Paul have little confidence that complaints against police officers in the St. Paul Police Department will be fairly and effectively dealt with by the Internal Affairs Unit.

Employment in the Twin Cities Police Departments

Minneapolis

1. The Minneapolis Police Department personnel records indicate that there is a serious underutilization of women and minorities.

2. The majority of women and minority sworn officers in the Minneapolis Police Department are at the entry level of police officer. Given the concentration of minorities and women at the officer's level and the present number of ranking white administrators, it will be a considerable time before a substantial number of minorities and women will obtain high ranking administrative positions.

3. Although the Minneapolis Civil Service Commission hired an outside consultant to validate its police tests, the Commission decided to complete the validation study itself because of time constraints.

4. The Minnesota Peace Officers Standards and Training Board (POST Board) does not intend to validate the licensing examination because it has concluded the test does not fail under the Equal Employment Opportunity Commission (EEOC).
Uniform Guidelines since the test is not a selection tool. The EEOC General Counsel, however, has indicated that indeed the POST Board licensing examination does fall under the Uniform Guidelines and must be validated.

5. The recent change in the tenure of the Chief of Police to three years instead of two is a positive step toward ameliorating political influence in the appointment process and, it is intended to reduce the disruptive internal instability which has been characterized by the department.

St. Paul

1. Employment figures of entry-level personnel in the St. Paul Police Department today do not indicate a serious underrepresentation of minorities. However, in the Minneapolis Police Department, above the rank of police officer, minorities and women are significantly underrepresented. Although the St. Paul Civil Service Commission has indicated that examinations for police officers have been validated, there is still a disproportionately high number of women applicants who fail the examinations.

Distribution of Police Services

General Findings

Members of black and Hispanic communities perceive and have experienced prejudicial attitudes and discriminatory treatment from both the St. Paul and Minneapolis Police Departments. Further, blacks in Minneapolis have complained to the police and, on occasion, to the Mayor about the police over-patrolling their neighborhoods as well as not over-patrolling their neighborhoods as well as discriminatory treatment from both the St. Paul and Minneapolis Police Departments. Above the entry rank of police officer, minorities and women are significantly underrepresented. Although the St. Paul Civil Service Commission has indicated that examinations for police officers have been validated, there is still a disproportionately high number of women applicants who fail the examinations.

Minnesota

The Minneapolis Police Department has a small number of Hispanic police officers assigned to areas with a high concentration of Hispanic residents. The outstanding problem expressed by some members of the community was that a communications problem exists in the area because of police officers' lack of familiarity with cultural and language differences.

Training

General Findings

1. Upper level administrators in both of the Twin Cities' police departments believe that formal training in cultural diversity is unimportant to the development of good police officers.

2. The training of entry level officers in both departments exceeds the minimum standards established by the Minnesota POST Board.

Minneapolis

The Minneapolis Police Department has an occasion promoted individual police officers into supervisory positions without providing adequate training in supervision.

External Oversight and Control of the Police

General Findings

Both the Minneapolis and St. Paul City Councils have the power to investigate the affairs of their respective cities including the conduct of any department or agency, City Council investigation of police matters, however, has generally been limited in supervision.

Minneapolis

Department of Civil Rights and Commission on Civil Rights

The Minneapolis Department of Civil Rights and Commission on Civil Rights do not investigate or take complaints from citizens on police abuse or misconduct.

City Attorney's Office

1. The Minneapolis city attorney serves a number of conflicting roles in relation to police officers accused of misconduct.

2. In the last five years, no Minneapolis police officer has been found guilty as a result of criminal prosecution by the city attorney.

St. Paul

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1. The Minneapolis city attorney serves a number of conflicting roles in relation to police officers accused of misconduct.

2. In the last five years, no Minneapolis police officer has been found guilty as a result of criminal prosecution by the city attorney.

3. Of the 170 cases of alleged police misconduct filed in the State and Federal courts by civilians against Minneapolis police officers in the last five years, five were settled and three resulted in judgments against the officers and the city.

4. The city of Minneapolis, which pays judgments against officers only when the city attorney determines the conduct occurred in the scope of the officer's employment and was not willful or wanton, has never refused to pay a judgment arising from alleged police misconduct.

