



Irene Gomez-Bethke Papers.

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April.
26

?o

diff Tests? check it out
Skills Director: Ralph Owens?

prior to skills test
what is done?

is there an evaluation
and recommendation

3-4 times a year -

* past board - composition?

get trainee entry to relieve
pd officer and into on duty sts.

Sgt.

De Concini 48-

Ceta system - fail?

A.B. Chief who has been
turning down applicants?
background check -

May 22, 1982 Mtg. Tony Borja
Larry Blackwell

1. Staff input

1. Carter 2. Lupe Herrero.

Monthly committed to finish
Ron Chetta - Cita & hire
any who graduates.

~~George - 2. Mental stability
frank - psych.
Deyan - 78 drug pres.
Farvito - Wife brother.~~

~~No Way!~~

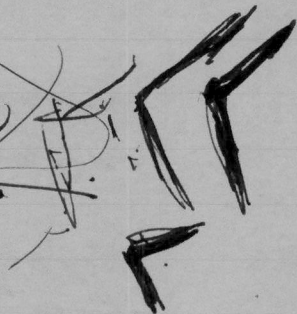
• Nazi

Next Year.

check
out 7

Civil Service

Sept. Next Year -
Hispanic



317- 50 3d St. April 26.
Police - Proc. Task Force -
Larry Esquez

1. Liam

H. 2. Lupe Herrera ^{Back pay 3} ^{Reinstatement}
repeatedly failed test (city)
* passed course she paid
for on her own-
process - Acta program
internship - public safety trainee
↓ failed skills but passed post.
passed post but failed
Policy passed to address
this kind of situation.
to get.

training to take skill test
Mpls. Community College.

put May 21, 1982

Tony Borega / Larry Blackwell

Police Community Relations Task Force.

April 12, 1982

Precinct 3 -

Mr. Nancy Stule Com. Crime prev. person
3 com. reports. good variety of issues.
outreach - W → Judy Fairbanks Francis Office.

Precinct 2 - University Ave.

Special Committee Met with Chairman.
Goals identified

- I. accountability St. Paul — Mpls.
a. Current practices / procedures IAU.
b. recommendations — to police dept. IAU
c. Neighborhood Advisory Council

- II Training Inservice St. Paul - Mpls.
a.

b.

c. Information to communities. Is it done? How?

Barb & III Post Board - Role " "

Laene - a. role, Authority, Board?

b. assist with P.D. IAU -

c. (22) Colleges involved. - A.A. policy -

- IV Use of Force " "

a.

b.

Timeline June ← July →
Positive Focus September

Mpls. Community College Robert Arina - list of cities - IAU ^{Police} [?] Citizens' Review Com.
olo

Police Practices T.F.
Old Business
Sgt.

April 12, 1982

1. Training division procedures held 2 Courses

1. Street Survival

2. Mid Mgmt - Series

Basis of Inservice School

① Hum Relations - empl. prob cases - interaction
btw - of /admin-

3. Technical skills - ie bomb squads -
better trained - more aware of how to act in
situation.

Goal ① Insr Prog Fail - ^{upgrade} dept level of 1st aid
treatment.

② policy.

Human info relations as it pertains to minority or majority
9 tapes — A. Bouza — 3-4 minutes.
response to minority groups

Sensitivity "skills"

Cross cultural relations — ?

Pennepin county — will do training

48 hours - continuing education
post board has to approve - every 3 yrs -
(16 hours - minimal) needs to keep up level of ed
to remain on officer.

Post could pull a license - Has not as yet -

could be
fidelity
factor

1. Black Community concerns with police
Hispanics - Indians

Use of Force

supervisory level ↔ get them to do something
put a hurt on them? What is how
Response

Make officer aware of rules / regs - →
No committee can make you react in a
particular way -

Police Practices Task Force.

Training — cont.

April 12, 1982

budget and training?

- a. Better use of \$ to do in-service training.
- b. administration —

New Business)

Schmidt
Mt Baldern
Clark

Proposed Meeting Agenda February 23, 1982

A series of work sessions dealing with the relations of the City of Minneapolis, its Police Department and the Gay and Lesbian Community.

Meeting series started January 4 and included meetings January 12, January 27, and February 9 so far.

2:00 -2:30 Recap of previous meetings

Morris Floyd, Director Lesbian Gay Community Services:
Points we have tried to clarify so far

Linda Brown, Cochair of Minnesota Committee for Gay and Lesbian Rights: Concise summary of what we are asking for.

Tim Campbell, Publisher and Editor of the GLC Voice:
Further clarification per request of Mayor Fraser on why the City should have a working estimate of the size of the lesbian gay community here.

Stoney Bowden, Co-chair Human Rights Coalition:
Comments on some public statements that have been clouding the issues atrociously.

2:30-3:00 Response from Fraser (and Bouza) to specific requests: What effect will the Porter decision have on future arrests of gays? Will you start working with a concrete estimate of the size of Minneapolis' gay and lesbian population??

3:00 -3:10 Statement of the view we representatives of the gay community would like taken vis a vis Loring Park and the Franklin Avenue Beach. Tim Campbell.

3:10-3:20 Statement of concerns by Alderwoman Barbara Carlson.

3:20-4:00 General dialogue and debate. Other loose ends.

Set specific time and date for next meeting: Topic--Prevention and prosecution of crimes against gays.

2

Summary of Objectives

This memorandum is intended to be a condensation of the things we have been asking for in these meetings from Mayor Fraser as the Chief Executive of the City of Minneapolis and its chief policy maker.

1. We wanted to make it perfectly clear that gay citizens Rick Hunter and John Hanson are highly respected in our community and that we find it preposterous that they were beaten up by the cops and charged with assault; that we are not surprized that the Internal Affairs Unit is not coming up with any evidence to support their complaint because it has always been thus; that we think it is atrocious that the gay bashers who started this incident went scot free; and that we demand full release of all information obtained on the incident.
2. We believe this brutality incident to be the direct result of escalating verbal abuse of the gay community by officers in the press, public statements and street patrolling and that disciplinary action and inservice training are necessary to turn things around.

We specifically request three (3) days suspension for Officers Lutz, Niebur, Severson and Chief Bouza for inflammatory remarks they have used to stir up emotions against the gay community.

3. We believe that the vice squad is being used further to stir up emotions against the gay community and we call for an immediate redirection of their priorities. We want to see no more arrests for "indecent conduct" than the actual number of private citizens who encounter this kind of behavior in progress against their will each year, i.e., very few.
4. We want a complete package of city policies starting from an intelligently arrived at estimation of the real population of gay and lesbian citizens residing in and visiting this city.
5. No more tampering with the natural habitat that made the Franklin Avenue Beach an adults only park for time immemorial.

If we can't procure this, we ask that arrests made there respect the criterion of privacy established in the Porter decision and/or be limited to warning tickets until August 1982.

6. Training of special investigators to solve crimes against gays and lesbians.

3. -

A Rationale

Explaining why the City of Minneapolis, Chief Officer Mayor Don Fraser, should make an intelligent determination of the number of gays and lesbians living in, moving into, and visiting as tourists and money spenders the City of Minneapolis.

1. Gays and lesbians have been protected by the Civil Rights Ordinance here since 1974. The City has counted all other protected classes by one method or another and uses those figures to take inventory of the situation of the people they are pledged by policy to protect in areas such as employment, housing, public services and public accommodations. How can you take any kind of inventory on the situation of gays and lesbians if you haven't started out by estimating the target population? Is the City not in an enormously ridiculous posture? Will gays and lesbians eventually be strong enough to bring and win a class action suit against the City?
2. The City is in the process of subsidizing huge changes in the Minneapolis strip for entertainment in the evening. How can this be seen as at all reasonable without counting what kind of people are coming here for what kind of reasons? How do developers know "family" types will come down on Hennepin Avenue unless all or most of the blacks and gays are pushed off? How can they know whether their money might not be better invested in making the strip more attractive for gays and lesbians and racial minorities? How can they predict the resentment and hostility between the two groups as one struggles to push the other off? Is the City immune to realistic market research?
3. In 1980, 77% of the men arrested by the vice squad were estimated to be gay or black. Only 23% of them were straight white males. How can the City be sure 77% of the males here are or are not gay or black? Will gays and blacks eventually be able to press class action suits against the city for patterns of unequal enforcement of laws? Do city officials like being statistical laughing stocks? In 1981, only 30% of the males arrested by the vice squad were straight and white. Can the City counter these statistics with more credible statistics of their own? What happens in an area where large numbers of people come to know and believe they are being persecuted? Can't City policies and practices be changed to reflect less racist, sexist and homophobic response to the same set of given laws? This would involve accepting as "normal" the vices of women, gays and blacks as is done with most of the vice of straight white males. *The vice of straight white males includes drive in movie honky punky, (indecent conduct) lovers' lane honky punky (indecent conduct) sports gambling and being johns for hookers. There's more straight male vice than gay vice.*

Rationale for the City to Inventory its Gay-Lesbian Population

4. The City faces a critical housing shortage now and for the future. How can the city plan for this reasonably without estimating accurately how many gays are here, are coming here and will be here by 1990? Will a bunch of units for two adults with one or two kids meet the needs of 20,000 to 50,000 new gays who show up instead of families, if Campbell's predictions are more accurate than the Cities dreams based on pro-family bias? Is it not more reasonable to plan for what you are in fact going to get rather than for what you would love to have but know already you can't attract?

Families started migrating from big cities 40 years ago. Gays started migrating to big cities about the ~~straight~~ same time. Cities are now far more attractive to gays than they were then. They are also less attractive to people who see gays as palatable "for adults only," to people who want a "family" environment. Are the Cities' plans to reverse this really going to make much of a dent? I think not. What if I'm right? Who's digging their own grave?

5. How does the city plan for 50,000 family types to come downtown for the Druppy Dome to interrelate with the gays who are already downtown unless they know its going to be an encounter of 50,000 to 2,000 or 50,000 to 20,000? What is going to happen on Hennepin Avenue when all these hordes have had a few drinks? How is the Street Crimes Unit going to respond? Are we already faced with an explosive situation right around the corner? Didn't anybody think about it? What if the gays hold strong and hostile and the straights respect our territory? Who's going to pay for the empty dome?
6. What's going to happen if you close down the beach, the park and the bookstore and 100,000 gays have to fight for 60 beds in the Locker Room Health Club? How much worse vice and graft will result between police and bathowners? Can The restrooms at Daytons accomodate them all? Will gays cruise junior highschoools instead?

Campbell's Estimate of the Minneapolis Gay Population

Gay and Lesbian Residents: 20% (Double country-city agerage)
90,000 Mpls residents; ~~400,000 in Metro Area~~

15% of residents in metro area are agay and lesbian
300,000 residents in metro area.

Rate of growth estimated 2% per year.
1,800 gays and lesbians move here each year. We will count
110,000 by 1990.

Additional Rationale

7. What about the school system? If the City of Minneapolis has no idea how many of its citizens might be or are gay and lesbian, how can they assess the priority that should be given to educating students to relate to people living gay life styles? How many students will be deprived of information necessary to the basic realities of their adult existence?
8. Police performance. When the city administration says through its own practices that civil rights for gays means something different than it does for other protected classes, how can that administration ask cops to treat us equally?
9. ~~How can~~ Entertainment and social needs. How can the city ascertain that the needs of the gay community to have places to dance, drink socialize and have privacy are being adequately served if they have never made an intelligent estimate of the size of the gay population/? Does the city think 60 beds can serve the privacy needs of 300,000 visiting gays a year? Does the city think these needs evaporate when they are not provided for?
10. If you won't count us, a big part of you is still saying, "We refuse to recognize that you really exist."

In short, the real question is not "Why should the City of Minneapolis make an intelligent estimation of the size of its gay and lesbian population?"

The real question is what ever in the world but ignorance and bad faith has kept the City from doing so before now?

from the mayor's office

NEWS
NEWS
NEWS

From: Mayor Donald M. Fraser
Room 127 City Hall
Minneapolis, MN 55415

Contact: Ele Colborn 348-2100
Pat Maxwell 340-0022

FOR IMMEDIATE RELEASE May 3, 1982

Examining How the Police Police Themselves

Mayor Donald Fraser of Minneapolis today announced the creation of a panel to examine the operations of the Minneapolis Police Department's Internal Affairs Unit.

The distinguished panel of seven lawyers, selected by the Hennepin County Bar Association, will review closed cases, looking at documents as they were presented to the Chief of Police for his review and decision. The panel will be analyzing the process for strengths and weaknesses. Cases will not be reopened and no dispositions will be altered.

The committee will discuss cases in closed session to protect the privacy of officers and complainants. Each attorney on the panel will sign a contract agreeing not to disclose information in I.A.U. files. After examining a representative number of cases the committee will submit a report to the Mayor which will then be made public. The committee will be asked to report by December 1, 1982.

While there have been many studies of police operations, this one may be unique in that it is believed to be the first examination of the inner processes and raw documents used by the police to investigate and resolve allegations of wrongdoing by their members.

The absence of an objective and independent determination of the validity of the internal affairs process has clouded the credibility of the police in the critical area of self policing. Some members of the minority communities believe that they or their neighbors have been ill-used by the police with relative impunity. This study should help to resolve some of the questions frequently raised as to the efficacy of the process.

No one in our society has as much power as a police officer. A democratic society requires accountability in the use of power. The people have a right to know how that power is used and how effective are the controls to protect against abuse of that power. Both the public and the police will profit greatly from this examination.

The panel members selected by the Hennepin County Bar Association are:

Chair: Russell Lindquist
Dorsey & Whitney
2200 1st Bank Place E.
Minneapolis, Minnesota 55402
340-2611

Home: 5820 Ridge Road
Excelsior, Minnesota 55331

Edward Anderson
County Attorney's Office
C-2200 Government Center
Minneapolis, Minnesota 55487
348-7530

Home: 10706 Minnetonka Boulevard
Hopkins, Minnesota 55343

G. Alan Cunningham
Faegre & Benson
1300 N.W. Bank Building
Minneapolis, Minnesota 55402
371-5308

Home: 2671 E. Lake of the Isles Boulevard
Minneapolis, Minnesota 55408

Nancy Dreher
Leonard, Street & Deinard
1200 National City Bank Building
Minneapolis, Minnesota 55402
339-1200

Home: 1 Spur Road
Edina, Minnesota 55436

Ronald E. Hunter
State Public Defenders Office
U of M Law School
Minneapolis, Minnesota 55455
373-5725

Home: 1635 Vincent Avenue N.
Minneapolis, Minnesota 55411

G. Thomas MacIntosh
MacIntosh & Commers
5401 Gamble Drive #108
Minneapolis, Minnesota 55416
544-9321

Home: 1058 Cedar View Drive
Minneapolis, Minnesota 55405

Judy Oakes
Oakes & Kanatz
400 Sibley Street
St. Paul, Minnesota 55101
227-0804

Home: 1821 Franklin Avenue, S.E.
Minneapolis, Minnesota 55414

Proposal to Establish A
Task Force to Evaluate
The Internal Affairs Unit

The Hennepin County Bar Association has been requested by Mayor Don Fraser to establish a task force to evaluate the work of the Minneapolis Police Department's Internal Affairs Unit. President Helen Kelly and Executive Director Pat Maxwell met with Ele Colborn of the Mayor's office and Police Chief Anthony Bouza on January 15, 1982 to discuss the proposed task force. The issues in the attached paper entitled "Evaluating the Internal Affairs Unit" were reviewed and the following points were agreed upon.

- (1) The Task Force would consist of 7 lawyers selected jointly by the President of the Bar Association and the Mayor;
- (2) Persons selected to serve on the Task Force should be impartial and fair-minded without direct involvement with the Police Federation or critical groups;
- (3) The Task Force will have access to all Internal Affairs Unit investigations that were closed from 1970 through 1981 for purposes of study.
- (4) The study will be of the overall procedures used by the Internal Affairs Unit and not a review of any single case;
- (5) All information concerning identity of complainants and police personnel will be kept strictly confidential;
- (6) The Task Force will have full cooperation of the Mayor's office and Police Department;
- (7) The Task Force will determine when any of its reports and findings will be made public;
- (8) The Bar Association, with assistance from the Mayor's office, will seek Foundation funding for staff support and publishing the final report.

The Governing Council is requested to approve the Bar Association's establishment of a Task Force to Study the Police Department's Internal Affairs Unit and authorize the President to appoint its members and seek Foundation funding for it.

Page 3.

March 8, 1982

Don Winger Gary Biggs Wk/Ts. - Recruitment

Recruitment St. Paul Police Academy

Controlled by City Civil Service.

A.A. recruits -

Randy Giff & Giff

City resident -

I postus - appearances Outreach in Min. Radio Station, Schools -

1200 - 800 showed up for test 27% were protected class. 20% of

Past board - will eliminate procedure.

top 43 positions

Components -

45 hrs of training "Yourself / Others"
Psychiatrists

Human Behavior - Com / P.O. / Civil. Family Stress

2. Courses - 1. Academy 2.

Q.C.

Cultural / Ethnic Awareness - 2 hours -

P.R. Com. Relations

21 weeks - 8 hr day

- Institutional Racism

Need Resources -

Inservice To cover staff people -

skills - Pragmatic approach - N-C -

Police Liability series - 1. Needs assessment -

2. Questionnaire on Inserv. training

Stress Seminar

Dr. Children's Hospt.

Loss of daughter - effect on fam -

Verbal Abuse Film

Dialogue on

death. Professionalism / Human
Feelings

UNITED STATES COMMISSION ON CIVIL RIGHTS

MIDWESTERN REGIONAL OFFICE
230 South Dearborn Street, 32nd Floor
Chicago, Illinois 60604
Telephone (312) 353-7371

July 15, 1981

Mr. Don J. Vargas, Ex. Dir.
Centro Cultural Chicano
1800 Olson Memorial Hwy.
Minneapolis, MN 55411

Dear Mr. Vargas:

The Minnesota Department of Human Rights and the Minnesota Advisory Committee to the U.S. Commission on Civil Rights will sponsor the "Mobilization on Police Practices" in the Twin Cities. The Mobilization will focus on the following four issues: 1 Distribution of Services, 2 Employment, 3 Use of Force/Police-Community Relations, and 4 Police Officer Training. The goals of this joint effort are to: develop a concrete approach for resolving problems in these four areas; and establish lines of communication between police departments and the community.

The initial preparation for this Mobilization has been done by the Minnesota Advisory Committee in its investigation of Police Practices in the Twin Cities. The Committee released its finding on July 9, 1981, in a report entitled Police Practices in the Twin Cities which will be mailed in advance to participants. This report reviewed the problem areas noted above. The data came from public officials at all levels of government, including the police, and from discussions with community organizations and other concerned citizens. The recommendations of the report will be the starting point for the Mobilization.

The success of this Mobilization depends on the participation of citizens, leaders and public officials. For your convenience we are enclosing a form for you to indicate whether or not you want to participate, and if so, the particular area in which you want to work. Upon receipt of this form we will send you a copy of Police Practices in the Twin Cities and additional information of the Mobilization.

If there are any questions please contact David Rivera, 612-872-6892 or Rodney McGee, 612-894-5811. We look forward to hearing from you.

Sincerely,

Lupe Lopez
Lupe Lopez, Chairperson
Minnesota Advisory Committee

Aug. 21, 1981 8:30
Fri. Erle Brown

RECEIVED JUL 20 1981

Eileen

24¢ mile - reimbursement
— receipts for parking

2nd Monday of ea. mo.

St. Paul received
rough draft
was released before part
outdated report was omitted.

Copies of training Procedures
Use of Force Policy

3-8-82 p. 2.

3 Cases - come back - ^{Procedure} Police Chief reviewed
overturned decision.
Police officer can file
grievance through Federation
Citizen → Human rights or District Court.
* Citizen making complaint is not told
of his right to file w/ H.R. Dept or Dist. Court.

Review Process by I.A.U.

1. Confidence level ~~as~~ No self evaluation
2. Monitor effectiveness (What process?)
Does it
3. 18 mos - most beneficial to be in I.A.U.

Post board - as a IAU.

4 - H.C. R.C. Mpls./St. Paul.

H.R. Dept must
Subpoena files for info.

Regarding Non English Speaker. Procedures would be
Bilingual translator
would be provided.

95-98 are
members of Federation
working officers

2.
Non fed. police

STATE OF MINNESOTA

DEPARTMENT of Human Rights

Office Memorandum

TO : Members of the Police/Community
Relations Task Force

DATE: March 1, 1982

FROM : Curman L. Gaines
Chair

PHONE:

SUBJECT: Meeting Notice

The Police/Community Relations Task Force will meet on Monday, March 8, 1982, at 3:30 p.m. in the Commissioner's Conference Room, 5th Floor Bremer Tower, St. Paul, Minnesota.

If you cannot attend the meeting, please call Eleanore at 296-9056.

CLG/edm
attachments

*Sgt. Don
" Don Winger Postmark
" Gary Briggs - Min. P.C.*

St. Paul Police page 1 3-8-'82

To register complaint
mail -

1. Mail in

2. phone in

3. Walk in

to come in for excessive force (only one
photo / tapes taken in
the office)

makeup of I.A.U.

1 Sgt / Capt - (notate)

(2 white male) ethnic makeup

term of service - I.A.U.

Mayr 4 yr. - { management decision }
{ trusted as transfer O.J.T. }

Criteria for appointment
volunteer - unblemished record.

Overall record -

history of sustained complaints.

unwritten policy - Chief / Capt - make
Decision to appoint and length of affair

Comments

1. male - 1 female. from com -
did not feel happy w- decision

little ^{2 friends} did female
was at fault.
Rice St. friends said
male was at fault.

Past Board.

1. reviewing agency! - Mayr's Inf / Compl.
to file complaint - best to go direct
to I.A.U. than Chief or Mayr -
timeline critical re: injuries

Do not keep file on ethnic breakdown

2 wks investigation

(Procedure)

2. tape statement

- investigation complete - goes to Dep
Chief - Discipline Board - recommend

Procedure

POLICE/COMMUNITY RELATIONS TASK FORCE

Curman L. Gaines, Chair
191 Valleyside Drive
St. Paul, Minnesota 55119
738-2250 (Home)
~~488-2538 (Work)~~ 487-2001

Julia Cherry
Powderhorn P.O. Box 7114
Minneapolis, Minnesota 55407
725-6111 (Work)

Irene Gomez-Bethke
4649 Decatur Avenue North
New Hope, Minnesota 55428
348-2100 (Work)
537-0469 (Home)

Bob Dodor
1763 Meadowlark Court
Eagan, Minnesota 55122
296-3611 (Work)
454-7435 (Home)

Donna Folstad
3529 Sheridan Avenue North
Minneapolis, Minnesota 55412
227-5121 (Work)
521-4933 (Home)

Sergeant Richard Iffert
Inspection Unit
St. Paul Police Department
101 E. 10th Street
St. Paul, Minnesota 55101
292-3503 (Work)

Alberto Miera, Jr.
Office of General Counsel
P.O. Box 33428
3M Center
St. Paul, Minnesota 55133
733-6705 (Work)
739-0985 (Home)

Inspector Ray Presley
Minneapolis Police Department
Room 119 City Hall
Minneapolis, Minnesota 55415
348-2995 (Work)

Barbara Shin
924 Hague Avenue
St. Paul, Minnesota 55104
378-9520 (Work)
227-4129 (Home)

Staff:

Roberto R. Avina
5th Floor Bremer Tower
7th Place & Minnesota Street
St. Paul, Minnesota 55101
296-5680

Diane Vener

TASK FORCE ON POLICE/COMMUNITY RELATIONS

Curman Gaines, Chair
191 Valleyside Drive
St. Paul, MN 55119
738-2250 (Home)
488-2538 (Office)

Donna Folstad
3529 Sheridan Avenue North
Minneapolis, MN 55412
227-5121 (Work)
521-4933 (Home)

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348-2100 (Work)
537-0469 (Home)

Bob Dodor
1763 Meadowlark Court
Eagan, Minnesota 55122
296-3611 (Work)

William Finney
813 Central Avenue West
St. Paul, MN

Alberto Miera, Jr.
Office of General Counsel
P.O. Box 33428
3M Center
St. Paul, MN 55133
733-6705 (Office)
739-0985 (Work)

POLICE PRACTICES TASK FORCE

Created August 21, 1981

- Curman L. Gaines, Chair
 - Asst. principal at Como Park Sr. High-St. Paul Public School for 12 years
 - Native of Alexandria, Louisiana
 - Resident of St. Paul for 12 years
 - Community Organizations
 - Member of NAACP
 - Former Board member and current member of Hallie Q. Brown Community Center
 - Educational Background
 - Bachelor's & Master's Degrees from Southern University at Baton Rouge, Louisiana
 - PhD. candidate at University of Minnesota in Educational Administration
 - Professional Associates
 - Minnesota and National Association of Secondary School Principals
 - Association of Supervision & Curriculum Development
- Alberto Miera, Jr.
 - An attorney employed in 3M's Office of General Counsel
 - Educational Background
 - Graduate of New Mexico Highlands University with a law degree obtained in 1975 from University of Minnesota

Statistics on Alberto Miera, Jr., (continued)

- Native of New Mexico
- Has lived in metro area for 9 years
- Professional Associations & Affiliations
 - Member of Minnesota Bar Association
 - Member of Federal Practices Committee for the U.S. District Court - District of Minnesota
 - Member of Ramsey County Special Committee on Delivery of Legal Services to Those Who Cannot Pay
 - Member of Minnesota Lawyers' Association
 - Member of Ramsey County Bar Association
- Membership in Community Organizations
 - On the Board of Directors of the Legal Rights Center
 - Chair of Board of Hispanos en Minnesota
 - Advisory member of Chicano Cultural
 - Member of Criminal Justice Advisory Committee to Metro Council
- Donna Folstad
 - Born and raised in Minnesota
 - Resided in metro area for a number of years
 - Enrolled in Minnesota Chippewa Tribe
 - Marketing Director of Community Development Corp. for Archdiocese of Minneapolis/St. Paul
 - Formerly Administrative Aide to former Mayor Hofstede of Minneapolis
 - Attended School of Social Work at the University of Minnesota
 - Chair of Indian Urban Advisory Council to Minnesota Indian Affairs Intertribal Board

- Julia Cherry

- Born and raised in Greenville, South Carolina
- Lived in Cincinnati, Ohio
- Moved to Minneapolis 1963 while employed by U.S.D.A.
- Legislative Aid - U.S. Senator Durenberger

- Educational Background
 - Graduate of Greenville High School
 - Attended Cortez-Peters Business College
 - Attends Extension Division at the University of Minnesota

- Community Organizations
 - Past President of Minneapolis N.A.A.C.P.
 - Regional 4 Chair N.A.A.C.P.
 - State President of N.A.A.C.P.
 - N.A.A.C.P. National Convention Delegate on the Resolution Committee
 - Urban League

- Bob Dodor

- Born and raised in St. Paul
- Member of the Minnesota State Advisory Committee to the Commission on Civil Rights since 1976
- Employed by Minnesota Indian Intertribal Affairs Board
- Part-time sports writer for UPI
- Has been involved with the issue of police/community relations since the Minnesota Advisory Committee to the U.S. Commission on Civil Rights began its research and study of the topic
- Educational background -
 - University of Minnesota Journalism School (Bachelor's Degree)

- Irene Gomez-Bethke

- Born and raised in Minneapolis
- Administrative Aid to Mayor Fraser
- Student Intern
- Community Organizations
 - Board Member - Urban Coalition
 - Legal Rights Center
 - Hennepin County Domestic Violence
 - Minority Advisor to Minneapolis Public Schools, District #281

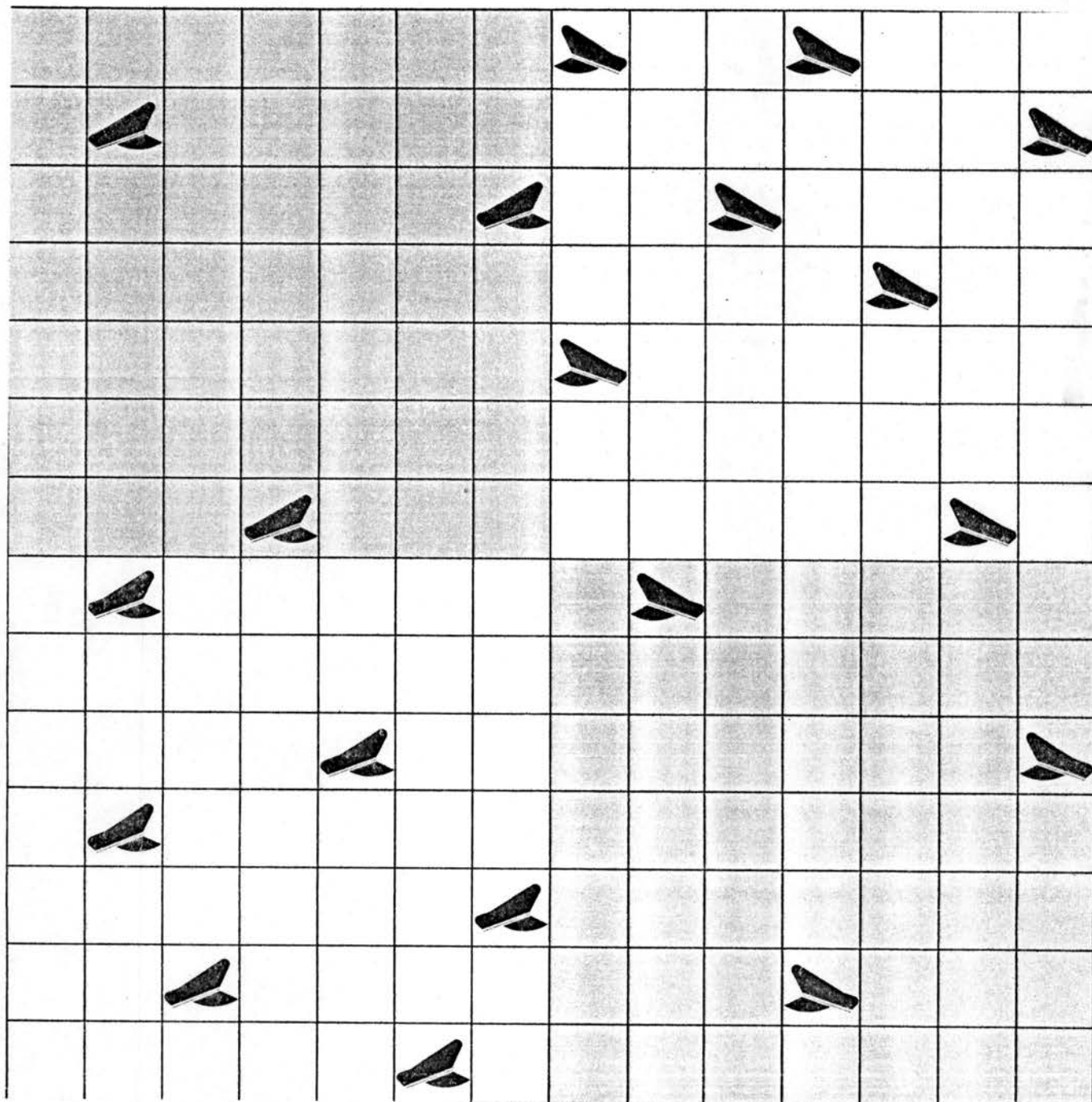
- Barbara Shin

- . Teaches in Minneapolis Public School System
- . Education consultant - human relations
consultant for public & private organizations
- . Professional Affiliations
 - On the Board of Directors of MEA
 - . Affirmative Action Committee of Board
 - . Task Force on NOW - Public Schools
 - . Former Chair of MEA Human Relations
Committee
 - . Committee for Intergrated Education -
Board member
- . Education
 - Graduate student in Educational Administration
at U of M
 - Undergraduate work at U of M and Ohio State

MOBOLIZATION ON
POLICE PRACTICES IN THE TWIN CITIES

AUGUST 21, 1981

EARLE BROWN CONTINUING EDUCATION CENTER, ST. PAUL, MINNESOTA



Mobilization on Police Practices in the Twin Cities

The Report: "Police Practices in the Twin Cities"

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 identified some of the same problems documented in its recent (1981) study entitled "Police Practices in the Twin Cities." This is the second time that the Committee has examined police community relations in the Twin Cities.

The initial focus of the report was prompted by complaints from community members residing in the westside area at a June 29, 1979 meeting of the Minnesota Advisory Committee. They alleged that police community confrontations were on the upswing primarily because of the way the police were conducting themselves in the neighborhood.

Staff and Committee interviews revealed that police-community relation problems were more severe in Minneapolis and therefore they decided to expand the project to encompass the Twin Cities area.

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 resolving 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.

Some of the basic findings of the report were as follows:

- (1) There is inadequate civilian input into the establishment and review of police policies and practices;
- (2) Minority communities in both Minneapolis and St. Paul distrust the police and believe that their communities suffer greater abuse at the hands of the police than their white counterparts. One might say that minority citizens in both cities view the police as an occupying force rather than public servants;

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

(4) The St. Paul Police Academy provides inadequate training to recruits and to experienced officers in the techniques for controlling situations other than through force;

(5) The Minneapolis Police Department personnel records indicate that there is a serious underutilization of women and minorities;

(6) Employment figures of the entry-level personnel in the St. Paul Police Department today do not indicate a serious underrepresentation of minorities. Women, however, are seriously underrepresented. Above the entry rank of police officer, minorities and women are both significantly underrepresented;

(7) The Minneapolis and St. Paul Police Departments assign few minority officers to areas with high concentration of minority citizens;

(8) Upper level administrators in both Twin Cities believe that formal training in cultural diversity is unimportant to the development of good police officers;

(9) The Minneapolis Police Department's Internal Affairs Unit does not adequately respond to citizen complaints against Minneapolis police officers; and

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

Some of the recommendations in the report include:

- That each of the Federal funding agencies - ORS, LEAA, ETA, 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;

- That the city councils of Minneapolis and St. Paul should establish a mechanism in their respective cities for mediating or arbitrating civilian-police disputes which permits civilians to obtain appropriate restitution for damages to self or property unnecessarily inflicted by police;
- That the city councils of Minneapolis and St. Paul should each establish an office of ombudsman to investigate complaints that any city department or employee violated established policies and practices and to publish recommendations for appropriate remedial action; and
- That the police departments in both cities assign more minority police officers to those areas which have a high concentration of minorities to promote better community relationships in those areas.

The Mobilization

The Mobilization was a joint effort of the Human Rights Advisory Committee to the Minnesota Department of Human Rights and the Minnesota Advisory Committee to the U.S. Commission on Civil Rights. The Mobilization was held Friday, August 21, 1981, at the Earle Brown Continuing Education Center in St. Paul. Approximately 45 to 50 participants came together at the center from 8:30 a.m. to 5:00 p.m., not to discuss problems but to design solutions.

The goals of the Mobilization were as follows:

- (1) to develop an approach to resolving problems outlined in the four areas covered in the report (Use of Force/Police Community Relations; Employment; Distribution of Services; Police Officer Training);
- (2) create a Task Force to implement actions from the Mobilization and monitor both police departments.
- (3) promote and establish lines of communications between police departments and the community.

It should be noted that the chiefs from both police departments were personally contacted with regard to the Mobilization. The planners of the Mobilization felt that it would be important to have representation from the respective police departments. Unfortunately, Chief William McKutcheon indicated that he was not interested in cooperating and did not send a representative, however, he would cooperate with the Task Force. Chief Anthony Bouza indicated that he would be in favor of the Mobilization and that he would cooperate with the group when the occasion arose. Deputy Chief Raymond Presley from the Minneapolis Police Department was present at the Mobilization and contributed to the discussion in the employment workshop.

Task Force

Originally, it was envisioned that an ad-hoc coalition would emerge as a result of the Mobilization with some help from the co-sponsoring agencies. This coalition would continue the implementation of the actions resolved at the Mobilization by its participants. However it was through an appointed Task Force by the Minnesota Department of Human Rights with an offer to provide office and phone privileges that would give the Task Force a better chance of surviving. It was then that Commissioner Marilyn McClure suggested that a Task Force on police practices in the Twin Cities be appointed by her with the sole purpose of carrying out the recommendations of the Minnesota Advisory Committee's report and others that may come out of the Mobilization. McClure suggested that she appoint five members, representing various backgrounds, and that four others be selected from the participants in the Mobilization.

Several discussions were held around the topic of the role and function of the Task Force, however, all concluded that it would be improper to establish any policy prior to the appointment of all members. It was agreed that the Task Force should develop its own modus-operandi during its initial meetings, scheduled for September 1981.

The general consensus was that the Task Force would do the following:

1. Implement by priority all resolutions and actions directed by the groups in the workshops.
2. Develop a communications network of organizations and individuals who had agreed to participate with the Task Force in the implementation process.

3. Schedule and publicize meetings with political and law enforcement officials regarding recommendations of the report.
4. Hold one or two public meetings which would allow for community input into the implementation process and to promote a continuous dialogue on the issues.
5. Monitor actions taken by the police departments and issue press statements. Recommend appropriate actions for the expeditious resolution of problems.
6. Hold another Mobilization after one year of working to evaluate progress and design new solutions for new problems.

The following are the final decisions made by the participants in the Use of Force/Police Community Relations Workshop, Employment and Distribution of Services Workshop, and Police Officer Training Workshop:

Use of Force/Police Community Relations Workshop

Mr. David Rivera, Convenor

Mr. Albert Garcia, Recorder

Recommendation 1.1

Tabled indefinitely! Is not a priority relative to other recommendations.

Recommendation 1.2

(same as above)

Recommendation 1.3

Action: Accepted Unanimously

1. Minneapolis police chief has agreed in principal for such action.
2. Meet with police chiefs and head of IAU.
3. Meet with various concerned groups for support.

Recommendation 1.4

Action: Accepted

Meet with both police chiefs on this issue with the aldermen of both councils, in particular, Alderman Van White and Tony Scallon.

