

# City Council/Manager

July 14, 2020 – 6:30 pm

## REGULAR MEETING AGENDA

This meeting will be held via Cisco Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. The public may monitor this meeting by calling 1-415-655-0001 and entering the meeting code 133 719 6096. For technical assistance, please contact support staff at 763-593-8007 or [webexsupport@goldenvalleymn.gov](mailto:webexsupport@goldenvalleymn.gov). If you incur costs to call into the meeting, you may submit the costs to the City for reimbursement consideration. Additional information about for monitoring electronic meetings is available on the **City website**.

	<u>Pages</u>
1. Review Comprehensive Annual Financial Report	2-15
2. Golden Valley Police Department Update	16-22
3. Civil Service Commission/Police Community Advisory Commission Discussion	23-149
4. Human Services Commission and Golden Valley Community Foundation Discussion	150
5. Council Review of Future Draft Agendas: Housing & Redevelopment Authority July 21, City Council July 21, City Council August 4, Wednesday, Council/Manager August 12, City Council August 18, City Council September 1 and Council/Manager September 8, 2020	151-160

Council/Manager meetings have an informal, discussion-style format and are designed for the Council to obtain background information, consider policy alternatives, and provide general directions to staff. No formal actions are taken at these meetings. The public is invited to attend Council/Manager meetings and listen to the discussion; public participation is allowed by invitation of the City Council.



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.





# EXECUTIVE SUMMARY

## Administrative Services

763-593-8013 / 763-593-3969 (fax)

---

### Golden Valley Council Manager Meeting

July 14, 2020

#### Agenda Item

1. Review Comprehensive Annual Financial Report

#### Prepared By

Sue Virnig, Finance Director

#### Summary

Bill Lauer from Malloy Montague Karnowski Radosevich & Co. will be in attendance to discuss the 2019 Comprehensive Annual Financial Report, Management Report and Special Purpose Audit Reports. His main focus will be reviewing the Management Report document.

The three documents can be retrieved from the city website. Go to <http://weblink.ci.golden-valley.mn.us/WebLink/Browse.aspx?id=853871&dbid=0&repo=GoldenValley>. Please make sure you download the Management Report -2019 document.

#### Financial Or Budget Considerations

None

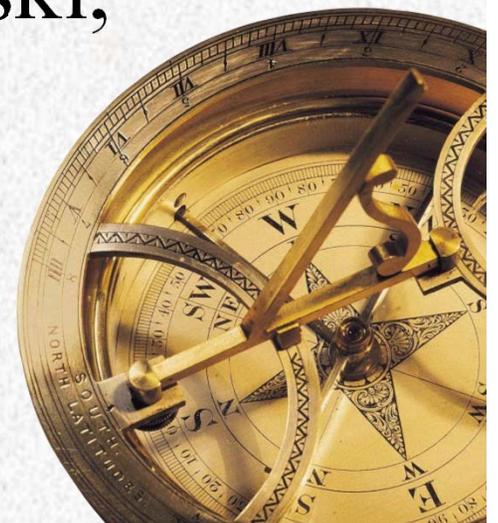
#### Supporting Documents

- City of Golden Valley Audit Report Presentation (13 pages)



City of Golden Valley  
Audit Report  
Year Ended December 31, 2019

Malloy Montague, Karnowski,  
Radosevich, & Co., P.A.





# Auditor's Role

- **Opinion on Financial Statements**
  - **Financial Statements are Fairly Presented In Accordance with U.S. GAAP**
  
- **Test Internal Controls and Compliance**
  - **Financial Statement Audit**
  - **State Statutes**



# Audit Summary

- **Basic Financial Statements**
  - *Unmodified “Clean” Opinion*
  
- **Internal Control over Financial Reporting**
  - *Limited Segregation of Duties*
  
- **Compliance – Financial Statement Audit**
  - *No Findings*
  
- **Minnesota Legal Compliance**
  - *No Findings*



# Governmental Funds

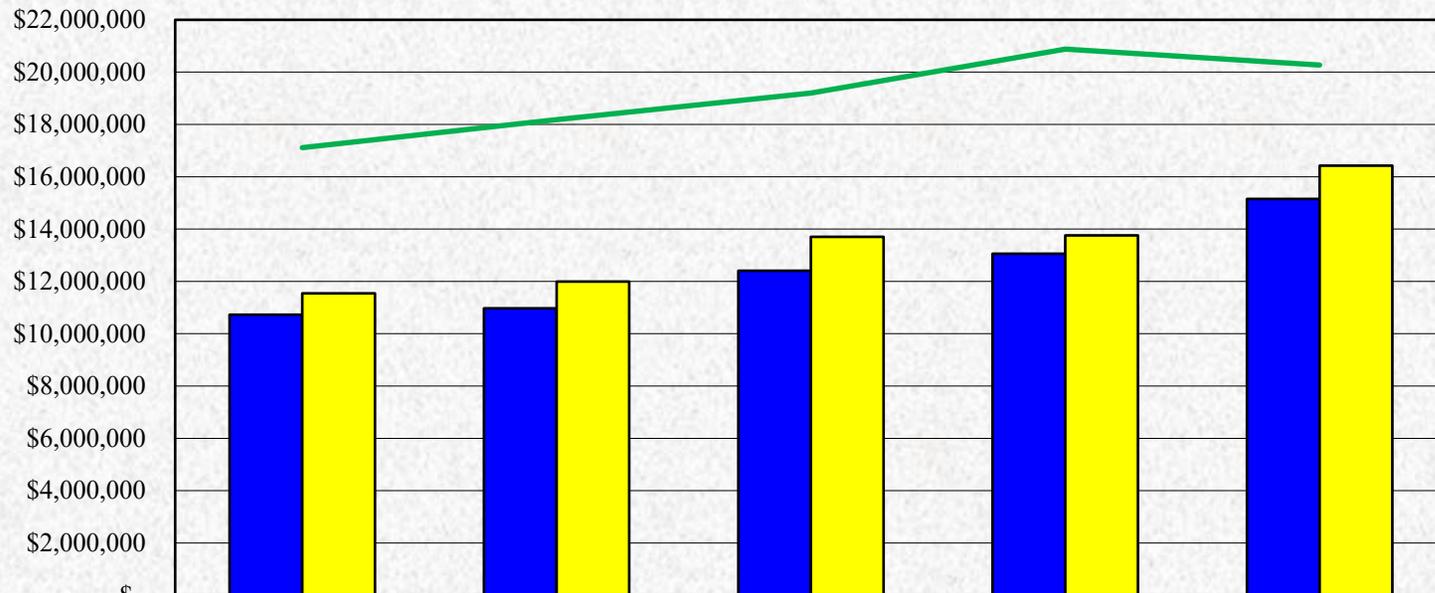
## Change in Fund Balances

	Fund Balances as of December 31,		Change
	2019	2018	
Total by classification			
Nonspendable	\$ 14,029	\$ –	\$ 14,029
Restricted	21,568,499	26,311,344	(4,742,845)
Committed	324,899	213,624	111,275
Assigned	13,260,623	12,228,554	1,032,069
Unassigned	9,850,190	8,849,640	1,000,550
Total governmental funds	<u>\$ 45,018,240</u>	<u>\$ 47,603,162</u>	<u>\$ (2,584,922)</u>
Total by fund			
General	\$ 15,152,089	\$ 13,059,502	\$ 2,092,587
Street Reconstruction Debt Service	8,652,007	12,541,849	(3,889,842)
Winnetka/Medicine Lake Tax Increment			
Capital Project	(1,825,910)	(2,164,862)	338,952
Capital Improvement Capital Project	3,910,121	3,956,184	(46,063)
Douglas Drive Improvement Capital Project	1,813,427	1,791,873	21,554
Street Reconstruction Capital Project	4,867,817	5,540,521	(672,704)
Nonmajor funds	12,448,689	12,878,095	(429,406)
Total governmental funds	<u>\$ 45,018,240</u>	<u>\$ 47,603,162</u>	<u>\$ (2,584,922)</u>