5. The city attorney's office does not participate on any committee to review police shootings or other use of force nor does it independently review or investigate such incidents.

6. There is no continuing in-house legal counsel assigned to Minneapolis' Police Department.

County Attorney: Hennepin County

1. The Hennepin County attorney is responsible for prosecuting all gross misdemeanors and felonies occurring in Minneapolis including those committed by police officers on duty. Of the six cases of police misconduct submitted to the Grand Jury in 1979, none was returned with an indictment.

2. The county attorney does not participate in any committee to review police shootings or other use of force by police personnel.

3. According to the Hennepin County attorney, some system of external review of police practices is essential because police officers often fail to report or provide information about instances of misconduct of fellow officers of which they are uniquely aware, and they often refuse to cooperate in investigating their fellow officers. He recommends an Office of Ombudsman be established to review the practices of all municipal departments including the police department.

County Attorney: Ramsey County

1. The Ramsey County attorney is responsible for prosecuting all gross misdemeanors and felonies occurring in St. Paul. The St. Paul Police Department is not in-house counsel to the St. Paul Police Department.

2. The Ramsey County attorney serves as legal advisor but not in-house counsel to the St. Paul Police Department.

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2. The Ramsey County attorney serves as legal advisor but not in-house counsel to the St. Paul Police Department.
The Department is denied access to Internal Affairs Unit files by the Minneapolis Police Department, which severely hampers its ability to investigate the facts underlying complaints of misconduct. Since 1969, the Department has received 26 complaints of discrimination filed by civilians against St. Paul police officers most of which have alleged that police officers have used excessive force against the complainant. Probable cause was found in only one case which was settled upon the officer’s apology to the complainant.

6. The St. Paul Police Department has refused to disclose the contents of its files to the Department because the St. Paul city attorney has interpreted the Minnesota Governmental Data Act to preclude release of any information concerning individual police officers and their conduct except the internal investigation file where a final disposition is released only to the complainant. This restrictive policy severely hampers the investigative work of the Department. The St. Paul Police Department, through the city attorney, has threatened to abolish its Internal Affairs Unit if it is required to release its internal investigation files.

7. The Department believes that lack of access to the internal investigation files of both the Minneapolis and St. Paul Police Departments has greatly hampers its ability to fairly and fully evaluate the factual bases of complaints of misconduct which have been filed by civilians against Twin Cities police personnel. The municipal court of Ramsey County has recently interpreted the Minnesota Governmental Data Act to require the St. Paul Police Department to release the contents of any internal Affairs Unit file where a final disposition has been made.

Federal Involvement

1. The Minneapolis and St. Paul Police Departments receive substantial monies from the Federal government through the Law Enforcement Assistance Administration (LEAA), the office of Revenue Sharing (ORS), and the Department of Labor (DOL), under the Comprehensive Employment and Training Act (CETA). In 1971, the Minneapolis Police Department received a total of $3 million from the Federal government to support its $25.38 million law enforcement budget. In 1979, the St. Paul Police Department received $3 million from the Federal government to support its $14.57 million law enforcement budget.

2. All Federal funding agencies are required to keep a record of complaints of unlawful discrimination filed against police officers accused of excessive use of force and to develop a graduated system of sanctions for proved misconduct by police officers and their conduct except the nature of the complaint and final disposition which is released only to the complainant. The Department has no authority over police departments to implement Internal Affairs Units, establish uniform procedures for such units, or develop a graduated system of administration for proven misconduct by police personnel.

3. The Board has no independent investigation unit to examine the details of the investigations of local police agencies to determine the facts of alleged misconduct by police personnel.

4. The Minnesota Department of Human Rights is mandated to investigate complaints of discrimination based upon race, sex, color, and national origin as well as creed, religion, disability, or status with regard to public assistance in employment and public services, and where necessary, to enforce compliance with the Minnesota Human Rights Act. The Department has jurisdiction over complaints of abuse of force by police officers where the complainant alleges that the basis of such abuse was the complainant’s membership in one of the following protected categories, but it has no jurisdiction over complaints of abuse of force by police officers where the complaint is based upon denial of equal protection of the laws.