Recommendation 1.5

Action: Accepted

Draft a proposed sample of legislation.
Organize people behind the legislation.
Mechanism must be developed to implement
above ordinance.
Contact sponsoring alderman.

Recommendation 1.6

Action: Accepted

Schedule a meeting with all persons mentioned in the recommendation and suggest they continue meeting.
However, policy regarding jurisdiction needs to be clarified.

Recommendation 1.7

Action: Accepted, but need further clarification.

- amend to exclude dogs.
- handcuffing often abused.
- treatment of prisoners during transportation.

Ask CURA for assistance.

Recommendation 1.8

Action: Accepted

Contact chief of police in both cities.

Recommendation 1.9

Action: Accepted

Suggest that the Task Force draft a resolution and develop a lobbying effort for its support.

Recommendation 1.10

Action: Accepted

Recommendation 1.11

Action: Accepted

Note: Need further research.

Recommendation 1.12

Action: Accepted, but Tabled.

Task Force should contact the Swedish Consulate for definition of ombudsman--differences in terms of power, duties, procedures. For the purpose of this report the Task Force should examine the "Swedish Model." Concern was expressed for its vagueness. The private sector should be approached for funding.

Recommendation 1.13

Action: Accepted

Ascertain status.

The Employment and Distribution of Services Workshops were combined.

Employment/Distribution Services
Mr. Robert Dodor, Convenor
Mr. Rodney McGee, Recorder

Recommendation 2.1

Action:

Note: Affirmative Action Plan is in place now, barrier is budgeting restraints - perhaps a move to upgrade should be resolved.

- expand certification list.
- examine ways to expand effort in the schools to encourage more minorities to enroll in the programs.
- develop a stronger recruitment effort and encourage more minorities and females to apply for positions in the respective police departments.

Recommendation 2.2

Action: No longer applicable.

Recommendation 2.3

Action:

Task Force should monitor the Boise v. St. Paul P.D. case regarding fence jumping, obstacle courses and similar requirements with relevancy to job requirements.

Recommendation 2.4

Action:

The Task Force should issue a statement in support of opposing recent action to rescind affirmative action in St. Paul.

Recommendation 2.5

Action:

Task Force - An outside consultant should conduct validation study of the present POST Board examination.

Review made of college instruction to analyze possibility of conflicting self interest to the Police Federation.

Increase minority participation in the POST Board.

Recommendation 2.6

Action: Not appropriate.

Distribution of Services

Recommendation 3.1

Action:

Based on numbers of minorities, it is not feasible to distribute the above assignments.

Recommendation 3.2

Action:

Task Force evaluate how available new procedure manual is to the public.

If not, take necessary steps to avail manual to citizens (e.g., libraries).

Recommendation 3.3

Action: No action taken.

Recommendation 3.4

Action:

All precincts currently having advisory councils suggest that Task Force check on composition, feasibility and effectiveness.

Review and recommend for improvement.

Recommendation 3.5

Action:

Recommend some white/Hispanic teams as resource. Numerically it's imposible to provide personnel by assignments.

Recommendation 3.6

Action:

No action taken.

Police Officer Training Workshop
Ms. Lupe Lopez, Convenor
Ms. Carla Hagen, Recorder

(Commitment sheets were not filled out. Actions were written separately on another sheet.)

The recorder turned in the following:

Minimum basic law enforcement courses must be amended to include the following:

1. Use simpler language (police terminology) in recommendations.
2. Police officers should receive continuous training in cultural diversity, human rights and human relations (Rec. 4.1).
3. Police officer should be evaluated on the basis of such training.
4. Minority officers should become certified lecturers and assist in training.
5. Minimum basic law enforcement courses requiring instruction in human behavior should include or expand on training in crisis intervention and listening and communication skills.
6. Promotions should be subject to evaluation on past performance by committee of not more than (?) and including a criminal psychologist.
7. Officers who deal with juveniles should have training in juvenile psychology.

Action:

Recommendations to Task Force.

Seek a sponsor for legislation, including recommendations.

Identify resource persons for training of police officers.

Seek intermediaries or lobbyist (such as Bob Dodor, to sponsor or help sponsor legislation).

Immediate Action for Task Force:

Task Force should write letters to municipalities recommending that all police officers receive extensive initial inservice training in human relations.

All participants should get support and participation of other groups, agencies and individuals on actions passed today.

Identify knowledgeable persons (for example, Don Allery, Sally Bosantini, David Goodlow) to recommend content and curriculum of training programs.

A press release should be issued informing public of the Task Force and recommendations.

A letter should be mailed to each mayor requesting representation on the Task Force from their police departments.

Each workshop groups should hold regular meetings.

The Task Force should maintain a line of communication between groups.

The following were some commitments listed:

Ms. Laura Lopez would be willing to commit some time for typing minutes of the meetings and other documents needed in the course of actions.

Mr. James Mann will organize Peace Officers in the community in support of actions taken.

Ms. Carla Hagen - be the liaison or recorder of this group to that Task Force and continue working toward the goals of this group.

Ms. Sally Bansanko - work with State Human Rights in support of actions - attend future meetings.

Mr. Steven Premo - solicit letter of support from the Indian Education Board for the actions taken today.

Ms. Lupe Lopez - letter of support from groups in White Bear Lake.

All participants of this workshop have also agreed to bring another person into the group to increase more participation.

Ms. Julia Cherry, P.O. Box 7114, Minneapolis, MN 55407, elected representative of this workshop to the Task Force.



NEWS

from the

Department of Human Rights

5th Floor Bremer Tower
9/29/81
81-10

SAINT PAUL, MINNESOTA 55101

TEL. 296-5663 - AREA CODE 612

For more information contact:
Mary A. Hartle - 296-9048

TASK FORCE ON POLICE/COMMUNITY RELATIONS FORMED

Marilyn E. McClure, Commissioner of Human Rights, announced today the creation of a nine member task force on Police/Community Relations.

The impetus for the task force came from the Minnesota Human Rights Advisory Committee and the Minnesota Advisory Committee to the U.S. Commission on Civil Rights. These two committees urged Commissioner McClure to appoint a task force to follow up on recommendations contained in a report on police practices prepared by the Minnesota Advisory Committee to the U.S. Commission and recommendations made at an August conference on police practices sponsored by the two advisory committees.

Commissioner McClure explained that "the Task Force will be responsible for studying and recommending changes and improvements in police department practices in the Twin Cities." The Task Force will also urge and monitor the adoption of additional recommendations made to other groups that are involved in overseeing the work of the police departments.

Commissioner McClure appointed Curman L. Gaines to chair the task force. Gaines is a former Deputy Commissioner of Human Rights and is presently assistant principal of Como High School in St. Paul. Other members on the Task Force are: Julia Cherry, Irene Gomez-Bethke, Bob Doder, Alberto Miera, Jr., Donna Folstad, and Barbara Shin. Two of the nine members remain to be appointed. Recommendations for members came from the two advisory committees and participants at the police practices conference. The Task Force will meet the first Tuesday of every month at 4:00 p.m. Meetings will alternate between Minneapolis and St. Paul.

###

Minnesota Department of Human Rights
240 Bremer Bldg.
St. Paul, Minnesota 55101

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TASK FORCE ON POLICE/COMMUNITY RELATIONS
MINUTES

August 21, 1981

ATTENDANCE

The Task Force meeting, convened at 4:00 p.m. by Carmelo Melendez of the U.S. Commission on Civil Rights, represented the final item on the agenda of the Conference on Police/Community Relations co-sponsored by the Minnesota Advisory Committee to the U.S. Commission on Civil Rights and the Minnesota Human Rights Advisory Committee. In attendance were the following appointed members of the Task Force: Mr. Curman Gaines, Chair, Ms. Barbara Shin, Ms. Donna Folstad. The following persons who were nominated for memberships during the conference and recommended for appointment by the Commissioner of Human Rights were present: Mr. Bob Dodor, Ms. Julia Cherry, Ms. Irene Gomez-Bethke, Mr. Alberto Miera, an appointed member of the Task Force, and Mr. William Finney, a nominee for appointment, were not present at the meeting. Other persons present at the meeting included: Mr. Rodney McGee, Chair of the Minnesota Human Rights Advisory Committee; Mr. David Rivera, member of the Minnesota Advisory Committee to the U.S. Commission; Mr. Clark Roberts, U.S. Commission on Civil Rights; Diane Vener, Minnesota Department of Human Rights.

PURPOSE AND FUNCTION OF THE TASK FORCE

Mr. Melendez described the nine person task force as a committee organized to foster improvements in police/community relations. He pointed to recommendations included in the Police Practices report issued by the U.S. Commission on Civil Rights and recommendations of conference participants as measures the Task Force should discuss, suggest for implementation, and monitor when implemented. Mr. Melendez indicated that he would compile the results of the conference workshops into a report and supply copies to Task Force members at his earliest convenience.

TASK FORCE OPERATION

Chair Gaines led discussion about meeting of the Task Force. It was decided that the Task Force will meet the second Tuesday of each month at 4:00 p.m. commencing on Tuesday, September 8, 1981. Meetings will be alternately held in Minneapolis and St. Paul. The first meeting will be held at the Minnesota Department of Human Rights, Bremer Tower Building, 5th Floor, 7th and Minnesota Streets, St. Paul.

Diane Vener, Minnesota Department of Human Rights, indicated that the Department would provide staff support for operation of the Task Force including activities such as recording minutes, xeroxing, typing, etc.

Task Force on Police/Community Relations
Minutes

August 21, 1981

Page (2)

Chair Gaines requested on behalf of the Task Force that the department issue a press release announcing the creation of the Task Force including information about the purpose and function of the Task Force and the composition of the Task Force.

The meeting adjourned at 5:00 p.m.

Recommendations from the Minnesota
Advisory Committee to the U.S.
Commission on Civil Rights

P.88

TO THE CITY COUNCILS

1. The City Councils of Minneapolis and St. Paul should establish formal administrative rulemaking procedures for their respective Police Departments which require public input through notice and comment provisions.
2. The City Councils of Minneapolis and St. Paul should establish a mechanism in their respective cities for mediating or arbitrating civilian-police disputes which permits civilians to obtain appropriate restitution and damage to self or property unnecessarily by police personnel.
3. The City Councils of Minneapolis and St. Paul should each establish an Office of Ombudsman to investigate complaints that any city department or employee violated established policies and practices and public recommendations for appropriate remedial action.
4. The Minneapolis City Council should amend the Minneapolis Civil Rights Ordinance to empower its civil rights agencies to investigate citizens' complaints of police misconduct including brutality.

Recommendations of the Mobilization
Committee

1. Recommendation 3.2

Task force should evaluate availability of procedural manual to the public. If unavailable, necessary steps should be taken to ensure manual is available to citizens (i.e., libraries).

2. Recommendation 1.1

Tabled indefinitely. Is not a priority relative to other recommendations.

3. Recommendation 1.2

Tabled indefinitely. Is not a priority relative to other recommendations.

4. Recommendation 1.5

Draft a proposed sample of legislation. Organize people to support the legislation. Mechanism must be developed to implement above ordinance. Contact sponsoring alderman.

Recommendations from the Minnesota
Advisory Committee to the U.S.
Commission on Civil Rights

Recommendations of the Mobilization
Committee

P. 88

TO THE POLICE DEPARTMENTS

Minneapolis:

1. Neighborhood police advisory councils should be established throughout Minneapolis to assure community participation in establishing law enforcement priorities and reviewing the effectiveness of current practices. The neighborhood police councils should also provide a forum for discussion 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 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 shots fired. (Includes St. Paul)
- ③ The Minneapolis Police Department should establish and implement a number of mechanisms simultaneously for assisting officers to 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

*Write
Lindberg*

1. Recommendation 3.4

Check on precincts currently having advisory councils; assess composition, feasibility, and effectiveness; review and make recommendations for improvement.

*Bob Dador
check 4 precincts
for data*

2. Recommendation 1.3

- (1) Minneapolis Police Chief has agreed in principle to such action.
- (2) Meet with police chiefs and head of I.A.U.
- (3) Meet with various concerned groups for support.

3. Recommendation 1.4

Meet with both police chiefs on this issue with aldermen of both councils present in particular Aldermen Van White and Tony Scallon.

*Inservice
Supervision Training Grants*

Recommendations from the Minnesota
Advisory Committee to the U.S.
Commission on Civil Rights

3. (continued)

Presley
to the Police 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 as 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 relationships 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 Police Federation should jointly

Recommendations of the Mobilization
Committee

4. Recommendation 3.3

No action taken.

5. Recommendation 3.1

Based on numbers of minorities, it is not feasible to assign officers to accomplish this recommendation.

6. Recommendation 4.3

Police officers should receive continuous training in cultural diversity, human rights, and human relations.

7. Recommendation 4.4

Police personnel should be evaluated on the basis of such training.

8. Recommendation 2.1

Note: Affirmative Action Plan is in place now, barrier is budgeting restraints - perhaps a move to upgrade

Recommendation from the Minnesota
Advisory Committee to the U.S.
Commission on Civil Rights

8. (continued)

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 panel and an 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.

Recommendation of the Mobilization
Committee

should be resolved.

- expand certification list
- examine ways to expand effort in the schools to encourage more minorities to enroll in the program
- develop a stronger recruitment effort and encourage more minorities and females to apply for positions in the respective police departments.

1. Recommendation 3.6

No action taken.

2. Recommendation 4.1

Police officers should receive continuous training in cultural diversity, human rights and human relations.

3. Recommendation 1.8

Contact both police chiefs; seek approval of recommendation.

4. Recommendation 1.7

Accepted but more clarification needed.

- amend to exclude dogs
- handcuffing is often abused
- treatment of prisoners during transportation
- ask CURA for assistance

Recommendation from the Minnesota
Advisory Committee to the U.S.
Commission on Civil Rights

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 expeditious 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 west-side 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 areas.
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

Recommendation of the Mobilization
Committee

5. Recommendation 2.4

The task force should issue a statement in support of opposition to recent action to rescind affirmative action in St. Paul.

6. Recommendation 3.5

Recommend some white/Hispanic teams as resources. Numerically, it's impossible to provide personnel by assignment.

7. Recommendation 4.2

Minority officers should become certified lecturers and assist in training; police officers should be evaluated on the basis of such training.

8. Recommendation 1.9

Accepted - suggest the task force draft a resolution and develop a lobbying effort for its support.

Recommendation 2.3

Task force should monitor the Boise vs. St. Paul Police Department case regarding fence jumping, obstacle courses and similar requirements with relevancy to job requirements.

Recommendation from the Minnesota
Advisory Committee to the U.S.
Commission on Civil Rights

To the Civil Service Commissions
(continued)

St. Paul

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 Hennepin 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 Office Standards and Training Board to require municipal police departments to establish and implement uniform standards and procedures for the internal review of police conduct.

Recommendation of the Mobilization
Committee

1. Recommendation 1.6

Accepted. Schedule a meeting with all persons mentioned in the recommendation and suggest they continue meeting. However, policy regarding jurisdiction needs to be clarified.

2. Recommendation 1.10

Accepted.

1. Recommendation 1.13

Accepted. Ascertain status.

Recommendation from the Minnesota
Advisory Committee to the U.S.
Commission on Civil Rights

To the Minnesota Legislature
(continued)

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.

Recommendation of the Mobilization
Committee

Not appropriate.

Accepted and tabled, but the task force should contact the Swedish Consulate for definition of ombudsman...differences in terms of power, duties, procedures. For the purpose of this report the task force should examine the "Swedish Model". Concerns were expressed for its vagueness. Private funds should be sought.

Accepted, but needs further research.

Task force - an outside consultant should conduct validation study of the present POST Board examination.

Review made of college instruction to analyze possibility of conflicting self-interest to the Police Federation.

TASK FORCE ON POLICE/COMMUNITY RELATIONS

1. Accountability - Minneapolis/St. Paul Police Departments Internal Affairs Units.
2. In-Service Training - Minneapolis/St. Paul Police Departments.
3. Use of Force - Minneapolis/St. Paul Police Departments.
4. P.O.S.T. Board
 - (a) Training/Affirmative Action
 - (b) The investigation of citizens' complaints
5. Minneapolis Police Advisory Councils.
6. Affirmative Hiring and Retention.

Bob - Barb - Curman - Irene

Ross - Lundstrom

TASK FORCE ON POLICE/COMMUNITY RELATIONS

Draft Retreat
Action Plan for
Implementation

July 20

McGuire 8:30
3pm

8:30 A.M. I

1. Accountability - Minneapolis/St. Paul Police Departments Internal Affairs Units. Irene Alberto Ray

I

2. In-Service Training - Minneapolis/St. Paul Police Departments. Irene Ray Bob

3. Use of Force - Minneapolis/St. Paul Police Departments. Donna Bob Alberto Curman / Bob

I

4. P.O.S.T. Board Barb / Irene Bob

- (a) Training/Affirmative Action
(b) The investigation of citizens' complaints

I

5. Minneapolis Police Advisory Councils. - Irene - Barbara - Donna

6. Employment; affirmative hiring/Retention

P.M.

Draft Proposal.

list -

8:30- 3 hr.

6 - 1 hr. → 1/2 hr -

POLICE/COMMUNITY RELATIONS TASK FORCE

R E T R E A T

McGuire's Inn of Arden Hills
1201 West County Road E
St. Paul, Minnesota 55112

Tuesday, July 20, 1982
8:30 a.m. - 4:00 p.m.

AGENDA

8:30 - 8:45 Coffee/ Rolls

8:45 Welcome and Introduction by Curman L. Gaines, Chair

(a) Remarks Marilyn E. McClure,
Commissioner
Department of Human Rights

9:00 First Session

(a) Accountability

Minneapolis Police/I.A.U. . Ray Presley
Alberto Miera
Irene Bethke

St. Paul Police/I.A.U. . . Richard Iffert/Ross
Lundskrow *Lundstrom*
Donna Folstad
Curman Gaines

(b) Training

Minneapolis Police
Department Ray Presley
Barbara Shin
Irene Bethke

St. Paul Police
Department Richard Iffert/Ross
Lundskrow
Barbara Shin
Irene Bethke

(c) Use of Force - Minneapolis
and St. Paul Police
Departments. Bob Dodor
Alberto Miera
Curman Gaines

10:00 Coffee Break

10:15

First Session (continued)

(d) P.O.S.T. Board Richard Iffert/Ross
Lundskrow
Irene Bethke
Barbara Shin

(e) Affirmative Hiring and
Retention Ray Presley
Bob Dodor

(f) Minneapolis Police Advisory
Council Donna Folstad
Irene Bethke

10:00 - 1:00

LUNCH

1:00 - 3:00

2nd Session

Draft Action Plans

SUBCOMMITTEE ASSIGNMENTS

Minneapolis Internal Affairs Unit

Alberto Miera, Chair
Irene Bethke
Ray Presley

St. Paul Internal Affairs Unit

Curman Gaines, Chair
Donna Folstad
Ross Lundstrom

Minneapolis Police Training

Barbara Shin, Chair
Irene Bethke
Ray Presley

St. Paul Police Training

Donna Folstad, Chair
Irene Bethke
Ross Lundstrom

Use of Force - Minneapolis and St. Paul Departments

Curman Gaines, Chair
Bob Dodor
Alberto Miera

P.O.S.T. Board (Including affirmative hiring and retention)

Bob Dodor, Chair
Irene Bethke
Ross Lundstrom
Ray Presley
Barbara Shin

Minneapolis Police Advisory Council

Donna Folstad, Chair
Irene Bethke

Task Force on Police/Community Relationships

Outline

- I. Introduction
- II. Task Force Activity
 - A. Reviewer Report on Police Practices in the Twin Cities
 - B. Reviewed Report on Mobilization of Police Practices in the Twin Cities
 - C. Identified five issues/concerns to be examined
 - 1. Accountability
 - 2. Education and Training
 - 3. Use of Force *Commonalities, Bob*
 - 4. P.O.S.T. Board
 - 5. Minneapolis Police Advisory Council
- III. Conclusions
- IV. Proposed changes to be negotiated with Minneapolis and St. Paul Police Departments

← DIRECTED CHANGES IN POLICE MANUAL REGULATIONS
CONCERNING INTERNAL AFFAIRS UNIT →

1. No testimony elicited from a complainant during the course of an Internal Affairs investigation or a hearing before the Disciplinary Board will be used to incriminate the complainant in any judicial proceedings.
2. Notice of Disciplinary Board hearings shall be mailed to all witnesses at least ten days prior thereto, stating the time and place of the hearing.
3. Internal Affairs Unit investigations should be promptly pursued; the fact that criminal charges may be pending against the complainant shall not be justification for the suspension of investigation.
4. When the complainant is a juvenile, notice to be given complainant relative to Disciplinary Board hearings shall be given to the person or persons designated by the complainant as being his parent or legal guardian.
5. In determining whether a charge against a police officer is or is not sustained, the investigator shall consider all available evidence; failure of the complainant to come forward following the initial complaint shall not suspend or terminate said investigation.
6. A provision pertaining to the use of a sworn affidavit in lieu of a personal appearance as to what qualifies to constitute a complaint and by whom a complaint can properly be made should be studied and considered.
7. All City employees, including Department Heads, acting in their official capacity intending to file a complaint with the Board of Professional Responsibility are directed to submit the complaint for review by the City Attorney.
8. An outline of Internal Affairs Unit procedures should be available to the public and will be available in Spanish.

In addition to the above directives, I am exploring the possibility of permitting the complainant to have a person in assistance (non-lawyer) while appearing before a Disciplinary Board.

*add as part of
project*
Sept 1981

Police/Community Relations Task Force

August 24, 1982

St. Paul Police Department Internal Affairs Unit (IAU)

Proposed

Actions:

1. Develop Criteria for assigning police officers to I.A.U. In making these assignments, consideration should be given to department's affirmative action policy.
2. Make available to the public IAU's current investigative procedures.
3. Inform complainant that he/she may also file a complaint with the P.O.S.T. Board.
4. Establish criteria to determine when complaints are referred to Disciplinary Review Board.
5. Amend Section 303.00 Subd. B of Department manual to state that IAU will accept referrals from the P.O.S.T. Board.
6. Implement all changes in Mayor Latimer's September 8, 1981 memorandum.

*St Paul
Manual to
include
referrals from
the P.O.S.T. Board.*

SUMMARY OF ISSUESMinneapolis Internal Affairs Unit

- (1) Officers are assigned to the unit administratively.
- (2) No known criteria is established to determine who is assigned.
- (3) The length of time of an assignment to the unit is not established.
- (4) Potential conflicts of interest that can arise because of the nature of the work are not considered, e.g., an officer investigating a complaint filed against his brother who is also an officer. An officer investigating complaints filed against peers with whom he/she may have emotional and personal involvement.
- (5) The chief exercises total discretion without objective standards in making a decision about when to refer a complaint to the review board.
- (6) Appeal of chief's decision is only available to employees.
- (7) Potential complainants/citizens do not know about/understand the process.
- (8) Citizens are not encouraged to use the I.A.U.
- (9) Criminal/policy and procedural complaints investigated simultaneously?
- (10) No access to I.A.U. files or information.
- (11) No civilian review at any stage of the process (except Civil Service Board).
- (12) Cannot adequately address cultural/language differences.

St. Paul Internal Affairs Unit

- (1) Personnel assigned by chief.
- (2) No established criteria used to assign officers - affirmative action is not considered.
- (3) No established length of service.

St. Paul Internal Affairs Unit (continued)

- (4) No support staff for officers assigned to the unit which results in a backlog of complaints.
- (5) Complainants are not informed of other recourses/options available to them.
- (6) Complainants ethnic origins not recorded.
- (7) No established criteria used to determine when complaints are referred to Disciplinary Review Board.
- (8) No review/appeal process available to complainant.
- (9) Department expresses unawareness that citizens, particularly minorities, are dissatisfied with the process.
- (10) No written procedures for I.A.U. use.
- (11) In present manual and practice, confused about when in-person, directly affected party complaints are necessary vs. other ways and forms of presenting complaints.
- (12) Complainant not encouraged through support mechanisms to follow up on a complaint, e.g., no civil representative can be at hearing.

Minneapolis Training

- (1) No training in cultural diversity and related topics.
- (2) No planned training focusing on #1. for fall, 1982.
- (3) Referrals of officers for training made by officers.
- (4) Unreceptive to suggestions about community/human relations training -- program established.
- (5) Sexist attitudes/remarks exhibited by representatives.
- (6) Current in-service training focuses on technical aspects of work, e.g., revisions in law.

St. Paul Training

- (1) New training program has been developed. Commenced July 1, 1982.

Use of Force - Minneapolis Police Department and St. Paul Police Department

- (1) Progressive law and policies governing use of force in Minnesota (Minnesota Statutes, 609.066).
- (2) Community perception that more force is used in specific neighborhoods and when minorities are involved.
- (3) Officers are perceived as over-reacting emotionally.

P.O.S.T. Board

- Affirmative action
 - (1) Composition of board doesn't reflect population served.
 - (2) Does not monitor affirmative recruiting by colleges.
 - (3) Recruiting team is about to be established.
 - (4) Instructors are not reviewed/evaluated.
- Pre-Service Training
 - (1) Approves programs of community colleges and AVTI's.
 - (2) Culture fair and gender fair objectives are absent from manuals.
 - (3) No access to/knowledge of where to get cultural/human services training.
- In-Service
 - (1) Board approves courses.
 - (2) No access to/knowledge of where.
- Complaint Investigation
 - (1) No known review process.

Questions:

 - (a) What does board review of complaint consist of?
 - (b) Impartiality of review?
 - (3) Does board have access to I.A.U. files?

Affirmative Hiring/Retention - Minneapolis

- (1) Minorities/women have been retained.
- (2) Affirmative action program exists.
- (3) Very little recruitment/hiring presently occurring.
- (4) Compare statistics during 1975 with 1981 for hiring.
- (5) There is nothing in the affirmative action plan which addresses promotional opportunities for minorities.

Affirmative Hiring/Retention - St. Paul

- (1) Mayor and city are committed.
- (2) Structure of training to attract protected class persons has been changed.
- (3) Affirmative action is considered in promotional decisions.

Minneapolis Police Advisory Councils

- (1) Purpose statement is vague.
- (2) Lack of ethnic/minority participation.
- (3) In practice, has become a "good ol' boys" system.
- (4) Insufficient issue and conflict orientation.

POST BOARD

Under the legislation establishing the POST Board, all law enforcement personnel in Minnesota must be licensed by the POST Board. Potential new officers will be eligible to take the POST Board licensing examination: 1) upon successful completion of law enforcement training programs offered by 22 colleges, community colleges and AVTIs in the state; or 2) if they are law enforcement officers in another state under reciprocal provisions of the POST rules.

The POST Board currently has no affirmative action plan in its rules and regulations. Neither does the Board require that the 22 institutions of higher learning offering the programs demonstrate that affirmative action was a consideration in recruitment of students for the law enforcement program.

Historically, we cannot help but observe that the creation by the Legislature of the POST Board followed singularly successful efforts to recruit minority and female candidates by the Minneapolis and St. Paul Police Departments. For years, people who worked to have more minority members serving as policemen were told that minorities would be hired "if we could only find them." When it was demonstrated that minority and women candidates were willing and able to become officers, a new potential obstacle sprung up: the POST Board law and the requirement for college training. ~~There are those of us who wonder whether a degree is really necessary to direct traffic or write tickets.~~

In regard to this matter, we wonder why a person who believes ^{5/}he is qualified ~~CPM~~ take the POST test for a license without completion of the required law enforcement courses of study.

AFFIRMATIVE ACTION

We believe that the POST Board should have an affirmative action plan written into its rules and regulations. We further believe that the Board should require that all institutions of higher learning charged with the responsibility of educating those who will seek licensure as law officers must have an affirmative action plan in place exclusively for the law enforcement program. (In other words, a broad affirmative action plan covering the entire institution is not acceptable; just because a school has a fine and productive program covering, say, its nursing program, cannot lessen the need for a successful affirmative action plan for the law enforcement program.)

We further believe that the Board must monitor the learning institutions affirmative action efforts to make sure that the individual institutions are producing graduates who are members of the protected classes. The institutions must recruit the minority and female students and make sure they complete the courses and become certified, licensed law officers. Schools which fail to produce, should be given a limited time to comply with acceptable standards and if they fail to do so, their law enforcement certification should be removed by the POST Board. The Board should have active liaison with the institutions so that they can monitor the status of affirmative actions. Reports should be quarterly. The Board should express an interest in the teachers offering the courses that comprise the law enforcement programs. (We are concerned that an instructor with a less than total commitment to equality could have a most detrimental effect on minority students.) The Board should see that the

institutions hire minority and female law officers as instructors so that -- among other advantages -- students could see a role model.

The Board should look closely at the offerings of the law enforcement courses and make sure that its learning objectives include a section on cross cultural communications.

*exam and in abjection and results
race / economics -*

In view of the extent to which we believe these activities must be pursued, we believe the POST Board should hire a staffer who would have sole responsibility for these activities and report directly to the executive director.

* Further, we cannot help but notice the under-representation of minorities and women in the composition of the Board itself. We believe the Legislature ^{must} ~~should~~ look into the possibility of changing the law to strike a better balance regarding race and gender. We believe the POST Board should initiate a system to track an applicant through his recruitment, educational experience, testing and hiring, and that results of this tracking should be available in tab or summary form.

We believe that the recruiting team to be composed of officers from the Minneapolis and St. Paul Police Departments and the Minnesota Highway Patrol is a good idea and is a valuable public relations vehicle for the Board. However, in no way do we believe that the existence of the recruiting team should diminish the obligation the colleges have to recruit protected classes for the law enforcement programs. The recruiting team can augment the colleges affirmative action efforts, not replace

them.

We believe that the POST Board ^{must}~~should~~ be assessed by the Legislature during the 1985 session with particular emphasis on the success in producing minorities. In the event that success in that area cannot be demonstrated, we believe the Board should be revamped or perhaps even abolished.

POST BOARD INVESTIGATIVE FUNCTIONS

Based on statistics dealing with the relatively small number of complaints brought to the POST Board, and the disposition of those complaints, we believe a problem exists. Our experience on this task force leads us to believe that there would be a substantially higher number of complaints brought to the Board. We believe that the demand for a written complaint is a deterrent to many people who believe they have justifiable grounds to proceed but lack the time and or talent to put their complaint in writing. We further believe that the chart showing the progress of a complaint through its course is a nightmare and could discourage offended parties. Also the realization that the complaint will be routed back to the IAU of the charged officer, also would tend to "turn off" many people.

Therefore, we believe that the Board should provide assistance in writing a complaint. We further believe the flow chart should be streamlined, but in no way should the due process rights of a charged officer be lessened.

The Board must do a better job of making the public aware of the Board's existence and its power to offer a remedy to people who have complaints about the conduct of law officers.

We further believe that the Legislature ^{must} ~~should~~ change the POST law to provide for the creation of a unit within the Board staff which will investigate all complaints brought to the Board's attention. This will, in effect, lessen the role of IAUs within the Minneapolis and St. Paul Departments and answer the complaint of citizens that the IAU whitewashes beefs against its fellow officers. The POST Board Investigative Unit will be a full time,

professional squad and members will be freed of the problem of having to return at a later date to work with officers they investigated or faced with the conflict of requiring a blood brother or former partner to look into the conduct of his own brother or partner.

PROMOTION AND RETENTION OF MINORITY AND FEMALE OFFICERS

There is a need for expanded certification to enhance the upward mobility of minorities and women within the police departments. The Rule of Three¹⁰ should be changed to put minorities in *at least X # of protected classes be available* a ~~more favorable position~~. It is almost beyond reason to think that a handful of protected class members within a large group would finish in the top ~~three~~ positions. { Therefore, affirmative action might require the creation of two lists, one strictly for minorities, *who successfully pass the list.* and that candidates for promotion be selected alternately from the two lists. }

Protected classes may need special training to prepare for passing promotional examinations. Therefore, the cities should offer reimbursement for taking administrative skills courses in colleges for its sworn personnel.

Protected classes should be represented on all oral boards at the entrance and promotional levels within the departments.

* Cities should consider sanctions of their police departments for failure to meet affirmative action goals. The sanctions could be withholding of budget line items until affirmative action goals are met.

In connection with our thoughts about the role of the cities in this issue, we believe the Minneapolis affirmative action director should be an autonomous positions at the same level as other department heads in city government, and not obscured under the authority of some other department head.

Civil Service rules might need to be changed regarding veterans preference so that it does not work against the principles

of affirmative action. The collection of data on race and gender should be allowed for affirmative action purposes.

Currently, civil service eligibility lists for patrolmen are closed. We believe that any member of a protected class who graduates from a law enforcement program and is licensed by the POST Board should be included on the existing civil service list.

And finally, in the event no minorities are available under POST rules, those rules should be suspended and the cities should be required to go out and recruit as they had been doing with more and more success in the pre-POST Board period.

PEACE OFFICER STANDARDS AND TRAINING BOARD

1982 Edition



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Rules Governing the Selection, Training and Licensing
of Peace Officers and Constables
4 MCAR §§ 13.021-13.039
(effective 3/1/82)

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4 MCAR § 13.021 Introduction and scope. The Board of Peace Officer Standards and Training which operates pursuant to Minn. Stat. §§ 626.84-626.855, is authorized to promulgate rules and standards relating to the selection, training and licensing of peace officers, part-time peace officers and constables in the State of Minnesota. The following rules are adopted pursuant to Minn. Stat. §§ 214.12, 626.843, and 626.845.

4 MCAR § 13.022 Definitions.

A. Applicability. For the purpose of 4 MCAR §§ 13.021-13.039, the words and phrases in this rule have the meanings given them, unless another intention clearly appears.

B. Agency. "Agency" means local or state law enforcement agency employing peace officers, part-time peace officers or constables.

C. Appointing authority. "Appointing authority" means the public official, board, commission, or other person or group of persons responsible for the initial appointment and continued tenure of persons employed by the agency as peace officers, part-time peace officers and constables.

D. Appointment. "Appointment" means an official declaration by an agency that it has engaged the services of a peace officer, part-time peace officer or constable, beginning on a specified date.

E. Basic course. "Basic course" means a course of study, including both academic and skills instruction as specified in 4 MCAR § 13.023 A., which must be completed by any individual seeking to be licensed as a peace officer and whose content, length, instruction and instructors have been approved by the board.

F. Board. "Board" means the Board of Peace Officer Standards and Training.

G. Certification. "Certification" means official acknowledgement by the board that a school meets all of the criteria listed in 4 MCAR §§ 13.023 and 13.024.

H. Chief law enforcement officer. "Chief law enforcement officer" means the highest ranking board licensed officer within an agency, or in the absence of one, the appointing authority.

I. Constable. "Constable" has the meaning given it in Minn. Stat. § 367.40, subd. 3.

J. Coordinator. "Coordinator" means an individual at each school who is recognized by the board and designated by the school to coordinate the basic course as taught at that school.

K. Eligible to be licensed. "Eligible to be licensed" means status of an

individual who has passed the academic and skills examinations or the reciprocity examination, but who has not yet secured employment as a law enforcement officer.

L. Executive director. "Executive director" means executive director of the board.

M. Firearms training course. "Firearms training course" means a firearms training course which includes instruction in the legal limitations on the use of deadly force, conducted by a person who has completed a board recognized firearms instructor course and who is licensed or eligible to be licensed by the board.

N. First aid course. "First aid course" means any of the following officially recognized courses:

1. Red Cross advanced first-aid;
2. Emergency medical technician; or
3. EMS first responder (crash injury management).

O. Guest lecturer. "Guest lecturer" means a person who is invited by the instructor to teach occasionally in a school or a board-approved course in continuing education.

P. Inactive licensed officer. "Inactive licensed officer" means an individual who holds a currently valid peace officer license issued by the board, but who is not currently employed by an agency.

Q. Instructor. "Instructor" means a person who is recognized as being qualified to teach in a school or board-approved continuing education course.

R. Part-time peace officer. "Part-time peace officer" has the meaning assigned to it in Minn. Stat. § 626.84 subd. 1, clause (f).

S. Peace officer. "Peace officer" has the meaning assigned to it in Minn. Stat. § 626.84, subd. 1, clause (c).

T. School. "School" means any institution certified by the board to offer academic instruction, skills instruction or both.

4 MCAR § 13.023 Basic Course.

A. Subject areas and skills instruction. The basic course minimally shall include the following subject areas:

1. Academic instruction in:
 - a. Administration of justice;
 - b. Minnesota Statutes;
 - c. Criminal law;
 - d. Human behavior;
 - e. Juvenile justice;
 - f. Law enforcement operations and procedures; and
 - g. First aid.

2. Skills instruction in:
 - a. Techniques of criminal investigation and testifying;
 - b. Patrol functions;
 - c. Traffic law enforcement;
 - d. Firearms;
 - e. Defensive tactics;
 - f. Emergency vehicle driving; and
 - g. Criminal justice information systems.

B. Waiver. Participation or continued instruction in a particular subject area enumerated in A. shall be waived by the coordinator upon satisfactory evidence of approved equivalent training.

C. Minimum requirements. All schools shall comply with the minimum requirements set forth in A.1. or 2. or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of A. are being met. Nothing in 4 MCAR §§ 13.021-13.039 shall preclude any school from enacting rules which establish standards of training above the minimum requirements set forth in A.

D. Learning objectives. Periodically the board may issue specific learning objectives applicable to the content of the basic course as outlined in A.

E. Participation requirement. All students shall be capable of complete participation in all basic course activities. Any student unable to physically or psychologically participate in all aspects of the basic course shall not be deemed as satisfactorily completing the basic course.

F. Coordinator duties. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the school. The coordinator shall notify the executive director of students who have successfully completed the school. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

G. Instructor requirements. All instructors who teach law enforcement courses in a school shall possess an associate degree or greater from an accredited institution of higher learning, or have professionally recognized training and experience to teach the assigned subject matter. This rule shall not preclude the use of guest lecturers.