# General Fund Financial Position

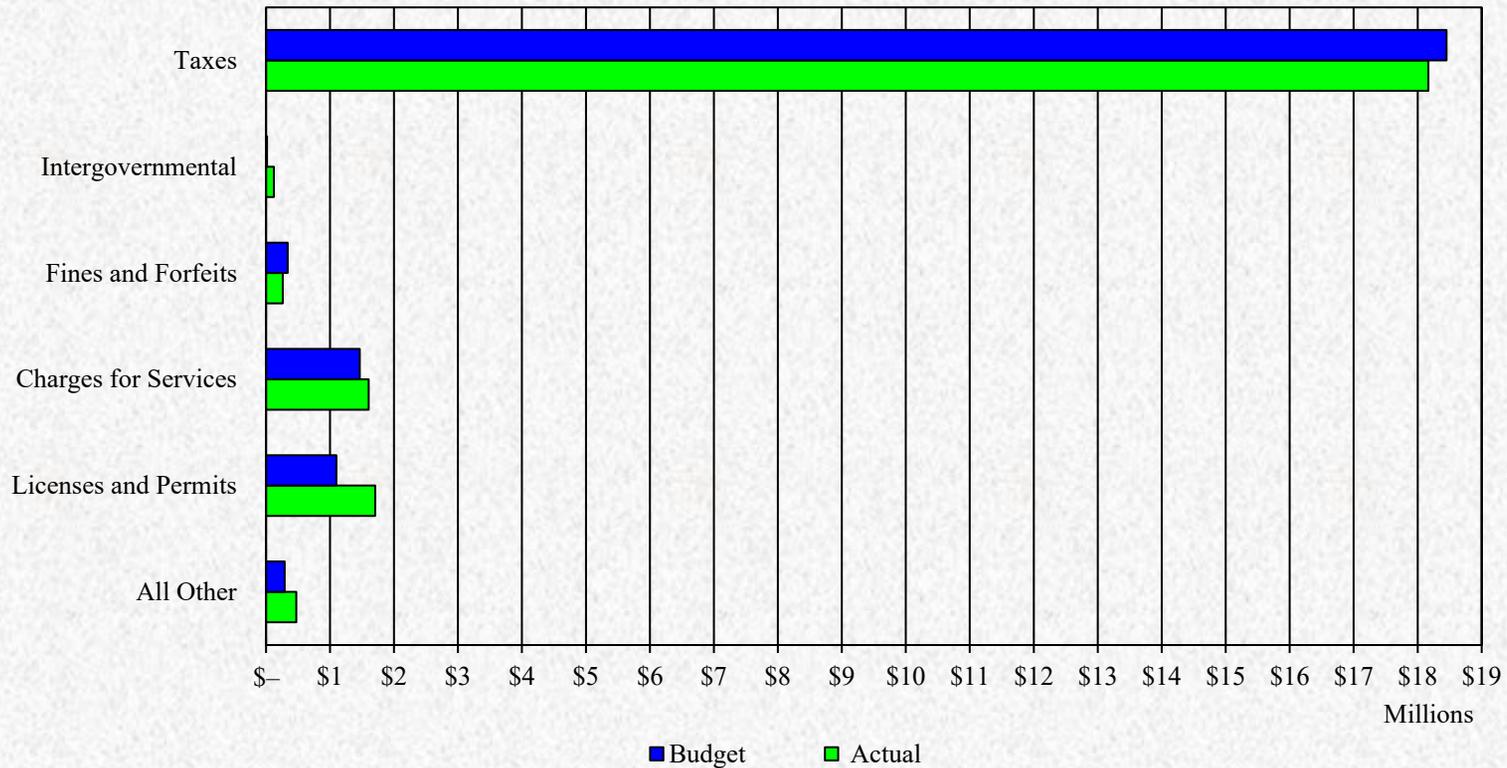
Year Ended December 31,



	2015	2016	2017	2018	2019
Fund Balance	\$10,727,064	\$10,973,096	\$12,403,849	\$13,059,502	\$15,152,089
Cash (Net)	\$11,544,883	\$11,991,991	\$13,700,753	\$13,755,606	\$16,425,829
Exp & Trans Out	\$17,116,214	\$18,181,071	\$19,195,670	\$20,878,477	\$20,269,900