5. The excessive use of force by police against a civilian and their failure to provide services because of the complainant’s membership in one of the protected categories is severe harassment and is a violation of the Equal Employment Act (EEOC). Federal agencies are required to take all affirmative action necessary to ensure that such unlawful discrimination does not occur. However, few civilians or police officers are aware that they may file complaints with these agencies. In addition, unless the complaints allege a “pattern or practice” of abuse, Federal agencies are not empowered to require that recipients modify their policies and practices as a condition of continued funding. As a result, these agencies have decided to refer most complaints of unlawful discrimination to appropriate enforcement agencies which are the Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC).

6. DOJ is severely limited in its ability to prosecute police officers accused of excessive physical force against civilians by a requirement that the officer must have specifically intended to deprive the civilian of a constitutional or other federally protected right by acting outside the limits of State law. As a result, no police officer in either of the Twin Cities’ police departments has been criminally prosecuted by DOJ for abuse of civilians.

7. No Federal agency is currently monitoring or intends to monitor either of the Twin Cities’ police departments to ensure that police services are being even-handedly delivered to all segments of the Minneapolis and St. Paul communities.

8. Since 1976, the EEOC has received two complaints of sex-based employment discrimination against the Minneapolis Police Department, and two race-based and one sex-based complaint against the St. Paul Police Department. In none of the cases has the EEOC made a finding of probable cause. Further, the EEOC has not found probable cause even in a 1972 case which the St. Paul Police Department found officers responsible for the abuse of power by police officers most of which have alleged that police officers have used excessive force against the civilian of a constitutional or other federally protected right by acting outside the limits of State law. As a result, no police officer in either of the Twin Cities’ police departments has been criminally prosecuted by DOJ for abuse of civilians.

Development and Review of Police Policies and Practices

1. Entry level police personnel, those with the least experience, are assigned to patrol duty where they interact more often with civilians under stressful conditions than do experienced personnel who have been promoted to supervisory and administrative jobs. As a result, fewer, less trained personnel.
To the Police Departments

Minneapolis

1. Neighborhood police advisory councils should be established throughout Minneapolis to assure community participation in establishing its enforcement priorities and in monitoring the effectiveness of current practices. The neighborhood police councils should also provide a forum for discussions and coordination of various community actions required to improve police-community relations. The councils should provide for open and direct channels of communication between the community and the Minneapolis Police Department. The Chief of Police and/or his or her delegate should regularly attend each of these meetings.

2. The Internal Affairs Unit should regularly monitor the conduct of each police officer, including charges of resisting arrest or disorderly conduct filed by the officer against civilians, disciplinary complaints filed against him or her regardless of disposition, and other similar actions.

3. The Minneapolis Police Department should establish and implement a number of mechanisms simultaneously for assuring officers improve their conflict resolution skills, including 1) a peer review and counseling program to assist officers with emotional and behavioral problems before disciplinary sanctions must be imposed, 2) an amendment to the city Manual specifically requiring that persuasive techniques for controlling situations be utilized and exhausted before resorting to force, 3) a restriction of the use of deadly force to situations where it is necessary to protect the officer or another from imminent death or great bodily harm, and 4) extensive initial and in-service training in dispute resolution, including techniques of arbitration and mediation.

4. The Minneapolis Police Manual of Rules and Regulations should be readily available to the public at an appendix to the Municipal Administrative Code.

5. The Minneapolis Police Department should assign more minority police officers to those areas which have a high concentration of minorities to promote better community relations in those areas.

6. The Minneapolis Police Department should develop a Human Relations training program that would familiarize new recruits and other police personnel with the cultural and ethnic diversities of civilians residing in their service area.

7. The Minneapolis Police Department should require that all personnel complete a training course that would adequately prepare them for management and supervisory responsibilities before assuming a supervisory position.

8. The Minneapolis Police Department, the city Affirmative Action Officer, the Civil Service Commission, and the City Human Rights Department should jointly develop a voluntary Affirmative Action plan that would facilitate the recruitment and selection of minorities and women into the department and their promotion to administrative positions. Such a plan should continue until the department is representative of the city's available labor force.