4 MCAR § 13.024 Certification of schools.

A. Application. Upon filing a proper application, a school desiring certification shall be reviewed by the board. No certification will be issued unless the school files with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities, and has qualified instructors. Further, the coordinator shall file with the board such other relevant information as the board may

require. Relevant information may include lesson plans and course outlines.

B. Provisional certification. Upon receipt of a properly filed application, the board shall grant provisional certification to a school until such time as an evaluation and inspection has been completed.

C. Certification. Not later than one year from the granting of provisional certification, the board shall grant or deny certification. Certification shall remain contingent upon periodic review by the board or by the executive director.

D. School disciplinary action. Failure of a school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the school:

1. Provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to 4 MCAR § 13.023 A.;

2. Filing with the board all information which the board requires;

3. Cooperation of the staff and faculty of a school with any board investigation relative to its certification status; and

4. Cooperation of the staff and faculty of a school with any board investigation of alleged misconduct by students, staff or faculty in the giving or taking of examinations, reports or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes:

- a. Cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat;

- b. Filing of a false report with the board in cases where the board has requested reports; or

- c. Obstructing a board investigation.

E. Sanctions. Sanctions for failure to comply with the requirements set forth in D. shall be one or more of the following:

1. A letter of censure to the coordinator of the school;

2. Formal or informal probation for the school; or

3. Suspension, revocation or non-renewal of certification of the school.

F. Disciplinary proceedings. Disciplinary proceedings under this rule shall be conducted pursuant to the Administrative Procedures Act, Minn. Stat. ch. 15, and the rules of the State Office of Administrative Hearings, 9 MCAR §§ 2.201-2.222.

4 MCAR § 13.025 Peace officer pre-employment education.

A. Academic examination. Students who successfully complete a school that meets the minimum requirements set forth in 4 MCAR § 13.023 A.1. are eligible to take the academic examination.

B. Skills school. Students who pass the academic examination are eligible to apply for enrollment in a skills school. Upon successful completion of a skills school, a student is eligible to take the skills examination.

3. The applicant shall complete a comprehensive written application.
4. The applicant shall submit to a thorough background search including searches by local, state and federal agencies, to disclose the existence of any criminal record or conduct which would adversely affect the performance by the applicant of peace officer duties.
5. The applicant shall not have been convicted of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota.
6. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a previous felony conviction is discovered.
7. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine that the applicant is free from any physical condition which might adversely affect the performance of peace officer duties.
8. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect the performance of peace officer duties.
9. The applicant shall pass a job-related examination of the applicant's physical strength and agility to demonstrate the possession of physical skills necessary to the accomplishment of the duties and functions of a peace officer.
10. The applicant shall successfully complete an oral examination conducted by or for the agency to demonstrate the possession of communication skills necessary to the accomplishment of the duties and functions of a peace officer.

B. Documentation. The chief law enforcement officer shall maintain documentation necessary to show completion of A.1.-10. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

C. Requirements. An appointing authority may require a peace officer to meet some or all of the foregoing standards prior to appointment.

D. More rigid standards. An appointing authority may require an applicant to meet more rigid standards than those prescribed in this rule.

4 MCAR § 13.028 Licensing of peace officers.

A. Appointee notification. The chief law enforcement officer shall notify the board of the appointment of any person to the position of peace officer before the first day of the appointee's employment. Notification shall be made on a form provided by the board, and it shall include the appointee's full name, sex and date of birth, the effective date of the appointment, and an affirmation that the appointee has met all selection standards as prescribed in 4 MCAR § 13.027.

B. Application procedures. If the appointee is not already a licensed peace officer, but is eligible to be licensed, the appointee shall apply to be licensed at the time of appointment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in D.

C. License certificate. The executive director shall issue a License certificate to an applicant who has complied with the requirements set forth in 4 MCAR § 13.027 A.1.-10. and B. of this rule and whose affirmations are consistent with the board's records. The period of the initial licensure shall be determined according to the initial letter of the licensee's surname, the date of expiration being determined by the provisions set forth in 4 MCAR § 13.030 A.

D. Licensing fee. The appropriate licensing fee is \$10 if the licensee is to be licensed for 30-36 months; \$6.66 if the licensee is to be licensed for at least 18 months but less than 30 months; and \$3.33 if the licensee is to be licensed for at least six months but less than 18 months. No fee is owing if the applicant is to be licensed for less than six months.

E. Surrender of license certificate. Licenses shall remain the property of the board. The license certificate and any renewal certificates shall be surrendered to the board if it is suspended or revoked.

4 MCAR § 13.029 Continuing education.

A. Statement of purpose. Pursuant to the authority vested in it by Minn. Stat. § 214.12, the board has determined that a program of continuing education for peace officers and constables is necessary to promote and ensure their professional competence.

B. Continuing education and license renewal. No peace officer or constable license may be renewed unless the licensee or the licensee's appointing authority furnishes the board proof that the licensee has successfully completed board-approved continuing education as provided in 4 MCAR § 13.030 C.

C. Criteria for course approval. For the purpose of this rule, "course sponsor" means any agency, organization or person who provides continuing education courses and seeks board approval of these courses.

1. Prior to being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days prior to the commencement of the continuing education course.

2. No approval will be granted unless the course sponsor files with the board satisfactory proof that the course meets a law enforcement training need and that the course has reasonable training equipment and facilities available. Further, the course sponsor shall furnish the board with the lesson plans and instructor credentials for the course and such other relevant information as the board may require. Relevant information may include handout

material, attendance policy and evaluation.

3. No approval will be granted unless the course sponsor files all relevant information required by the board at least ten days prior to the commencement of the proposed course. A ten day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

4. Upon approval, the board shall issue a letter of approval to the course sponsor.

5. Instructors who teach in continuing education courses shall possess:

a. Professionally recognized training and experience in the assigned subject area; and

b. Board-recognized instructor training or specialized academic preparation in the assigned subject area, including but not limited to psychology, law and forensic pathology.

6. Guest lecturers shall have their lesson planning and classroom activities supervised by an individual who has completed board-recognized instructor training.

7. Approval of continuing education courses shall be based upon relevance to the knowledge, skills and abilities needed to be a peace officer or constable.

8. The board will approve the course for continuing education credit hours based on each contact hour of proposed training. A contact hour shall consist of no less than one 50-minute class session.

9. The board may accredit a course sponsor to offer a continuing education course for a specified period of time without further documentation.

D. Mandatory courses. The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this rule shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

E. Learning objectives. The board may issue specific learning objectives applicable to the content of continuing education courses.

F. Review. All continuing education courses are subject to periodic review and evaluation by the board.

G. Inactive licensed officer. An inactive licensed officer is eligible to attend continuing education courses. Priority may be given to active licensees.

H. Record-keeping. A list of licensees who successfully complete an approved continuing education course shall be maintained by the course sponsor and a copy transmitted to the board within ten days of the close of the course. The list shall be submitted on forms provided by the board and shall include the license number of each officer. Successful completion of the course shall be determined by the course sponsor.

I. Instructor credit. Peace officers or constables may earn up to one-half

of their required continuing education credits for instructing in approved continuing education courses. The peace officer or constable may earn two hours of continuing education credit for each hour of instruction.

J. Credit for courses not directly approved by the board.

1. Peace officers or constables may request continuing education credit for courses which were not directly approved by the board provided the course was not denied approval, the licensee can show proof that the course was law enforcement related, and can prove successful completion of the course. Application for credit must be submitted on forms provided by the board. Continuing education credit will be granted according to C.7.-8.

2. College credit. Continuing education credit may be granted for courses completed at accredited colleges and universities according to C.7., and credit shall be granted with one semester credit equalling 15 continuing education credits and one quarter credit equalling ten continuing education credits.

K. Instances in which credit shall not be granted. No continuing education credit will be granted for courses which consist solely of television viewing, correspondence work or self-study. Video, motion picture or sound tape presentation may be used provided a qualified instructor is in attendance at all presentations to comment and answer questions.

L. Endorsements.

1. The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills and abilities needed to perform specialized law enforcement functions.

2. Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement.

3. Approval of license endorsement courses shall be according to C.1.-9.

4. Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

5. The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

4 MCAR § 13.030 License renewal.

A. Renewal. Peace officer licenses issued by the board pursuant to 4 MCAR § 13.028 are valid until they expire according to the provisions of that rule, are revoked, or are surrendered by the licensee. Constable licenses issued by the board pursuant to 4 MCAR § 13.032 are valid until they expire according to the provisions of that rule, are revoked, or are surrendered by the licensee. Part-time peace officer licenses issued by the board pursuant to 4 MCAR § 13.031 are valid until they expire, are revoked, or are surrendered by the licensee.

1. The licenses of licensees whose surnames begin with the letters A through G are due for renewal on July 1, 1983 and on July 1 every third year thereafter.

2. The licenses of licensees whose surnames begin with the letters H

through M are due for renewal on July 1, 1984 and on July 1 every third year thereafter.

3. The licenses of licensees whose surnames begin with the letters N through Z are due for renewal on July 1, 1982 and on July 1 every third year thereafter.

B. Application. The board shall require a written application for renewal of licenses.

C. Certificate of renewal. The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education.

1. The appropriate fees are:
 - a. \$10 for renewal of a peace officer license;
 - b. \$5 for renewal of a part-time peace officer license; and
 - c. \$10 for renewal of a constable license.
2. The required hours of continuing education are:
 - a. No hours for any part-time peace officer or for a peace officer or constable who has been licensed for less than six months;
 - b. Sixteen hours for a peace officer or constable who has been licensed for at least six months but less than 18 months, no more than two of which consist of on-line shooting;
 - c. Thirty-two hours for a peace officer or constable who has been licensed for at least 18 months but less than 30 months, no more than four of which consist of on-line shooting; and
 - d. Forty-eight hours for a peace officer or constable who has been licensed for at least 30 months, no more than six of which consist of on-line shooting.

D. Change of name. When a licensee's surname is changed by reason of marriage or a judicial order, the date of expiration of the licensee's license shall change in accordance with the initial letter of the licensee's new surname. The licensee shall pay a proportional added fee if the new date of expiration is later than it would have been, but the licensee will receive a proportional refund if the new date of expiration is earlier than it would have been.

4 MCAR § 13.031 Licensing of part-time peace officers.

A. Scope and purpose. In view of the Legislature's stated policy on part-time peace officers in Minn. Stat. § 626.8461 and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers and constables, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished

at the local level.

B. Notification of appointment of part-time peace officer. The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of part-time peace officer. If the appointee is not already licensed, the appointee shall apply for a provisional license on a form provided by the board.

C. Minimum selection standards. The provisionally licensed part-time peace officer shall meet at least the minimum selection standards for part-time peace officers within six months of the initial appointment, unless the board grants an extension pursuant to Minn. Stat. § 626.8463, clause (a). The minimum selection standards for a part-time peace officer are as provided in 1.-3.

1. The part-time peace officer must not have been convicted of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota. To determine this, the applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a previous felony conviction is discovered.

2. A licensed physician or surgeon shall make a thorough medical examination of the part-time peace officer to determine if the officer is free from any physical condition which would adversely affect the performance of part-time peace officer duties.

3. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect performance of part-time peace officer duties.

D. First aid and firearms. The provisionally licensed part-time peace officer shall successfully complete a first aid course and a firearms training course within 12 months of the initial appointment.

E. Documentation. The appointing authority may certify that the provisionally licensed part-time peace officer has already completed certain of these standards but the certification must be documented pursuant to G.

F. Notification of compliance. Notification of compliance with C. and D. shall be furnished by the chief law enforcement officer on forms provided by the board. The notification shall be submitted within five working days of the respective deadlines. The provisional license shall expire if the provisionally licensed part-time peace officer has not complied within the time allowed.

G. Availability of documentation. The chief law enforcement officer shall maintain the documentation necessary to show compliance with C. and D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

H. Expiration of license. The provisionally licensed part-time peace officer is eligible to take the licensing test for part-time peace officers upon completion of the requirements specified in C. and D. The provisional license expires 24 months after the initial appointment if the provisionally licensed part-time peace officer has not passed the part-time peace officer licensing examination, or if the provisionally licensed part-time peace officer has received a peace officer license.

I. Issuance of license. The executive director shall issue a part-time peace officer license to a provisionally licensed part-time peace officer who has passed the part-time peace officer licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR § 13.030 A. The appropriate licensing fee is \$5 if the license is valid for at least 30 months but less than 36 months; \$3.33 if it is valid for at least 18 months but less than 30 months; and \$1.66 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

J. Inactive status of part-time peace officer license.

1. The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of part-time peace officers. The notification shall include:

- a. Name of licensee;
- b. Licensee's forwarding address unless the licensee requests that this information not be divulged; and
- c. Date of termination.

2. An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he meets the requirements of 4 MCAR § 13.030 C.

3. Inactive status. An individual who is appointed to the position of a part-time peace officer within one year of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in C.1.-3. An individual who is appointed as a part-time peace officer more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in C.1.-3. prior to his first day of employment.

K. Inapplicability. This rule does not apply to peace officers who are employed on a part-time basis.

4 MCAR § 13.032 Constables.

A. Board notification. The appointing authority shall notify the board in writing before an individual appointed or elected to the position of constable assumes any duties in law enforcement. If the individual is not already licensed, he shall apply for a provisional license on a form provided by the board.

B. Requirements. The provisionally licensed constable shall meet the

requirements set forth in 4 MCAR § 13.031 C.-D.

C. Certification. The appointing authority may certify that the provisionally licensed constable has already completed certain of these standards but such certification must be documented pursuant to E.

D. Notification of compliance. Notification of compliance with 4 MCAR § 13.031 C. and D. shall be furnished by the appointing authority on forms provided by the board. Notification shall be submitted within five working days of the respective deadlines. The provisional license expires if the provisionally licensed constable has not complied within the time allowed.

E. Documentation. The appointing authority shall maintain the documentation necessary to show compliance with 4 MCAR § 13.031 C. and D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

F. Constable licensing examination. The provisionally licensed constable shall be eligible to take the constable licensing examination upon completion of the requirements specified in 4 MCAR § 13.031 C. and D. The provisional license expires 24 months after the initial election or appointment if the provisionally licensed constable has not passed the constable licensing examination or if the provisionally licensed constable has received a peace officer license.

G. Issuance of license. The executive director shall issue a constable license to a provisionally licensed constable who has passed the constable licensing examination, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of 4 MCAR § 13.030 A. The appropriate licensing fee is \$10 if the license is valid for at least 30 months but less than 36 months; \$6.66 if it is valid for at least 18 months but less than 30 months, and \$3.33 if it is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

H. Inactive status of constable license.

1. The appointing authority shall notify the board within ten days of all voluntary or involuntary terminations of a constable. Notification shall include:

- a. Name of licensee;
- b. Licensee's forwarding address unless the licensee requests that this information not be divulged; and
- c. Date of termination.

2. An individual possessing a constable license may maintain the license in an inactive status provided that the individual meets the requirements of 4 MCAR § 13.030 C.

3. An individual who is appointed or elected to the position of constable within one year of the date the individual's license was placed on inactive status may not be required to comply with selection standards outlined in

4 MCAR § 13.031 C.1.-3. An individual who is appointed or elected as a constable more than one year after the date the individual's license was placed on inactive status shall be required to comply with selection standards outlined in 4 MCAR § 13.031 C.1.-3. prior to the individual's first day of employment.

I. Inapplicability. This rule does not apply to a peace officer who is elected or appointed to the position of constable.

4 MCAR § 13.033 Transition from part-time peace officer to peace officer.

A. Purpose. To meet the mandates of Laws of 1981, ch. 310, the board is hereby promulgating rules to provide a system whereby part-time peace officers may, upon fulfilling certain conditions and requirements, obtain peace officer licenses.

B. Eligibility. An appointing authority may, by formal declaration to the board, state its intention to have any part-time peace officer in its employ be eligible for peace officer licensing, subject to the following restrictions:

1. The individual named in this declaration must be a part-time peace officer who has worked 1040 hours as a part-time peace officer since the date the individual was licensed, pursuant to 4 MCAR § 13.031 I.; and

2. The individual shall complete all selection standards as outlined in 4 MCAR § 13.027 before the declaration is submitted to the board.

C. Declaration of intent.

1. The declaration of intent shall demonstrate a compelling need for having an agency's part-time peace officer or officers become peace officers.

2. The declaration must be in the form of a formal resolution made by the appointing authority. The board shall be provided with a copy of the resolution and the minutes of the meeting at which it was made. These documents shall be submitted to the board within ten days of the effective date of the resolution.

D. Removal of hour restriction.

1. The 20-hour per week limit perscribed by Minn. Stat. § 626.84, subd. 1., clause (f) for a part-time peace officer, will be waived in accordance with Minn. Stat. § 626.84, subd. 1, clause (f) only after the board has formally approved the declaration submitted by the appointing authority. The 20-hour per week restriction may thereafter be waived at the discretion of the appointing authority for a period not to exceed one year. This one year limit may be extended only for compelling reasons, subject to board review and approval. No individual may have the hour restriction removed a second time if the individual fails to obtain a peace officer license within one year from the date the board approved the agency's declaration of intent to have the individual become a peace officer. Waiver of the hour restriction may only be effected in a single agency in cases where the officer works for more than one department. An individual working for more than one agency whose hourly restriction has been waived in one of these agencies shall still be bound to the 20-hour a week limit in all other agencies for which the individual works.

2. Upon acceptance by the board, the officer is exempted from the

limitation on the number of hours that may be worked. The officer is subject to all other part-time peace officer requirements as outlined in Minn. Stat. §§ 626.8464 and 626.8465.

E. Specialized training school. Any part-time peace officer who has been formally designated by the appointing authority to seek peace officer licensing through the provisions of this rule and who has met all of the requirements stated herein, is eligible to attend a specialized training school pursuant to Minn. Stat. §§ 626.843, subd. 1, clause (g) and 626.845, subd. 1 clause (g), that meets the requirements set forth in 4 MCAR § 13.023 A.1. Upon successful completion of the specialized training school, an individual will be eligible to take the academic examination.

F. Skills school. Part-time peace officers who have successfully completed the academic examination are eligible to attend the skills school. Upon successful completion of the skills school, a part-time peace officer is eligible to take the skills examination.

G. Eligibility for licensing. Part-time peace officers who have successfully completed the skills examination are eligible to be licensed.

4 MCAR § 13.034 Inactive status of peace officer licenses.

A. Termination. The chief law enforcement officer shall notify the board within ten days of all voluntary and involuntary termination of peace officers. The notification shall include:

1. Name of licensee;
2. Licensee's forwarding address, unless licensee requests that this information not be divulged; and
3. Date of termination.

B. Inactive status. An individual possessing a peace officer license may maintain the license in an inactive status, provided the individual meets the requirements of 4 MCAR § 13.030 C.

C. Selection standards. An individual who is appointed to a law enforcement position within one year of the date the individual's license was placed on inactive status shall not be required to comply with selection standards outlined in 4 MCAR § 13.027 A.1.-10. An individual who is appointed to a law enforcement position more than one year after the date that individual's license was placed on inactive status shall be required to comply with selection standards as outlined in 4 MCAR § 13.027 A.1.-10., prior to his first day of employment.

4 MCAR § 13.035 Scope of standards of conduct.

A. Authority. This rule is adopted pursuant to Minn. Stat. §§ 626.843, subd. 1, clause (e), 626.845, subd. 1, clause (i), and ch. 214.

B. Scope. Nothing in 4 MCAR §§ 13.021-13.039 shall preclude or prevent

any agency, political subdivision, civil service commission or other appointing authority from publishing and enforcing rules, policies or procedures which are more comprehensive than those minimum statewide standards set forth hereinafter. The responsibility for enforcing any rules, policies or procedures which are more comprehensive than the following minimum standards of conduct remains with the promulgating agency, political subdivision, commission or appointing authority.

C. Statement of purpose. The board believes that in order for the public to have confidence in the integrity and ability of the law enforcement, it is paramount that peace officers demonstrate that they are capable of self-regulation. The board further believes that internal discipline is properly a function of the appointing authority and its political subdivision. These standards of conduct relate to licensure only and violations thereof do not enlarge on a peace officer's civil or criminal liability in any way.

4 MCAR § 13.036 Standards of conduct. Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension or nonrenewal of license:

A. The conviction of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota;

B. The use of deadly force when not authorized by Minn. Stat. § 609.066;

C. The making of any false material statement under oath to the board which the peace officer does not believe to be true;

D. The making of any false material statement to the board while obtaining or renewing a license;

E. Failure to comply with the board's continuing education requirements as set forth in 4 MCAR § 13.030 C.;

F. Failure to pay the appropriate license renewal fee;

G. Any violation of a board rule set for in 4 MCAR §§ 13.021-13.039; or

H. Any obstruction, hindrance, interference or prevention of the execution of 4 MCAR § 13.037.

4 MCAR § 13.037 Complaint processing. For the purpose of this rule, "affected parties" means the complainant, the licensee who is subject to the complaint, and the chief law enforcement officer in the agency employing the officer who is a party to the complaint.

A. Scope. This rule shall constitute the code for regulating the management and processing of complaints concerning allegations of misconduct of all licensees. To the extent the terms of this rule are inconsistent with any

other rules or agreements, the terms of this rule shall be controlling.

B. Complaint committee membership. The complaint investigation committee shall consist of three board members who shall supervise the processing of the complaint. At least two of these members shall be peace officers. The board chairman shall appoint the complaint investigation committee and the chairman.

C. Complaint committee quorum. All three committee members must be present to act and decisions of the committee shall be by majority vote.

D. Initial hearing. After any written complaint concerning the conduct of a licensee is received by the executive director of the board or his designee, a meeting of the committee shall be convened within a reasonable time.

1. Reasonable notice of the time, place and date of the meeting shall be given to the affected parties. The notice shall also state the nature of the complaint and advise those notified that they may attend the meeting and have a reasonable opportunity to address the committee. The notice shall advise the affected parties of any staff recommendations concerning the complaint and the purpose of the meeting.

2. After review of the evidence the committee shall take one of the following actions and shall inform the affected parties of the committee's decision:

a. The committee may refer the complainant to another state or local agency which has jurisdiction over the subject matter of the complaint;

b. The committee may find no arguable violation of a rule or statute which the board is empowered to enforce has occurred;

c. The committee may find an arguable violation of a rule or statute which the board is empowered to enforce has occurred. If the committee so finds, it shall also determine the appropriate agency to investigate the matter or, if the matter has been adequately investigated, it may refer the matter to the board for further action; or

d. The committee may continue this matter.

E. Investigation. If the committee finds a possible violation has occurred, it shall refer the matter to the executive director who shall consult with the agency designated to investigate the complaint.

1. If the executive director finds that the appropriate agency has investigated the allegations in the complaint, the executive director shall obtain the information pursuant to Minn. Stat. § 214.10, subd. 5, and present it to the committee.

2. If the executive director finds that the appropriate agency has not investigated the allegations or has not provided the requested information, the executive director shall order the appropriate agency to conduct an investigation and provide its findings within 30 days. By majority vote, the committee may grant the agency a 15-day extension, subject to renewal upon request and approval of the majority of the committee members.

F. Second hearing. After the executive director receives the information, he shall call a meeting of the committee. The purpose of the meeting shall be

to determine whether further board action is warranted.

1. Reasonable notice of the time, place and date of the meeting shall be given to the affected parties. The notice shall advise those affected parties that they may attend the meeting and have a reasonable opportunity to address the committee. It shall also advise the affected parties that the purpose of the meeting is solely to determine whether further board action is warranted.

2. After review of the evidence, the committee shall take one of the following actions and shall inform the affected parties of the committee's action:

- a. The committee may find that no further board action is warranted;
- b. The committee may find that further board action is warranted; or
- c. The committee may continue the matter.

G. Appeals. Any member of the committee who has voted against any decision of the committee may appeal that decision to the full board by means of the following procedures:

1. The committee member bringing the appeal shall immediately inform the committee of the member's intention to do so and action of the committee's decision shall be stayed pending the outcome of the appeal;

2. The affected parties shall be promptly notified of the decision to appeal;

3. The board shall hear the appeal at the next regularly scheduled board meeting;

4. The appeal shall be on the record of the proceedings of the committee;

5. The committee member appealing the decision shall be given reasonable opportunity to present oral or written argument, or both, to the board;

6. The other committee members shall be given a reasonable opportunity to present oral or written argument, or both to the board;

7. Committee members may vote on the issue under appeal; or

8. If a majority of the board members present reverse the decision of the committee, the matter will be remanded to the committee for action consistent with the reversal. In all other cases, the stay of action will be revoked and the matter will be remanded to the committee for further action.

H. Settlement. If a matter is referred to the executive director after a determination has been made that further board action is warranted, the executive director shall attempt to resolve the grievance or rectify improper activity through education, conference, conciliation and persuasion of the appropriate parties. The executive director shall present a written report to the board of the result of his attempt in this regard.

I. Review by the board.

1. The affected parties shall be given reasonable notice of the board meeting at which the board will review the report of the executive director.

2. The board shall review the report of the executive director and based on this report and the total record shall by the absolute majority of the board membership take one of the following actions:

- a. The board may order an administrative hearing as provided by law;
- b. The board may enter into a settlement agreement or compromise

with the licensee. Violation of the terms of any such settlement may be grounds for additional board action;

- c. The board may decide no further action is necessary; or
 - d. The board may continue this matter.
3. The board shall provide notice to the affected parties of the board's decision.

J. License hearings.

1. Administrative license hearings shall be conducted in the manner prescribed by the contested case procedures mandated by Minn. Stat. ch. 15, the Administrative Procedures Act, and 9 MCAR §§ 2.201-2.222, the rules of the Office of Administrative Hearings.

2. After receipt of the report of the hearing examiner, the board chairman shall convene a special meeting of the full board.

3. Before the board votes to take action concerning a license it shall provide a reasonable opportunity to be heard and comment upon the report of the hearing examiner. This hearing shall be public. It shall be recorded.

4. The board shall take one of the following actions:

- a. Order a re-hearing;
 - b. Revoke the officer's license;
 - c. Suspend the officer's license;
 - d. Enter a settlement agreement or compromise with the officer.
- Violations of the terms of the settlement may be grounds for further board action;

- e. Reprimand the licensee; or
- f. Take no further action.

5. Any of the actions listed in 4.a.-f. require a decision by an absolute majority of the board.

6. The affected parties shall be sent written notice of the decision and the reasons for the decision.

4 MCAR § 13.038 Reimbursement to local units of government.

A. Annual reimbursement. Pursuant to Laws of 1981, ch. 341, § 1, the board shall provide annual reimbursement to help defray the costs that have been incurred by local units of government in making continuing education available to the peace officers or constables, or both, employed by them; provided, however, that the board's program of reimbursement is contingent upon the continued availability of funds designated for that purpose.

B. Equal shares of funds. Equal shares of the available funds shall be disbursed to the local units for each peace officer or constable who:

- 1. Has been employed the same local unit during at least eight of the 12 months immediately preceding the local unit's application for reimbursement; and
- 2. Has had at least 16 hours of board-approved continuing education made available to the constable or peace officer by the local unit during those 12 months.

C. Part-time peace officer shares. A share may be awarded when a peace

officer has worked part-time for a local unit, but only one local unit shall be credited with a share for the same peace officer.

D. Application forms. The board shall furnish application forms to each local unit as soon as possible after July 1 of each year. The board shall also provide a list of the peace officer or constables, or both, who, according to the board's records, were employed by the local unit as of July 1. When applying for reimbursement, a local unit shall affirm that it is eligible to be reimbursed in accordance with the board's list, or that a correction should be made and the amount of reimbursement should be adjusted in accordance with the correction.

E. Signing of application forms. Application forms shall be signed by both the chief law enforcement officer and the official designated by resolution of the appointing authority. The forms shall be submitted to the executive director within 45 days of the distribution of the forms, except that the executive director may grant an extension of time which shall not exceed ten days.

F. Further information. The executive director may require such further information or documentation as may be necessary to substantiate a correction in the number of shares to be credited to an applicant for reimbursement. If the same peace officer or constable is claimed by more than one applicant, the executive director shall determine which applicant is eligible for the share. This determination shall be made by documented statements of hours worked. Reimbursement funds shall be disbursed to the county, municipal, or township treasurer as soon as possible after approval of the application and computation of the amount per share to be awarded to each applicant.

4 MCAR § 13.039 Reimbursement to institutions providing skills training. For the purpose of this rule, a "board approved course in law enforcement skills training" means a skills school.

A. Reimbursement. Pursuant to Laws of 1981, ch. 341, § 1, the board shall provide reimbursement to institutions conducting board-approved courses in law enforcement skills training; provided, however, that the reimbursement program shall be conditional upon the continued availability of funds designated for this purpose.

B. Academic and skills program. No reimbursement shall be awarded to a combined academic and skills program.

C. Student awards. Equal shares shall be awarded for each student successfully completing the board's skills licensing examination between July 1 and June 30 of a given fiscal year.

D. Application for reimbursement. Application shall be made through a written request signed by the coordinator of a skills course. The application shall state the names of the students for whom reimbursement is being sought.

E. Application approval. The executive director shall approve each appli-

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cation upon verification that the named students have successfully completed the skills licensing test within the period prescribed in C. Payment shall be made to the skills school.

Repealer. Rules 4 MCAR §§ 13.001-13.020 are repealed.

626.84 [DEFINITIONS AND SCOPE.]

Subdivision 1. [DEFINITIONS.] For the purposes of sections 626.84 to 626.855, the following terms shall have the meanings given them:

(a) "Board" means the Minnesota board of peace officer standards and training;

(b) "Director" means the executive director of the board;

(c) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.

(d) "Constable" shall have the meaning assigned to it in section 367.40.

(e) "Deputy constable" shall have the meaning assigned to it in section 367.40.

(f) "Part-time peace officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the

individual by any law enforcement agency. The limitation on the average number of hours in which the services of a part-time peace officer may be utilized shall not apply to a part-time peace officer who has formally notified the board pursuant to rules adopted by the board of his intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g) and 626.845, subdivision 1, clause (g).

(g) "Reserve peace officer" means an individual whose services are utilized by a law enforcement agency for purposes including, but not limited to, providing supplementary assistance at special events, traffic or crowd control, or administrative or clerical assistance; provided that the individual's duties do not include enforcement of the general criminal laws of the state unless accompanied by a licensed peace officer; further provided that the individual does not have full powers of arrest or authorization to carry a firearm on duty. The term shall apply even though the individual receives no compensation and irrespective of the number of hours worked by, or the title conferred upon, the individual by any law enforcement agency.

Subd. 2. [SCOPE.] Notwithstanding sections 12.03, subdivision 4, 12.25, or any other law to the contrary, no individual employed or acting as an agent of any political subdivision shall be authorized to carry a firearm when on duty unless the individual has been licensed pursuant to sections 626.84 to 626.855. Nothing herein shall be construed as requiring licensure of a security guard as that term is defined

1 in section 626.88, subdivision 1, clause (c).

2 626.841 [BOARD; MEMBERS.]

3 The board of peace officer standards and training shall be
4 composed of the following 13 members:

5 (a) Two members to be appointed by the governor from among
6 the county sheriffs in Minnesota;

7 (b) Four members to be appointed by the governor from among
8 peace officers in Minnesota municipalities, at least two of whom
9 shall be chiefs of police;

10 (c) The superintendent of the Minnesota bureau of criminal
11 apprehension or his designee;

12 (d) Two members appointed by the governor experienced in
13 law enforcement at a local, state or federal level who are not
14 currently employed as peace officers;

15 (e) Two members to be appointed by the governor from among
16 the elected city officials in statutory or home rule charter
17 cities of under 5,000 population outside the metropolitan area,
18 as defined in section 473.121, subdivision 2;

19 (f) Two members appointed by the governor from among the
20 general public.

21 A chairman shall be appointed by the governor from among
22 the members. In making appointments the governor shall strive
23 to achieve representation from among the geographic areas of the
24 state.

25 626.842 [TERMS; MEETINGS; COMPENSATION; REMOVAL;
26 VACANCIES.]

27 Subdivision 1. Meetings shall be called at the request of
28 the chairman or upon the written request of a majority of the

1 members of the board.

2 Membership on the board shall not constitute the holding of
3 a public office, and members of the board shall not be required
4 to take and file oaths of office or submit a public official's
5 bond before serving on the board.

6 No member of the board shall be disqualified from holding
7 any public office or employment, by reason of his appointment to
8 the board, nor shall he forfeit any such office or employment
9 notwithstanding any general, special, or local restriction, or
10 ordinance, or city charter to the contrary.

11 Subd. 2. The membership terms, compensation, removal of
12 members and the filling of vacancies for members appointed
13 pursuant to section 626.841, clauses (a), (b), (d) and (e) on
14 the board; the provision of staff, administrative services and
15 office space; the review and processing of complaints; the
16 setting of fees; and other matters relating to board operations
17 shall be as provided in chapter 214.

18 626.843 [RULES STANDARDS; EXECUTIVE DIRECTOR.]

19 Subdivision 1. The board shall adopt rules with respect to:

20 (a) The certification of peace officer training schools,
21 programs, or courses including training schools for the
22 Minnesota highway patrol. Such schools, programs and courses
23 shall include those administered by the state, county, school
24 district, municipality, or joint or contractual combinations
25 thereof, and shall include preparatory instruction in law
26 enforcement and minimum basic training courses;

27 (b) Minimum courses of study, attendance requirements, and
28 equipment and facilities to be required at each certified peace

1 officers training school located within the state;

2 (c) Minimum qualifications for instructors at certified
3 peace officer training schools located within this state;

4 (d) Minimum standards of physical, mental and educational
5 fitness which shall govern the recruitment and licensing of
6 peace officers within the state, by any state, county,
7 municipality, or joint or contractual combination thereof,
8 including members of the Minnesota highway patrol;

9 (e) Minimum standards of conduct which would affect the
10 performance of the individual in his duties as a peace officer;

11 These standards shall be established and published on or
12 before July 1, 1979.

13 (f) Minimum basic training which peace officers appointed
14 to temporary or probationary terms shall complete before being
15 eligible for permanent appointment, and the time within which
16 such basic training must be completed following any such
17 appointment to a temporary or probationary term;

18 (g) Minimum specialized training which part-time peace
19 officers shall complete in order to be eligible for continued
20 employment as a part-time peace officer or permanent employment
21 as a peace officer, and the time within which the specialized
22 training must be completed;

23 (h) Content of minimum basic training courses required of
24 graduates of certified law enforcement training schools or
25 programs. Such courses shall not duplicate the content of
26 certified academic or general background courses completed by a
27 student but shall concentrate on practical skills deemed
28 essential for a peace officer. Successful completion of such a

1 course shall be deemed satisfaction of the minimum basic
2 training requirement;

3 (i) Grading, reporting, attendance and other records, and
4 certificates of attendance or accomplishment;

5 (j) The procedures to be followed by a part-time peace
6 officer for notifying the board of his intention to pursue the
7 specialized training for part-time peace officers who desire to
8 become peace officers pursuant to sections 626.843, subdivision
9 1, clause (g) and 626.845, subdivision 1, clause (g); and

10 (k) Such other matters as may be necessary consistent with
11 sections 626.84 to 626.855. Rules promulgated by the attorney
12 general with respect to these matters may be continued in force
13 by resolution of the board if the board finds the rules to be
14 consistent with sections 626.84 to 626.855.

15 Subd. 2. An executive director shall be appointed by and
16 serve in the unclassified service at the pleasure of the board.
17 The executive director shall perform such duties, on behalf of
18 the board, as the board shall prescribe. The board shall
19 appoint such employees, agents and consultants as deemed
20 necessary, prescribe their duties, and provide for reimbursement
21 of their expenses. Such employees shall be in the classified
22 service.

23 Subd. 3. The board may, in addition:

24 (a) Recommend studies, surveys, and reports to be made by
25 the executive director regarding the carrying out of the
26 objectives and purposes of sections 626.841 to 626.855;

27 (b) Visit and inspect any peace officer training school
28 approved by the executive director or for which application for

1 such approval has been made;

2 (c) Make recommendations, from time to time, to the
3 executive director, attorney general, governor, and the
4 legislature regarding the carrying out of the objectives and
5 purposes of sections 626.841 to 626.855;

6 (d) Perform such other acts as may be necessary or
7 appropriate to carry out the powers and duties of the board as
8 set forth in sections 626.841 to 626.849;

9 (e) Cooperate with and receive financial assistance from
10 and join in projects or enter into contracts with the federal
11 government or its agencies for the futherance of the purposes of
12 Laws 1977, Chapter 433.

13 626.845 [POWERS AND DUTIES.]

14 Subdivision 1. The board shall have the following powers
15 and duties:

16 (a) To certify peace officers' training schools or programs
17 administered by state, county and municipalities located within
18 this state in whole or in part no later than 90 days after
19 receipt of an application for certification. The reasons for
20 noncertification of any school or program or part thereof shall
21 be transmitted to the school within 90 days and shall contain a
22 detailed explanation of the reasons for which the school or
23 program was disapproved and an explanation of what supporting
24 material or other requirements are necessary for the board to
25 reconsider. Disapproval of a school or program shall not
26 preclude the reapplication for certification of the school or
27 program;

28 (b) To issue certificates to schools, and to revoke such

1 certification when necessary to maintain the objectives and
2 purposes of sections 626.841 to 626.855;

3 (c) To certify, as qualified, instructors at peace officer
4 training schools, and to issue appropriate certificates to such
5 instructors;

6 (d) To license peace officers who have satisfactorily
7 completed certified basic training programs, and passed
8 examinations as required by the board;

9 (e) To cause studies and surveys to be made relating to the
10 establishment, operation, and approval of state, county, and
11 municipal peace officer training schools;

12 (f) To consult and cooperate with state, county, and
13 municipal peace officer training schools for the development of
14 in-service training programs for peace officers;

15 (g) To consult and cooperate with universities, colleges,
16 and area vocational technical institutes for the development of
17 specialized courses of instruction and study in the state for
18 peace officers and part-time peace officers in police science
19 and police administration;

20 (h) To consult and cooperate with other departments and
21 agencies of the state and federal government concerned with
22 peace officer standards and training;

23 (i) To perform such other acts as may be necessary and
24 appropriate to carry out the powers and duties as set forth in
25 the provisions of sections 626.841 to 626.855;

26 (j) To coordinate the provision, on a regional basis, of
27 skills oriented basic training courses to graduates of certified
28 law enforcement training schools or programs;

1 (k) To obtain criminal conviction data for persons seeking
2 a license to be issued or possessing a license issued by the
3 board. The board shall have authority to obtain criminal
4 conviction data to the full extent that any other law
5 enforcement agency, as that term is defined by state or federal
6 law, has to obtain the data; and

7 (l) To prepare and transmit annually to the governor and
8 the legislature a report of its activities with respect to
9 allocation of moneys appropriated to it for peace officers
10 training, including the name and address of each recipient of
11 money for that purpose, the amount awarded, and the purpose of
12 the award.