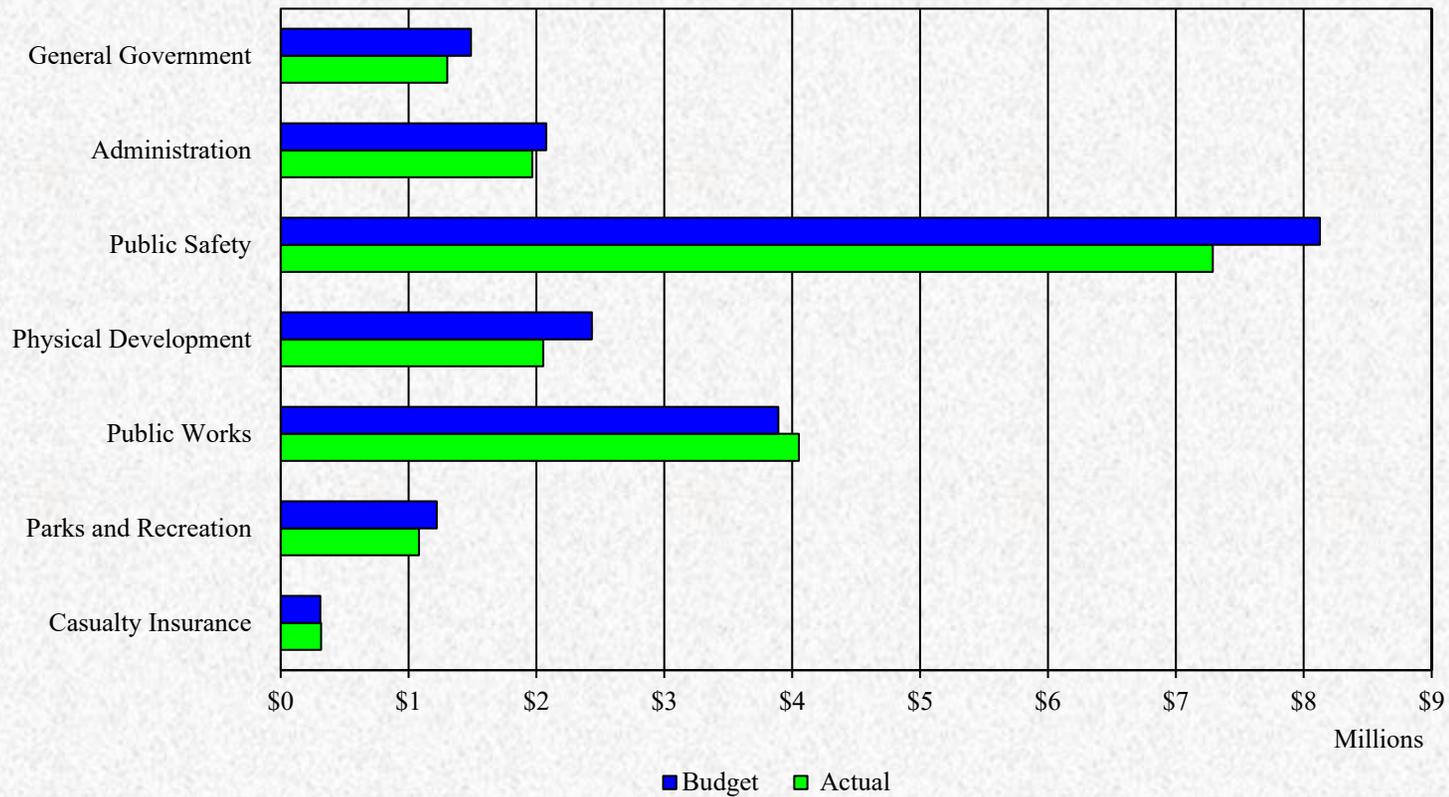


# General Fund Revenues – Budget to Actual





# General Fund Expenditures – Budget to Actual





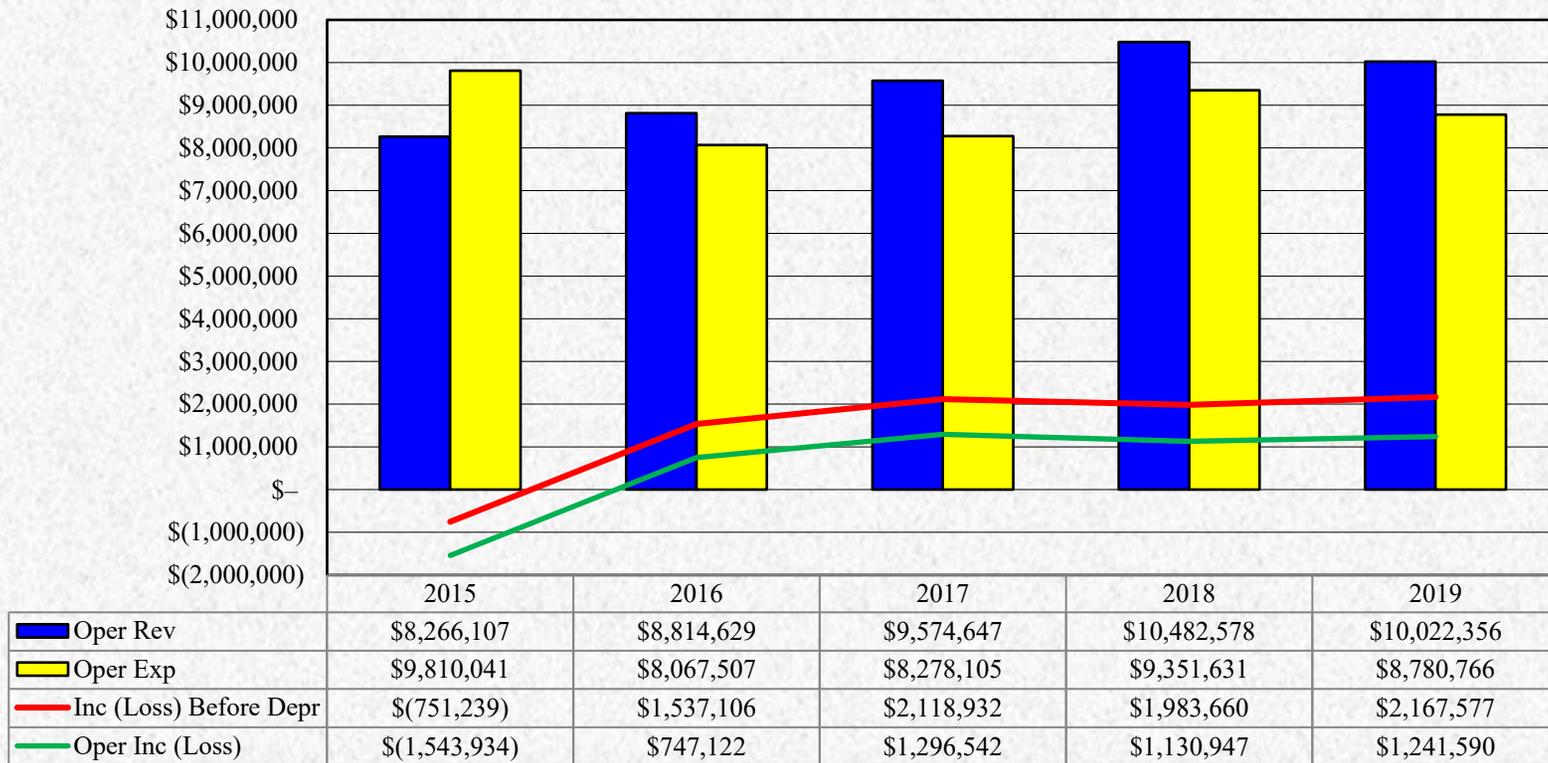
# Enterprise Funds Change in Net Position

	Net Position as of December 31,		Change
	2019	2018	
<b>Total by classification</b>			
Net investment in capital assets	\$ 39,110,394	\$ 36,950,518	\$ 2,159,876
Unrestricted	26,416,375	22,040,541	4,375,834
<b>Total enterprise funds</b>	<b>\$ 65,526,769</b>	<b>\$ 58,991,059</b>	<b>\$ 6,535,710</b>
<b>Total by fund</b>			
Utility	\$ 27,136,571	\$ 24,021,403	\$ 3,115,168
Storm Sewer Utility	33,860,451	30,746,799	3,113,652
Brookview Operating	2,385,027	2,281,366	103,661
Motor Vehicle Operating	903,958	715,260	188,698
Recycling	1,240,762	1,226,231	14,531
<b>Total enterprise funds</b>	<b>\$ 65,526,769</b>	<b>\$ 58,991,059</b>	<b>\$ 6,535,710</b>