St. Paul

1. The St. Paul Police Department should take an active role in ensuring the continuing vitality of the neighborhood advisory committees which were instituted as part of the team police project. These Advisory Councils should provide a forum for discussion and coordinate various actions required to improve police-community relations.

2. St. Paul police officers should receive extensive initial and in-service training in dispute resolution, including techniques of arbitration and mediation.

3. The St. Paul Police Department should institute a peer review and counseling program in-house counseling program to assist officers with emotional and behavioral problems before disciplinary sanctions must be imposed.

4. The St. Paul Police Department should amend its rules and regulations to restrict the use of deadly force by its authorized personnel to situations where it is necessary to protect the officer or another from imminent death or great bodily harm.

5. The St. Paul Civil Service Commission, the St. Paul Police Department, the Police Federation and the City Administration should develop an Affirmative Action plan that will assure the expedient promotion of women and minorities into administrative positions and women into entry level positions to resolve the problems of underrepresentation in the St. Paul Police Department.

6. The St. Paul Police Department should assign more Hispanic officers to the predominantly Hispanic westside area.

7. The St. Paul Police Academy should include a Human Relations course in its training program that would familiarize the police officers with the cultural and ethnic diversities of citizens in their service area.

8. The St. Paul Police Department should cooperate fully with the investigations of the St. Paul Human Rights Department and work together to resolve any future police-community conflict that may arise.

To the Civil Service Commissions

Minneapolis

The Minneapolis Civil Service Commission should hire an outside consultant to conduct a validation study of the present police examination.

St. Paul

The St. Paul Civil Service Commission should examine the current police officers' selection examination to determine why so many women are failing it and ensure that any such selection test measures essential policing job skills.

To the City Solicitors and County Prosecutors

1. The Minneapolis City Attorney along with the Ramsey County Attorney, the U.S. Attorney, a representative of the Police Department, and a member of the City Council should immediately form a committee to review all police shootings and recommend appropriate action to the Police Chief and take such action as is proper under the jurisdiction of each official.

2. The St. Paul city attorney along with the Ramsey County attorney, the U.S. attorney, a representative of the Police Department, and a member of the City Council should immediately form a committee to review all police shootings and recommend appropriate action to the Police Chief and take such action as is proper under the jurisdiction of each official.

To the Minnesota Legislature

1. The Minnesota Legislature should enact legislation empowering the Peace Officer Standards and Training Board to require municipal police departments to establish and implement uniform standards and procedures for the internal review of police conduct.
2. The Minnesota Legislature should enact legislation granting the Minnesota Department of Human Rights access to the relevant internal affairs files of municipal police departments, including investigatory reports, where complaints of police abuse and failure to provide service have been filed with the department.

3. The Minnesota Legislature should amend the Human Rights Act to prohibit discrimination in public services and employment based upon cultural background and economic class.

4. The Minnesota Legislature should enact legislation establishing an Office of Ombudsman to review and investigate complaints that State and municipal agencies, including the Minneapolis and St. Paul Police Departments, are not complying with established policies and procedures and to recommend publicly modifications of those policies and procedures.

5. The Minnesota Legislature should amend its peace officer use of deadly force statute to restrict such force to situations when it is necessary to protect the officer or another from imminent death or great bodily harm.

To the Minnesota Peace Officers Standard and Training (POST) Board

The POST Board should validate its licensing examination to assure that the test does not adversely impact on minorities and women for reasons unrelated to essential policing job skills.

To the Congress

Congress should establish a uniform classification of protected categories under Federal funding statutes except where an exception is clearly justified by the purposes of the legislation.

3. Congress should add cultural background and economic class to the list of protected categories under Federal funding statutes.

4. Congress should enact legislation coordinating the enforcement responsibilities and procedures of various Federal funding agencies to ensure compliance of fund recipients with nondiscrimination provisions.

To Federal Funding Agencies

1. The Federal funding agencies in cooperation with the DOJ should immediately develop a uniform system and set of standards and procedures for ensuring compliance with nondiscrimination provisions.

2. Each of the Federal funding agencies—ORS, LEAA, CETA, should immediately review the policies and practices of the Minneapolis and St. Paul Police Departments to determine whether these departments are discriminating against females and minorities in hiring or promotion.
END