13 Subd. 2. The board on or after July 1, 1979 shall license
14 constables who have satisfactorily completed certified basic
15 training programs, and passed examinations as required by the
16 board.

17 626.846 [ATTENDANCE, FORFEITURE OF POSITION.]

18 Subdivision 1. Notwithstanding any general or local law or
19 charter to the contrary, any peace officer or part-time peace
20 officer employed or elected on or after July 1, 1979, by any
21 state, county, municipality or joint or contractual combination
22 thereof of the state of Minnesota shall not be eligible for
23 permanent appointment without being licensed by the board
24 pursuant to sections 626.84 to 626.855.

25 Subd. 2. Every peace officer or part-time peace officer
26 who shall be appointed by any state, county, municipality or
27 joint or contractual combination thereof of the state of
28 Minnesota on a temporary basis or for a probationary term, shall

1 forfeit his position unless he has been licensed by the board
 2 pursuant to sections 626.841 to 626.855. Any other peace
 3 officer or part-time peace officer employed or elected by any
 4 state, county, municipality or joint or contractual combination
 5 thereof, may attend peace officer training courses and be
 6 licensed by the board pursuant to sections 626.84 to 626.855.

7 626.8461 [PART-TIME PEACE OFFICERS; POLICY.]

8 The legislature finds and declares that it is necessary to
 9 establish minimum training requirements for part-time peace
 10 officers in certain specified areas to maximize protection of
 11 the rights and safety of the public and to minimize liability on
 12 the part of Minnesota counties and municipalities. The
 13 legislature further finds that part-time peace officers are most
 14 effectively utilized as a supplement to regular, fully trained
 15 and licensed, peace officers and does not encourage the use of
 16 part-time peace officers when needs for service would otherwise
 17 justify the use of peace officers.

18 626.8462 [COMPETENCY REQUIREMENTS.]

19 Part-time peace officer licensing examinations shall be
 20 designed to insure competency in the following areas reasonably
 21 achievable in courses within a total hourly maximum of 54 hours:

- 22 (a) Law of arrest, including probable cause;
- 23 (b) Law of search and seizure;
- 24 (c) Confessions and interrogations, oral and written;
- 25 (d) Law and rules of evidence;
- 26 (e) Minnesota criminal code;
- 27 (f) Juvenile law;
- 28 (g) General principles of criminal investigations;

(h) Crime scene search and investigation;

(i) Preservation and collection of crime scene evidence;

(j) Traffic enforcement, including accident investigation.

Upon request, the board shall provide to any sheriff or chief of police lesson plans and instructional materials reasonably necessary to conduct classes in the required areas of study. Nothing herein shall be construed to prohibit a requirement for more comprehensive training imposed by a local law enforcement agency.

626.8463 [PART-TIME PEACE OFFICERS.]

Any individual appointed or employed as a part-time peace officer to a position which was filled by a part-time officer between January 1, 1978 and May 31, 1979 owing to the death, termination, or failure of the incumbent to comply with the requirements of this section shall provide proof to the board that:

(a) Within six months of his appointment he has satisfied the selection standards of the board then in effect. The board shall grant a reasonable extension of time to show satisfaction of selection standards to any law enforcement agency that demonstrates that satisfaction of selection standards within six months would impose financial hardship;

(b) Within 12 months of his appointment he has successfully completed a board certified course, or a professionally recognized program, in first aid, and, if authorized to carry a firearm on duty, firearms training, including legal limitations on the justifiable use of deadly force;

(c) Within 24 months of his appointment he has successfully

1 passed a board part-time peace officer licensing examination.

2 A law enforcement agency may designate personnel as
3 part-time peace officer replacements who shall be subject to the
4 training requirements of this section notwithstanding the fact
5 that the personnel are appointed to positions which were not
6 filled by part-time officers between January 1, 1978 and May 31,
7 1979. Provided that the number of personnel so designated shall
8 not exceed a number equal to two or ten percent of the positions
9 filled by part-time officers between January 1, 1978 and May 31,
10 1979, rounded to the next highest whole number, whichever is
11 greater.

12 626.8464 [NEW PART-TIME PEACE OFFICER POSITIONS.]

13 Except as otherwise provided in section 626.8463, any
14 individual appointed or employed as a part-time peace officer to
15 a position which was not filled by a part-time officer between
16 January 1, 1978 and May 31, 1979 shall meet the training and
17 licensing requirements of the board then in effect for full-time
18 peace officers.

19 626.8465 [PART-TIME OFFICERS; LIMITATIONS.]

20 Subdivision 1. [SUPERVISION OF POWERS AND DUTIES.] No law
21 enforcement agency shall utilize the services of a part-time
22 peace officer unless the part-time peace officer exercises his
23 powers and duties under the supervision, directly or indirectly
24 of a licensed peace officer designated by the chief law
25 enforcement officer. Supervision also may be via radio
26 communications. With the consent of the county sheriff, the
27 designated supervising officer may be a member of the county
28 sheriff's department.

1 Subd. 2. [PART-TIME PEACE OFFICER LICENSE, RESTRICTION.]

2 Any individual licensed by the board as a part-time peace
3 officer shall be eligible for appointment or employment anywhere
4 in the state as a part-time peace officer but not as a peace
5 officer unless he meets board training and licensing
6 requirements then in effect for peace officers.

7 Subd. 3. [EMERGENCY APPOINTMENT.] Upon application of a

8 law enforcement agency the board shall exempt from the
9 provisions of Laws 1979, Chapter 282 the number of individuals
10 necessary to secure and maintain the public safety in the case
11 of an emergency arising from a natural disaster, civil disorder
12 fire, explosion, or similar catastrophic event; provided that no
13 exemption shall be valid for a period exceeding 30 days. In the
14 event the emergency requires an exemption immediately, the
15 director or in case of his absence, the chief law enforcement
16 officer of the municipality or township, or the sheriff of the
17 county in which the emergency has arisen, shall grant an
18 exemption which shall be valid only until the board has met and
19 approved or rejected the application, but in no event shall an
20 exemption granted by the director, the chief law enforcement
21 officer of the municipality or township, or a county sheriff, be
22 valid for a period exceeding seven days.

23 626.847 [COMPULSORY PROGRAM; EXEMPTIONS.]

24 Nothing contained in sections 626.841 to 626.855, shall be
25 construed to exempt any peace officer from the provisions of
26 sections 626.841 to 626.855, or to exempt a peace officer having
27 received his last permanent appointment as a peace officer prior
28 to July 1, 1967.

626.848 [TRAINING COURSES, LOCATIONS.]

Subject to board rules, the superintendent of the bureau of criminal apprehension shall provide courses at convenient locations in the state, for training peace officers and constables in their powers and duties, and in the use of approved equipment and the latest technique for detection, identification and apprehension of criminals. For this purpose, the superintendent may use the services and employees of the bureau.

The superintendent shall provide training to deputy constables in the limitations on their powers and duties, the conduct of inspections, and such other matters as the board may direct. Nothing herein shall be construed as establishing a mandatory training requirement for deputy constables.

626.849 [SCHEDULE OF SUBJECT MATERIAL.]

The superintendent of the bureau of criminal apprehension shall prepare not later than August 1 each year a written schedule of subject material to be taught in each training course, the scheduled instructors for each subject and the time and place for each subject presentation. This material shall be presented to the board. The subject material, instructors and schedules may be approved or disapproved by a majority vote of the board before September 1 each year and if disapproved, the proposal shall be revised and re-presented to the board for their review in like manner.

626.85 [INSTRUCTORS; DONATIONS, CONTRIBUTIONS.]

Subdivision 1. In addition to the bureau employees assigned to police training, full time or part time, the

1 superintendent is authorized to engage such part time
2 instructors as he deems proper and necessary to furnish the best
3 possible instruction in police sciences, subject to board rules
4 and to the limitation of funds as appropriated and available for
5 expenditure. Sections 43.09 to 43.17 shall not apply to such
6 part time employees.

7 Subd. 2. Any donations, contributions, grants or gifts
8 which may be received shall be accepted without recourse to the
9 donor, and shall become the property of the state. All cash
10 receipts shall be deposited with the state treasurer, and are
11 hereby appropriated to the bureau in the quarter in which they
12 were so deposited.

13 Subd. 3. Any peace officer who has been designated to
14 serve as an instructor, researcher or member of a special
15 project for the peace officer training board may in the
16 discretion of the appointing authority be given up to a 12 month
17 leave of absence with pay from the police department or agency
18 by which he is employed for the purpose of serving as such
19 instructor, researcher or member of a special project. While
20 serving in such capacity peace officers shall continue to
21 maintain the civil service status they have attained or accrued
22 pursuant to chapters 43, 44 and 419. The state treasurer shall
23 reimburse solely from federal funds available for this purpose
24 the respective law enforcement employers of such peace officers
25 for all salaries and contributions such employers make during
26 said leave of absence towards accrual of their civil service
27 benefits, pension fund and hospitalization benefits.

28 626.851 [ELIGIBILITY OF OFFICERS.]

1 Subdivision 1. Any peace officer or part-time peace
2 officer employed or elected by any county or municipality of the
3 state of Minnesota shall be eligible to attend training courses
4 as herein provided in accordance with the rules of the board.

5 Subd. 2. Any student successfully completing a program of
6 law enforcement instruction in a post secondary educational
7 institution, which program has been certified by the board, and
8 which institution has been approved by the Minnesota state
9 department of education or an accredited institution of higher
10 learning shall be eligible to attend a skills oriented basic
11 training course as established under section 626.843. Nothing
12 contained in sections 626.84 to 626.855 shall be construed to
13 preclude the provision of skills oriented basic training courses
14 by certified law enforcement schools providing such course has
15 been certified by the board.

16 626.852 [TUITION; SALARY AND EXPENSES.]

17 No tuition shall be charged any peace officer or part-time
18 peace officer for attending any training school herein provided
19 for, and each officer when assigned to the bureau of criminal
20 apprehension continuing education courses pursuant to rules of
21 the board shall receive his regular salary and shall be
22 reimbursed by the governing body of the governmental unit or
23 combination of governmental units from which elected or by which
24 employed for his cost of meals, travel, and lodgings while in
25 attendance at the bureau of criminal apprehension courses, not
26 to exceed similar allowance for state employees.

27 626.855 [UNIVERSITY OF MINNESOTA PEACE OFFICERS.]

28 A university of Minnesota peace officer appointed and

1 employed on or after July 1, 1977 by the regents of the
2 university of Minnesota who has not previously attended a peace
3 officers training course shall attend a peace officers training
4 course within 12 months of his appointment or of August 1, 1977.

5 626.86 [PEACE OFFICERS TRAINING.]

6 Money appropriated for peace officers training shall be
7 expended as follows:

8 (a) Ten percent shall be provided for reimbursement to
9 board approved skills courses in proportion to the number of
10 students successfully completing the board's skills licensing
11 examination.

12 (b) To each local unit of government an amount in
13 proportion to the number of licensed peace officers and
14 constables employed, at a rate to be determined by the board.
15 The disbursed amount shall be used exclusively for reimbursement
16 of the cost of in-service training required under chapters 214
17 and 626.

18 626.861 [LEVY AND COLLECTION OF PENALTY ASSESSMENTS.]

19 Subdivision 1. [LEVY OF ASSESSMENT.] There is levied a
20 penalty assessment of ten percent on each fine imposed and
21 collected by the courts of this state for traffic offenses in
22 violation of chapters 168 to 173 or equivalent local ordinances.
23 other than a fine or forfeiture for a violation of a local
24 ordinance or other law relating to the parking of a vehicle. In
25 cases where the defendant is convicted but a fine is not
26 imposed, or execution of the fine is stayed, the court shall
27 impose a penalty assessment of not less than \$5 nor more than
28 \$10 when the conviction is for a misdemeanor or petty

1 misdemeanor, and shall impose a penalty assessment of not less
2 than \$10 but not more than \$50 when the conviction is for a
3 gross misdemeanor or felony. Where multiple offenses are
4 involved, the penalty assessment shall be assessed separately on
5 each offense for which the defendant is sentenced. If
6 imposition or execution of sentence is stayed for all of the
7 multiple offenses, the penalty assessment shall be based upon
8 the most serious offense of which the defendant was convicted.
9 Where the court suspends a portion of a fine, the suspended
10 portion shall not be counted in determining the amount of the
11 penalty assessment unless the offender is ordered to pay the
12 suspended portion of the fine. Suspension of an entire fine
13 shall be treated as a stay of execution for purposes of
14 computing the amount of the penalty assessment.

15 Subd. 2. [PAYMENT GUIDELINES.] The sentencing court may,
16 upon a showing of indigency or undue hardship upon the convicted
17 person or his immediate family, authorize payment of the penalty
18 assessment in installments. If the convicted person is sentenced
19 and committed to imprisonment, the chief executive officer of
20 the institution in which the person is confined may collect the
21 assessment from any earnings the inmate shall accrue for work
22 performed in the institution or while on conditional release
23 therefrom under the provisions of sections 241.26 or 631.425 and
24 forward same to the clerk of the court in which he was
25 sentenced, for transmittal to the state treasurer in the manner
26 provided in subdivision 3.

27 The court may decline to impose a penalty assessment or may
28 forgive payment of a penalty assessment previously imposed, in

cases where undue hardship cannot otherwise be avoided.

Subd. 3. [COLLECTION BY COURT.] After a determination by the court of the amount of the fine or penalty assessment due, the clerk of court shall collect the appropriate penalty assessment and transmit it to the county treasurer separately with designation of its origin as a penalty assessment, but with the same frequency as fines are transmitted. Amounts collected under this subdivision shall then be transmitted to the state treasurer for deposit in the general fund for peace officers training, in the same manner as fines collected for the state by a county. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

UNIFORM COLORS FOR PEACE OFFICERS

AND SECURITY GUARDS

626.88 [UNIFORMS; PEACE OFFICERS, SECURITY GUARDS; COLOR.]

Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, the following terms have the meanings given them.

(b) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed pursuant to sections 626.84 to 626.355 charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has full power of arrest, and shall also include Minnesota highway patrolmen, state conservation officers, park police, constables, and University of Minnesota police officers.

(c) "Security guard" means any person who is paid fee, wage or salary to perform one or more of the following functions:

(1) Prevention or detection of intrusion, unauthorized entry or activity, vandalism or trespass on private property;

(2) Prevention or detection of theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;

(3) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;

(4) Protection of individuals from bodily harm; or

(5) Enforcement of policies and rules of his employer related to crime reduction insofar as such enforcement falls within the scope of his duties.

The term "security guard" does not include: (i) auditors, accountants, and accounting personnel performing audits or accounting functions; (ii) employees of a firm licensed pursuant to section 326.331 whose duties are primarily administrative or clerical in nature; (iii) unarmed watchmen; (iv) personnel temporarily employed pursuant to statute or ordinance by political subdivisions to provide protective services at social functions; (v) employees of air or rail carriers.

Subd. 2. [UNIFORMS.] Uniforms for peace officers shall be of uniform colors throughout the state as provided herein.

Uniforms for:

(a) Municipal peace officers, including University of Minnesota peace officers, constables, and peace officers assigned to patrol duties in parks, shall be blue, brown or green;

(b) Peace officers who are members of the county sheriffs'

1 office shall be blue, brown or green;

2 (c) Highway patrolmen shall be maroon;

3 (d) Conservation officers shall be green.

4 The uniforms of security guards may be any color other than
5 those specified for peace officers.

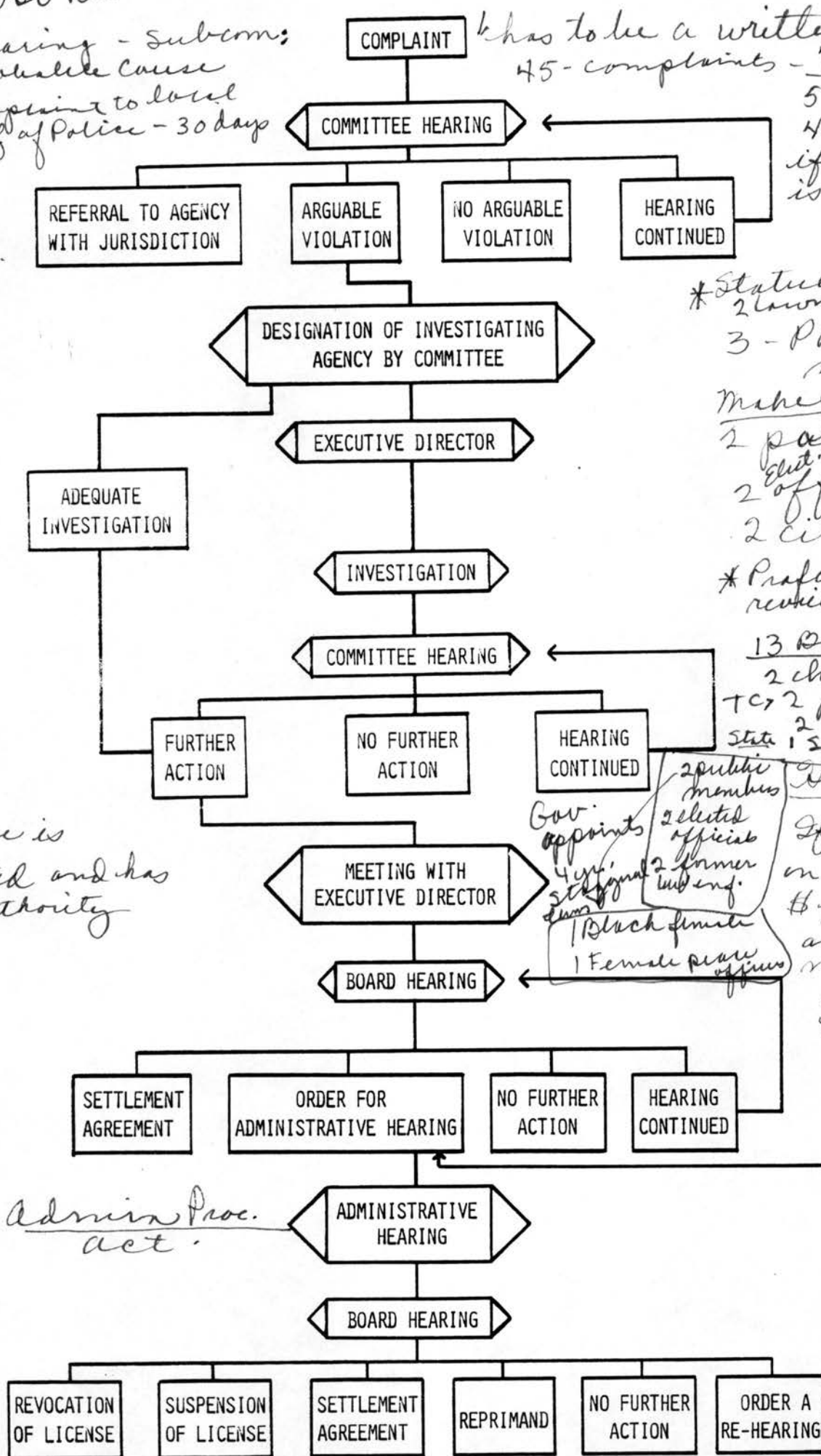
6 This subdivision shall apply to uniforms purchased
7 subsequent to January 1, 1981.

8 Subd. 3. [EXCEPTION.] Security guards employed by the
9 capitol complex security division of the department of public
10 safety are not required to comply with subdivision 2 until April
11 1, 1983, at which time they shall be subject to the same uniform
12 color restrictions as other security guards.

Post Board -

1. hearing - subcom; probable cause
complaint to local chief of Police - 30 days

and much.



has to be a written complaint
45-complaints - '82 Breakdown

57-
45-complaints if complaint is

* Statute, citizen
2 lawman, citizen
3 - P Board members -
makeup
2 police officers
2 off. (mayors -
2 citizens

* Professional review by P.B.

13 Board Members
2 chief Police chiefs
2 peace officers
2 sheriffs
1 Sup of Crime B.

History:
If investigates on Adm. Prac. act
prohibitive
amended mechanism
administrative hearing
45 complaints received

11 Complaints that year
5 No arg. Violation cases
heard July '81
5 June 1982

6 Complaints public hearings
all six had disc. action.

Scope is limited and has no authority to

Admin Proc. act.

C. Eligibility for academic and skills examination. Students who successfully complete a school which meets the minimum requirements set forth in 4 MCAR § 13.023 A.1. and 2. are eligible to take both the academic and skills examinations.

D. Reciprocity licensing examination. Persons who successfully complete professionally recognized peace officer pre-employment education which the board has deemed comparable to the basic course are eligible to take the peace officer reciprocity licensing examination.

E. Peace officer licensing examination. Upon successful completion of the required peace officer licensing examination, a person is eligible for licensure as a peace officer for three years. If the person is not licensed after three years, the person may reinstate his eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices.

4 MCAR § 13.026 Licensing examinations.

A. Application. Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board prior to the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee as set forth in B.

B. Nonrefundable fee. A nonrefundable fee shall be paid to the board prior to taking the following licensing examinations:

1. Academic examination	\$12.50
2. Skills examination	\$12.50
3. Reciprocity examination	\$25.00
4. Peace officer license endorsement examination	\$12.50
5. Part-time peace officer licensing examination	\$12.50
6. Constable licensing examination	\$25.00

C. Retaking examination. A person who fails an examination will only be allowed to retake that examination two times, upon furnishing to the board a renewed written application and appropriate fee.

4 MCAR § 13.027 Minimum selection standards.

A. Selection standards. A person eligible to be licensed shall meet the following minimum selection standards prior to being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to B.

1. The applicant shall be a citizen of the United States.
2. The applicant shall possess a valid Minnesota driver's license; or in case of residency therein, a valid driver's license from a contiguous state; or eligibility to obtain either license.

3. The applicant shall complete a comprehensive written application.
4. The applicant shall submit to a thorough background search including searches by local, state and federal agencies, to disclose the existence of any criminal record or conduct which would adversely affect the performance by the applicant of peace officer duties.
5. The applicant shall not have been convicted of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota.
6. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a previous felony conviction is discovered.
7. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine that the applicant is free from any physical condition which might adversely affect the performance of peace officer duties.
8. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect the performance of peace officer duties.
9. The applicant shall pass a job-related examination of the applicant's physical strength and agility to demonstrate the possession of physical skills necessary to the accomplishment of the duties and functions of a peace officer.
10. The applicant shall successfully complete an oral examination conducted by or for the agency to demonstrate the possession of communication skills necessary to the accomplishment of the duties and functions of a peace officer.

B. Documentation. The chief law enforcement officer shall maintain documentation necessary to show completion of A.1.-10. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

C. Requirements. An appointing authority may require a peace officer to meet some or all of the foregoing standards prior to appointment.

D. More rigid standards. An appointing authority may require an applicant to meet more rigid standards than those prescribed in this rule.

4 MCAR § 13.028 Licensing of peace officers.

A. Appointee notification. The chief law enforcement officer shall notify the board of the appointment of any person to the position of peace officer before the first day of the appointee's employment. Notification shall be made on a form provided by the board, and it shall include the appointee's full name, sex and date of birth, the effective date of the appointment, and an affirmation that the appointee has met all selection standards as prescribed in 4 MCAR § 13.027.

MINNEAPOLIS POLICE DEPARTMENT
EDUCATIONAL TRAINING PLAN
TO IMPROVE POLICE/COMMUNITY
RELATIONS

As a result of the Task Force interviews over the past year it has been determined that the Minneapolis Police Department has still not provided training to officers in cross cultural communications, cultural diversity or related topics, nor do plans for 1982-83 inservice education include any reference to same. Despite advances in education that provide cooperative cross cultural relationship models to replace competitive models and reduce conflict cross-race, the Mpls. Police Department has not instituted any if these new learnings nor does it show plans to do so in the coming years.

On-the-street-training cross-race and cross-economics, may or may not provide the officer with a perspective of the criminal members of society. It may provide some practical training but it does not prepare the officer to work productively with the multiracial population at-large of the total metropolitan community. A training officer who says there are no people of color in the training group because they don't think "they" want to be peace officers has a very narrow view of a large population of people. This very influential person needs an expanded concept of many people in the persons immediate community. The sexist behavior and insensitive statements about groups of citizens during interviews also reinforces the identified need for inservice education to understand the diversity of our society and the broad scope of individuals seen as members of particular groups identified by gender, race, sex preference, religion, etc.

If, inspite of the first hand experience of the Task Force, police community relations indicated harmony in the city neighborhoods such inservice training would be unnecessary. But since there continues to be police/community conflict based on race or culture or religion or gender or language or sex preference or economics or a combination of the above, it is imperative, if the Department is serious about improving relations, that the following training plans begin immediately.

CONTENTS OF TRAINING PROGRAM:

- . culture bound behavior
- . verbal and non-verbal cultural patterns of communication
- . economic differences in relation to cultural differences
- . cultural similarities due to economic similarities
- . the language of culture and gender fairness
- . language classes for languages spoken in the community other than English (currently Spanish and S.E. Asian languages)

- institutional racism and sexism (understanding the condition and how it manifests itself in everyday life)
- the criminal and cultural differences
- the use of force in cross-cultural transactions (causes, outcomes)
- sex preference (criminal and non-criminal behavior)
- benefits of affirmative action in employment - benefits to individuals, benefits to the force and benefits to the community relations
- cross-cultural conflict resolution

TRAINING PROCESSES FOR INSERVICE:

The following approaches can be used: courses, seminars, workshops, conferences, video tapes, cassette tapes, booklets, books, pamphlets, supervisor counseling and feedback systems, peer teaching, pairing with community tutor for set period of time, field training, independent study packages, etc. A variety of delivery systems is suggested to shorten the time of training and to provide necessary education to an already reduced work force.

TRAINING DESIGN AND PARTICIPATION:

1. The program should be learning objective based.
2. The courses, workshops, conferences, etc. should be offered at least two times per year for three years. This is so that all officers (supervisors first) can complete the program and demonstrate either knowledge or skill competency for all objectives.
3. There should be access to refresher courses - either offered by the Department or in agreement with some educational agency.
4. A course for officers in supervisor positions should be available upon their completion of the basic program work. The purpose of the course is to focus on non-racist and non-sexist behaviors so supervision will be evaluating the officers on new culture fair and gender fair behaviors
- 5.

INSTITUTIONAL SUPPORT FOR LASTING CHANGE:

1. Reducing cultural difference conflict must be a primary focus of the training unit inservice program for five years.
2. Affirmative Action must have specific goals met on specific time tables. Good faith and commitment must be demonstrated over a significant period of time by showing a significant change in the complexion of the police force.

3. Supervisors must refer people who demonstrate discriminatory behaviors for inservice education and/or formal counseling.
4. Job evaluations must contain a section on "exhibits culture and gender fair behavior".
- 5/ The Department Manual must be reviewed for necessary policies to enforce human rights expectations of the Department. Make sure the appropriate policies and there and clearly stated. All employees must be informed of the policies and know that violations will not be tolerated and are grounds for dismissal.

Police/Community Relations Task Force

September 27, 1982

Use of Force: Minneapolis and St. Paul Police Departments

Proposed Actions:

1. In addition to the Use of Force Policy in the Police Manual, the Chief of Police should provide police officers with a written copy of the Chief's position on the use of force in effecting an arrest.
2. Police officers continuing education/training/^{refresher} courses should include units on:
 - a. How to cope with verbal abuse
 - b. Public perceptions of excessive use of force
 - c. Review of Police Department Policy on the Use of Force.
3. All ^{written or verbal} reports of excessive use of force by police officers should be investigated by Internal Affairs.
4. Supervisors should be required to submit periodic reports to the Chief of Police on what the unit is doing to ensure that police officers are adhering to the Chief's position the Use of Force.

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LAW AND JUSTICE

Policy Plan, Program

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Preparation of this document was funded in part by a grant from the Governor's Commission on Crime Prevention and Control.



PREFACE

This comprehensive plan for law and justice is a part of the Council's Metropolitan Development Guide and has been prepared under the authority of Minnesota Statutes, Chapter 473B.06, subdivision 5:

DEVELOPMENT GUIDE. The metropolitan council shall prepare and adopt, after appropriate study and such public hearings as may be necessary, a comprehensive development guide for the metropolitan area. It shall consist of a compilation of policy statements, goals, standards, programs, and maps prescribing guides for an orderly and economic development, public and private, of the metropolitan area. The comprehensive development guide shall recognize and encompass physical, social, or economic needs of the metropolitan area and those future developments which will have an impact on the entire area including but not limited to such matters as land use, parks, and open space land needs, the necessity for and location of airports, highways, transit facilities, public hospitals, libraries, schools, and other public buildings.

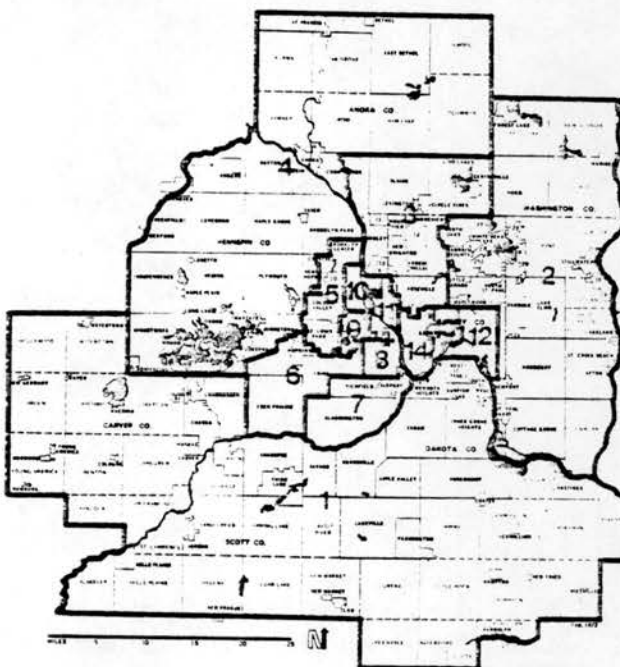
This Law and Justice Development Guide Chapter is also intended to serve as guidelines to the Metropolitan Council and the Criminal Justice Advisory Committee for the allocation of crime control funds from the Law Enforcement Assistance Administration in the Metropolitan Area.

This Guide resulted from decisions of the Council's Metropolitan Development Guide Committee during late 1972 and 1973, staff and consultant studies, and participation by a Council-appointed Criminal Justice Advisory Committee. As new information becomes available through additional research and experience, additions and amendments will be made to this Guide Chapter. A section on the courts system will be added at a later date based on work under way.

This Guide is to be used as a statement of the direction metropolitan law and justice investments are to take in the future. Law and justice agencies should use it as a basis for developing more detailed projects and implementation programs. The Metropolitan Council will also use this chapter as its guide in reviewing law and justice and related proposals in the referral process.

The Chapter consists of three parts: first, an intro-

duction to the plan and program; second, policies and a plan for allocating law and justice resources in the Region and third, a program covering the direction of plan implementation. In addition, there is an appendix containing specific references as to how the policies and plan will be applied to law and justice requests for funding in the referral process.



METROPOLITAN COUNCIL DISTRICTS

METROPOLITAN COUNCIL MEMBERS

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4. Kingsley H. Murphy, Jr., Orono
5. Mrs. Alice Kreber, Crystal
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10. James L. Dorr, Minneapolis
11. Ms. Joan M. Campbell, Minneapolis
12. The Rev. Norbert Johnson, Saint Paul
13. Samuel A. Reed, Saint Paul
14. John J. Costello, Saint Paul

**LAW AND JUSTICE POLICY INDEX**

This is an index to policies contained in this Law and Justice Chapter of the Metropolitan Development Guide. Policies are classified according to level of jurisdiction or responsibility for operating the criminal justice system, including legislation, law enforcement, corrections, adjudication, and prevention. The index is intended for use by citizens, criminal justice officials, public officials, planners, or any person interested in noting Council policies relevant to contemplated decisions or actions.

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PART I: INTRODUCTION

ACHIEVING PROTECTION AND JUSTICE — A METROPOLITAN CHALLENGE

Although it has only 50 per cent of the population of the state, approximately 74 per cent of all serious crime reported in Minnesota in 1972 occurred in the Twin Cities Metropolitan Area. Reported serious crime in the Area has been increasing steadily in recent years, nearly tripling between 1960 and 1970. During that period, serious crimes of a violent nature, particularly aggravated assault and robbery, increased the most — 314 per cent — while serious property crimes increased by 169 per cent, with particularly marked increases in larceny over \$50 and auto theft.

Within the Region, the cities of Minneapolis and St. Paul consistently report the greatest number and the highest rates per 100,000 persons of serious crime, while the suburbs have experienced the most rapid increases in serious crime in relation to their population growth. Violent crime is concentrated in the two central cities, particularly in their inner city neighborhoods.

The most obvious costs of crime are the lost lives and property and the physical and mental suffering of victims and their families. Less obvious is the impact of fear, which restricts many citizens' freedom of movement, their participation in social and recreational activities, and even their choice of a place to live. Financially, the costs of crime to the Metropolitan community include not only property losses — estimated at \$24,958,049 in 1972 — but also the operating expenditures of criminal justice agencies throughout the Area, welfare payments to dependents of incarcerated offenders, increased insurance premiums, and higher prices for commercial goods.

Rising crime rates indicate clearly that existing approaches to the problem of crime have not worked. Financial resources available to criminal justice agencies in the Metropolitan Area are limited and even when additional funds have been made available to these agencies, the result has usually been the expansion of existing programs. Only rarely have the assumptions on which these programs are based been questioned. This approach

has tended to multiply existing inefficiencies and organizational problems without significantly improving the ability of the criminal justice system to protect the Area's citizens. New approaches to criminal justice problems must be tried if any significant reduction in the incidence of crime is to occur.

While the Metropolitan Area clearly has the most serious crime problem in the State of Minnesota, it also has the greatest concentration of the state's resources, from employment opportunities to social services. These resources are unevenly distributed throughout the Area, however, and are often inaccessible to people who need them. If these resources could be effectively coordinated and redistributed throughout the Metropolitan Area according to need, criminal justice agencies could more adequately perform their functions within existing financial limitations.

In planning for the effective utilization of resources throughout the Area, the issue of which activities can effectively be centralized without loss of local autonomy and which must remain local or become more decentralized in order to be responsive to local concerns is critical. In general, the more expensive, technical functions are most appropriate for centralization, whereas the actual delivery of services should remain a local responsibility.

In addition to the Metropolitan Council's responsibility for developing a comprehensive plan for the orderly development of the Metropolitan Area, their role in the Law Enforcement Assistance Administration (LEAA) grant program makes a regional plan for the distribution of criminal justice resources essential. Recommendations for the allocation of these funds without a plan based on an assessment of needs and priorities could be inappropriate and even detrimental to efforts at reducing crime.

In developing a law and justice plan for the Metropolitan Area, the Council has drawn upon a number of resources; their Criminal Justice Advisory Committee, which has met to discuss portions of the plan more than a dozen times in the past two years; statistical reports of criminal justice agencies and programs throughout the Area; special staff and consultant studies, including intensive interviews with Area law enforcement and corrections professionals; and the opinions of a variety of Metropolitan Area criminal justice professionals and



groups who have commented on various plan drafts.

Two broad themes have run through the responses of these groups: the need for better protection of the community from crime, and the need for more fairness in the handling of persons processed through the criminal justice system. Prevention of crime and diversion of offenders out of the criminal justice process whenever possible were also major concerns expressed by these groups.

Crime rates continue to rise and there is little hope of their leveling off without major intervention. While crime cannot be eliminated altogether, a strong commitment by metropolitan communities to pool their resources and to try new approaches where current methods have proven ineffective could reduce the incidence of crime to a lower, more stable rate. In addition to serving as a guide for the allocation of LEAA crime control funds, it is hoped that this plan will assist both local governments and individual citizens in their efforts to improve the adequacy of protection and the quality of justice in the Metropolitan Area.



PART II: POLICY PLAN

PREVENTION OF CRIME

There will always be a need for agencies and institutions to deal with violations of society's laws. However, the area of prevention has been largely neglected by both the criminal justice system and the community at large. Obviously if crimes could be prevented, victims would be spared their suffering, potential offenders would be kept from the disruptive consequences of crime on their own lives, and the costs of providing criminal justice services would be reduced.

There are basically two approaches to preventing crime. The first consists of identifying and addressing the causes of criminal behavior, so that fewer people are motivated to commit criminal acts. The emphasis of this approach should be on young people, since the majority of crimes are committed by persons 12 — 17 years of age. Prevention efforts directed at young people also have the greatest chance of success, since behavior and attitudes are most flexible in youth. In addition, young people are usually visible to people who might be able to identify their problems, such as parents, teachers, and social service personnel.

The second approach to prevention deals not with the causes of crime, but with the use of security measures which make criminal acts more difficult to commit.