# Utility (Water & Sewer) Fund

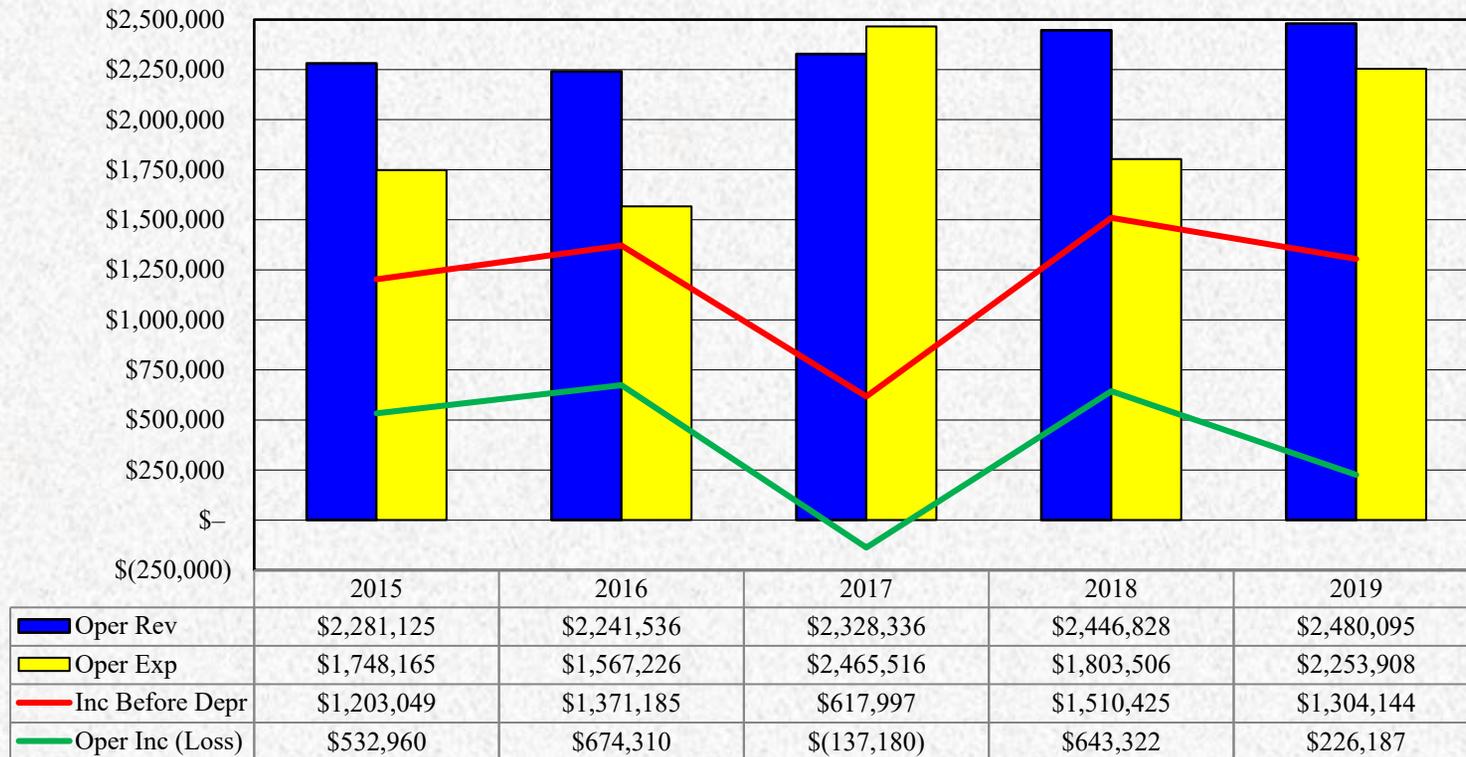
Year Ended December 31,





# Storm Sewer Utility Fund

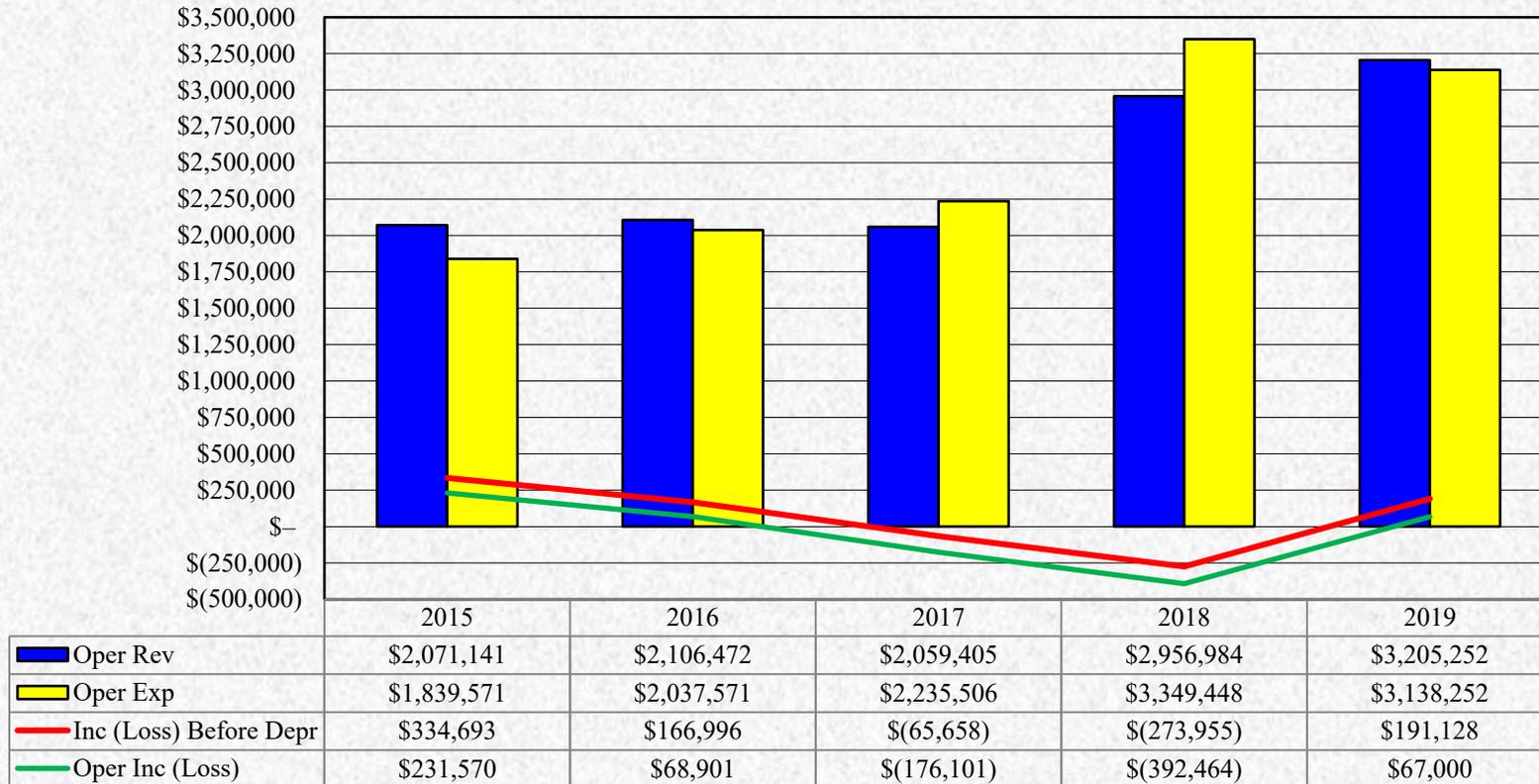
Year Ended December 31,





# Brookview (Golf Course) Operating Fund

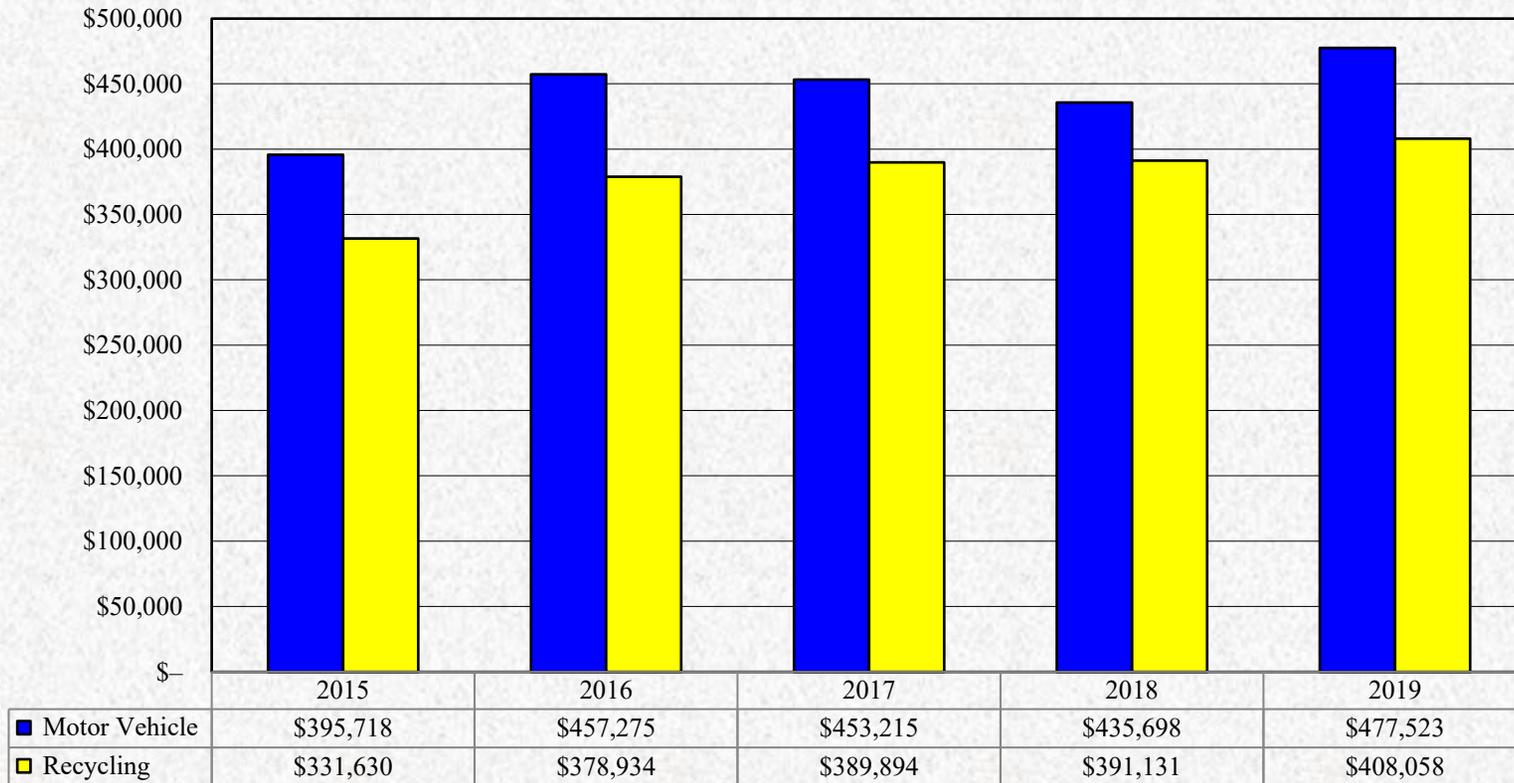
Year Ended December 31,





# Other Enterprise Funds – Operating Revenue

Year Ended December 31,





# Government-Wide Net Position

	Net Position as of December 31,		
	2019	2018	Change
<b>Governmental activities</b>			
Net investment in capital assets	\$ 30,178,374	\$ 27,973,471	\$ 2,204,903
Restricted	25,785,567	24,401,665	1,383,902
Unrestricted	13,001,567	11,015,315	1,986,252
Total governmental activities	<u>68,965,508</u>	<u>63,390,451</u>	<u>5,575,057</u>
<b>Business-type activities</b>			
Net investment in capital assets	39,110,394	36,950,518	2,159,876
Unrestricted	23,980,781	19,689,949	4,290,832
Total business-type activities	<u>63,091,175</u>	<u>56,640,467</u>	<u>6,450,708</u>
 Total net position	<u>\$ 132,056,683</u>	<u>\$ 120,030,918</u>	<u>\$ 12,025,765</u>



# EXECUTIVE SUMMARY

## Police

763-593-8079 / 763-593-8098 (fax)

---

**Golden Valley Council/Manager Meeting  
July 14, 2020**

### **Agenda Item**

2. Golden Valley Police Department Update

### **Prepared By**

Jason Sturgis, Chief of Police

### **Summary**

Chief Sturgis will present an update police department operations.