Although the major effort in preventing crime must be undertaken by citizens and community agencies, criminal justice agencies should have a role in prevention efforts. The experience and insights of police, courts, and corrections can be valuable in the development of successful community prevention programs. With improved programs, criminal justice agencies could expand their current efforts to divert persons caught up in the criminal process to other agencies more able to deal with their problems. In addition, the police can be particularly useful in the development and implementation of effective crime-detering measures, by surveying security needs and recommending to public and private groups various means of improving protection of persons and property.

Negative Effects of Contact with the Criminal Justice System

To be most effective, prevention efforts must focus

on problem behavior prior to a person's involvement in the criminal justice process. Contact with the criminal justice system can do as much to encourage as to prevent further criminal behavior, especially among young people. Juvenile and first-time offenders placed in contact with more experienced and hardened offenders can learn new and more sophisticated criminal techniques. Imposing a "criminal" or "delinquent" label on a young person can lower his self-respect, and further reduce his motivation to be a law abiding citizen.

Because contact with the criminal justice system has harmful effects on young people, the criminal process should be invoked as infrequently as possible with this age group. However, the juvenile court now has jurisdiction over children displaying a wide range of behavior, only some of which is clearly anti-social or harmful. While the problems which some of these laws cover are real, they are not of the same magnitude as to be classed and treated as criminal behavior.

The Minnesota Statutes (MSA §260.015) define a "delinquent child" as one:

- a. who has violated any state or local law or ordinance . . . ; or
- b. who has violated a federal law or law of another state and whose case has been referred to the juvenile court; or
- c. who is habitually truant from school; or
- d. who is uncontrolled by his parent, guardian, or other custodian by reason of being wayward or habitually disobedient; or
- e. who habitually departs himself in a manner that is injurious or dangerous to himself or others.

Thus, under the current law (Sections c, d, and e), a juvenile may be subject to punishment for conduct that would be legal if he were 18 years of age or older. According to available 1970 statistics for six of the seven counties in the Metropolitan Area, (1970 figures for Ramsey County are not available), approximately 25 per cent of all juveniles petitioned to court were referred for such basically non-criminal activities as truancy, curfew violation, incorrigibility, and running away from home.

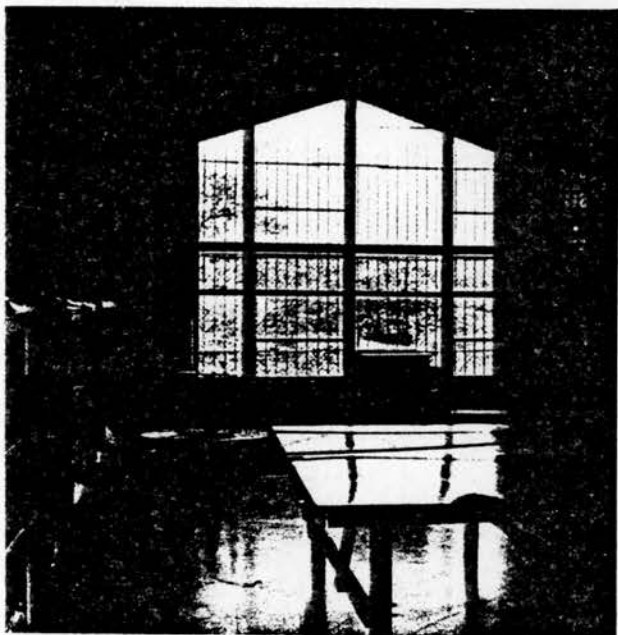


Juvenile court jurisdiction over such vaguely defined acts as "waywardness" and "incorrigibility" may also violate the constitutional rights of many juveniles. The terms of the statute are so broad that almost any form of slightly deviant conduct can bring a child within the court's authority, and the police and courts have shown considerable variability in their dealings with children who have not committed criminal acts. While it is not possible to treat everyone in similar circumstances alike, such a diversity of treatment without discernible criteria is a denial of equal protection of the law.

The argument has also been raised that the juvenile who finds his way into juvenile court on an incorrigibility petition has usually engaged in other, more serious conduct — for example, burglary, drug use, auto theft — and, therefore, the law is in fact only invoked in the instance of more serious crime. However, this is not always true. Juvenile records show that many children do find themselves in court, and even institutionalized, for what is only slightly deviant behavior. If children have committed more serious crimes which are the real reason for bringing them into the legal system, these more serious acts should be the basis for adjudication. If reasons exist for not denying adults their freedom without sufficient safeguards, these reasons should apply equally to children.

Because contact with the system is harmful and coerced treatment not always justified by the severity of the offense, the jurisdiction of the juvenile court should be limited to those cases which clearly require legal intervention. In their report, *The Challenge of Crime in a Free Society* (1968), the President's Commission on Law Enforcement and the Administration of Justice recommended that, where acts such as truancy and incorrigibility are indications of a juvenile's adjustment problems, he should not be referred to court, but rather to available non-coercive programs which could identify and help solve his behavioral and emotional problems.

Jurisdiction of the juvenile court should be limited so as to exclude children over 16 years of age currently petitionable as delinquents for incorrigibility, curfew violations, and absenting from home. Children 16 and 17 years old should remain under the jurisdiction of the juvenile court for criminal offenses. Children under 16 years old should remain un-



A very minor expression of socially deviant behavior by a juvenile can result in their arrest and incarceration. Because of the possible consequences of such a procedure, its use should be confined to adults whose actions warrant such security measures.



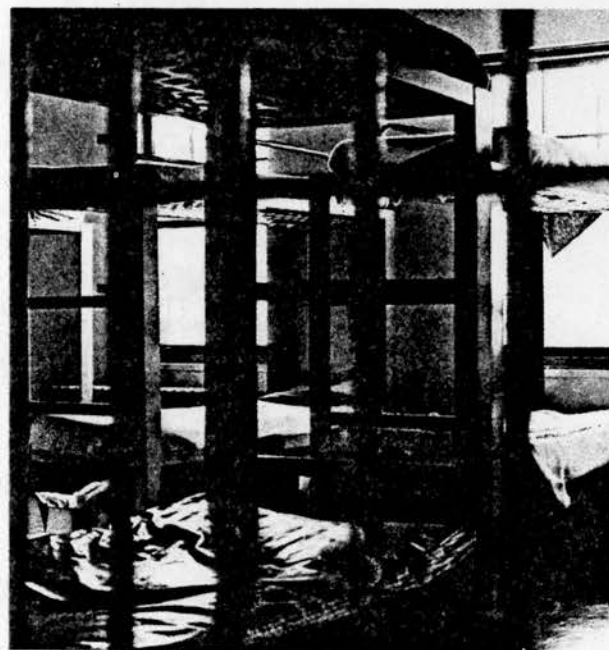
der the jurisdiction of the juvenile court for all offenses. But for children under 16, where the offence is a non-criminal act such as truancy, curfew violation, absenting from home, and incorrigibility, the court should be prohibited from using county and state correctional facilities as a means of treating such behavior.

POLICIES

1. Seek legislation to exclude from the jurisdiction of the criminal justice system:
 - a. Behavior by children 16 and 17 years of age which would not be criminal for a person 18 years of age or older;
 - b. The authority to incarcerate in a county or state correctional facility children under 16 years of age who have committed acts which would not be criminal for a person 18 years of age or older.

Alternatives for Juveniles in Need of Assistance

If the acts of curfew violation, absenting from home, and incorrigibility committed by children 16 and 17 years of age are removed from the jurisdiction of the



Youthful problems should be identified and handled at the neighborhood level to avoid the stigma of a criminal record and the statistical likelihood of more serious criminal behavior.



juvenile court, there needs to be alternative ways of reaching those children whose behavior reflects emotional or psychological problems.

Many social services are available in the Metropolitan Area (see Table 2), although they have not been adequately coordinated and are not always accessible to young people who need them. The problem of accessibility results in part from the lack of coordination of these services and their uneven distribution throughout the Area. Juveniles should continue to be diverted away from the criminal justice system to these services whenever possible, even for less serious criminal offenses. Current diversion efforts of many police departments in the Area and the efforts of the Hennepin County Court Services Intake Division are important steps in this direction. Similar efforts should be encouraged in criminal justice agencies throughout the Area.

More than because of the inaccessibility of services, however, prevention efforts have been less than effective because of the general lack of mechanisms to identify problems at an early stage. Although the schools and the family are in the best position to perform this function, they often fail to understand the nature of a child's problem. Improved

means for the earlier identification and handling of youth problems is greatly needed, particularly in lower-income neighborhoods that have high delinquency rates. A youth services planning program at the neighborhood level, accountable to a group of local professionals, parents, and youth, and staffed by a combination of professionals and local residents, could help make social services more responsive to the needs of youth and their families, and assist in identifying neighborhood problems requiring attention.

Youth Service Bureaus (YSBs), which now serve some of these functions, should continue to operate but on a slightly different level. While YSBs and neighborhood programs should both serve to refer people to appropriate social agencies and be directed by strong management boards or committees, the YSB would rely more heavily on services provided by criminal justice and social service agencies, acting as a referral center primarily for these groups.

The neighborhood program and YSBs should identify and deal with problem behavior both before and after it was manifested in an illegal act. Functioning only after an illegal act had occurred, a



A youth services planning program could help make social services more responsive to the needs of youth and assist in identifying neighborhood problems requiring attention before a referral to a correctional institution is necessary.

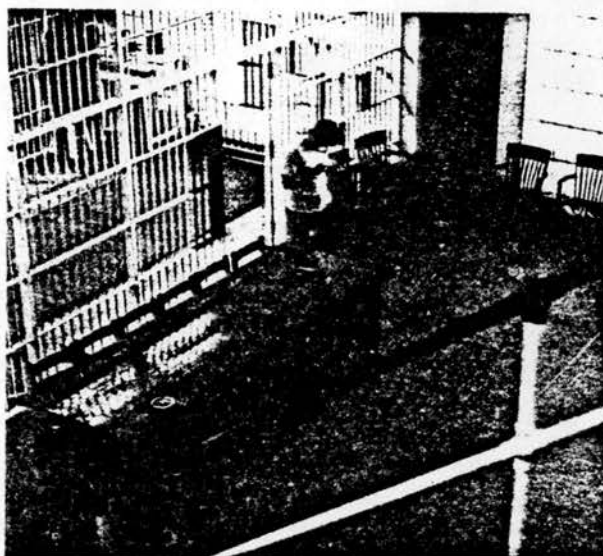




Table 1. Delinquency Problems

Type of Problem	Number of Petitions (1970)*
Runaway from Home	595
Incorrigibility	287
Truancy	273
Curfew Violation and Loitering	77

* Not including Ramsey County

Table 2. Community Resources for Juveniles

Type of Resource	Services Provided	Areas Served	Number of Facilities (by Area)
Counseling Services for Youth	Group, individual, and family counseling	Minneapolis	25
		St. Paul	15
		Suburban Hennepin County	10
		Suburban Ramsey County	1
		Anoka County	2
		Washington County	2
		Dakota County	1
		Scott-Carver Counties	1
		Entire Metropolitan Area	3
		Total	60
Family Education and Training Services	Parent education, training, counseling	Western Hennepin	1
		St. Paul East Side	1
		Minneapolis North Side	1
		Entire Metropolitan Area	5
		Total	8
Temporary Shelter Homes	Food, shelter, counseling, and referral for runaways on a temporary basis	All serve entire Metropolitan Area	15

(Table 2 continued on next page)



Table 2. Community Resources for Juveniles (cont.)

Type of Resource	Services Provided	Areas Served	Number of Facilities (by Area)
Free Clinics	Free medical services and referral for youth	South Minneapolis	2
		Northeast Minneapolis	1
		Minneapolis West Bank	1
		Western Hennepin County	1
		Northern Hennepin County	1
		Anoka County	2
		East St. Paul	1
		St. Paul West Seventh Area	1
		St. Paul	1
		Entire Metropolitan Area	1
		Total	12
Youth Service Bureaus	Counseling, referral, resource development, and coordination	North Minneapolis	1
		South Minneapolis	1
		East St. Paul	1
		Suburban Hennepin County	3
		Suburban Ramsey County	1
		Total	7
Hot Lines	Telephone counseling and referral for all types of problems	Western Hennepin County	1
		Anoka and Northern Hennepin Counties	1
		Dakota County	1
		St. Paul	1
		Entire Metropolitan Area	1
		Total	5
Group and Foster Homes	Alternative living arrangements for neglected, dependent, and delinquent children	Hennepin County	31
		Ramsey County	51
		Dakota County	2
		Washington County	3
		Dept. of Corrections clients	8
		Total	95
Alternative Education Programs (public and private)	Alternative education for drop-outs and others with learning or behavioral problems	St. Paul	4
		Minneapolis	16
		Suburban Hennepin County	2
		Total	22



court services intake screening program, such as Hennepin County's, could still divert to community treatment a large number of children who have not been involved in serious criminal behavior. As mentioned earlier, juvenile intake screening should be expanded Area-wide, and specific criteria for continued processing in the system or diversion should be developed to facilitate greater consistency in the handling of juveniles.

Intake screening might, in many cases, be handled more informally, using a network of emergency shelter care homes. Intake screening and referral could be conducted at one of these homes and shelter provided there if needed. Parents supervising these homes could be given training so that even as volunteers they could carry out screening and referral services. This would keep the youth in a neighborhood setting and within a family structure, while assuring that the necessary legal and special psychological inquiries would be made.

Neighborhood programs, YSBs, and expanded intake screening programs described above would constitute a chain of loosely structured organizations for identifying youth problems at a number of levels. Such a chain would keep the handling of needs and problems in an informal way on the local or neighborhood level as much as possible. Moving up the chain would involve increasing loss of local control and more formal treatment of the offense. It would also increase the likelihood of a young person acquiring a permanent record and becoming involved in more serious criminal behavior.

POLICIES

2. Encourage the development of programs, particularly in neighborhoods with high delinquency rates, aimed at early identification and treatment of youth problems and diversion of juveniles from the criminal justice process.

The Family and Schools

Juvenile records indicate that frequent delinquent behavior is usually related to conflict within the family and poor adjustment in school. A variety of family counseling and alternative education programs are available and often effective in resolving conflicts. Because of cost and other factors related to income, these programs are generally accessible only to middle and higher-income families. They are also often structured on middle-class values

and not responsive to the different needs and problems of persons residing in lower-income neighborhoods with high delinquency rates. In these neighborhoods, there is a critical need for programs which would strengthen family ties and provide alternative means of solving family and educational problems. Such programs could be staffed by local paraprofessionals trained in counseling and volunteers capable of understanding the family's problems. Services provided by these programs would range from crisis counseling for families to assisting school authorities in responding to a child's school adjustment problems.

It is clear from school drop-out rates that the traditional school setting is not effective for teaching many children. Alternative educational approaches should be available to all children at an early stage in their development, even before adjustment problems develop, as well as to children who have evidenced behavior or learning difficulties. Alternative programs provided through a public school system and available to all families might include the traditional graded classroom, a non-graded specialized project approach, a work-study vocational learning approach, a "total community" school serving both adults and children with social services as well as education, a self-directed learning environment, and a multi-cultural school with a combination of mixed and homogeneous learning groups. Experiments such as the Minneapolis Urban League Street Academy, the Minneapolis Southeast Alternative schools, the Open School in St. Paul, and School District 916 in Stillwater are steps in this direction.

POLICIES

3. Encourage the development of family assistance programs in neighborhoods with high delinquency rates which utilize local paraprofessionals and volunteers.
4. Encourage the public school system to provide a variety of alternative educational approaches and to make them available to all families regardless of income.

Reducing Opportunities for Crime

Many crimes could be prevented simply by making targets of criminal attack more secure. Measures that citizens can take to prevent crime fall into four



major categories: better building security, better lighting, better design of open spaces, and better protection of personal property. A 1971 study in Alexandria, Virginia, conducted for the National Institute of Law and Criminal Justice, found that over 80 per cent of all illegal entries were front or rear doors, while another 10 per cent involved first floor windows. Better door and window design, construction, and locks could substantially reduce the incidence of burglaries by increasing the time required to break in and thereby increasing the probability of apprehension. Similarly, better lighting, especially on streets and in doorways, would make illegal entries and street crimes more difficult to commit. Site design and landscaping can also play an important role in preventing concealment of a potential criminal, and property identification measures have already proven effective in Edina, both in deterring crimes and in recovering stolen property.

There have, however, been no systematic attempts to use these and other preventive measures throughout the Area, and a large segment of the public has been reluctant to take such relatively simple deterrent actions as locking their cars and homes. In addition to public apathy and lack of public awareness of many of these techniques, this inaction is in part due to the inadequacy of public safety codes. At present, many local plans and ordinances do not include minimum standards for lighting, construction, locks, and site design as these relate to public safety, and even some provisions of existing ordinances are not adequate.

Low-income families, who tend to live in high crime areas, are in most need of improved residential security, but they often cannot afford to implement these crime deterring measures. It is therefore particularly important that minimum standards be required of builders and landlords and that these ordinances be vigorously enforced. Communities might also consider providing certain security services — for example, a better alarm system for commercial buildings or businesses. The ultimate saving in tax dollars now spent in the criminal justice system might well justify the added initial public cost.

Citizens might act to better protect themselves against crime in another way. An extremely effective deterrent to crime would be swift and certain apprehension and conviction of the offender. Yet the rate of crimes solved is low, and this potential

deterrent is not now effective. Investigations and prosecutions are often unsuccessful because police are not given essential information by the public. In fact, a recent Metropolitan Council study in the Minneapolis Model Cities neighborhood indicates that a substantial number of serious crimes are never reported to the police at all. Obviously, a crime must be reported before it can be solved and before apprehension can serve as a deterrent to criminal activity.

Whether citizens fail to report crimes and provide information to the police because of apathy, fear of involvement, or distrust of police, they must realize the importance of their cooperation to the success of law enforcement work and to their own protection. Citizens cannot expect the police to protect them when they are unwilling to do their own part in crime prevention and control.

POLICIES

5. Encourage the use of identification numbers on all personal property.
6. Develop minimum public safety standards for lighting, building security (locks, construction, alarm systems), site and architectural design, and open spaces.
7. Encourage municipalities to implement and enforce these minimum standards.
8. Include standards for building security in the development of model building and maintenance codes.
9. Include standards for public safety in open spaces in future planning of parks and recreational areas.

LAW ENFORCEMENT

When the police are not able to perform their functions efficiently and effectively, the community is not adequately protected from criminal activity. A June, 1972, Metropolitan Council report indicated that between 1965 — 1970, reported crime increased substantially in the Seven-County Area. With the exception of Minneapolis and St. Paul, these increases were considerably out of proportion to population growth. The greatest percentage increases in relation to population occurred in the rapidly growing suburban areas having the fewest



law enforcement resources. Between 1960 and 1970 an over-all population increase of 22.9 per cent coincided with a 176 per cent increase in the number of serious (Part I) crimes reported.

While the rate of reported crimes has been increasing, crime clearance rates — the rates of crimes solved by the arrest of a suspect — have remained low, as low as 14 per cent for burglaries. Responses to a Council victimization survey, conducted in the Minneapolis Model Cities Neighborhood in September of 1971, indicate that only a small percentage of serious crimes (less than 10 per cent) were reported to the police. This suggests that the actual rate of crimes solved is even lower than reported crime clearance rates.

This section will recommend several means for better protecting the Metropolitan Area from criminal activity and enforcing the law more efficiently and effectively. To insure adequate police services to all metropolitan citizens, it is important to establish minimum standards for basic police services and to make available sophisticated enforcement techniques to any community in need of them. It is also necessary to improve the utilization of law enforcement resources by determining which levels of manpower and which policing techniques are

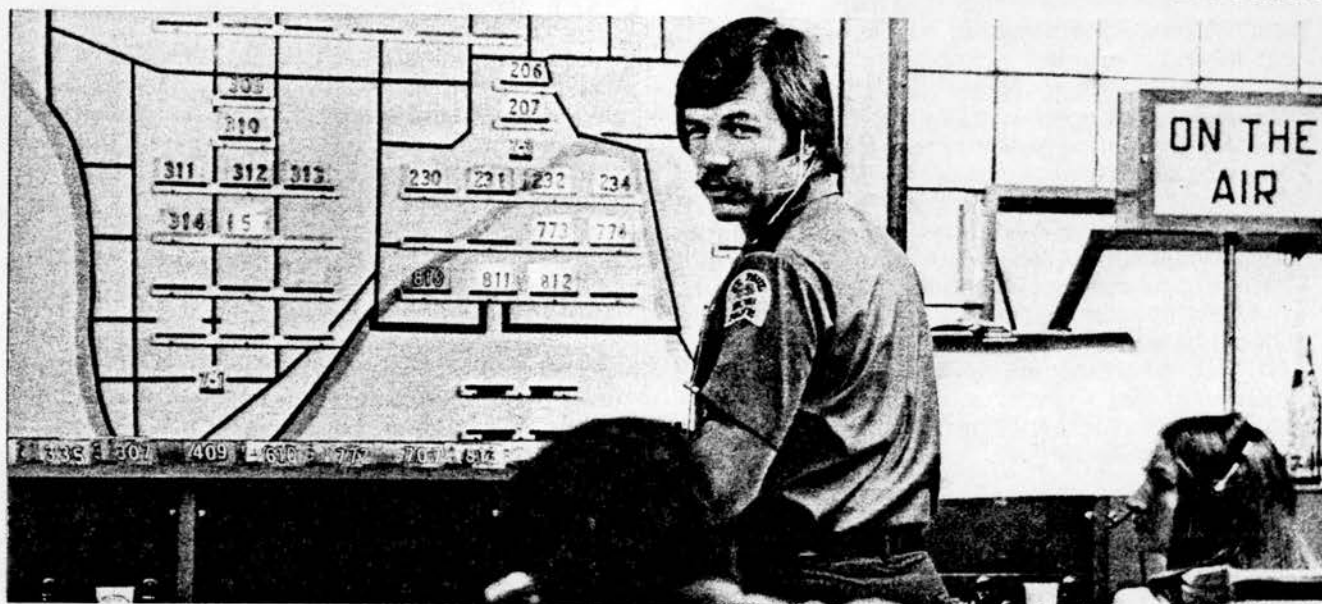
best suited to provide a given police service. Furthermore, expending law enforcement resources on regulating certain behavior may not be justified. Law enforcement resources should be concentrated on protection from the more serious crimes against persons and property.

Distribution of Resources

The ability of law enforcement officials in the Metropolitan Area to combat crime is adversely affected by a number of current conditions which limit both the speed of their response to calls for help and their ability to successfully investigate criminal activity. The solution of these problems is twofold: first, upgrade the basic patrol capability of smaller communities currently unable to provide minimum 24-hour service, and second, improve and coordinate the provision of the more expensive technical support functions.

Basic Police Services

A 1972 Metropolitan Council survey of police chiefs in the Seven-County Area indicated the existence of considerable fragmentation of services among small law enforcement agencies. Fragmentation affects the level of service law enforcement



Response time has a significant effect on whether an arrest will be made. Inadequate communications and information sharing slows down the ability of police to respond quickly.



agencies are able to provide and limits their ability to respond quickly to emergency calls. For example, responsibilities for dispatching and patrol services are often divided among a number of jurisdictions. While some smaller departments do their own dispatching, others depend on the county sheriff to dispatch for them. Many municipalities in the Metropolitan Area do not have the personnel for 24-hour patrol, so responsibility for patrol is often divided between local and county authorities at different times of the day.

"Response time" — the time it takes police to respond to calls for assistance — is a particularly critical factor in the successful detection and apprehension of an offender and in the effective delivery of emergency medical assistance. A study conducted in Southern California for the President's Commission on Law Enforcement and the Administration of Justice indicates that a few minutes increase in the time it takes police to respond to a call for help has a significant effect on whether or not the crime is cleared by an arrest. This study found an average response time of 6.3 minutes for crimes not cleared by an arrest, as opposed to an average time of 4.1 minutes for cases in which an arrest was made. Division of services among agencies, poor access to police service, and inadequate communication and information sharing can all affect police response time.

Inadequate police services also result in part from the lack of minimum standards in the Metropolitan Area for providing basic police services. To remedy this problem, minimum standards for providing these services on a 24-hour basis must be developed, and all communities should be required to meet them. Local communities should, however, retain the right to determine how the required upgrading should be achieved. That is, they should decide whether to contract for services with the county or another local agency, to consolidate services or facilities with another department, or to expand their own police service.

POLICIES

10. Develop minimum standards for basic police services and seek legislation or other means to enable all local governmental units to meet these standards.
11. Continue responsibility for providing basic

police services on the part of local governmental units.

Coordinating Supportive Services

Fragmentation of police services in many smaller communities may also result in citizens not knowing whom to contact for help. Emergency numbers vary from city to city, so even if a person knows the number in his own municipality, he usually does not know the police number in other jurisdictions. Although in all localities a call can be placed through an operator, response time may be increased considerably. A single three digit telephone number for all emergency calls throughout the Seven-County Area would reduce response time.

Another factor which adversely affects response time is that at present most police forces in the Area still have their own communications and recordkeeping systems. This limits the quick exchange of information between departments in a crisis situation. In addition, few departments have been able to undertake systematic analysis of initial complaint records to determine when and where patrols should be concentrated. Improvements are already being made in these areas. An upgraded communications network is being developed state-wide and the Regional Justice Information System (REJIS), now incorporated into the state system, should eventually provide the means by which police can swiftly and efficiently retrieve and exchange data, allowing more effective deployment of personnel. However, clear policies and practices specifying the means of information gathering, the kinds of information that are stored, the uses of that information, and procedures for making corrections and deletions should be included in the design of such a system.

Much of the current ineffectiveness of law enforcement efforts to clear crimes is caused by inadequate investigation. This is in part due to a lack of investigative equipment for on-scene use and a lack of trained evidence technicians. No one police agency in the Metropolitan Area is equipped to provide the necessary range of investigative services to effectively combat criminal groups operating across several jurisdictions. A State Crime Laboratory exists, but police chiefs surveyed in the Council's 1972 study indicated that their men often choose not to submit good evidence from less serious incidents to the State Crime Laboratory



because the time required for analysis is too long to be useful to the local departments. Since the State Crime Laboratory must serve the entire state with limited resources, only evidence of major crimes, such as homicides, are given expeditious handling.

Resolution of these problems is hindered by the lack of coordination and cooperation among the more than 100 police jurisdictions in the Area. However, while total consolidation of police services might seem to be a logical solution of crime control in the Metropolitan Area, it is not. Responsibility for basic police services — patrol, regulation of minor infractions, and provision of certain social welfare services — and protection of individual rights must remain with local government in order to be responsive to local concerns.

Certain law enforcement operations necessary for achieving an adequate level of protection are basically technical functions. Specifically, such functions are communications and information systems, investigative services, and crime laboratory services. These are the services currently most lacking in areas experiencing rapid crime and population growth. Providing these services in individual departments would be prohibitively expensive and a considerable duplication of effort. Providing them on a regional basis, on the other hand, would allow all police departments to serve their communities better, at a reasonable cost. Coordinating supportive services and pooling resources would help even the large agencies in the Area provide a wider range of services.

Centralization of these operations would not infringe on local jurisdictions' control over basic police services but would offer them a wider range of technical services. For example, the centralization of criminal records and major crime incident data would make more information available to individual police agencies and allow them to more effectively investigate the criminal who operates throughout the Area. Use of a single Area-wide emergency number and more centralized radio communications would help considerably in reducing police response time. Centralization of responsibility for investigation of major criminal activity and centralized crime laboratory services would provide greater flexibility of service, while allowing local agencies to concentrate their efforts on other police functions. Better fiscal support for such supportive services would be achieved by spreading their costs over a broader tax base.

The Metropolitan Council should, therefore, seek legislation to establish a regional support services agency for law enforcement. This regional agency would provide an emergency telephone number ("911"), a major crime investigation unit to work with county and local investigative personnel, and a "satellite" crime laboratory coordinated with existing state and local crime labs. Criminal justice information systems should also coordinate with such an agency. The services of the regional agency should be provided only on request by a local agency, which would then have supervisory responsibility over regional personnel while the latter were operating within the local agency's jurisdiction.

POLICIES

12. Seek legislation to establish a regional statutory agency under Metropolitan Council guidelines to do the following:
 - a. Provide a coordinated communications and information system, with clear operational policies and practices for the protection of privacy;
 - b. Provide a single area-wide emergency telephone number (911);



Under a 911 telephone system, a citizen dials the three digit number from anywhere in the region to get emergency police, fire, or ambulance services.



c. Provide investigation of major criminal activity;

d. Provide comprehensive crime laboratory services.

Alternative Uses of Personnel

There are already several proven methods for more efficient and effective use of law enforcement personnel. Many current police activities do not require the level or kind of training police officers now receive. Some of these activities can be handled by non-police personnel in a wide variety of jobs previously performed by fully sworn officers. Non-police personnel for clerical and dispatching positions should be considered and utilized where appropriate. The cost savings to individual departments could be considerable, and should be an incentive to departments not now using civilian personnel. Other activities, particularly in the "service" area, could be handled by other personnel (semi-or para-professionals), relieving the fully trained police officer from many non-critical, non-crime related demands.

Recent pilot efforts in Minneapolis, Burnsville, and Mound indicate that the use of "Community Service Officers" are an efficient and effective way of handling the majority of calls for service. An unarmed Community Service Officer can perform many service functions, such as taking reports of minor crimes, responding to non-emergency social and medical calls for assistance, and recovering lost and stolen property. He can also spend more time with citizens who need assistance with non-crime related complaints. Training appropriate to his activities would be necessary, but the most important qualification for such a service officer would be his ability to relate to the public in a positive and sensitive manner.

Traffic law enforcement and control, except for serious violations such as drunken driving, could also be handled by different personnel. Recent data on traffic enforcement in several suburban studies indicate that serious accident rates are not related to the number of traffic tickets issued. Thus, this activity does not appear to be an effective police function and is an inefficient use of fully trained officers. In addition, police involvement in traffic law enforcement often creates ill will toward police. Hostility may result in a citizen's being less willing to cooperate with the police

when a crime is being investigated. To resolve this problem, a traffic agency might be created under the administrative authority of the local police department, but identifiably different from it. Such traffic law enforcement should be carried out by persons appropriately trained for traffic law enforcement and wearing uniforms distinguishable from the regular police officers'.

POLICIES

13. Encourage use of different levels of police and civilian personnel to perform non-crime related police functions.
14. Encourage police to assist citizens with complaints in non-crime related matters to foster better relationships between the two groups.

Use of New Policing Techniques

The inability of different levels of police in larger departments to consistently work together, sharing information as well as differing perspectives on a problem in a given neighborhood, decreases their effectiveness. The effectiveness of law enforcement in smaller communities is reduced by the current inability of individual patrolment to provide a wide range of services themselves, including many investigative functions. New policing techniques, such as "team policing" and "neighborhood policing," should be attempted, by police departments of sufficient size, with simultaneous evaluation of their effectiveness in increasing crime clearance rates.

In the team policing concept, a small team of specialists — for example, patrolmen, a community service officer, a juvenile officer, and a detective — are assigned to a neighborhood and work together to share information and insights on the activities of that area. The effective operation of such a team requires frequent meetings, joint planning, and the continual pooling of information. Individual pieces of evidence might be insignificant but, in combination, be sufficient to make a case against an offender. Similarly, a juvenile officer could shed light on the problems of a particular child, so that another member of the team who encountered him in a questionable situation would have a better understanding of the youth's behavior.

Neighborhood policing is particularly suited to agencies lacking specialist functions. In this case,



the police officer is assigned to a neighborhood, but functions as a generalist, providing investigative, juvenile, and patrol services to the area's residents. Both techniques should enable the police officer to become more familiar with his area of responsibility, and to become more effective in dealing with residents and in obtaining information about criminal activity in the area.

POLICIES

- 15. Encourage experimentation with new policing techniques — for example, "team" and "neighborhood" policing.**

Use of the Summons

A large amount of police time is currently spent in arresting, transporting, and processing people suspected of minor infractions of the law. For some misdemeanors, it would be more efficient and equally effective for a summons to be issued in place of the current arrest and booking procedure. Simply writing a ticket would allow police to spend more time on the detection of serious crimes.

Summonses can be used now in place of arrest and booking for ordinance and sometimes statute violations. Police use of this practice is increasing. However, law enforcement officers have often not been aware of their authority to use summonses, instead of arrest and booking, or have been reluctant to use it in the absence of strong departmental policy. Law enforcement efforts to expand its use must therefore focus on the development of strong departmental policies regarding the use of summonses and the education of police officers in its proper use.

POLICIES

- 16. Encourage the use of a summons procedure for most misdemeanor violations.**

Fair Enforcement of the Law

Discriminatory law enforcement based on physical, political or other characteristics runs contrary to the idea of equal protection of the law. Certain investigative procedures and arrests tend to be applied more often to racial minorities and poor than to middle class citizens. Racial minorities and the poor are more likely to be stopped, questioned, and possibly searched on the street by the police. They

are also more frequently subjected to laws regarding vagrancy, obscene language, blocking the street, drinking public, and curfew violations. Such laws are sometimes used as a means to clear out "troublesome" members of society, to detain suspects during an investigation, or to regulate street activity in lower-income neighborhoods. Discriminatory enforcement can also occur in crowd control situations. For example, at a political rally the rights of free speech and assembly of those on both sides of an issue are not always equally protected. However, police are responsible for protecting speakers, those who have assembled, and those nearby who might be harmed if trouble should occur.

In addition, police sometimes lack an understanding of life styles different from their own and of the kinds of behavior which accompany these life styles. They may misinterpret and be offended by what is an acceptable form of expression in certain local communities. Also, there is often considerable public demand for enforcement of certain laws and close control of certain population groups. The police may experience considerable pressure to remove "undesirables" from the street regardless of what they may or may not have done.

Creation of resident advisory boards in all communities, particularly in lower income neighborhoods, should increase understanding of differing attitudes and behavior of both citizens and police. These boards would also assist police officials in formulating policies that are responsive to the concerns of the neighborhood residents.

Measures such as these will not, however, be sufficient without the recruitment and selection of more sensitive, better trained personnel, and clear departmental policies regarding the treatment of individuals in low-income neighborhoods. Special problems arise in the recruitment of minorities for law enforcement careers. Many members of minority groups view the police as society's means of keeping them in check and under control, believing that officers come into their neighborhoods only to arrest or investigate. Furthermore, minorities often view police promotion practices as discriminatory, feeling that minorities will not be allowed equal opportunity for advancement. Municipalities should validate civil service testing procedures to eliminate cultural bias, and correlate such procedures with job performance. Municipalities should also actively recruit additional minorities for careers in law enforcement.



Increased police understanding of life styles different from their own will also require the selection of recruits who are sensitive to cultural differences. Improved selection procedures will require the development of a reliable method for final screening of candidates who have otherwise met entry requirements for police employment. Such screening should include the use of standardized psychological and vocational testing instruments capable of reliably predicting an applicant's ability to relate to people on the job.

Better training for the judicious exercise of discretionary authority, understanding of differing community values, and handling of crowd situations is also necessary to avoid discrimination and maintain good community relations. Such training should include the study of minority cultures, communication skills, and other related areas. Law enforcement agencies should also develop and adopt strong and comprehensive policies with respect to non-discrimination and the protection of individual rights, and should actively promote their implementation within their departments.

Increased public understanding of the criminal justice system will be more difficult to achieve, but could be approached through expanded education of children and adults on the goals, structure, and operation of the system.

POLICIES

17. Encourage law enforcement agencies to adopt methods for ensuring neighborhood participation in the formulation of law enforcement policy.
18. Encourage municipalities to provide more educational and "on the job training" opportunities for law enforcement personnel, including specialized training and degree programs.
19. Encourage municipalities to recruit and encourage minority persons to pursue careers in law enforcement.
20. Encourage municipalities to develop and implement screening and selection procedures which will identify candidates sensitive to cultural differences and predict an applicant's job performance.

21. Encourage the development and provide training in the use of discretionary authority, in understanding different cultural values, and in crowd control.
22. Encourage law enforcement agencies to establish clear policies for the use of police discretion.
23. Encourage schools and law enforcement agencies to provide public education concerning the role of the criminal justice system.

Law Enforcement Personnel Procedures

A number of personnel procedures currently deter many qualified candidates from law enforcement careers. Entry into a law enforcement agency is usually "vertical", that is, a recruit enters at the bottom and has to work his way up, regardless of his background or previous training. In addition, there is usually little effort made to utilize a person's special skills or abilities.

Promotion practices also tend to discourage the better-qualified personnel. Veterans preference and seniority are often given more weight in promotion decisions than are individual competence and demonstrated ability. Finally, police personnel are subject to Civil Service regulations which make dismissal of unsuitable officers difficult. A longer probationary period for new officers, perhaps two years, is needed to accurately determine their suitability for police work.

Individual law enforcement agencies are encouraged to allow lateral entry — that is, entry into a department appropriate to a person's experience and background — and to develop their own standardized promotion practices, without the use of veterans preference. Although preference might continue to be given to veterans entering the law enforcement field, Civil Service laws should be made consistent with federal veterans preference statutes. Federal statutes provide five points preference on entry examinations but no preference on promotional examinations. The larger agencies are also encouraged to retain a personnel officer, who would be able to place recruits and other personnel into positions appropriate to their backgrounds and interests, and to systematically conduct performance evaluations.



POLICIES

24. Encourage law enforcement agencies to use lateral entry as a personnel procedure, and encourage them to place recruits into positions appropriate to their training and experience.
25. Civil service regulations should be amended, by the appropriate governmental bodies, to require a two-year probationary period for new police personnel.
26. Seek legislation which would alter veterans preference laws to be consistent with federal civil service laws, which provide for veterans preference at entry. Veterans preference in police promotional examinations should be eliminated.

Diversion of Criminal Justice Resources

Previous sections have recommended several approaches to improving the effectiveness of law enforcement agencies in deterring and controlling serious criminal activity in the Metropolitan Area. A contributing factor in the current ineffectiveness of law enforcement efforts is the diversion of criminal justice resources away from those serious criminal offenses which clearly require enforcement and control. Crimes resulting in physical injury or property damage, as well as anticipatory crimes and crimes of compulsion, obviously require criminal sanction. Other criminal offenses such as vagrancy, loitering, and other "victimless" crimes present no threat to person or property, and are difficult and costly to enforce. It is also unlikely that regulation of these activities has any deterring effect. Public drunkenness is an example of an activity which was removed from the criminal law to reduce the congestion in the courts and correctional institutions and to allow law enforcement agencies to concentrate their resources on providing increased protection from serious criminal activity.

After a careful assessment of the protection value and the social and economic costs associated with enforcing laws regulating personal conduct, the public should attempt to systematically determine which activities the criminal justice system can effectively regulate. Removing a particular activity from the criminal law would in no way mean con-

doning it, but rather acknowledging the inadequacy of current efforts of control and the strain that these efforts place on the criminal justice system and on society. However, the Legislature and local units of government must ensure that sufficient health and welfare services are provided to care for persons in need of assistance. When, for example, public drunkenness was removed from the criminal code, adequate health care services were not simultaneously provided to meet the need fully. As a result, law enforcement officers have continued to spend considerable time and resources providing assistance to persons suffering from alcoholism, both in transporting them to a detoxification center and in attempting to find other shelter when such centers are full. In these kinds of situations, the criminal justice system might continue to have a role until other means of dealing with the problems are worked out with other social agencies.

POLICIES

27. Define criminal behavior to encompass both public protection needs and the economic and social costs of regulation.
28. The legislature should periodically update the criminal code to ensure its responsiveness to contemporary values, removing those laws which no longer serve their intended purpose or have a high potential for misuse.
29. Promote legislation or other means that will ensure health care and other support services are provided to those persons in need when changes in the law remove them from the jurisdiction of the criminal justice system.

DISPOSITION AND REHABILITATION

Recidivism or "return to crime" rates indicate that as many as 70 per cent of persons who have presumably been rehabilitated by the existing correctional system are subsequently returned to an institution because of further illegal activity. Most research in corrections reinforces this picture of failure in rehabilitation, revealing little or no improvement in offenders' behavior as a result of their participation in a variety of treatment programs. When offenders return to the community no better, and often worse, prepared to deal with their problems, they remain a threat to the community's well-being.



The failure of correction programs to rehabilitate offenders is most notable in two main areas of the criminal justice process — first, in sentencing and disposition, and second, in correctional treatment itself. Neither the courts nor corrections professionals have been able to accurately diagnose the reasons for an offender's anti-social conduct. Thus, more often than not, he is placed in a treatment program which is not suited to his needs and problems. In addition, most treatment programs have taken place inside of a correctional institution, an environment which is basically incompatible with successful rehabilitation.

The Need for a System of Classification

At the time of sentencing, the court must make a judgement of the most appropriate form of treatment for each offender. An appropriate disposition is particularly important for the first-time offender, since proper treatment at this time might prevent subsequent criminal involvement.

To be appropriate, however, a sentence must be based on accurate and relevant information about the offender and the reasons for his criminal behavior. Whether the sentence is based on a "pre-sentence investigation" — basically a social history of the offender — conducted by a probation officer, or simply on the judge's knowledge of the offender adequate information is not generally available to judges in Metropolitan Area courts.

Many misdemeanor offenders receive no evaluation at all of the reasons for their behavior. Even in Hennepin County, which provides the best services to adult misdemeanants of any court in the Area, a large number of persons found guilty of a crime and sentenced have not received a pre-sentence investigation. Smaller probation departments, such as Washington and Dakota counties, lack the staff to provide any pre-sentence investigation services for misdemeanants.

Even when pre-sentence investigations are conducted, the information needed by the judge to make an appropriate disposition is not provided. Pre-sentence reports contain few suggestions for treatment beyond whether or not the offender should be incarcerated, and even this judgement is based on highly subjective information. The offender, who might have some insight into his own problem, usually has no opportunity to respond to the diagnosis made of his behavior.

Thus, the court's inability to adequately assess the needs of offenders has, to a considerable degree, guaranteed the failure of correctional programs. The importance of "individualized" treatment has long been acknowledged by judges and corrections professionals alike. The difficulty has been in knowing what kinds of information about offenders are relevant to their rehabilitation, and in designing methods which can accurately identify the needs of the individual.

Thus, what is needed is a concise but comprehensive classification system, based on differences in the reasons for offenders' criminal involvement and including diagnostic methods capable of identifying these differences in the individual. Such a system should be developed so that it can be used both for broad discriminations at a preliminary screening stage, and for finer, more individualized distinctions at the time of the pre-sentence investigation.

The individual being screened and classified should be allowed to play an active role in the classification process. He should be given access to information contained in evaluation reports; his comments on any evaluation should be made a part of the record; and he should be allowed to challenge any classification decision which he feels is unfair or unsuitable.

POLICIES

30. **Encourage the development of a system for evaluating offenders' behavior and for placing them into appropriate rehabilitation programs; encourage the involvement of the offender in the classification process.**

Classification at Pre-Court Screening and Pre-Sentence Investigation

Some form of diagnosis and classification should occur at two major points in the criminal justice process — at the time of arrest and before sentencing by the judge. This first point, referred to as pre-court screening, should occur immediately after arrest and be applied to all persons brought to the jail and booked. This kind of screening is already occurring in Hennepin County, and is conducted at the jail by staff of the Municipal Probation Division.

At this stage, only the broadest distinctions of the classification system should be used, with highly



simplified diagnostic procedures, if any. This screening could actually serve several purposes: provision of information about the criminal process; determination of eligibility for legal aid, release on recognizance, and pre-trial diversion programs; and a decision on the need for a pre-sentence investigation, should the person be convicted.

POLICIES

31. Encourage pre-court screening at the jail of all arrested persons to provide information on the criminal justice process, determine eligibility for special services or programs, and assess the need for subsequent pre-sentence investigation.
32. Encourage court services departments to conduct pre-sentence investigations of all convicted offenders for whom it is deemed appropriate at the time of pre-court screening.

The Failure of Institutional Corrections

Institutional corrections have failed to rehabilitate offenders for several reasons, one of which is the inadequacy and inappropriateness of the majority of institutional programs. Data from a recent

Metropolitan Council study of offenders' needs for training, employment, and supportive services such as financial aid, housing, health care, and psychological help, indicate that the majority of institutionalized offenders have few job skills and spotty employment records, in addition to a variety of personal and financial problems. Yet relatively few programs of any kind are available in any of the Area's correctional institutions. Education and training programs which do exist can handle only a small percentage of the institutional population, and they often bear little or no relationship to the Area's job market.

More significant in explaining the failure of corrections, however, is the harm caused by institutionalization itself. Isolated from his family and friends, the institutionalized offender must learn to live in an environment which is in many ways the opposite of that in which he is expected to function on his release. Enforced conformance to rigid and often arbitrary rules teaches dependent rather than responsible behavior, and encourages manipulation and dishonesty. It also creates bitterness and frustration, which may cause the offender to reject socially responsible behavior altogether. Finally, the mixing of offenders with widely differing offenses and problems usually



The atmosphere in correctional institutions encourages manipulation and dishonesty rather than the kind of responsible behavior necessary for success in the community.



results in the less experienced offenders learning more and better criminal techniques and losing any reluctance to use them.

Community-Based Corrections

Fear of confinement may still be an effective deterrent for some kinds of criminal behavior, including "white collar crimes" like embezzlement and fraud. Research conducted in California on the deterrent effects of criminal sanctions, however, indicates that the possibility of confinement is not an effective deterrent for most offenders. In view of this finding and because of the ineffectiveness and considerable cost of incarceration, custodial institutions should be used only for offenders who are dangerous to the public and for whom confinement is clearly the only effective deterrent. Corrections professionals estimate that approximately 70 per cent of all persons confined in correctional institutions pose no threat to the public and could benefit from the contacts and resources available in their communities.

Programs which attempt to rehabilitate the offender outside of an institution are generally termed "community-based corrections". The term includes a number of different kinds of programs. It includes group homes for juveniles on probation or parole.



A community based program brought into the institution can assist in developing inmates' talents.

Pre-trial diversion programs, such as project DeNovo in Hennepin County, attempt to divert accused persons out of the criminal process and into community programs prior to trial. Upon successful completion of a specified course of activity, charges against the person are dropped. It also includes traditional probation, as well as intensive probation programs like the P.O.R.T. program in Rochester, Minnesota, and the Bremer House in St. Paul; special institutional release programs, such as work and study release; and parole, particularly when it involves residence in a half-way house.

Pilot community-based corrections programs in Minnesota and throughout the country appear to be achieving considerable success in rehabilitating people diverted from institutions. At the very least, such programs reduce the isolation of the offender and cost less than institutional treatment. Institutional treatment ranges from \$5,300 per person per year at St. Cloud Reformatory to \$13,000 per child per year for juveniles committed to the state. Studies conducted in California indicate that community treatment of offenders who would otherwise have been incarcerated resulted in a lower rate of probation violations, with no apparent increase in the over-all crime rate. At best, community-based programs show promise of considerably increasing the effectiveness of rehabilitation efforts.

Local ordinances, however, pose some problems for community corrections programs. For example, in Minneapolis special permits are required for buildings which will be used for certain purposes, including group residences. These permits are issued only after a public hearing and must be reissued every six months, making both initial implementation and long-term planning extremely difficult. This problem, already delaying the implementation of a number of community programs throughout the Area, should be studied to develop more acceptable procedures for the location and licensing of community correctional programs.

Corrections funds currently available to the state should be redirected to subsidize local governments for handling offenders on the local level instead of sending them to state institutions. California has used such a "probation subsidy" program since 1965. In its approach, counties are given a grant for each offender placed in a local program who would ordinarily have been placed in a state insti-



tution. A county's grant is based on the average number of yearly commitments to the state in previous years. The cost differential between institutional and community care is such that, not only does the state pay back less than it would expend on institutional care, but such subsidy funds allow the counties to provide improved services to all offenders. In the California program in 1970-71, 19 out of 45 participating counties reduced their rates of commitment by more than 50 per cent, with the average being 37 per cent; counties were paid up to \$4,000 per year per case.

POLICIES

33. Encourage the operation of pre-trial diversion programs in all metropolitan area courts, utilizing a broad range of services and resources available in the community.
34. Encourage the development of community-based programs to serve probationers, parolees, and offenders on special release from an institution.
35. Study zoning and licensing procedures currently applied to community-based programs.
36. Seek legislation to subsidize local governments for each offender treated at the local level in a community-based program who would otherwise have been committed to the state.

The Need for Area-Wide Coordination and Correctional Planning

As community-based programs are developed within the Metropolitan Area, a number of problems could arise unless there is adequate planning and coordination. As indicated earlier, the question of location is already an issue. Community-based programs have tended to cluster in certain neighborhoods, producing reluctance on the part of other residents to accept more in the same neighborhood. A broader perspective on the location of these programs is therefore desirable.

In addition, the expanded use of probation will require more probation services to be developed and available in the community. All of the community-based programs will be attempting to draw on the same pool of existing resources and services, from employment and training opportunities to remedial education, personal and family counseling,

housing, and legal aid. Without adequate coordination and even sharing of services, the specialized needs of each community-based program are not likely to be met. Specialized diagnostic, counseling, and treatment personnel are simply too expensive for each program to support individually although they could be economically and effectively shared by a number of programs. Both existing and newly developed resources and services can be most effectively provided if coordinated on an Area-wide basis.

There are currently no standards for community-based programs, either in the area of training or for minimum quality of services. Community-based programs which are not carefully planned and, as a result, are not able to deal properly with the offenders in their care could irreparably prejudice the larger community against the community-based corrections concept, in addition to any harm they cause the offenders themselves.

Finally, if a probation subsidy program is implemented, local recipients will probably be required to submit plans prior to receipt of subsidy funds. It would be desirable to have this planning take regional needs and resources into account, as opposed to focusing on local issues alone.

Correctional planning on an Area-wide basis is essential to achieve maximum utilization of the Area's existing resources, minimize the cost of new and existing correctional services, and develop standards for correctional training and for the operation of community programs. Improved screening and diagnostic practices could also be more economically developed on a regional basis.

In attempting to develop a regional corrections plan and to coordinate available resources, it will also be essential to involve the local corrections professionals and judges who will need to implement such plans. Citizens, including interested minorities and clients of the criminal justice system, should also be involved in this process to ensure its responsiveness to broad community concerns.

POLICIES

37. Coordinate on an area-wide basis all resources potentially available to meet offenders' needs, including educational opportunities;

vocational training, job placement programs, and supportive services.

38. Develop a corrections plan for the Metropolitan Area to be used in developing minimum standards for correctional training and community corrections programs and to coordinate the provision of correctional services.

Rules Governing Probation and Parole

Existing rules governing offenders' behavior while they are on parole or probation do not contribute to the offenders' rehabilitation. Many rules are so vaguely defined that it is difficult for the offender to know what is acceptable behavior and what is not. Other regulations are simply restrictive without any relation to positive rehabilitative objectives. For example, parolees are required to obtain permission before buying or driving a car, becoming indebted, changing employment or residence, or marrying. Although the offender is prevented from exercising his own judgement in many matters concerning his personal life, he is not provided with any useful guidelines as to the kind of behavior which is acceptable. This situation often results in both confusion and resentment on the part of the offender.

An emphasis on positive actions, such as attending educational or vocational training classes, displaying satisfactory performance in a job, or participating in community activities, would be a more meaningful and effective way to guide behavior. This more positive approach cannot be implemented through a uniform set of regulations, but rather through provisions tailored to the needs and abilities of the individual offender. Uniform regulations should, therefore, be replaced by contractual agreements worked out between the individual parolee and the parole board, or between the probationer and his probation officer. Such agreements should specify clearly what behavior is desirable and, conversely, what conduct would lead to revocation of probation or parole. Incentives should be provided for successful completion of stages of the contract, with the ultimate incentive being early discharge. To be meaningful to the offender, these contracts should be binding on both parties.

POLICIES

39. Replace current parole and probation regu-

lations with the use of contract programming for all offenders on probation and parole.

Accessibility of Parole and Probation Officers

Parole and probation officers are often not available to offenders when a problem arises, nor do they always understand the environment in which the offender is living or working. If parole and probation agents were assigned cases and an office in a single neighborhood, they might develop a better understanding of the offender's needs and be more readily contacted when a problem arose.

Hennepin County has created such a neighborhood probation office in the Minneapolis Model Cities area. This practice would, of course, be most feasible in the larger cities where offenders tend to reside in certain neighborhoods.

POLICIES

40. Encourage the assignment of parole and probation officers' cases from a single locale or neighborhood and encourage location of their offices in that locale.

Parole and Probation Personnel

Emotional and psychological support can be critical to an offender's reintegration into the community. While parole and probation officers attempt to provide counseling and referral assistance to their clients, they are limited in their ability to do so both by time and by the regulatory nature of their jobs.

To complement the work of the correctional agent, a pool of specially trained ex-offenders, para-professionals, and professionals should be created to counsel and work in behalf of individual offenders. Assigned either at the time of arrest or incarceration, such a counselor could assist the offender in arrangements for bail and legal counsel, assist in maintaining contact with family and friends, arrange for special services for the client or his family if needed, and be present at legal proceedings. Special training should be developed to assist these counselors in providing such services to offenders.

Additional training would also assist probation and parole officers in providing more effective services to the criminal justice system and its clients. While



all county court services departments in the Metropolitan Area require new probation personnel to have a college degree, no existing college program can completely prepare the probation or parole officer for the investigative, supervisory, and counseling tasks he must routinely perform. Extensive in-service training programs for probation officers have not been possible due to the limited resources and heavy workloads in court services departments. Effective pre-service and in-service training is, therefore, needed to help the parole or probation officer acquire practical knowledge and skills in such important areas as court procedures, interviewing and counseling techniques, problem identification and use of existing community resources to meet client needs.

POLICIES

41. Encourage the creation of a pool of counselors to assist and support offenders throughout the criminal justice process.
42. Encourage pre-service and in-service training for persons providing probation and other correctional services.

Disciplinary Hearings in Correctional Institutions

Due process rights guaranteed by the Constitution are defined by most courts as follows:

1. The right to be informed of the nature and cause of the accusation and a reasonable time and opportunity to defend;
2. The assistance of counsel or counsel substitute in defense;
3. A fair and impartial hearing body;
4. The right to a speedy and public trial;
5. The right to confront and cross-examine the witnesses;
6. The right to exercise the fifth amendment right against self-incrimination;
7. The right to exercise compulsory process or the opportunity to obtain and present defense witnesses;
8. The right to have a record made and preserved; and

**ALL VISITS WILL
TERMINATE WHERE
YOU ARE SEATED**



A legislative committee hears testimony on the question of inmate rights at one of the state's correctional facilities.

9. The right to have the decision based only on competent evidence presented at the hearing.

Incarceration results in the loss of a number of these due process guarantees, particularly during disciplinary hearings. For example, the state prison at Stillwater denies an inmate the right to call defense witnesses or to confront his accuser, while the St. Cloud Reformatory denies an inmate the right to counsel or counsel substitute, the right to call defense witnesses or confront his accuser, and the right to a record of the proceeding. In both institutions, if the infraction is termed "minor", the investigator may impose punishment without a hearing of any kind. The Women's Correctional Facility at Shakopee denies an inmate assistance of counsel or counsel substitute and the right to present witnesses at a hearing.

While correctional officials need to be able to exercise discretion in order to conduct individualized treatment and rehabilitation, and to do so with due regard for security precautions, there is no justification for the deprivation of certain basic due process guarantees. Legislation should, therefore, be enacted to require that no inmate be punished for a rule violation unless the rule is published within the institution, and that infractions be classified as



"minor" — punishable by no more than 10 days restriction — and "major" — with penalties in excess of 10 days. Minor penalty procedures should provide for written notice of the charge, an opportunity to reply and present witnesses, and an investigation of the facts by a neutral group. In addition to the preceding provisions, major penalty procedures should include counsel substitute, time to prepare a defense, the right to cross-examine witnesses, and a record of the proceedings.

POLICIES

43. Seek legislation to require fair and explicit procedures for institutional disciplinary hearings and the deprivation of privileges.

Parole Revocation

A question of rights also arises in parole revocation proceedings. Although revocation of probation requires a court proceeding with counsel provided if necessary, parole revocation has depended primarily on the discretion of the parole officer, whose decision was not subject to review by a judge unless specifically requested by the parolee. A recent U.S. Supreme Court ruling, *Morrissey vs. Brewer*, does now require a hearing by a "neutral" arbiter to determine probable cause before the revocation request reaches the parole board. However, it is not at all clear how the arbiter would be selected or to whom he would be responsible, nor are there any provisions for legal counsel. Because the parolee stands to lose his freedom, protection of his rights should be provided in the revocation process.

POLICIES

44. Encourage the provision of legal protection in parole revocation cases.

Restoration of Civil Rights

In addition, civil rights such as voting, jury service, and holding public office are denied to inmates and parolees. It would be more consistent with rehabilitation goals to allow full retention of these privileges, or at least their restoration to all persons on parole. Restoration of civil rights might help the parolee to undertake other responsibilities of his citizenship.

POLICIES

45. Seek legislation to restore to parolees all citizenship

rights and privileges, including voting and holding public office.

Job Disqualifications

Even after completion of his sentence, the ex-offender is unduly restricted from pursuing vocations for which he might otherwise be qualified. Although Minnesota law restores the ex-offender's civil rights upon discharge, there are a number of restrictions on the opportunities available to him, particularly in the area of employment. For example, certain occupational or trade licenses issued by state or local authorities are not available to ex-offenders who are otherwise fully qualified for the license and whose conviction bears no relationship to their ability to function lawfully in the occupation. Legislation should be sought which would allow a judge or the parole board to issue a certificate removing an offender's job disqualifications and prohibiting his prior conviction from acting as grounds for refusing to issue or renew a license, or for suspending or revoking any license required for gainful employment or business.

POLICIES

46. Seek legislation to permit judges and the parole board to issue certificates removing any or all disqualifications and restrictions currently barring ex-offenders from pursuits for which they would otherwise be eligible.

SYSTEM ORGANIZATION

Coordination at the County Level

Organizational problems limit the ability of all criminal justice agencies to perform their functions effectively and efficiently. All agencies face similar internal problems, including inadequate cooperation within and among agencies, unresponsive public decision-making, insufficient planning and funding, inadequate training, and a lack of program evaluation.

Criminal justice agencies currently operate in relative isolation from each other and often fail to understand each others' goals and problems. Joint policy and program development, sharing of information, and coordination of procedures would produce both better protection from crime and greater continuity of treatment of offenders. Personnel from one type of agency might even be

used for certain functions within the others. For example, police would be particularly effective in some aspects of probation work, and corrections treatment personnel would contribute significantly to the decision on an appropriate sentencing disposition.

Public bodies and officials have an important role in the prevention and control of crime since they make laws which determine how the system works, allocate money for its operation, and set policy regulating its organization and personnel. Unfortunately, elected officials are often not provided with the necessary information about agency operations, nor are they always equally responsive to the concerns of all segments of society.

Public bodies and officials would become more responsive if they were more directly and consistently in communication with both the criminal justice system and the community. Elected bodies must clearly understand what is required to perform the job adequately and they must be aware of neighborhood wishes in order for the policy and operations they specify to be responsive to the people paying for services and being served.

In addition, the criminal justice planning process lacks a good definition of planning responsibility. Governmental units directly responsible to the public should develop comprehensive policies and each system component and each individual agency should conduct operational planning. Public agencies and private groups outside the criminal justice system should also engage in more careful and coordinated planning, both among themselves and with criminal justice agencies. Private groups and individuals must also be willing to contribute their own resources to implement plans.

To carry out their functions effectively, police, courts, and corrections all require more money or better allocation of existing resources, or both.

The problem of insufficient funding pervades almost every aspect of system organization and operations in the Metropolitan Area. Smaller municipalities usually have limited property tax bases and are often beset with other financial commitments associated with building schools, roads, and public utilities for a growing population. In the Region's larger cities, the finances to provide the level of protection needed have not been available.

Coordinating Councils

Joint planning between criminal justice agencies at the county level will facilitate a cooperative relationship among these agencies and produce greater coordination of operations, more sharing of information, increased sharing or consolidation of resources, and joint program and policy development. Good county plans reflecting local needs and problems are also important to the development of a detailed and responsive law and justice plan for the Region.

Coordinating councils, similar to those recently created in Hennepin and Ramsey counties, should therefore be created to study the needs and problems of criminal justice agencies within their counties and to recommend solution to local and county-wide problems. The appropriateness of issues for county, as opposed to regional, consideration should be determined according to such criteria as the ability to be responsive to the community and the availability of the necessary resources. These criteria imply that planning responsibility for a given activity should be allocated to:

- 1) The lowest level of government which has jurisdiction over the entire impact area of the proposed program, and
- 2) the level of government which is most capable of coordinating the program with other criminal justice efforts and with functional areas outside of the criminal justice system.

County plans should be submitted to the Metropolitan Council for review, and those programs meeting the criteria described above should be included in the regional component of the State Criminal Justice Plan.

POLICIES

47. Encourage the counties to establish county-wide criminal justice coordinating councils with citizen and public agency representation to:
 - a. Establish procedures for better cooperation among agencies and jurisdictions;
 - b. Encourage joint studies and ventures by agencies and organizations with mutual concerns;

- c. Develop municipal and county long-range system planning;
- d. Coordinate activities with the Metropolitan Council.

A Criminal Justice Training Facility

Professionals working in all aspects of the Criminal Justice field have acknowledged the critical need to improve the training and professional education of criminal justice personnel. Those training programs currently offered in the Metropolitan Area do not meet this need, and because they are fragmented they are often duplicative and unnecessarily costly. Past proposed legislation for police training has not been acceptable to the Legislature, partly because of the problem of finding sufficient funding. Various training programs in police, courts, and corrections have been funded on a short-term basis by the Governor's Crime Commission, but they have neither been effectively coordinated with existing programs nor have they reduced the fiscal pressure felt by state and local government in providing the minimum of training.

More and better training could be provided for all criminal justice professionals if programs were provided on a statewide basis. In addition, provision of all such training in a single location would allow for better communication among police, courts, and corrections personnel, particularly if joint classes were provided that dealt with the responsibilities and functions of various parts of the criminal justice system. Additional training in areas such as communication skills, minority cultures, and the various social sciences could also be provided jointly.

There should be established by state statute a Criminal Justice Academy to provide training and professional education to all persons engaged in the prevention and control of crime and delinquency, and located in the seven-county Metropolitan Area.

A governing board predominantly comprised of persons appointed by the local governmental units responsible for the professional training of criminal justice personnel would establish general policy guidelines. The cities of St. Paul and Minneapolis, which currently maintain their own police training programs, should be adequately represented in relation to their current training commitment. Because the Board would establish broad policy di-

rection and depend on professional advisory committees for curriculum development, appointees to the Board should also include persons not directly involved in the operation of the criminal justice system. Existing criminal justice training and education programs, including the police training academies of Minneapolis, St. Paul, and the Bureau of Criminal Apprehension, the University's Continuing Legal Education Program, and the University's Juvenile Officers Institute, should be moved to the State Criminal Justice Academy.

A centralized location with a single fiscal and administrative structure would have advantages even for the system's most highly trained personnel, for example, the legal profession. The Academy would provide a unique opportunity for contact with and understanding of the other components of the criminal justice system, and could do so at minimal cost.

POLICIES

- 48. Seek legislation to establish on a state-wide basis a criminal justice academy to provide pre-service and in-service training and education for all persons working in judicial, law enforcement, and correctional functions.

The Need for Evaluation

Even if agencies develop better cooperative procedures and improved training is available to all personnel, the criminal justice system may fail to adequately serve the public if it has no way of assessing the effects of its operations. Neither day-to-day operations nor new programs have received sufficient evaluation. While it is not possible to conduct rigorous evaluation of all programs, it is important to develop data collection procedures on some level for all programs. This would at least allow for a rudimentary monitoring of a program's day-to-day operations, and provide preliminary evaluative information.

Initial planning of all new programs should include an assessment of the level of evaluation possible and the development of procedures for collecting the required information. However, it is often difficult for most program directors to know just how much evaluation is appropriate and economically feasible for the scale and nature of their individual program. In addition, few project personnel have had experience which would enable them to develop

more than the most basic evaluation tools. Evaluation services are extremely expensive when purchased on a project-by-project basis and may not be necessary for some of the smaller programs.

Technical assistance for research and evaluation should be available to provide guidance on the level of evaluation appropriate to a given project and to coordinate the joint evaluation of small but similar programs. This assistance should be available to anyone interested in assessing the impact of a social program. Technical assistance would include identification of the appropriate level of evaluation, preliminary design work, and, depending on the scope of the project, assistance in finding a consultant or assistance to the project personnel in developing their own data collection procedures.

POLICIES

49. Require evaluation procedures in the planning of all programs coming before the Council for review, provide technical assistance to those who request it, and encourage the evaluation of standard agency operations.



PART III: PROGRAM

This section describes program areas which will receive priority in the Metropolitan Council's review of applications for Law Enforcement Assistance Administration (LEAA) funds. The areas described below are based on the adopted 1973 funding priorities of the Council's Region G Criminal Justice Advisory Committee.

PREVENTION

Priority will be given to:

1. Programs designed to divert juveniles from the criminal justice process. Priority programs would include efforts by community groups to identify and deal with a juvenile's illegal behavior, efforts by the police and courts to utilize alternatives to arrest and adjudication of juveniles, and non-institutional juvenile treatment approaches.
2. Programs providing the necessary services and resources in the community to deal with juveniles who are diverted from the criminal justice process.
3. Programs providing alternative education for drop-outs and programs stressing a peer group approach to prevention and rehabilitation.
4. Training programs for personnel involved in delinquency prevention projects.

No priority will be given to:

1. Drug education programs (other funds and agencies are available for this purpose).

LAW ENFORCEMENT

Priority will be given to:

1. Programs facilitating the provision of law enforcement supportive services on a regional level, including a major crime investigative unit, crime laboratory services, a unified communications and information system, and a 911 emergency telephone number.
2. Programs directed at improved utilization of police resources at the local level, including innovative approaches to local police depart-

mental organization, alternative methods for utilizing personnel, and alternative procedures for performing certain functions. Priority programs would include community service officer projects, team and neighborhood policing programs, and pilot projects directed at increasing police use of the summons.

3. Programs which will meet the basic in-service and management training needs of the Metropolitan Area's law enforcement agencies.
4. Programs providing career development of law enforcement management personnel.
5. Selected projects to accomplish the consolidation of sharing of services and facilities among local law enforcement agencies. Programs will be given priority based on need and the lack of an existing design for implementation.
6. A project designed to evaluate the current definition of criminal behavior.

No priority will be given to:

1. Radio communications equipment not related to the state or regional plan for radio communications upgrading.
2. Police-school liaison projects (unless currently funded through the Crime Commission), pending the results of the police-school liaison program evaluation being conducted by the Commission.
3. Law enforcement training programs of less than regional scope.
4. Information system projects other than REJIS (the Regional Justice Information System).

CORRECTIONS

Priority will be given to:

1. Programs providing pre-court screening at the jail and improved diagnosis of convicted offenders prior to sentencing.
2. Pre-trial diversion efforts utilizing a range of resources and programs available in the community.

3. Community-based alternatives to confinement of misdemeanants and felons.
4. Programs to assist the re-entry of institutionalized offenders into the community.
5. Programs providing improved probation and parole services to offenders.

No priority will be given to:

1. Programs directed at improving institutional treatment of offenders.

SYSTEM ORGANIZATION

Priority will be given to:

1. An integrated and centralized program meeting the special education and training needs of all criminal justice system personnel.

APPENDIX

LAW AND JUSTICE PROCEDURES

The purpose of this procedures section is to provide specific information concerning how the policies in the Guide will be applied to criminal justice referrals. This section describes in detail the action grant review process under the Law Enforcement Assistance Administration procedures and the criteria which will be used by the Criminal Justice Advisory Committee and the Council in their reviews.

Law Enforcement Assistance Administration Grant Review

1. Background

The Omnibus Crime Control and Safe Streets Act of 1968 provided for the distribution of bloc grant funds to each state for the purposes of developing and carrying out programs to prevent and control crime. To administer the Safe Streets program at the federal level, the Act created the Law Enforcement Assistance Administration (LEAA) within the Department of Justice. The Act also authorized the establishment of law enforcement planning agencies in each state to develop comprehensive state plans for the improvement of criminal justice. In Minnesota, the Governor's Commission on Crime Prevention and Control became the official law enforcement planning agency and is responsi-

ble for plan development and allocation of LEAA action grant funds to local units of government and state agencies.

2. Review Authority

The Governor's Commission on Crime Prevention and Control is required by a provision in the Safe Streets Act to distribute a percentage of its planning funds to units of government or combinations of such units. Therefore, criminal justice planning regions were established in Minnesota to assist the Commission in plan development, technical assistance, and action grant review. The Metropolitan Council assumed the responsibilities of a criminal justice regional planning unit for the Metropolitan Area (Region G) in 1969. As part of its duties, the Council was charged by the Governor's Commission on Crime Prevention and Control with evaluating and making recommendations on all applications for LEAA funds submitted to the Commission by units of government within the Metropolitan Area.

In April of 1971, the LEAA action grant and discretionary grant programs were added to the federal programs covered by the Office of Management and Budget Circular A-95 review procedures.

3. Review Process

The Council has appointed a thirty-five member Criminal Justice Advisory Committee to assist it in carrying out planning and review functions. Composed of criminal justice professionals, local elected officials, and citizens from throughout the Area, the Committee conducts the primary review of action grant applications. The Committee assigns initial review of applications to one of three subcommittees: Law Enforcement, Community Corrections, and Delinquency Prevention. Each subcommittee conducts a detailed review of those applications falling within its functional area.

Council Review Procedures

The following steps are followed in the Council's review of LEAA action grant applications:

1. A staff report analyzing the program approach, project plan, and budget is prepared for each application. The report is made available to the applicant and members of the appropriate Criminal Justice Advisory subcommittee



meeting at which the application is to be reviewed. If desired, an applicant may submit additional information or comment on the staff report in writing prior to or at the subcommittee meeting.

2. The subcommittees interview all project directors or their representatives at subcommittee meetings.
3. Reports on subcommittee findings and recommendations are transmitted to the full Advisory Committee for action. Applicants are encouraged to submit additional information relevant to subcommittee actions or rebuttal in writing for distribution to Committee members prior to their taking formal action on the applications.
4. A report on Advisory Committee findings and recommendations will be transmitted to the Metropolitan Council. The Council recommends *approval*, *approval with conditions*, *deferral*, or *denial* of applications to the Governor's Commission on Crime Prevention and Control. The Council also has the options of making no recommendation or referring the application to another agency prior to taking action.
5. A full report on Council findings will be transmitted to the Governor's Commission on Crime Prevention and Control. This report will include the reasons for the Council's recommendation, copies of supporting materials provided by the applicant, and any additional information required by the Governor's Commission on Crime Prevention and Control.

Criminal Justice Grant Review Criteria

This section outlines criteria the Council uses in the evaluation of LEAA action grant applications. These are criteria that will apply to grants submitted in all criminal justice subsystem areas.

The Council considers the following factors in evaluating proposals:

1. How will the project implement the Council's Law and Justice policies?

Projects which propose to use program ap-

proaches outlined in the Guide Chapter will be given priority.

2. Does the project conform to the Minnesota State Plan for Criminal Justice?

The Governor's Commission on Crime Prevention and Control with the assistance of the Metropolitan Council and other criminal justice planning regions prepares a plan for the allocation of LEAA action grant funds each year. Applications should be consistent with the Plan.

3. Is there sufficient documentation of the problem(s) the project proposes to address?

The Law and Justice Guide Chapter identifies general criminal justice problems existing in the Metropolitan Area. Applicants must document the nature and extent of the problem to be addressed in the specific geographic area or within the agency that the project will affect.

4. Does the application contain adequate plans for the collection of data that can be used to evaluate progress towards project goals?

To assess the impact of projects on crime and the criminal justice system, data must be collected that will allow for measurement of each project's accomplishments. It is important for applicants to describe how each objective outlined in the project is to be measured.

5. Is the project (if it is in the second or third year of LEAA funding) achieving its objectives?

In the case of second and third year applications, the Council will examine the progress made by applicants in achieving objectives set forth in the first year. This will be a major factor in the Council's evaluation of second and third year grant applications.

6. Is the project located in an area characterized by high crime incidence and high law enforcement activity?

The Safe Streets Act requires that adequate assistance be provided to areas of high crime incidence and high law enforcement activity.

The Council will consider these factors when a number of projects are competing for a fixed amount of funds.

7. Has a project to be located in a Model Cities area been reviewed by the Model Cities policy board?

All projects to be located in the Model Cities area of Minneapolis or St. Paul should be reviewed by the appropriate Model Cities policy board prior to Committee or Council review.

8. Is the project properly coordinated with similar programs currently in operation?

The Council will make every effort to ensure that excessive duplication of programs does not occur and that coordination and cooperation among similar programs will be achieved. Applicants will be expected to describe relation to existing agencies where appropriate.

9. Are plans contained in the application for continuation of the project following the expiration of the LEAA funding period?

Projects are eligible for LEAA funding for a period of three years, after which costs should be assumed by the implementing agency or the local unit of government. Because of the relatively short duration of federal funding and because of the limited amount of money available each year, the Council will expect applicants who wish to continue projects after three years to describe specific plans for securing alternative sources of funding.

10. Is the project budget reasonable, adequate, and consistent with LEAA guidelines and the Safe Streets Act?

There are a number of budgetary guidelines and requirements that are imposed upon applicants by the Safe Streets Act, LEAA, and the Governor's Commission on Crime Prevention and Control. Project budgets should conform to these requirements and guidelines.

DEFINITIONS

Anticipatory Crimes — Conspiracies to commit crimes and attempted crimes.

Community Service Officer — An unarmed individual employed by a police department who does not have full enforcement powers and whose duty is to perform a variety of service functions.

Crimes of Compulsion — Crimes of coercion or attempts to coerce.

Crimes without Victims — Those acts currently defined as criminal, the impact of which only affects the person performing the act.

Felony — A serious crime, such as murder, rape, or burglary, punishable in Minnesota by imprisonment for a year or more.

Jail — Detention facility operated by a municipality or county. Inmates may be sentenced misdemeanants or persons awaiting court hearings or trial.

Major Criminal Activity — Those serious felony crimes such as robbery, burglary, or forgery, often committed by organized criminal groups.

Misdemeanor — A less serious crime, such as petty theft. In Minnesota such offenses are punishable by a fine of up to \$300.00 or by incarceration for a period not exceeding 90 days.

Parole — Supervised release from a correctional institution prior to completion of sentence.

Pre-sentence Investigation — A social investigation of the offender (attitude, family, employment) to determine the best alternative for disposition.

Prison — State or Federally operated facility for incarceration of convicted felons.

Probation — Suspending the sentence of a convicted offender and allowing him to remain in the community under the supervision of a probation officer.

Recidivism — Repeated involvement in criminal activity.

AUGUST 21, 1981

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Mobilization on Police Practices in the Twin Cities

The Report: "Police Practices in the Twin Cities"

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 identified some of the same problems documented in its recent (1981) study entitled "Police Practices in the Twin Cities." This is the second time that the Committee has examined police community relations in the Twin Cities.

The initial focus of the report was prompted by complaints from community members residing in the westside area at a June 29, 1979 meeting of the Minnesota Advisory Committee. They alleged that police community confrontations were on the upswing primarily because of the way the police were conducting themselves in the neighborhood.