### **Financial Or Budget Considerations**

None

### **Supporting Documents**

- Golden Valley Police Update Presentation (6 pages)

# Golden Valley Police Update

Chief Jason Sturgis  
July 14, 2020



# CALLS FOR SERVICE

Golden Valley Police Department		
CALLS FOR SERVICE		
From: 6/29/2020 12:00:00 AM To: 7/05/2020 11:59:59 PM		YTD
TOTAL CALLS FOR SERVICE	240	7367

Calls for Service by Source		
From: 6/29/2020 12:00:00 AM To: 7/05/2020 11:59:59 PM		YTD
Source of Call	# of Calls	# of Calls
911	92	2625
OFFICER INITIATED	16	1443
OTHER	132	3298
<b>TOTAL</b>	<b>240</b>	<b>7367</b>
<i>*&lt;NULL&gt; = source not supplied (most often call came via an administrative line)</i>		

Average Response Times by Priority*				
From: 6/29/2020 12:00:00 AM To: 7/05/2020 11:59:59 PM			YTD	
PRIORITY	# OF INCIDENTS	AVERAGE RESPONSE TIME IN MINUTES	# OF INCIDENTS	AVERAGE RESPONSE TIME IN MINUTES
PRIORITY 1 INCIDENTS	60	4.4	2357	2.5
PRIORITY 2 INCIDENTS	10	2	457	3.4
PRIORITY 3 INCIDENTS	65	7.9	1671	6.5
PRIORITY 4 INCIDENTS	17	8.6	423	11.3
TOTAL INCIDENT FOR ALL PRIORITIES	152	6.2	4908	4.7
<i>*Report does not contain CAD incidents that are missing dispatch date/time and/or arrival date/time</i>				
<i>For a complete list of priority calls by the nature of the call, please see "Police Priority by Nature of Event" in the archives under Resource.</i>				



# USE OF FORCE

## GVPD Policy 8.09

- Whenever force is used by an officer, a report is completed that includes a detailed description of the subject's actions and of the resulting force techniques used by the officer.
- The only exception is for a use of deadly force that is being investigated by an outside agency.
- The GVPD maintains records on numerous factors of each incident, including:
  - date, time
  - number of officers present at the time force was used
  - names of officers present
  - type(s) of force used
  - most significant force used
  - nature of incident
  - description of incident/subject actions
  - gender and race of subject
  - injuries to subjects and/or officers
  - All of this is in addition to the police report which is mandatory in all cases involving a use of force, and must include a detailed description of the event
- When in a position to do so, officers shall intervene when they know or have reason to know, that another officer is about to use, or is using, excessive force. Officers shall promptly report any use of excessive force and the efforts made to intervene to a supervisor.



# TRAINING

1969	2020
<i>28 sworn officers</i>	<i>33 sworn officers</i>

- Hiring
  - Pre-Hire Process
- New Officer Training
  - City's new hire orientation
  - Training academy
  - Field Training
- Continuing Education/Training Mandated by the MN POST Board
  - De-escalation Technique Training
  - Bias Training
  - CIT
- Use of Force Training
  - Two person handcuffing
- Body-worn camera culture



# COMMUNITY OUTREACH

The GVPD has been active in community policing for more than 30 years and has welcomed working in partnership with the community in solving problems and resolving issues. The GVPD offers programs to educate on what, how, and why officers may do things. Many of the programs listed below are open to all people who want to attend.

- GVPD University (GVPDU)
- Public Safety In The Parks
- Coffee With A Cop
- Citizens Academy
- Neighborhood Watch
- Public Safety Open House
- Inner Hero

## PUBLIC SAFETY



GOLDENVALLEYMN.GOV  
SEARCH SAFETY + PARKS



# Current Policy Recommendations

- Ban chokeholds
- Require de-escalation
- Require warning before shooting
- Requires exhaust all alternatives before shooting
- Duty to intervene
- Ban shooting at moving vehicles
- Require use of force continuum
- Require comprehensive reporting





# EXECUTIVE SUMMARY

## Police

763-593-8079 / 763-593-8098 (fax)

---

### Golden Valley Council Manager Meeting July 14, 2020

#### Agenda Item

3. Civil Service Commission/Police Community Advisory Commission Discussion

#### Prepared By

Tim Cruikshank, City Manager  
Jason Sturgis, Chief of Police

#### Summary

A discussion on how to make the hiring process for the PD more efficient was an action step that was raised during the 2020 Annual Council Strategic Planning session earlier this year. This action step is consistent with the city's equity objectives. The attached Power Point presentation proposes a way forward for the City to improve in this area as well as a more comprehensive approach to improve other aspects of policing in Golden Valley.

#### Financial Or Budget Considerations

None

#### Supporting Documents

- Power Point Presentation (14 pages)
- Civil Service Commission Bylaws (7 pages)
- Minnesota Statutes, chapter 419 (8 pages)
- Approved Patrol Officer Hiring Process (2019) (6 pages)
- Attorney memo from 2018 and attachments (57 pages)
- Report from State of Minnesota Working Group on Police-Involved Deadly Force Encounters (34 pages)

---

**CIVIL SERVICE COMMISSION/CIVILIAN REVIEW  
BOARD DISCUSSION**

7/14/2020

# Purpose of Discussion

---

- Why are we here?
- Provide history and background of where we have been.
- Suggest new path forward to achieve more meaningful and effective outcomes.
- Create general consensus of direction and timeline.

# History & Background of the Commission

---

- Golden Valley instituted Civil Service Commission in current form in 1960.
- Governed by Minnesota Statutes, chapter 419 and subject to the open meeting law.
- Three members appointed by the City Council. No special experience or training required.
- Basic responsibilities under the statute:
  - Prepare and maintain service register of current employees
  - Create and maintain service register, application register, and eligibility register
  - Approve hiring process (i.e. hiring process, standards of fitness, etc.)
  - Try charges of misconduct, only if requested by officers (rarely invoked)
  - Adopt rules to promote efficiency in the police department

# History and Background of Commission Continued

---

- Rewrote Commission Bylaws in 2018 to formalize delegation of certain tasks to staff subject matter experts and clarify role of Commission:
  - Approve hiring and promotion process recommended by staff, and
  - Certify eligible register
- Reminder, in Statutory Plan B City, the City Manager has hiring and disciplinary authority. Commission certifies list to City Manager and City Manager makes appointment with Police Chief input.

# Pros and Cons of the Commission

---

Pros	Cons
Allows hiring process to be designed with commissioner input	Hinders diversity hiring efforts <ul style="list-style-type: none"><li>• Precludes participation in Pathways to Service</li><li>• Makes it difficult to adapt hiring practices to the market and changing environment (for example, changing testing procedures requires commission approval so difficult to try new things)</li></ul>
Gives police officers additional protection from discipline	Slows down hiring process, leading to potential loss of qualified candidates
Provides opportunity for transparency	Disciplinary review function almost never invoked
	Does not provide avenue for community input related to community policing
	Increases potential liability to City because rules do not require commissioners to have subject matter training or expertise
	Hinders management's ability to hold officers accountable

# Proposing a New Path Forward

---

Step 1: Replace Civil Service Commission

Step 2: Create Police Community Advisory Commission

Step 3: Hire a Community Outreach Liaison

# Step 1 – Replace Civil Service Commission

---

- Trend over time to abolish Civil Service Commissions

“The civil service process is antiquated as well as redundant,” the report reads. “City government management practices along with employment regulations and policies have evolved dramatically since the inception of the civil service concept, which was conceived in the late 1800s with the aim of ensuring that government hiring be based on merit rather than favoritism and patronage.”