Staff and Committee interviews revealed that police-community relation problems were more severe in Minneapolis and therefore they decided to expand the project to encompass the Twin Cities area.

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 resolving 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.

Some of the basic findings of the report were as follows:

- (1) There is inadequate civilian input into the establishment and review of police policies and practices;
- (2) Minority communities in both Minneapolis and St. Paul distrust the police and believe that their communities suffer greater abuse at the hands of the police than their white counterparts. One might say that minority citizens in both cities view the police as an occupying force rather than public servants;

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

(4) The St. Paul Police Academy provides inadequate training to recruits and to experienced officers in the techniques for controlling situations other than through force;

(5) The Minneapolis Police Department personnel records indicate that there is a serious underutilization of women and minorities;

(6) Employment figures of the entry-level personnel in the St. Paul Police Department today do not indicate a serious underrepresentation of minorities. Women, however, are seriously underrepresented. Above the entry rank of police officer, minorities and women are both significantly underrepresented;

(7) The Minneapolis and St. Paul Police Departments assign few minority officers to areas with high concentration of minority citizens;

(8) Upper level administrators in both Twin Cities believe that formal training in cultural diversity is unimportant to the development of good police officers;

(9) The Minneapolis Police Department's Internal Affairs Unit does not adequately respond to citizen complaints against Minneapolis police officers; and

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

Some of the recommendations in the report include:

- That each of the Federal funding agencies - ORS, LEAA, ETA, 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;

1. Credibility of Task Force
2. Communication with Police Chiefs

- That the city councils of Minneapolis and St. Paul should establish a mechanism in their respective cities for mediating or arbitrating civilian-police disputes which permits civilians to obtain appropriate restitution for damages to self or property unnecessarily inflicted by police;
- That the city councils of Minneapolis and St. Paul should each establish an office of ombudsman to investigate complaints that any city department or employee violated established policies and practices and to publish recommendations for appropriate remedial action; and
- That the police departments in both cities assign more minority police officers to those areas which have a high concentration of minorities to promote better community relationships in those areas.

The Mobilization

The Mobilization was a joint effort of the Human Rights Advisory Committee to the Minnesota Department of Human Rights and the Minnesota Advisory Committee to the U.S. Commission on Civil Rights. The Mobilization was held Friday, August 21, 1981, at the Earle Brown Continuing Education Center in St. Paul. Approximately 45 to 50 participants came together at the center from 8:30 a.m. to 5:00 p.m., not to discuss problems but to design solutions.

The goals of the Mobilization were as follows:

- (1) to develop an approach to resolving problems outlined in the four areas covered in the report (Use of Force/Police Community Relations; Employment; Distribution of Services; Police Officer Training);
- (2) create a Task Force to implement actions from the Mobilization and monitor both police departments.
- (3) promote and establish lines of communications between police departments and the community.

It should be noted that the chiefs from both police departments were personally contacted with regard to the Mobilization. The planners of the Mobilization felt that it would be important to have representation from the respective police departments. Unfortunately, Chief William McKutcheon indicated that he was not interested in cooperating and did not send a representative, however, he would cooperate with the Task Force. Chief Anthony Bouza indicated that he would be in favor of the Mobilization and that he would cooperate with the group when the occasion arose. Deputy Chief Raymond Presley from the Minneapolis Police Department was present at the Mobilization and contributed to the discussion in the employment workshop.

Task Force

Originally, it was envisioned that an ad-hoc coalition would emerge as a result of the Mobilization with some help from the co-sponsoring agencies. This coalition would continue the implementation of the actions resolved at the Mobilization by its participants. However it was through an appointed Task Force by the Minnesota Department of Human Rights with an offer to provide office and phone privileges that would give the Task Force a better chance of surviving. It was then that Commissioner Marilyn McClure suggested that a Task Force on police practices in the Twin Cities be appointed by her with the sole purpose of carrying out the recommendations of the Minnesota Advisory Committee's report and others that may come out of the Mobilization. McClure suggested that she appoint five members, representing various backgrounds, and that four others be selected from the participants in the Mobilization.

Several discussions were held around the topic of the role and function of the Task Force, however, all concluded that it would be improper to establish any policy prior to the appointment of all members. It was agreed that the Task Force should develop its own modus-operandi during its initial meetings, scheduled for September 1981.

The general consensus was that the Task Force would do the following:

1. Implement by priority all resolutions and actions directed by the groups in the workshops.
2. Develop a communications network of organizations and individuals who had agreed to participate with the Task Force in the implementation process.

3. Schedule and publicize meetings with political and law enforcement officials regarding recommendations of the report.
4. Hold one or two public meetings which would allow for community input into the implementation process and to promote a continuous dialogue on the issues.
5. Monitor actions taken by the police departments and issue press statements. Recommend appropriate actions for the expeditious resolution of problems.
6. Hold another Mobilization after one year of working to evaluate progress and design new solutions for new problems.

The following are the final decisions made by the participants in the Use of Force/Police Community Relations Workshop, Employment and Distribution of Services Workshop, and Police Officer Training Workshop:

Use of Force/Police Community Relations Workshop
Mr. David Rivera, Convenor
Mr. Albert Garcia, Recorder

Recommendation 1.1

Tabled indefinitely! Is not a priority relative to other recommendations.

Recommendation 1.2

(same as above)

Recommendation 1.3

Action: Accepted Unanimously

1. Minneapolis police chief has agreed in principal for such action.
2. Meet with police chiefs and head of IAU.
3. Meet with various concerned groups for support.

Recommendation 1.4

Action: Accepted

Meet with both police chiefs on this issue with the aldermen of both councils, in particular, Alderman Van White and Tony Scallon.

Recommendation 1.5

Action: Accepted

Draft a proposed sample of legislation.
Organize people behind the legislation.
Mechanism must be developed to implement above ordinance.
Contact sponsoring alderman.

Recommendation 1.6

Action: Accepted

Schedule a meeting with all persons mentioned in the recommendation and suggest they continue meeting.
However, policy regarding jurisdiction needs to be clarified.

Recommendation 1.7

Action: Accepted, but need further clarification.

- amend to exclude dogs.
- handcuffing often abused.
- treatment of prisoners during transportation.

Ask CURA for assistance.

Recommendation 1.8

Action: Accepted

Contact chief of police in both cities.

Recommendation 1.9

Action: Accepted

Suggest that the Task Force draft a resolution and develop a lobbying effort for its support.

Recommendation 1.10

Action: Accepted

Recommendation 1.11

Action: Accepted

Note: Need further research.

Recommendation 1.12

Action: Accepted, but Tabled.

Task Force should contact the Swedish Consulate for definition of ombudsman--differences in terms of power, duties, procedures. For the purpose of this report the Task Force should examine the "Swedish Model." Concern was expressed for its vagueness. The private sector should be approached for funding.

Recommendation 1.13

Action: Accepted

Ascertain status.

The Employment and Distribution of Services Workshops were combined.

Employment/Distribution Services
Mr. Robert Dodor, Convenor
Mr. Rodney McGee, Recorder

Recommendation 2.1

Action:

Note: Affirmative Action Plan is in place now, barrier is budgeting restraints - perhaps a move to upgrade should be resolved.

- expand certification list.
- examine ways to expand effort in the schools to encourage more minorities to enroll in the programs.
- develop a stronger recruitment effort and encourage more minorities and females to apply for positions in the respective police departments.

MINNEAPOLIS POLICE DEPARTMENT
EDUCATIONAL TRAINING PLAN
TO IMPROVE POLICE/COMMUNITY
RELATIONS

As a result of the Task Force interviews over the past year it has been determined that the Minneapolis Police Department has still not provided training to officers in cross cultural communications, cultural diversity or related topics, nor do plans for 1982-83 inservice education include any reference to same. Despite advances in education that provide cooperative cross cultural relationship models to replace competitive models and reduce conflict cross-race, the Mpls. Police Department has not instituted any if these new learnings nor does it show plans to do so in the coming years.

On-the-street-training cross-race and cross-economics, may or may not provide the officer with a perspective of the criminal members of society. It may provide some practical training but it does not prepare the officer to work productively with the multiracial population at-large of the total metropolitan community. A training officer who says there are no people of color in the training group because they don't think "they" want to be peace officers has a very narrow view of a large population of people. This very influential person needs an expanded concept of many people in the persons immediate community. The sexist behavior and insensitive statements about groups of citizens during interviews also reinforces the identified need for inservice education to understand the diversity of our society and the broad scope of individuals seen as members of particular groups identified by gender, race, sex preference, religion, etc.

If, inspite of the first hand experience of the Task Force, police community relations indicated harmony in the city neighborhoods such inservice training would be unnecessary. But since there continues to be police/community conflict based on race or culture or religion or gender or language or sex preference or economics or a combination of the above, it is imperative, if the Department is serious about improving relations, that the following training plans begin immediately.

CONTENTS OF TRAINING PROGRAM:

- . culture bound behavior
- . verbal and non-verbal cultural patterns of communication
- . economic differences in relation to cultural differences
- . cultural similarities due to economic similarities
- . the language of culture and gender fairness
- . language classes for languages spoken in the community other than English (currently Spanish and S.E. Asian languages)

- institutional racism and sexism (understanding the condition and how it manifests itself in everyday life)
- the criminal and cultural differences
- the use of force in cross-cultural transactions (causes, outcomes)
- sex preference (criminal and non-criminal behavior)
- benefits of affirmative action in employment - benefits to individuals, benefits to the force and benefits to the community relations
- cross-cultural conflict resolution

TRAINING PROCESSES FOR INSERVICE:

The following approaches can be used: courses, seminars, workshops, conferences, video tapes, cassette tapes, booklets, books, pamphlets, supervisor counseling and feedback systems, peer teaching, pairing with community tutor for set period of time, field training, independent study packages, etc. A variety of delivery systems is suggested to shorten the time of training and to provide necessary education to an already reduced work force.

TRAINING DESIGN AND PARTICIPATION:

1. The program should be learning objective based.
2. The courses, workshops, conferences, etc. should be offered at least two times per year for three years. This is so that all officers (supervisors first) can complete the program and demonstrate either knowledge or skill competency for all objectives.
3. There should be access to refresher courses - either offered by the Department or in agreement with some educational agency.
4. A course for officers in supervisor positions should be available upon their completion of the basic program work. The purpose of the course is to focus on non-racist and non-sexist behaviors so supervision will be evaluating the officers on new culture fair and gender fair behaviors
- 5.

INSTITUTIONAL SUPPORT FOR LASTING CHANGE:

1. Reducing cultural difference conflict must be a primary focus of the training unit inservice program for five years.
2. Affirmative Action must have specific goals met on specific time tables. Good faith and commitment must be demonstrated over a significant period of time by showing a significant change in the complexion of the police force.

counseling.

4. Job evaluations must contain a section on "exhibits culture and gender fair behavior".
- 5/ The Department Manual must be reviewed for necessary policies to enforce human rights expectations of the Department. Make sure the appropriate policies and there and clearly stated. All employees must be informed of the policies and know that violations will not be tolerated and are grounds for _____.

MINNEAPOLIS COMMUNITY COLLEGE-MCC

MCC students come from all age groups, races and national origins, with varied social and scholastic backgrounds.

MCC has a highly qualified faculty and staff to serve the individual needs of students while they work toward their educational goals.

MCC facilities include a new and expanded campus located at the Northeast corner of Loring Park—easily reached by car or bus and just a short walk from major employment, entertainment and shopping opportunities in the downtown Minneapolis area.

COSTS AND FINANCIAL AID

Tuition*

	Minnesota Resident	Non- Resident
Per quarter credit	\$13.50	\$27.00
15 credits per quarter	\$202.50	\$405.00

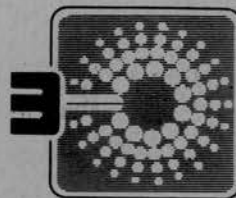
*Tuition charges are subject to change by action of the Minnesota State College Board.

Financial Aid is available to qualified students. For information contact the Financial Aid Officer—341-7033.

REGISTRATION INFORMATION

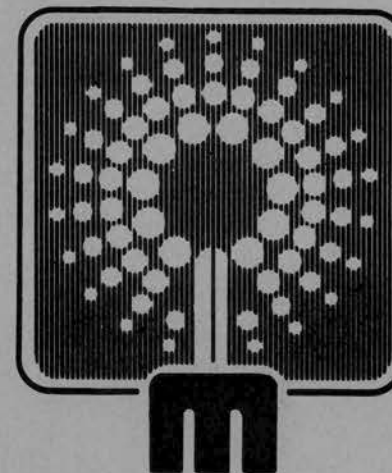
Write or call:

Office of Admissions and Records
MINNEAPOLIS COMMUNITY COLLEGE
1501 Hennepin Avenue
Minneapolis, MN 55403
Phone: (612) 341-7012



MINNEAPOLIS COMMUNITY COLLEGE
1501 Hennepin Avenue
Minneapolis, MN 55403

LAW ENFORCEMENT SKILLS TRAINING PROGRAM



**MINNEAPOLIS
COMMUNITY COLLEGE**
1501 Hennepin Avenue
Minneapolis, MN 55403
341-7000

LAW ENFORCEMENT SKILLS TRAINING

Law Enforcement Skills Training at Minneapolis Community College is offered to all qualified graduates of POST* approved two-year law enforcement academic programs.

Skills training in such areas as firearms, self defense, physical fitness, patrol procedures, emergency driving and criminal investigation will prepare the individual for a career in law enforcement as well as provide eligibility for a peace officer's license upon obtaining employment.

Minneapolis Community College is the site for the State Community College System Law Enforcement Skills Training Program.

SKILLS TRAINING OBJECTIVES

- To enable the law enforcement student to meet all the requirements of POST* mandated basic recruit training for peace officers.
- To help prepare pre-service students to successfully pass the POST* peace officer's skills license exam.
- To help prepare the pre-service student for a rewarding and successful career in law enforcement.

*Peace Officer Standards and Training Board.

PROGRAM INFORMATION

The length of the course is approximately 8 weeks, 8 to 14 hours per day. Students must be available for night time field problems.

REQUIREMENTS

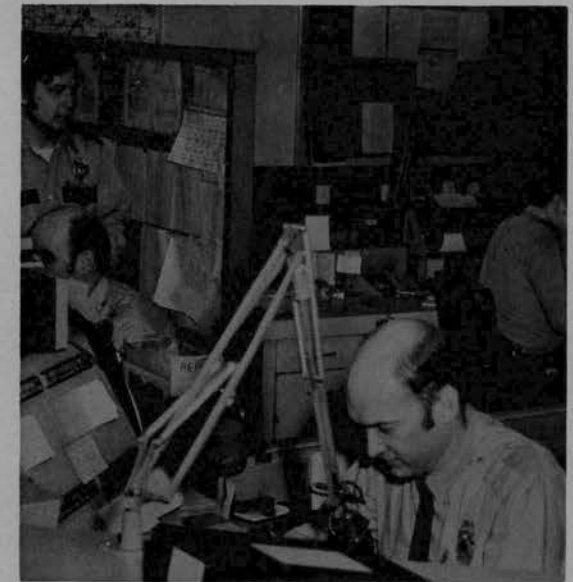
- Successful completion of the POST* approved community college law enforcement degree program.
- Successful completion of the POST* academic portion of the peace officer licensing exam.
- Absence of a criminal history.
- Absence of any physical or mental condition which would preclude employment as a Minnesota Peace Officer.

COSTS

Tuition (15 credits)	202.50
Fees	100.00
Miscellaneous Costs/Approx	50.00

Note: Tuition and fees are subject to change

Minneapolis Community College is an equal opportunity/affirmative action employer and is in compliance with all state and federal laws prohibiting discrimination.



TOPICS

- CRIMINAL INVESTIGATION AND TESTIFYING
- PATROL FUNCTIONS
- TRAFFIC LAW ENFORCEMENT AND ACCIDENT INVESTIGATION
- FIREARMS
- DEFENSIVE TACTICS
- PHYSICAL CONDITIONING
- EMERGENCY DRIVING

Ralph A. Olmos, Director
Law Enforcement
612/341-7027

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COSTS AND FINANCIAL AID

Tuition*	Minnesota Resident	Non- Resident
Per quarter credit	\$13.50	\$27.00
15 credits per quarter	\$202.50	\$405.00
Application Fee	10.00	

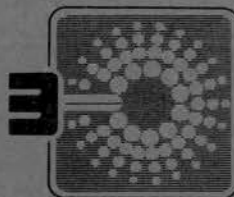
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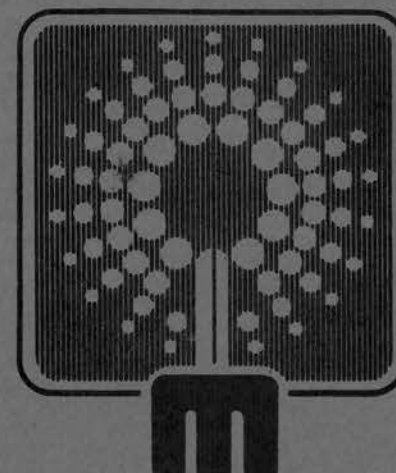
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MINNEAPOLIS COMMUNITY COLLEGE
1501 Hennepin Avenue
Minneapolis, MN 55403

LAW ENFORCEMENT



**MINNEAPOLIS
COMMUNITY COLLEGE**
1501 Hennepin Avenue
Minneapolis, MN 55403
341-7000

LAW ENFORCEMENT

The Law Enforcement curriculum is designed to serve four purposes:

- To provide pre-employment education for the student who desires to enter the field of law enforcement;**
- To provide in-service education for the employed officer;
- To offer an Associate Degree;
- To offer a transfer program for students who intend to earn an advanced degree elsewhere.

The College participates in the Law Enforcement Education Program of the United States Department of Justice, under which federal funds are provided to encourage people to seek criminal justice careers and to allow law enforcement officers to continue their education.

**Because of the varying and rigid medical, physical, residency and other requirements of law enforcement agencies, students interested in the pre-employment program should determine these requirements prior to enrollment.

GENERAL DISTRIBUTION REQUIREMENTS

English 101, 102, Literature	12
General Distribution	28
Groups A, B, C, D	
Physical Education	2
Health	3
Total credits	45

LAW ENFORCEMENT CURRICULUM REQUIREMENTS

LENF 101		
Introduction to Criminal Justice	3	
LENF 201		
Criminal Law	3	
LENF 202		
Introduction to Criminology	3	
LENF 203		
Criminal Evidence and Procedure	3	
LENF 206		
Constitution Law	3	
LENF 207		
Criminal Investigation	3	
LENF 208		
Juvenile Problems and Justice	3	
LENF 210		
Psychology of Law Enforcement	3	
LENF 213		
Law Enforcement Practices and Procedures	3	
Total credits	27	

RECOMMENDED ELECTIVES

Business 153
 Chemical Dependency 100
 English 212
 Political Science 101, 102
 Sociology 101
 Speech 101, 110
 Psychology 201, 202
 Math 010

(Skills training may be elected for a maximum of 15 credits.)

academic curriculum



Graduates of the Law Enforcement Program are eligible to take the POST* board license examination and subsequently apply for the Skills Training Program.

*Peace Officer Standards and Training Board

SKILLS TRAINING PROGRAM

The Skills Training Program at Minneapolis Community College includes course topics on: patrol procedures, criminal investigation, firearms, defensive tactics and emergency driving.

For additional information on the Skills Training Program contact (612) 341-7091.

Minneapolis Community College is an equal opportunity/affirmative action employer and is in compliance with all state and federal laws prohibiting discrimination.

SPONSORED BY:

Minnesota Human Rights Advisory
Committee
Minnesota Advisory Committee to the
U.S. Commission on Civil Rights

Marilyn E. McClure, Commissioner
Minnesota Department of Human Rights

Lupe Lopez, Chair,
Minnesota Advisory Committee to the
U.S. Commission on Civil Rights

PLANNING COMMITTEE:

Rodney McGee, Co-chair
David Rivera, Co-chair

Jean Cooper

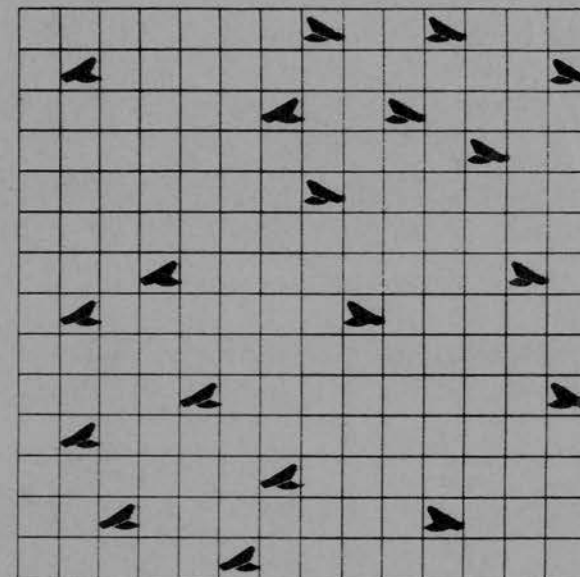
Bob Dodor

Roy Garza

Karl Kassulke

Carla Hagen, Staff, Minnesota Depart-
ment of Human Rights

Carmelo Melendez, Staff, U.S. Commis-
sion on Civil Rights,
Midwest Regional
Office



MOBILIZATION ON POLICE PRACTICES
IN THE TWIN CITIES

date-----Friday, August 21, 1981

place-----Earle Brown Center
1890 Buford Avenue
Rooms 135 A-C, 155
St. Paul, MN 55108
(612)376-1870

time-----8:30 A.M.-5:00 P.M.

THE PROBLEM:

The police are an essential part of our social order. Nonetheless, hostilities toward police officers continue to exist. Many community residents, particularly in minority neighborhoods, consider the police adversaries. Some claim this problem results from having a predominantly white police force operating in minority communities.

Newspapers and civil rights organizations have for years recorded acts of police misconduct and abuse of citizens in the Twin Cities. During the 1960's attempts were made to respond to the minority community's outcries of police brutality. (And although minority groups are usually most affected by police abuse, the problem is not limited to them.)

On June 29, 1979, members of the Minnesota Advisory Committee to the U.S. Commission on Civil Rights met with Twin Cities community members to hear their concerns about police community relations. Subsequently the Committee initiated a study of these problems and, on July 9, 1981, released its report, Police Practices in the Twin Cities.

The report revealed continued distrust of the police in minority communities, stemming in part from lack of a community voice in the development of police policy. In response the report offers recommendations to local, state and federal authorities to improve communication between the police and the communities they serve.

ISSUES:

1. Use of Force/Police-Community Relations
2. Employment
3. Distribution of Services
4. Police Officer Training

OBJECTIVES:

1. Develop a concrete approach to resolving problems in these four areas.
2. Create a Task Force to implement that approach and monitor both police departments.
3. Establish lines of communication between police departments and the community.

PROGRAM:

- 8:30-9:00----Registration and coffee
9:00-9:15----Welcome
Background/Goals
Rodney McGee, Co-chair
Planning Committee
- Introduction of keynote address
Marilyn E. McClure,
Commissioner, Minnesota
Department of Human Rights
- 9:15-9:45----Keynote address
Arthur Fleming, Chair
U.S. Commission on Civil Rights
- 9:45-10:00----Instructions for Workshops
Lupe Lopez, Chair
Minnesota Advisory Committee
to the U.S. Commission on
Civil Rights
- 10:00-10:30---Break
10:30-12:00---Workshops
12:00-1:00---Lunch
1:00-3:00---Workshops
3:00-3:15---Break
3:15-4:00---Conference wrap-up and
planning for the future
4:00-5:00---Task Force meeting

- 1 Force
- 2 Employment
- 3 Dist of Services
- 4 Police Training

§ 15.1693

DEPARTMENTS OF STATE

(d) To disclose information in health and safety emergencies pursuant to the provisions of 20 U.S.C., Section 1232g(b)(1)(I) and 45 C.F.R., Section 99.36 which are in effect on July 1, 1979;

(e) Pursuant to the provisions of 20 U.S.C., Sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3) and 45 C.F.R., Sections 99.31, 99.32, 99.33, 99.34 and 99.35 which are in effect on July 1, 1979; or

(f) To appropriate health authorities but only to the extent necessary to administer immunization programs.

Subd. 3. A student shall not have the right of access to private data provided in section 15.165, subdivision 3, as to financial records and statements of his parents or any information contained therein.

Subd. 4. Information designated as directory information pursuant to the provisions of 20 U.S.C., Section 1232g and regulations adopted pursuant thereto which are in effect on July 1, 1979 is public data on individuals.

Added by Laws 1979, c. 328, § 18, eff. July 1, 1979. Amended by Laws 1980, c. 603, § 26, eff. April 24, 1980; Laws 1981, c. 311, § 14, eff. May 30, 1981.

1980 Amendment. Added clause (f) to subd. 2.

1981 Amendment. Added subd. 1a.

Library References

Records = 31.

C.J.S. Records § 40.

Notes of Decisions

1. In general

Student failing to comply with compulsory immunization law would be entitled to sufficient

procedural protection to satisfy constitutional requirement of due process, however, school district would not be obliged to follow the provisions of the Pupil Fair Dismissal Act. Op. Atty. Gen., 169-w, July 23, 1980.

In view of the restrictions of the Government Data Practices Act, the school district could not consolidate two or more proceedings required to enforce the compulsory immunization law. Op. Atty. Gen., 169-w, July 23, 1980.

15.1694. Attorneys

Notwithstanding the provisions of sections 15.162 to 15.17, the use, collection, storage, and dissemination of data by an attorney acting in his professional capacity for the state, a state agency or a political subdivision shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and applicability of any statute, other than sections 15.162 to 15.17, which specifically requires or prohibits disclosure of specific information by the attorney, nor shall this section be construed to relieve any responsible authority, other than the attorney, from his duties and responsibilities pursuant to sections 15.1611 to 15.17.

Added by Laws 1979, c. 328, § 19, eff. July 1, 1979.

Library References

Records = 51.

C.J.S. Records §§ 36, 40.

15.1695. Law enforcement data

Subdivision 1. Crime reports. When collected, created, or maintained by law enforcement agencies including municipal police departments, county sheriff departments, fire departments, the bureau of criminal apprehension, the Minnesota state patrol or the peace officers standards and training board:

(a) Data contained on incident complaint reports, variously called logs or dockets, comprising a chronological record of events, shall be public; provided that data on agent, informant, or victim of criminal sexual conduct or intrafamilial sexual abuse shall be private data on individuals; provided further that any other data classified by law as private or confidential contained in incident complaint reports shall remain private or confidential data.

DEPARTMENTS OF STATE

(b) Data in arrest warrant in 15.162, subdivision 2a, until the warrant, or appears before the court that the public purpose is served

(c) Data which uniquely describe property described in pawn shop nonpublic depending on the context

(d) To the extent that the release of information or adversely affect the informant or adversely affect the informant which pays rewards to informants on individuals or confidential data

Subd. 2. Nothing in this chapter enforcement agencies provided that the requesting agency in initiating

Subd. 3. Information reflecting law enforcement agencies is confidential data which have been adopted as law enforcement agency are public.

Subd. 4. Nothing in this section available at law to any party in a state patrol, the peace officers standards board, or public prosecutors or

1981 Amendments. Laws 1981, c. 311, the reference to intrafamilial sexual abuse 1(a).

Laws 1981, c. 311, revised subd. 1, formerly read:

"When collected, created, or maintained by law enforcement agencies including municipal departments, county sheriff departments, bureau of criminal apprehension, the state patrol, the peace officers standards board, or public prosecutors or

"(a) Data on participants in crime programs including lists of property with identification numbers or evaluations or records

15.1696. Data access for crime victims

The prosecuting authority shall release data to the victim of a criminal offense unless the prosecuting authority releases

(a) That the release of that data

(b) That the request is prompted by unlawful activities.

Added by Laws 1979, c. 328, § 21, eff.

Library References

Records = 60.

15.1697. Elected officials; correspondence

Correspondence between individuals but may be made public by either

Added by Laws 1979, c. 328, § 22, eff.

Circulate & return to QJ

8/30/82

BB

TR

KB

IGB

"WHO RUNS THE POLICE? WHO SHOULD?"

"The Chief as a Major Municipal Policy Maker"

by

Donald M. Fraser

Mayor of Minneapolis

The late theologian, Reinhold Niebuhr was fond of saying, "the purpose of politics is to establish justice in a sinful world." Although one can hardly disagree with such a worthy dictum, the longer I serve as Mayor of a large city the more I become aware of its ambiguities.

Irate citizens can differ volubly as to both the meaning and application of 'justice.' Similarly, 'politics' is often seen as exalting personal loyalty or partisan interests above the public good rather than as the democratic political process which provides needed governance in our daily lives.

My point is that even simple truths can become complex in application, as every municipal policy maker quickly discovers. This has been particularly true in the Minneapolis police department which only now is extricating itself from a decade of politically inspired turmoil.

To most of the nation, Minneapolis is a uniquely-endowed city at or near the top of almost every national "quality of life" study. The eminent National Geographic recently viewed this metropolis as a thriving area where "there still is hope for the American city: an urban landscape [that] can still nurture the human species."

The city itself, heavily Scandinavian in heritage, has a hard working, mostly law-abiding population.

An outsider examining this seemingly model American city would be hardpressed to understand why its police department could have been embroiled in such difficulty throughout almost all of the 1970's.

In that decade alone, the department changed police chiefs seven times. There were an equal number of turnovers at the command level. My own first campaign for Mayor in 1979 was dominated by the issue of who should run the police and how best to professionalize the department.

The conflict within the department began ten years earlier in 1969 when the head of the police union was elected mayor of Minneapolis on a strong law and order platform. He was reelected two years later but lost the third election to a Democrat. However, his fourth try found him back in office, but on his fifth try, the public returned the Democratic mayor whom he had defeated.

This seemingly endless round of musical chairs in the mayor's office kept the department in a high pitch of political ferment.

Each new shift in administration brought new shifts in departmental fortunes. Those who had pounded political lawn signs for a losing candidate found themselves pounding remote pavements on graveyard shifts. Choice assignments were regarded strictly as political plums.

Such cronyism exacted a heavy toll in morale. A psychologist's study of stress in the department conducted partly through interviews with officers' wives revealed that this kind of political influence in assignments added to the discouragement and strain police officers were experiencing.

I found this especially troubling since there is already considerable evidence that law enforcement officers are killed or maimed more often by job-induced pressures than by criminals. In fact, enlightened police departments have now begun to use professional assistance to reduce the high incidence of marital discord, alcoholism, depression and other disturbances which increasingly afflict their ranks.

The 'boom and bust' cycle within our police department was finally broken with my own election in 1979 to the mayor's office. I defeated the former union president who was then in his sixth campaign for the mayoralty. This same election also saw strong voter approval of a charter amendment establishing a three year term for police chiefs. This change serves to insure that in most elections the police chief's term is not concurrent with that of the mayor. When the first three year term for a chief ends, the city council, not the mayor, decides by vote whether the chief shall continue for another term. The mayor may still act to remove the chief at any time but that can only be done for appropriate cause, rather than capricious whim.

In the three years I have now been in office, no one in the police department has been retained, transferred, promoted, demoted, rewarded or punished on the basis of instructions from the mayor's office.

This is consistent with my pledge to "remove the police from politics and politics from the police department." As I saw it, achieving this goal also required finding a competent police chief through a process which minimized political considerations with the new appointee given full authority to run the department within the framework for law enforcement set by the mayor.

This was not intended to exempt a mayor from maintaining a watchful interest in the department's operations, policies and priorities. I have found that periodic meetings with the Chief are important. In these meetings we go over a written statement prepared each month in which our jointly agreed upon management goals for the year are listed along with a progress report from the chief on the current status of each.

Underlying all of this is the chemistry between a police chief and his supervisor which rarely receives the attention it deserves. The chief can be likened to the head of a company and the mayor to the chairperson of the board. The relationship is complex and requires tact, subtlety, trust and the courage to do what is right rather than expedient.

Together, the mayor and the police chief can set a tone for the department, including standards of professional conduct and service to the community. A mayor may call for a policy on appropriate behavior of police towards the citizenry, such as prohibiting the use of racial or other epithets by officers, but the chief has the responsibility to formulate and enforce that policy. Again, a mayor may develop a policy on the proper sphere of activities for a vice squad but it is up to the police chief to see that enforcement actions occur.

If the chief and the mayor are on the same general wavelength in understanding and commitment, the chief should be able to proceed with a minimum of involvement by the mayor.

In Minneapolis, another important departmental control is provided by the city budget, which the mayor prepares and the city council adopts.

In establishing the budget for the police department, the mayor consults closely with the police chief. The budget process entails review of previous policy decisions, the chief's general management, and allocation of police resources. It is also a time for establishing future priorities.

Because resources are becoming increasingly scarce, city programs to respond to even the most basic community needs must be subject to careful scrutiny.

In Minneapolis, we have been reducing the number of sworn personnel. Service has been maintained by increasing civilians within the department, by reducing supervisory personnel, and by going to a mix of one-officer and two-officer patrol cars. Clearly, there are limits to how far department's resources can be stretched. At some point, the reduction in police officers may produce an unacceptable delay in responding to citizens' requests for assistance.

As services and personnel are reduced, an urban police department needs to concentrate its efforts on the priorities set by the chief and mayor.

In Minneapolis, a top priority is community crime prevention. In many sections of the city, "neighborhood watches," "operation identification," and "block clubs" have become familiar phrases. We are also stressing traffic enforcement concentrating on drunken driving and other moving violations in areas with the most accidents. Initial analysis shows an increase in citations and a reduction in accidents. Such are the types of law-enforcement activities we have chosen to emphasize in our city. Other chiefs and other mayors may focus on far different problems.

One of our more difficult budget considerations has involved the area of wage negotiations. Since this is an area in which police unions are becoming especially skilled, mayors increasingly find they must deal with tough and talented groups. In recent negotiations many matters which would impinge on the police chief's authority to run his department have been added to the bargaining. These relate to discipline, seniority, job assignments and a host of other issues.

A knowledgeable mayor and city council will do well to limit their role to setting the parameters for wage and benefit packages, leaving other negotiations to the city's professional labor staff.

An area with which I remain actively concerned is police-community relations and the related subject of affirmative action in the department. These are areas where volatile consequences may ensue so that close cooperation between the chief and the elected leadership is required.

Citizens today have an enhanced perception of their civil and political rights. Well publicized court decisions set limits on permissible police conduct; aroused community groups monitor police policies and tactics. Arrested persons are more vocal in calling for due process and equal treatment. Concerns are vigorously expressed about the use of dogs in crowd control, police harrassment and the inadequacy of law enforcement in low-income neighborhoods.

Confrontations may begin on the streets but often ends in the mayor's office with an angry group demanding that the mayor "make" the police do something or end what they are already doing.

Often a zealous chief can be caught in the middle in such conflict. The mayor expects the chief to be sensitive, fair and firm. The police expect their chief to back them in their actions. If he does he is accused of being unresponsive and even hostile to citizens. If he sides too frequently with citizen complaints, he is cited for not being in control of his department. Moreover, he can quickly become a target of the police union and lose rapport with his subordinates.

It is little wonder that the position of police chief is increasingly viewed as a "high profile job of uncomfortable circumstances."

Nonetheless, when we filled the job of Minneapolis police chief through a national search for a topnotch administrator, we found a host of eager applicants who were able, talented and well qualified.

Perhaps the most difficult problem of all with which the chief or the mayor must contend is the manner in which allegations of police brutality are handled.

One has only to mention the phrase "civilian review" to ignite a pre-mixed package into combustion. Yet it is difficult for the public to have confidence in a review process that is limited to police officers alone. I remember once in a dispute with a plumber over a bill being outraged to learn that the resolution of the matter was to be handled by a board consisting solely of other plumbers.

In Minneapolis, I have asked our County Bar Association to appoint a panel to study the files of cases on allegations of police brutality during the past ten years. This seven-member panel of local attorneys will examine

the internal affairs unit of our police department to see how the unit has been functioning and if the process needs any changes. The Committee's report is to be submitted to me by December 1, 1982 and will be made public. No case will be reopened and no dispositions will be altered. We are concerned only with the process and whether changes are needed. Our Minneapolis police chief has been outspoken in his endorsement of this kind of review.

Until now the absence of an objective and independent evaluation of our internal affairs unit has clouded the credibility of the police in the critical area of self-policing. Some members of the minority community in particular have raised serious questions about the process and its abuses, particularly as it has affected themselves.

It should also be noted that police departments often are influenced by other external forces including the state and federal levels of government.

Federal legislation such as the Highway Safety Acts and the Crime Control and Safe Streets Act have helped to shape the direction of activity for many local departments. The recently demised Law Enforcement Administration Agency furnished a large share of the federal funds for local police equipment and special projects.

The National Advisory Commission on Criminal Justice Standards and Goals with its detailed report on police activity was carefully calculated to affect the workings of local police organizations. The U. S. Supreme Court continues to establish standards and procedures for police on the gathering of evidence and apprehension of criminals. State courts similarly

influence police behavior. Even local criminal court judges by the nature of the cases brought before them oversee police behavior to a degree. So there are numerous checks and balances to counter complete departmental autonomy.

However, there are few formal constraints on a police chief as a public spokesperson. A police chief can make an important contribution on issues that relate to law enforcement. He can work with business and foundation leadership to urge cooperation with the police on specific projects or to provide grants for new programs.

A police chief need not limit his range of concern to law enforcement in the narrowest sense. A chief who demonstrates an understanding and sensitivity for societal problems that contribute to crime such as unemployment, poor housing and inadequate education has a tremendous advantage in dealing with minority leaders on police-community relations.

Some care must be taken by a police chief who strays too far from police-related matters. Specific comments on zoning matters, liquor licenses and other concerns might well be regarded by city council members as trespasses on their areas of responsibility.

Finally, to answer the larger question originally posed in this symposium as to who should control the police department, it cannot be too strongly stressed that without citizen support, the best police professionals will not achieve effective peace and safety. As one astute observer noted, "the public are the police; and the police are the public." Common sense tells us that our police can no longer afford to maintain a stance of isolation and

removal from community concerns. Similarly, the public they serve must recognize that their law enforcement officials are not a breed apart but come out of the ranks of the general population.

I sometimes think the ideal would be to have the police live in the neighborhood to which they are assigned.

It would help to create greater understanding of the goals and aspirations that citizens and the police mutually share for themselves and their families and aid in reducing antagonisms and needless friction.

This concept is not far from the role of police in small communities, or the cop on the beat in larger cities who used to know everyone on the block. This approach may still represent the best wisdom for law enforcement - a joint police-community effort rooted in acceptance, knowledge and trust.

It is difficult to address all of the complexities which a chief of police may encounter. But it is evident that a skilled chief can become a major municipal policy maker significantly affecting the wellbeing of the entire community.

MINNEAPOLIS POLICE DEPARTMENT SWORN PERSONNEL, MINORITY AND PROTECTED CLASS, AS OF NOVEMBER 2, 1981.

TOTAL SWORN STRENGTH 717

MINORITY AND PROTECTED CLASS

BLACK MALES 15

BLACK FEMALES 2

WHITE FEMALES 13

HISPANIC MALES 6

INDIAN MALES 8

INDIAN FEMALES 1

TOTAL 45

TOTAL OF 45 EQUALS 6.3% OF DEPARTMENT STRENGTH

BLACK (MALE AND FEMALE) EQUALS 2.4%.

PROTECTED CLASS (W/F, I/M, I/F, H/M) EQUALS 3.9%.

Hisp Adv. Com: Police Practice

April 14, Subcommittee A Bouza

Dialogue with police.

Jack 3d. precinct advisory council. →
Jensen 5th precinct advisory council.
2904
Jack ← Internal affairs unit - Hennepin County Bar
McCarthy letter to → association
— recruitment
systems russel
← precinct command N.E. Bernard
4325

4. Capt. Arneson.

2400 - West Broadway -

5th Jack McCarthy

Standard procedure?

people { Workshops - Crime prevention -
seminars

4th

Training

Sept. 1, 1982

→ Erik Luns or Duke -
{ Police Athletic Program
P.A.P. }

Affirmative action hiring?

early next year -

Strategy to integrate dept.

Civil service list → Civil Serv. Commission

Appointment

3 yrs. mentor program. Meter Monitor

20.
minority

60%
20-24

Chairman's report -

Richard Gilford Inspector -

Direct Access to Chief McKuteham -

Bryan's Report -

Calla Lagan - U.S. ^{Just} Com. on Civil Rights

4

Ask precinct captains for status of
N. Police Advisory Councils.

Bob Data for Meetings? Composition?
Dodson letter

Clear Criteria on job performance? \rightarrow No Mechanism
in place

(2) What
Labor Relations - before the

Standard

discontinuing

*Union -

*Trust.

I.A.U.

For Police Federation

Flow Chart -

list of Insurive (that police membership have
Training) had for the last 10 years.

Lt. Simmons on Training division

Hatcast Mel -

Post Board - Affirmative Action
Com. to address these areas -

1.

2.

Post Board. } Ted
Shields -

VII New Bus KSTP - Kit Gorman -

Brian Kelly -

Meeting Dates. 2nd Monday 3:30-5:30

Police Practice Task Force. June 14, 1982
Letter + list of Co. O. sent to membership -
past board where does case end up.
person could
open hearings? before September
last year - testimony at federal level
but had local input.

communication

1. How to relate to dif. ethnic groups
esp. in emergency situation
2. Make sure there is adequate personnel
to cover situation.
3. What kind of action can the
citizen do to help / support the police.
4. What kind of structural changes can be
implemented.
5. How fast is response time to request
for help? is there a difference in
response and location?
6. Find constants in reports / implement
suggestions of report.
7. Original site of training crucial
to correct changes or attitudes.
a. Institutional racism.
b.
8. file with Human Rights dept of Mn.

22. Past Board - Legislative mandate
to fund only if schools meet
standards.

Police

Bridge the gap

Goals

Final
H.R.D.
Memo of
Agreement
as of.

1. audio visuals. (incorporate minority with text books) } Community in developing audio visuals
cultural awareness / correctness.

Input from community.

2. Accountability of supervisors with staff.

Post Board. Clerks - / personnel policy
dispatchers - ranks practices -

3. short range / long range -

④ Retreat
Contract

July 12, 1982
1. Civil Service ?
2. Police Federation's

post Board -
Police Federation
Employment

Post
gone
? 5 to ask
operating
procedures
2.

New - Post Board - M

St Paul Inservice training
internal service training
(programs) B Certifying agency
June 30, 1982

Dept puts prog together submits to
P-Board new system - credit for
Sic renewal & instructors who would teach
procedural change not Statutory change

P.B. { 1. Instruct -
 Certifies { 2 programs - 2^a reviews total prog.
 (inst. cred. included)
 pub. service - internal service prog.

Fire arms instructor - History
 FBI - Docs

2 types - 1. Classroom aspects.
 use of deadly force.
 2. practical -
 ad hoc committee - course for F.A. inst.
 safety aspects.

Mark Shields - gun -> Needs help.
 curriculum.
 2 yr college - 90 credits \ 4th grade
 25-30 L.E. prevention - teeth
 L. Artell -> - stealing a
 car -

Sociology -
 tactics: Human Relations
 * Mondato - K - M - - AA?

* ↓ authority
 to enforce:
 Bd. police -
 product -

ask - mechanism - audio visuals

Ref 2. Institutions - can be unifying force

RD Bk - blu Bk

acad. obj.

skills / hands on -

P.Bd. holds colleges accountable by
 tied to lic. exam - tests - must know.

1. Must Know first st.
2. " " treason against st of m.
3. Burg / rob -

1. learning objective - job related job.
 2. Job analysis - curriculum.

Teddy White
Boston - Jew
History "In search of History"

- 1. Concept Teaching
- a. Multicultural Ed -
- b.

Mark
Shields

c. resource list of Educators.

2. test - match on outcomes of discrimination

X Affirmative Action

Staff recommendation
not bound

Board = 2 yr study never produced document
plan of action.

P.Bd.

proposal to chiefs

for a post Board minority recruitment team
focus to educate public with emphasis on minority community
L.T. Goal over minority (1.) L.R. to

1 officer = temp - spec. assignment
spec. emp. 3-6 mos - post-

funding by lending agency police dept.

duties/responsibilities duties will include

develop - AA plan to colleges
review/disc. AA - P.Bd X coll -
PSA

Plan eval study

T.A. L.H.G.W. recruit -

annual - met.

term/policies - trans
dis.

MS

183 budget approved -
5000 consultant service -

July

Ross Lundstrom rep Dick Effert
Retreat or Working Session -

Past Board Aug. 16. 1982

Mark Shields

636.84

Chapter 214

Mandate

Stand of conduct for Prof Police
" " " Lic Peace Officers
Violation of SOC of P.O. - review of Lic.
Admin Agency only -
Focus on Standards -

July 1, 1977 effective Oct 1979

enforcement -

? 3 - Does P. Board -
complaints indiv. p.o. etc.
process of -

- 1 Does Board have access to IAU files?
must be admin proced. act.
process - due process - subcom. of Board
- 1.) probable cause?
 - 2.) resolved easily based on prelim. review of complaint
 - 3.)

Yes / No.

Board has authority to designate
appropriate agency to review allegations.
State Crime Bureau

if city
res 1984
Indep - or Neighboring Sheriff's Office.
Sent to chief of Police to IAU

Police Practices Task Force

2-8-'82

Neighborhood

Advisory Councils' what is the scope and make up of the NAC. Donna will be in

tapes on Interview -

Simmons - Capt. Lindberg -

~~PAC~~ Pubfural

Affirmative Action - police recruitment Subcommittee,

* Survey - 23 schools - 690

#'s to select from less than 7

Direction - personal - I.A.U.

Focus on Feb. 14.

POST-AA address with

2nd mee'

Community groups -

Civil/Human rights dept.

Jewish - Anti defemation League Center Cult. Chemo

Indochina County - Council Metro - NAACP.

May

April

March -

Urban League

Indochina County - Council Metro - NAACP.

April - Meeting

Mpls. P. dept.

I.A.U. of Mpls P. dept.

> Rep's

Neft

Meeting

↓

2nd
Monday
March

Sting

Continued from page 1A

with 42 out of 43 people charged as black means that someone ought to take a look at it (the investigation)," Stuart said.

But Bernard Jablonski, deputy chief of investigation in the Minneapolis Police Department, said the comparison was meaningless.

"The focus of the investigation was not based on race," he said. "The investigation centered on crimes and potential criminals — not the color of their skin."

"It focused primarily on the Third Precinct area. The people 'stung' that came and came back had friends and they happened to be black," Jablonski said.

County Attorney Tom Johnson said he had not seen Kennedy's motion, but agreed with Jablonski that the race of the defendants made no difference.

"A crime's a crime," he said. "If a crime has been committed, it's a crime. Race doesn't matter. There are sting operations in which all the defendants are white."

Capt. Jack Jensen, head of the Third Precinct and director of the sting operation, said last night that he was "extremely hurt and upset" by Kennedy's argument.

"We had black and white informants who were helping us get burglars with longtime police records, who weren't discriminating who they were ripping off," Jensen said. "We arrested people who we believe were ripping off black people. They didn't discriminate against who they were hurting."

"I don't care what color they are, I'm going to continue to go after them. Period."

Kennedy also asked that an extensive list of evidence from the

cluded requests for copies of the books, budgets, video and audio tapes, names, addresses and race of informants and government employees, and descriptions of their participation.

He said in the affidavit that he wanted the list because "it appears that a very unusual undercover police operation was directed against" the defendants.

Police had used computers to pinpoint high-crime areas and used videotape cameras to record sales of allegedly stolen property during the nine-month, \$27,000 investigation.

Kennedy asked for a hearing next Friday before Judge Neil Riley of Hennepin County District Court on the dismissal motion, the evidence request and a motion that any defendants still in custody be released without bail.

Racial bias alleged in 'sting' arrests

By Julie Kramer
Staff Writer

Hennepin County's chief public defender, Bill Kennedy, asked Thursday that a judge dismiss charges against 29 black defendants arrested in a "sting" operation on the ground of racial discrimination.

The undercover investigation resulted in about 50 arrests in April and netted \$750,000 worth of stolen property. It involved more than 100 agents and officers from seven law enforcement agencies.

Forty-three of those arrested were charged in Hennepin County, and 42 of them are black. Thirty-eight are being represented by the public defender's office.

John Stuart, an assistant public de-

fender, said that five of those defendants have pleaded guilty to other charges and four have won dismissals. In one of the four cases, he said, the defendant proved that the property in question was not stolen; in another, the defendant proved he was not the man shown in videotapes made by the police.

In an affidavit accompanying his motion for dismissals of the other cases, Kennedy said that while 21 percent of those charged with property crimes in Hennepin County last year were black, 97 percent of the people caught by the undercover investigation were black. The black population in Hennepin County is 3.5 percent.

"Any crime operation which ends up

Sting continued on page 10A

Sting

Continued from page 1A

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"We had black and white informants who were helping us get burglars and nighttime police records, who were not discriminating who they were ripping off," Jensen said. "We targeted people who we believe were ripping off black people. They discriminate against who they are hurting. We don't care what color they are, we're going to continue to go after them. Period."

Jensen also asked that an extension of evidence from the sting operation be made available to the defense's office. The list in-

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"Any crime operation which ends

Sting continued on page 10A

Police board asks that brutality charges be dropped

D. Jones Press
By Charles Laszewski
Staff Writer

10/1/81

A St. Paul police hearing board has recommended that two brutality complaints against a burglary detective be dismissed.

The hearing board recommended to Police Chief William McCutcheon that the complaints filed by Ricky Isaac and Jeffrey Hernandez against Sgt. Walter Robilliard be dropped.

"The board felt there were material discrepancies in the stories and there was no evidence to substantiate the charge," Deputy Chief Robert LaBathe said Wednesday.

The board's recommendation was given to LaBathe and must be approved by

McCutcheon, who is at a police chief's conference in New Orleans until Friday. McCutcheon is expected to approve the findings.

Barring a civil suit by either Isaac or Hernandez, the Monday hearings appear to be the end of the charges and investigations that began in March when the 18-year-old Hernandez said Robilliard beat him while he was being held in jail on a burglary charge in February.

The 17-year-old Isaac accused Robilliard of beating him in a police car when Isaac refused to tell where Hernandez had gone after escaping from Robilliard.

The police investigation of the allegations brought complaints from the

Hispanic community. Mayor George Latimer last month ordered changes in the department's internal affairs procedures.

Despite the changes, the results were the same. In hearings in May, Isaac's and Hernandez' charges also were dismissed.

Alberto Miera, the lawyer who helped Isaac and Hernandez bring their complaints to the internal affairs unit, said he was surprised that neither of the complaints were upheld.

"The Hernandez case I can understand because it was a one-on-one situation and not being sustained ... is explainable and understandable," Miera said.

"But when you pick up a juvenile (Isaac) with no record, make threats in front of witnesses and the (Hernandez) family and essentially admit to taking him to a park (where the beating allegedly occurred), I think the public has a hard time having that slide by.

"What is the standard of proof they are demanding? Tell us what you expect and want. If it is too high, then the practical function of the internal affairs hearing board is non-existent."

Miera emphasized the police department is a good one, but if there is an officer who is abusing his power, he should be punished. Miera said a civil suit or criminal charges against Robilliard are possible. At one point in the

case, Miera was arrested outside a hearing for unpaid parking tickets.

Capt. Richard Ekwall, who chaired the police board hearing, refused to comment on the hearing or the board's decision. Ekwall said he would not comment on the board's deliberations before McCutcheon reviewed the case.

Isaac, reached Wednesday night, said one of the five officers on the board told him he didn't believe him.

"Do you realize we're risking an officer's job?" Isaac recalled the officer asking him.

Isaac told the board he was telling the truth. When told the entire board had doubted his story, he said he wouldn't pursue it any more.

Court rules white man was victim of racial bias

By Joe Kimball
Staff Writer

Trib.
9/26/81

During a scuffle between Minneapolis police and a racially mixed crowd in 1974, Michael Friedman, a white man not directly involved in the fighting, tried to write down badge numbers.

But policeman Michael Ganley covered his badge, shoved against Friedman, then said loudly: "I'll show you my badge, you nigger lover."

The Minnesota Supreme Court ruled Friday that this was illegal. It expanded the notion of racial discrimination to include discrimination on the basis of "race association."

The law prohibits calling a black person a "nigger," said the decision, written by Justice George Scott. "We conclude that the statute also prohibits calling a white person a 'nigger lover.'"

The officer mistreated Friedman because of Friedman's "friendship with and association with blacks," the decision said.

The court also awarded damages to Joseph Lamb, a former Bagley, Minn., police officer, who is half Indian. The Bagley police chief, Francis LaRoque, now dead, would verbally abuse Lamb, calling him a "big, fat Indian," and a "dumb Indian." LaRoque also was half Indian.

Lamb also was paid less than his predecessor and the man who replaced him. And all the other officers received a \$125 clothing allowance. Lamb did not.

The decision, written by Justice John Simonett, said, "The use of abusive racial epithets coupled with other disparate treatment constitutes ... impermissible discrimination on the basis of race."

The Minneapolis case occurred March 24, 1974, at an interracial party.

The decision said: Police tried to take Kenneth Ruegemer into custody in connection with a hit-and-run accident. Ruegemer was injured in the accident, but some guests thought police had hurt him. A scuffle ensued.

Guests started the fight, but police used "excessive force" and "called people at the party 'niggers,' 'dirty niggers' and 'nigger lovers,'" the decision said.

While this was happening, Friedman began writing down the police officers' badge numbers. That's when Ganley called him a "nigger lover." Friedman was awarded \$500 in punitive damages in the case.

During the same incident, Reese Dyer, a black man, kicked a police

officer. When police chased him they called him "nigger" and used excessive force in making the arrest, the decision said. Dyer was awarded \$500 in punitive damages.

In the Bagley case, Lamb worked as a Bagley policeman for a year in 1974. LaRoque was extremely abusive to him, the court said.

He called Lamb racially abusive names and made derogatory remarks about his weight and his association with women. Lamb was paid \$475 a month, but his predecessor was paid \$570 and his successor started at \$540.

A hearing examiner found that LaRoque humiliated and discriminated against Lamb, but that the abuse was not racially motivated. The treatment was attributable to Lamb's position at the bottom of the department pecking order, his education and lack of experience, the exami-

er said.

But the supreme court disagreed.

The court said that in employment discrimination cases, the employee must present a case of discrimination, then the employer may rebut those allegations by providing non-discriminatory reasons for any disparity in treatment. If the employer can rebut the allegations, the burden of proof shifts back to the employee, to show that the employer's reasons were only pretexts for discrimination.

In its rebuttal, the city of Bagley gave evidence that LaRoque abused others in the department, including whites. The court was not impressed.

"LaRoque's abusiveness to others ... (does) not excuse his more serious personal abuse of Lamb," the court said.

Cop violated Human Rights Act with racial remark, court rules

By Bruce R. Nelson

Staff Writer

Dispatch 9/25/81

A Minneapolis police officer who called a white man a "nigger lover" was violating the state's anti-discrimination law, the Minnesota Supreme Court ruled today.

The court, in reversing a Hennepin District Court decision, said the Human Rights Act is broad enough to cover instances where discrimination is based on "race association" as well as actual race.

The case was one of three separate discrimination matters to be decided by the court today. In the other cases, the court held that a Bagley police chief who called one of his officers a "big, fat Indian" violated the law, and that a gay rights activist who was turned down for a job with a chemical dependency agency was not discriminated against.

The Minneapolis case goes back to 1974 when police officers got into a confrontation with people attending an interracial party on the city's North Side.

During the encounter officers called some of the blacks

"niggers" and referred to a white man who demanded to see a policeman's badge number as a "nigger lover."

A Hennepin District Court judge upheld the discrimination complaint involving actions taken against some of the blacks, but ruled that calling a white man a "nigger lover" was not covered by the law because the statute covers only discrimination on the basis of race, not association with different races.

The Supreme Court, in an opinion written by Justice George Scott, reversed the lower court and said such a reference to a white person constitutes racial discrimination. The Supreme Court, in a 1976 case, found that the use of the word "nigger" by a police officer dealing with a black person is a violation of the law.

In expanding that decision today, the court said: "Here, when the officer called (the white man) a nigger lover, the officer in effect was mistreating him not because he was black but because of his friendship with and association with blacks. In our opinion, this conduct falls in the same category."

Please see Court/48

Court

Continued from Page 1B

ry as calling someone a nigger."

The Bagley case involved Joseph Lamb, who is half Indian and worked for a year as an officer with the city's police department. Lamb claimed that Police Chief Francis LaRoque, who is more than half Indian, discriminated against him because of his race.

The record showed that LaRoque called Lamb a "big, fat Indian," a "dumb Indian," and a "fat dumb nigger." It also shows that Lamb was paid less than a white man who had his job before him and less than was paid to a white man who replaced him.

The City of Bagley won the discrimination suit at the district court level after arguing that LaRoque was not discriminating against Lamb because he was an Indian.

The Supreme Court reversed that decision and found that

Lamb had been discriminated against.

In the third case, the court held that the Minnesota Chemical Dependency Association did not discriminate against gay activist Timothy Campbell when it passed him over for the job of programs coordinator and employment clearinghouse coordinator.

Task force will study police-minority relations

8-10-1981
A task force has been created to recommend improvements in the way St. Paul and Minneapolis police departments deal with their communities, especially the minority communities.

The nine-member task force — announced Wednesday by Marilyn McClure, commissioner of the state Department of Human Rights — will try to find solutions to problems between police and minority communities. They will focus on the Hispanic community in St. Paul and the black and Indian communities in Minneapolis.

The task force will follow up on recommendations contained in a report released last summer by the Minnesota Advisory Committee to the U.S. Commission on Civil Rights.

That report cited police discrimination against minorities, and said mi-

norities do not trust police in either city. More women and minority officers should be hired, and better human relations training for police officers is needed, the report said.

Minneapolis Police Chief Tony Bouza and St. Paul Chief Bill McCutcheon said in July that conditions in the report have improved in recent years. The report dealt with incidents between 1975 and 1979, before either was named chief.

Curman Gaines will head the task force. He is assistant principal of Como High School in St. Paul and is a former deputy commissioner of human rights. Other members are: Julia Cherry, Irene Gomez-Bethke, Bob Doder, Alberto Miera, Donna Folstad and Barbara Shin. Two other members will be appointed later.

The task force will meet monthly.

Minneapolis Tribune



Established 1867

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10A

Saturday, May 8, 1982

Needed light on police complaint process

The seven-member panel of lawyers established by Mayor Don Fraser to review the Minneapolis Police Department's handling of citizen complaints has much-needed work to do. As the first body of outsiders to study confidential records of individual cases of alleged police misconduct, the panel has a unique opportunity to resolve long-standing public doubts about whether closed-doors police disciplinary procedures really work.

That doesn't mean the gates to the department's Internal Affairs Unit are about to swing wide open. Chief Anthony Bouza's quoted remark that now "... the public will really have a chance to see the inner workings of the department" overstates the panel's limited function and even more limited authority.

Instead, this is simply a small group of independent but knowledgeable persons who will act as agents for the larger community. They will examine the files on a case-by-case basis, evaluate what Fraser

refers to as "the thoroughness of the investigation in relation to the complaint and its disposition" and report generally on what they find and what, if anything, they think needs to be done to improve the process. The panel will not reopen cases. Nor, under court order, may it name names.

Operating under such constraints, the panel can hardly deliver a judgment that everyone will accept as definitive. Still, this is the best chance yet for Minneapolitans to learn what happens to citizen complaints about police behavior once they have been filed.

And that's important information for the public to have. While legitimate arguments can be made for keeping the police internal-affairs process secret, secrecy invites abuse and inevitably breeds suspicion and distrust. The mayor's panel of lawyers will open the door just a crack. But any light shed on the process will help.

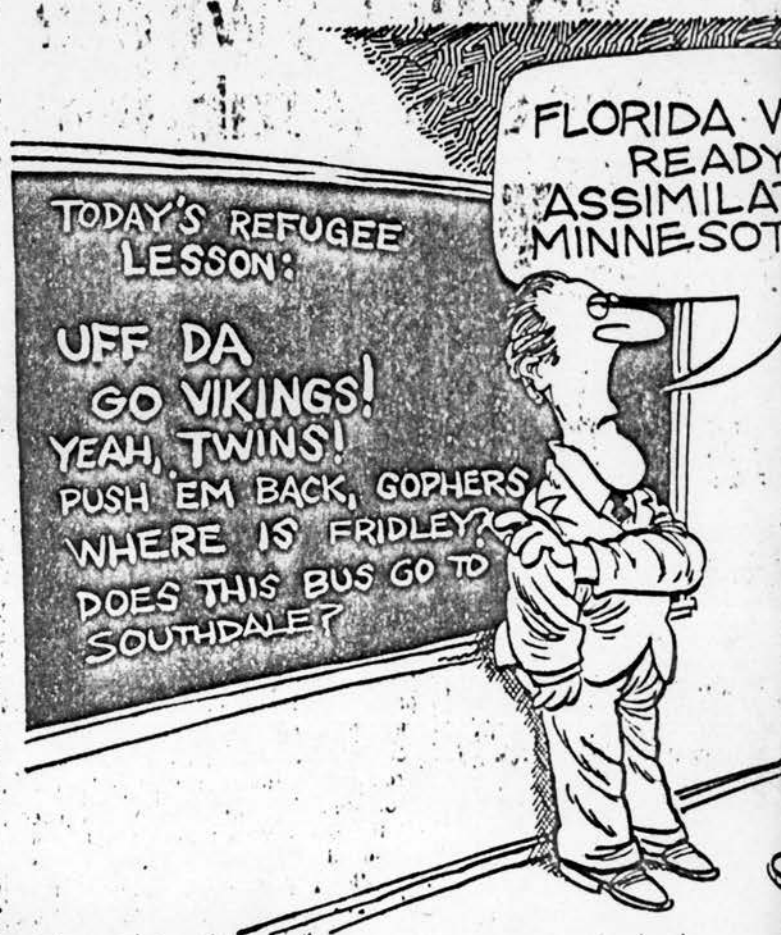
Letters

from
readers

pellet counts and dead-deer counts are tabulated, it is generally accepted by those who participated that the emergency feeding program was successful.

Access to services

The Citizens League shares the concern for equity and access to public services emphasized in your May 3 editorial. That was why the League's Committee devoted nine



A broadened expression

By Dulcie Lawrence

On this Mothers Day I have decided to launch an all-out rescue mission on behalf of the expression "pro-life." I am a pro-lifer. Our five children and one grandchild are lavish affirmations of that.

Pro-life does not mean I support the Hatch amendment or a constitution-

dox, but it is not exactly accurate. Politics is not building for a based on the requirements except as the justification for government; education for our children; equity for men and women, for our young people, economic security for our aged. At district endorsement conventions last weekend there was less talk about platform than how to get the most out of the election issue. According to some

Police unit ordered to open files to city panel

By Randy Furst
Staff Writer

Star-Trib 5/27/82

The Minneapolis Police Department was ordered Wednesday to open the files of its Internal Affairs Unit, including the names of police officers, to a task force set up by Mayor Don Fraser.

But in issuing the order, Hennepin District Judge Lindsay Arthur also said the panel may not make the files available to the public.

Arthur instructed the seven-member task force of lawyers to sign a statement agreeing not to disclose the data except to Fraser, the committee staff, Police Chief Anthony Bouza and members of the police department designated by Bouza.

The judge also vacated an order he issued last month insisting that the names of the police officers be blotted out before task force members see the reports. The committee was established to study the procedures of the Internal Affairs Unit.

Attorneys for police officer Riley Gilchrist and other officers, with support of the Minneapolis Police Federation, had sought to keep the files closed to the task force. Bouza had backed Fraser.

Fraser proposed in January that the panel be formed because citizen complaints about police conduct "continue to raise the questions of the adequacy of our procedures." Fraser said at that time that the task force examination would "look at questions of process and not ... re-examine questions of facts." The seven-member panel was recommended by the Hennepin County Bar Association.

Gilchrist's lawsuit alleged that disclosing information gathered by the internal affairs division would violate the officers' constitutional rights and the Minnesota Data Practices Act.

Arthur outlined his position barring public access to the files in an accompanying memorandum filed yesterday in district court.

"Presumably," the judge said, "... all data regarding complaints and charges which is not within the purview of public access is intended by the Legislature to be private. Therefore, all data, documentation and detail as to all complaints and charges against a police officer is confidential except the officer's name, the number of complaints and charges, if any, which have been filed against him, whether the complaints or charges have been investigated, heard or disposed of, and the disposition made together with the disposition report."

He said state law should permit city authorities, such as the mayor, police chief and the task force, to see the confidential data. But if they make it public, they should be liable to any person who suffers damages, he said.

3-8-82

'Street justice' misunderstood,

By DAVID PETERSON
The Minneapolis Star

Second of two parts

police say

An extensive inquiry into the attitudes of Minneapolis police officers suggests use of excessive force is a fact of life for many of the officers on the street.

And most officers responding to a questionnaire say that all races receive equal treatment, although some respondents said blacks are treated differently.

Respondents said, too, that neither the use of excessive force nor racial prejudice is as pervasive as some people think. And neither is understood by the news media or by the general public.

Recently, 144 Minneapolis police officers—about one out of every five on the force—filled out and returned questionnaires mailed to their homes by The Minneapolis Star.

On Thursday, The Star reported how the respondents evaluated the performance of Police Chief Anthony M. Bouza and the officers returning the Police Federation. Today's segment takes up several other controversial issues about which the officers were asked.

The Star's respondents do not constitute a scientifically selected sample; there is no way to tell if only those with particularly strong views responded or if there are important groups who chose not to respond. Therefore, it cannot be said with certainty that the views of those who responded represent those of the entire department.

But the demographics of the respondents—in terms of race, sex, rank and years of service—are almost exactly the same as those of the department as a whole.

(The department is 95 percent white and 98 percent male; 63 percent of its personnel are patrol officers, and 79 percent have served the department for at least 11 years.)

Among the results:

- Respondents were split on whether enforcing laws that pertain to homosexuals should be a priority. Most thought it should be, and some were vehement; but a substantial minority—58 of the 144—disagreed.

- Female patrol officers do not appear to have gained widespread acceptance. Most male respondents said they would not be comfortable with a woman as a partner on patrol.

- Respondents split almost evenly on the issue of gun control. A shade over half—74 of the 144—endorsed strict controls over handguns.

- Respondents appear to feel good about themselves and their jobs. By almost 2-to-1, they say that if they had it to do over again, they would still be police officers. And 122 of the 144 believe they have the respect of the public.

Moreover, there is a strong feeling of pride in the department, despite public criticism in recent years. Although the officers weren't asked to evaluate the department as a whole, many respondents praised it.

"The Minneapolis Police Department does a damn fine job considering conditions and leadership," said a young lieutenant. "We deserve more support than we get."

Added a patrol officer: "I believe your police department is one of the best in the country."

Minorities

Among the touchiest issues the questionnaire dealt with was treatment of minorities.

Officers were asked whether they agreed or disagreed with the following statement: "I think that when it comes to enforcing the law, we as officers give equal treatment to all people, regardless of race."

Of the 144 respondents, 127 (88 percent) agreed with the statement. Fourteen officers (10 percent) disagreed, and three (2 percent) disagreed strongly.

Many—all of them white—chose to add written comments. The remarks fell into three general themes:

- Some respondents do treat blacks and other minorities differently.

"I fully realize there are a minority of officers who are very prejudiced," said a lieutenant, "and some do administer 'street justice.' Those persons involved do not belong; should be discovered and dismissed."

- What appears more common to the respondents is officers treating blacks with greater patience than anyone else, for fear of repercussions.

Said a sergeant in his 30s: "Officers tend to treat blacks with more care to avoid problems, especially under Bouza. They tend to let blacks intimidate them too much."

Added another sergeant: "Many times, because they are black or Indian or gay, they are treated with kid gloves because officers are feared of Internal Affairs complaints."

A young patrol officer with fewer than five years' experience was among several with a common perception:

"Generally, blacks I have dealt with on the job receive a great deal more latitude in behavior toward officers in terms of demeanor and overt action than I would tolerate from another white person."

- Blacks, in the view of some respondents, make things worse for themselves by their behavior.

"The black people I deal with mostly seem to have an attitude that white man's laws and society doesn't apply to them," said an experienced juvenile investigator. "Many are far more prejudiced than most Minneapolis police officers. They feel they should have special preferential treatment and be given more consideration than anyone else. The blacks' own atti-

tude creates hate."

Added a lieutenant in his 30s: "Blacks will never be satisfied with police. Many equate any enforcement action with racial prejudice, regardless of whether a violation occurred."

And a patrol officer in his 40s remarked:

"I think black people, or at least the ones that come into contact with the police time and again, do expect to be treated differently, and this changes the whole confrontation—from one that could be handled by the officers without trouble to one that escalates into arrests, fights and sometimes into just the sort of juicy headlines that sell newspapers."

Another officer said that in high-crime areas, police tend to respond to potentially hazardous situations with greater force; with the cops primed for trouble and blacks irritated by their presence, the ingredients for serious trouble are often present.

'Street justice'

That leads to another touchy issue: the use of what police call "street justice."

Ordinarily, the term refers to the use of physical force beyond what is necessary to arrest, often in retaliation for abuse or to "teach someone a lesson."

The questionnaire asked for reactions to the following statement: "I think a police officer is justified, under some circumstances, in administering 'street justice.'"

Fifty-seven officers agreed with the statement, 13 of them strongly. Eighty-two disagreed with the statement, 32 of them strongly.

These figures must be interpreted with caution. It is possible that some respondents who agreed with the statement interpreted the term "street justice" to mean something more innocuous, such as issuing a warning to a person rather than making an arrest.

But the written comments suggest that most respondents under-

stood the term to mean the use of physical force. For example, a patrol officer in his 40s remarked:

"Just the term 'street justice' can easily be misunderstood. Do you mean striking someone who has just kicked your partner in the genitals and immediately gives up when he sees you coming at him in a threatening manner? Do you mean striking someone across the face when he is handcuffed after committing a crime and is under arrest, and after being so restrained, spits in your face, causing spittle to end up inside your mouth?"

The theme of that officer's comment—that "street justice" happens, but only when officers are provoked—was common.

"Police are human and get provoked," said a sergeant in his 30s. Said another young sergeant: "The police officer is not a robot that is turned on at the beginning of his shift—he is a human being, and is

More →

Police
thrown into situations every day dealing with people's problems, violence, and the scum of the city."

A sergeant in his 50s, with more than 20 years' experience, said:

"I have never, in my experience, witnessed any street justice where the defendant did not provoke, to the extent that the officer was first subjected to getting punched, kicked, bitten or spat upon. My philosophy has been to treat other people as I would like to be treated."

A common feeling was that people who resist a lawful arrest deserve what they get. "If something happens that they would look upon as 'street justice,'" an officer said, "that's too bad."

Only one respondent suggested that street justice is really an attempt to provide just punishment. A lieutenant with more than 11 years' experience said:

"'Street justice' would cease to be a problem if punishment in the courts were meaningful, swift and sure."

Ever since Bouza assumed duties

in February 1980, the issue of whether police should spend substantial time enforcing laws against homosexual behavior has been controversial.

The Star's respondents made it clear that there is little love lost between themselves and the gay community, but there seemed to be differences in opinion on the reasons for the animosity.

Some base their feeling on personal morality. Among them was a juvenile investigator who said, "All of my moral and religious upbringing has taught me that homosexuality is sick."

Other respondents, while not mentioning religious views, echoed the words of one young sergeant—that gays are "sick, mentally ill people who need help." Still others emphasized what they perceived as side effects to homosexuality. Said a patrol officer in his 40s:

"I have worked vice in the past, and in my experiences had found that homosexual acts contribute to [venereal disease] and crime, such as juveniles and adults being male prostitutes.... The conditions in homosexual establishments [such as bathhouses] are filthy and breed crime."

He added: "Yes, according to the chief, I am a 'homophobic.' But the difference between him and me is that I have been there, and I have seen it, and it's growing."

Most respondents said they don't care what homosexuals do in private; what worries them—just as it would when dealing with heterosexuals—is public indecency. Said a lieutenant in his 40s:

"Homosexual behavior between consenting adults should be limited to the confines of their own homes or dwellings and not in automobiles, parks, restrooms or bath-

houses."

Questionnaire responses suggest that female officers have a ways to go in finding acceptance from most of their male counterparts.

Female officers

Of the 142 male respondents, 56 (39 percent) said they would be comfortable with a woman on patrol; 23 felt strongly that they would not feel comfortable.

One of the latter was a patrol officer in his 30s, who added:

"I will not ride with a female officer. It would cause me problems at home and that is more important."

But another patrol officer, in his 40s, said: "I had a woman partner, and it worked out just fine. And [it] helped when dealing with other women."

Only two of the 16 women in the department returned questionnaires, so their answers may not mean much in assessing the views of women on the force. But it is worth noting that both women marked "strongly disagree" when asked whether they agreed or disagreed with the following statement—"I feel that male officers treat me with the same respect as they do the men on the force."

END

Senate rejects absolute ban on busing

Associated Press

Washington, D.C.

The U.S. Senate Wednesday rejected legislation that would have prohibited any arm of government, from school boards to the U.S. Supreme Court, from using busing for racial balance in public schools.

Defeated 49-42, with even the strongest foes of busing saying it went too far, the proposal would have been the most sweeping antibusing measure ever to pass either house.

The proposal was introduced by Sen. Slade Gorton, R-Wash. In Gorton's home state, the Seattle school board has approved a controversial voluntary busing plan that Gorton was seeking to kill.

A strong opponent of all the pending antibusing legislation, Sen. Carl Levin, D-Mich., called Gorton's proposal "a mischievous intrusion" of federal power into the operation of local school boards and government.

Defending his proposal, Gorton said criteria other than race, such as poverty or educational need, could be used in deciding school assignments and busing patterns.

Earlier the Senate had refused, 51-40, to set aside Gorton's amendment.

Antibusing measures already approved by the Senate would prohibit federal judges from ordering public-school students to be bused more than 10 miles or 15 minutes from their homes to the classroom, and

Yesterday's vote came in the midst of a filibuster led by Sen. Lowell Weicker, R-Conn., against other tough antibusing legislation.

The leaders of the Senate fight for that legislation — Bennett Johnston, D-La., and Jesse Helms, R-N.C. — said they would reluctantly recommend a "no" vote on Gorton's amendment.

Johnston said he was worried that adding Gorton's proposal would make his legislation too vulnerable to eventual court challenge. "It puts too much baggage on the question of constitutionality," Johnston said. Too many members of the House and Senate believe it goes too far, he said.

prohibit the Justice Department from asking courts to use busing for desegregation.

All the antibusing proposals are attached to a Justice Department authorization bill on which Weicker is waging a filibuster likely to last for several days.

The Senate voted two weeks ago to limit the filibuster to a final 100 hours of debate, of which just under 90 hours remain.

As the night wore on, Senate Majority Leader Howard Baker sought to eliminate some of more than 100 amendments which Weicker has prepared as fodder for use in continuing his losing battle against approval of the antibusing bills.

Star 2/23/82 Neck-hold case accepted

WASHINGTON—The Supreme Court agreed Monday to take up the question of whether the use of neck holds by the Los Angeles Police Department violates citizens' constitutional rights. The justices said they would hear an appeal by Los Angeles city officials from a lower-court ruling prohibiting the city's police officers from using the so-called carotid-artery and bar-arm holds in routine law-enforcement situations.

TO

Phone Message

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