- Eileen Wells and Krista Amos, City of Mankato Report to Abolish Civil Service

- Changes in employment law over time have lessened need for and effectiveness of Civil Service Commissions:
  - MN PELRA (collective bargaining process)
  - MN Human Rights Act and Federal Civil Rights Act of 1964 (prohibit discrimination in hiring)
  - Affirmative Action Case law (create requirements for affirmative action hiring)
  - Peace Officers Discipline Procedures Act (Minn. Stat. § 626.89)

# Civil Service in Other Cities

---

Golden Valley is one of 16 cities in Minnesota (out of 880) that has a Civil Service Commission

In recent years, other cities have replaced Civil Service Commissions because they hindered the city's diversity recruiting efforts:

City	New Public Input Body
Columbia Heights	No replacement body
Grand Rapids	Police Advisory Board
Maplewood	No replacement body, added community input into department hiring process
Richfield	No replacement body, but participates in PMAC
Mankato	Public Safety Advisory Committee

# Step 2 – Create a Police Community Advisory Commission

---

## **Models:**

- PMAC
- Other Community Boards and Commissions
- Legislative Proposal (2020 Special Session)

# Police Advisory Commission Examples

---

Advisory Body	Cities
Joint Community Policing Partnership and Multicultural Advisory Committee Cities (PMAC)	<ul style="list-style-type: none"><li>• Bloomington</li><li>• Brooklyn Center</li><li>• Brooklyn Park</li><li>• Crystal</li><li>• Hopkins</li><li>• Richfield</li><li>• Hennepin County</li></ul>
Community Board or Commission	<ul style="list-style-type: none"><li>• Cottage Grove (Public Services Commission)</li><li>• Saint Louis Park (Police Advisory Committee)</li><li>• Saint Paul (Police Civilian Review Commission)</li><li>• Shoreview (Public Safety Committee)</li></ul>

# Proposal: Police Community Advisory Commission

---

- PCAC created by ordinance (like other commissions)
- Seek input from a variety of groups:
  - Police department (leadership and employees from different divisions)
  - Rising TIDES
  - Civil Service Commission
  - Human Rights Commission
  - Other interested community members
  - City management team

# Proposal: Police Community Advisory Commission Continued

---

The Commission will enhance lines of communication between residents, the Police department, and the City Council.

Areas of focus:

- Police community relations
- Programming and education
- Police training, policies, and procedures

# Step 3 – Hire Community Outreach Liaison

---

Full-time/regular employee

Report to Equity and Inclusion Manager

Responsibilities/Area of Focus:

- Build community and foster diverse relationships.
- Enhance communication and understanding between law enforcement and multicultural residents.
- Organize and present cultural training for police officers and community.
- Create a safe platform to share community information and concerns.
- Assist with the recruitment and building a pipeline of diverse candidates.
- Assist with planning and execution of public outreach and educational events.

# Recommended Action

---

- 1 – Replace CSC – unanimous decision of council required
- 2 – Create PCAC – seek comprehensive community input to help determine its function
- 3 – Budget and Hire Community Outreach Liaison
- 4 – Complete in time to be effective 1/1/2021

# BYLAWS

## Civil Service Commission

### Article I: Purpose and Scope

#### A. Purpose

The purpose of these Rules and Regulations of the Civil Service Commission (“Rules and Regulations”) is to describe the membership, responsibilities, and authority of the Civil Service Commission (the “Commission”), pursuant to Minnesota State Statutes 419.01–.18, and to ensure a fair and equitable system of human resources management for the City of Golden Valley Police Department (the “Department”), which includes:

- providing fair treatment of all applicants and employees without regard to age, ancestry, color, creed, disability, familial status, gender, pregnancy, genetic information, sex, marital status, national origin, race, religion, sexual orientation (including sexual identity), status with regard to public assistance, and veteran’s status, or other protected class or any non-merit factor
- providing objective, non-biased evaluation and classification of jobs
- retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected

#### B. Scope

These Rules and Regulations shall apply to all employees and officers of the Department. Where overlap or conflict exists between these Rules and Regulations and any labor agreement between the City of Golden Valley (the “City”) and an exclusive representative within the meaning of Minn. Stat. § 179.71, subd. 3, the terms of the applicable labor agreement shall supersede these Rules and Regulations. Except as otherwise provided herein or required by law, the Commission delegates to the City Manager control and supervision over the employment, promotion, discharge, and suspension of all employees other than sworn Police Officers.

### Article II: Membership, Appointments, Terms, Officers, Meetings, and Attendance

#### A. Membership

The Commission shall consist of three members (the “Commissioners”) who are citizens of Minnesota and residents of the City of Golden Valley, and who shall be appointed by the Golden Valley City Council (the “Council”). No Commissioner shall, at the time of appointment or while serving, hold any elected office under the City, the United States, the state of Minnesota, or any public corporation or political division thereof, or employment under the City, or employment under a police department of any city, other than as a member of a civil service commission for firefighters or other municipal personnel.

#### B. Appointments

The Council shall appoint members to the Commission effective May 1 of each year. Each Commissioner, before entering duties, shall subscribe and file with the City Clerk an oath for the faithful discharge of duties.

## C. Terms

Members will serve three-year staggered terms. If a vacancy occurs before the end of the term, interim appointments may be made by the Council.

## D. Officers

The Commission shall elect officers at its first meeting in February each year. Officers elected in the February meeting shall assume their position effective May 1 of that year. Each Commissioner shall serve as president of the Commission during the last year of the Commissioner's term. Officer positions shall be held for a maximum of one year and shall rotate. If a Commissioner wishes to vacate her or his position, she or he shall serve in the elected position until a successor is appointed.

## E. Meetings &amp; Attendance

The Commission shall meet the first Monday in February each year. The Commission may hold additional meetings throughout the year. A quorum consisting of a simple majority of the Commissioners is necessary to transact the business of the Commission.

Members are expected to attend all meetings, including the annual board and commission joint meeting. If a member is unable to attend a meeting, they should contact the staff liaison, who will inform the chair. If a quorum cannot be attained, the meeting will be canceled. Staff liaisons will track attendance at each meeting. Each April, the City Manager's office will review attendance records for the preceding calendar year (April-March) and send a standardized letter of warning to any member that has missed more than fifty percent (50%) of the preceding year's meeting.

Minutes of all meetings shall be kept and stored in the Commission Records, as defined in Article III, paragraph A below.

**Article III: Rules**

The Commission authorizes the City Manager to administer the policies and procedures necessary to carry out these Rules and Regulations.

## A. Records

The Commission delegates to the City Manager the responsibility of keeping the Civil Service Records (the "Commission Records"). The Commission Records shall include:

- the most current version of these Rules and Regulations
- meeting minutes and agendas for all Commission meetings
- all current Service and Eligible Registers
- the most current application form approved by the Commission
- an organizational chart of the Department
- a summary description of each classification required under Article III, paragraph B below
- a summary description of the most current testing procedures approved by the Commission
- a summary description of the most current promotion procedures approved by the Commission

Records of classification studies, actions, and job descriptions (describing typical duties, responsibilities, and minimum qualifications) as well as the Application Register will be separately maintained by the Human Resources department. Such records shall be made available to the Commission upon request.

The Commission Records shall contain only public data as defined by Minnesota Statutes section 13.03, subdivision 1, and shall not contain any confidential data on individuals, data on individuals, not public data or nonpublic data (collectively, “Private Data”) as those terms are defined by Minnesota Statutes section 13.02, subdivisions 3, 5, 8a and 9, respectively. Any documents containing Private Data shall be redacted before being placed in the Commission Records.

B. Classification of Jobs

The Commission delegates to the City Manager the responsibility of administering a fair and objective job classification system, including the responsibility to grade and classify all employees and officers of the Department. Job classes shall group positions that have identical or similar primary duties, and jobs shall be classified based on job-related contributions and value to the City’s function. Such classifications and amendments or additions thereto shall be reviewed and approved by the Commission.

C. Creation of Registers

The Commission delegates to the City Manager the responsibility of preparing and maintaining:

- i. a service register (“Service Register”) containing the classes, names, ages, compensation, period of past employment, any available demographic data, and such other facts and data with reference to each employee as the Commission may deem useful.
- ii. an application register (“Application Register”) containing the names and addresses, in the order of the date of application, of all applicants for examination and the offices or employments they seek. The Commission shall authorize the creation of an Application Register upon request of the City Manager or the Chief of Police. No name shall remain on the Application Register for more than two years. When an applicant is found eligible for service, her or his name shall be removed from the Application Register and transferred to the Eligible Register.
- iii. an eligible register (“Eligible Register”) containing the names, addresses and test scores (expressed as a percentage) of all applicants found eligible for new appointment pending successful completion of background and psychological examinations. An Eligible Register will be maintained from the date approved by the Commission until a recommendation from staff to de-certify the register is approved by the Commission. After the initial creation of an Eligible Register, no names may be added to the register, except that internal Community Service Officers who meet the minimum requirements may be added to an existing Eligible Register at any time.

D. Selection of Candidates for New Appointments

When a vacancy exists, the City Manager or the Chief of Police will request that the Commission establish a list of eligible candidates. If there is an existing Eligible Register from which the City Manager wishes to fill the vacancy, the City Manager will request certification of the appropriate number of candidates from that register. Alternatively, the City Manager may request that the Commission approve de-certification of any existing Eligible Register and authorize the initiation of a new application process to create a new Eligible Register.

The Commission shall certify to the City Manager the names of the three highest standing applicants on the applicable list. The City Manager may select a candidate certified by the Commission, or may reject any or all candidates certified by the Commission as provided in Section F below. Alternatively, the City Manager may choose not to fill the position and reject all three candidates. Prior to making a selection, the City Manager may obtain any additional job-relevant information deemed necessary to complete the appointment, including recommendations from the Chief of Police. The Commission will be notified of the

candidates selected for appointment and will receive copies of all police officer appointment letters.

E. Applications

Applications must be filed, in a format prescribed by the City Manager and approved by the Commission, before the closing date set in the announcement. The Commission may require the applicant to furnish such additional information as it deems necessary regarding the applicant's health, character, and qualifications. Application forms will meet the requirements of relevant federal and state law(s) or regulation(s). Applications will be retained by the Human Resources Department. All applications must be retained until the applicant's name no longer appears on the Application Register or the Eligible Register and in compliance with the State of Minnesota Records Retention Schedule for Minnesota governmental entities.

F. Rejection of Applications

The City Manager may exercise reasonable discretion to reject an application for any of the following reasons:

- failure to meet the minimum requirements for the position as set forth in the approved job description
- past record of crime, disgraceful conduct, or conduct unbecoming of a police officer
- disqualifying background information
- giving false information, engaging in fraudulent conduct or attempted deception, or conspiring with others to do the same
- former dismissal from public or private service because of delinquency or misconduct
- DWI, Implied Consent, or BAC over .08 on driving record in the last two years
- misdemeanor conviction (including traffic convictions, DAR and DAS) in the last three years
- dismissal from a police agency or negotiated resignation in lieu of termination
- an undesirable discharge from the military or an honorable discharge which indicates the applicant is not eligible for reenlistment
- More than two "at fault" motor vehicle accidents in the last two years
- documented instances of misconduct by prior employers
- documented instances of undesirable work habits
- documented pattern of unfitness or misconduct
- documented history of behavior that indicates that the applicant will not succeed as a Golden Valley police officer
- insufficient references or unsatisfactory references
- unsatisfactory personal qualifications
- conduct that is not consistent with current City employment policies

The City Manager shall reject an application for any of the following reasons:

- felony conviction (including pardons)
- felony and gross misdemeanor drug conviction
- criminal sexual misconduct conviction
- gross misdemeanor conviction in the last five years
- conviction of assaulting or eluding a police officer
- evidence that the applicant has misrepresented or falsified any material information to the department
- failure to meet any of the other minimum requirements for POST certification under Minnesota Administrative Rule 6700.0700

Upon rejection of any application, the applicant's name shall be removed from the Application Register.

#### G. Examinations

The City Manager shall prescribe and administer tests to determine the relative fitness and ability of applicants for new appointment and for promotion within the Department to perform the duties of the positions to which they seek appointment. Examinations shall consist of a written examination, physical examination, and at least one oral interview. Examinations shall be held in successive rounds, and only applicants who achieve a passing score on each test shall be eligible for placement on the Eligible Register. Examinations may be administered orally, in writing, or in any other form that allows applicants to demonstrate the relevant skills, and the form of each examination and scoring criteria are subject to Commission approval.

With respect to applications for new appointment, the Commission delegates to the City Manager the responsibility of providing notice of the date, hour, place, and scope of each examination. At a minimum, such notice shall be published in a newspaper of general circulation in the City and posted for 10 days in City Hall and at each station house. The notice shall provide that other examinations may be administered from time to time throughout the life of the Eligible Register to applicants meeting the minimum requirements.

#### H. Eligible Register

##### i. Placement of New Candidates on the Eligible Register

All candidates who pass the examinations to the satisfaction of the City Manager or the Chief of Police shall be placed on the Eligible Register and ranked according to the total weighted scores, the candidate with the highest qualifying score being first and the candidate with the lowest qualifying score being last. In the event that two or more candidates are ranked in such a manner as to create a tie, the contest shall be decided by the toss of a coin by the Chair. The candidate with the surname closest to the beginning of the alphabet shall be assigned the "heads" result and the other candidate the "tails" result. In the event that more than two candidates are subject to this section, the contest shall be conducted in the same manner with the first two contestants selected based on alphabetical ranking, the victor of which shall then compete with the remaining candidate.

Veterans shall have added points during the examination process, if they so elect, in accordance with applicable Minnesota law. Placement on the Eligible Register is not a guarantee of being hired

as a Golden Valley Police Officer.

ii. Expiration or Termination of Eligibility

The eligibility of a candidate for appointment shall continue for a period of no more than two years.

An applicant may be removed from the Eligible Register before the expiration of two years for any of the following reasons:

- the candidate submits a written request to be removed from the Eligible Register
- the candidate fails to meet or continue to meet any established requirements for the position, including but not limited to failure to meet licensing, registration, or medical qualifications
- the Eligible Register is decertified
- any other reason that would disqualify a candidate for appointment to the classification

I. Promotions

The Commission delegates to the City Manager the responsibility of establishing and administering the promotion process, subject to the approval of the Commission. To be eligible for a promotion, a candidate must file a written application, fulfill the minimum job requirements, pass the applicable examinations, and fulfill the minimum experience and education requirements. The Commission delegates to the City Manager the responsibility of reviewing candidate applications as well as each candidates' records of efficiency, character, conduct and seniority to determine if the applicant meets the foregoing requirements and is eligible for promotion. Examinations for promotion shall be open to anyone meeting the minimum requirements, based on written recommendation of the Chief. No prejudice will be held against an officer not seeking a promotion.

J. Probationary Period

Both new appointments and promotions shall be followed by a probationary period of 12 months. The probationary period for a newly appointed officer shall begin after satisfactory completion of the basic peace officer training course. An employee or officer may be discharged at any time during the probationary period, with or without cause, by the City Manager. A candidate for promotion who is rejected during the probationary period shall return to his or her former position.

K. Temporary Assignments

In case of emergency, the Commission may be requested to certify names for appointment to a temporary position. In such cases, the Commission shall certify the names of the three individuals standing highest on the Eligible Register who are willing to accept such temporary appointment. If no one on the Eligible Register is willing to accept such temporary employment, the Commission may certify the name of any other qualified person. No temporary employment shall continue for a period of longer than 30 days, nor shall successive temporary employment be permitted for the same position.

L. Suspension/Leave of Absence

For disciplinary purposes, or pending investigation of actions or conduct which may result in a cause for discharge, demotion or reduction, in accordance with the City and department policies and any applicable labor contract, the City Manager shall have the power to suspend or mandate a leave of absence for, with or without pay, any employee or officer for a period of up to 60 days. Any such action shall be subject to

all applicable labor contracts. The suspended employee shall have 10 days to appeal the suspension to the Commission. In lieu of an appeal to the Commission, the employee may appeal the suspension by such other process to which she or he is otherwise entitled.

M. Discharge

No employee or officer, after satisfactory completion of a probationary period, shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in their own defense, as provided by Minnesota law. Charges against an officer may be presented by the City Manager or a superior officer, and shall be filed with the Secretary of the Commission. The Commission shall hear the charges as soon as feasible and the officer shall be afforded 10 days written notice of the hearing. In lieu of a hearing before the Commission, the employee may pursue any other process to which she or he is otherwise entitled. Nothing in this section shall limit the power of any officer to suspend a subordinate for a reasonable period of time not exceeding 60 days for the purpose of discipline, or pending investigation of charges.

N. Lay-Off and Reinstatement

Whenever it becomes necessary, for lack of funds or any other causes, to reduce the force, the City Manager shall notify the Commission in writing, at least two weeks in advance, giving the number of positions to be vacated and reasons therefore. Temporary and probationary appointees shall be laid off first, in the order named. Permanent employees shall be laid off on the basis of seniority, as defined in the labor contract.

Any employee or officer who has been laid off in accordance with these rules shall be eligible for reinstatement to positions of the same class and grade as the position from which lay-off commences. Such persons shall be reinstated in the reverse order of lay-off. When vacancies occur, appointment shall be made from the pool of laid off employees or officers before new applicants are considered, and in accordance with the labor contract.

**Article IV: Amendments and Revisions**

The Commission will review these Rules and Regulations annually at a meeting with a majority of the Commissioners present, and Commissioners will present recommendations for changes and amendments. These Rules and Regulations can be altered or amended at any regular Commission meeting.

## CHAPTER 419

### POLICE CIVIL SERVICE COMMISSIONS

419.01	ESTABLISHMENT.	419.10	NOTICE OF EXAMINATIONS; CREATION OF ELIGIBLE REGISTER; REMOVAL AND ADDITIONS.
419.02	MEMBERSHIP; JOINT POLICE AND FIRE COMMISSION.	419.11	CHARGES FILED WITH SECRETARY OF COMMISSION.
419.03	MEETING.	419.12	SUSPENSION AND REMOVAL; REINSTATEMENT.
419.04	COMMISSIONERS TO SERVE WITHOUT PAY.	419.13	CERTAIN ACTS A MISDEMEANOR.
419.05	DUTIES OF COMMISSION.	419.14	COMMISSION VESTED WITH CERTAIN POWERS.
419.06	RULES FOR POLICE DEPARTMENT.	419.15	OFFICERS TO COME UNDER COMMISSION.
419.07	OFFICERS DISCHARGED ONLY AFTER HEARING.	419.16	ABOLITION OF COMMISSION.
419.075	MERIT SYSTEM MUNICIPALITIES, DISCHARGE OF PEACE OFFICERS.	419.17	ABOLITION SUBMITTED TO VOTERS.
419.08	RULES AND STANDARDS.	419.18	APPLICATION.
419.09	EXAMINATIONS.	419.181	LIMITATION UPON CONTEST OF CERTIFICATION.

#### 419.01 ESTABLISHMENT.

There may be created in every city, except a city of the first class, a police civil service commission with powers and duties as provided in sections 419.01 to 419.18. Any such city which may wish to avail itself of the provisions thereof shall do so by an ordinance expressly accepting the provisions thereof. The ordinance shall be adopted in the same manner as other nonemergency ordinances, but at least 30 days shall elapse between its introduction and final passage by the governing body. Sections 419.01 to 419.18 do not apply to any city until the adoption of such ordinance.

**History:** (1933-48) 1929 c 299 s 1; 1933 c 197 s 1; 1935 c 34 s 1; 1959 c 694 s 1; 1973 c 123 art 5 s 7

#### 419.02 MEMBERSHIP; JOINT POLICE AND FIRE COMMISSION.

Subdivision 1. **Number, qualifications, limits.** This commission shall consist of three members who are citizens of the state and residents of such city, and shall be appointed by the council of the city, and when first created one commissioner shall be appointed for the term of one year, who shall be president of the commission, one for the term of two years, and one for the term of three years, and all commissioners shall hold their office until their successors are appointed and qualified. No commissioner shall, at the time of appointment or while serving, hold any elected office under the city, the United States, the state of Minnesota, or any public corporation or political division thereof, or employment under the city, or employment under a police department of any city, other than as a member of a civil service commission for firefighters or other municipal personnel. Each commissioner, before entering upon duties, shall subscribe and file with the city clerk an oath for the faithful discharge of the duties. There shall be appointed each year thereafter by the city council one member of the commission whose term of office shall be for three years, and each member of the commission shall be president of the commission during the last year of the member's term.

Subd. 2. **Transition to joint commission.** In any city establishing or having a firefighters' civil service commission, the city council may, in the ordinance establishing the police or firefighters' civil service commission or in a later ordinance adopted in the same manner, provide that a single commission shall serve as both police and firefighters' civil service commissions. The joint commission shall consist of three members appointed in the same manner, for the same terms, and with the same qualifications as a police civil service commission under sections 419.01 to 419.18. When existing police and firefighters' civil service commissions are combined, all the members of the two commissions shall become the members of the combined

commission and shall continue to serve as members of the new commission for the remainder of the terms for which they were originally appointed. No successor shall be appointed for the members whose terms are the first, third, and fifth of the six to end, but at the end of every other term, one member shall be appointed for a three-year term, thus reducing the commission membership to five by the end of the first year, four by the end of the second year, and three by the end of the third year.

**History:** (1933-49) 1929 c 299 s 2; 1959 c 694 s 2; 1973 c 123 art 5 s 7; 1977 c 429 s 63; 1978 c 585 s 1; 1986 c 444

#### **419.03 MEETING.**

The commission shall first meet immediately after its appointment and thereafter on the first Monday in February each year at which meetings it shall select from its members a secretary who shall serve until a successor is elected. The commission shall from time to time fix the times of its meetings, and adopt, amend, and alter rules for its procedure.

**History:** (1933-50) 1929 c 299 s 3; 1986 c 444

#### **419.04 COMMISSIONERS TO SERVE WITHOUT PAY.**

Each commissioner shall serve without pay but the council may allow the secretary such compensation, not exceeding \$100 per year, as it shall deem commensurate with the additional service rendered. The council shall pay from the municipal treasury all expenses incurred by the commission in connection with the performance of its duties and furnish it with all supplies, stationery, and equipment it may require, but all bills and accounts shall be audited and approved by the president and secretary of the commission before being paid by the council.

**History:** (1933-51) 1929 c 299 s 4; 1986 c 444

#### **419.05 DUTIES OF COMMISSION.**

The commission shall have absolute control and supervision over the employment, promotion, discharge, and suspension of all officers and employees of the police department of such city and these powers shall extend to and include all members of the police department. The commission may not, however, prescribe any residency requirements for the positions under its control, unless approved by the city council.

The commission shall, immediately after its appointment and organization, grade and classify all of the employees of the police department of the city and a service register shall be prepared for the purpose, in which shall be entered, in their classes, the names, ages, compensation, period of past employment and such other facts and data with reference to each employee as the commission may deem useful.

The commission shall keep a second register to be known as the application register in which shall be entered the names and addresses, in the order of the date of application, of all applicants for examination and the offices or employments they seek. All applications shall be upon forms prescribed by the commission and contain such data and information as the commission deems necessary and useful.

**History:** (1933-52) 1929 c 299 s 5; 1973 c 123 art 5 s 7; 1978 c 585 s 2

#### **419.06 RULES FOR POLICE DEPARTMENT.**

The commission shall adopt rules to promote efficiency in the police department service and to carry out the purposes of this chapter. The rules must provide among other things for:

- (1) the classification of all offices and employments in the police department;
- (2) public competitive examinations to test the relative fitness of applicants;
- (3) public advertisements of all examinations at least ten days in advance in a newspaper of general circulation in the city and posting the advertisement for ten days in the city hall and at each station house;
- (4) the creation and maintenance of lists of eligible candidates after successful examination in order of their standing in the examination and without reference to the time of examination, which must be included in an eligible register;
- (5) the commission may by rule provide for striking any name from the eligible register after it has been on the register for one year;
- (6) the rejection of candidates or eligibles who, after the entry of their names, fail to comply with the reasonable rules and requirements of the commission in respect to age, residence, physical condition, or otherwise, or who have been guilty of criminal, infamous, or disgraceful conduct, or of any willful misrepresentation, deception, or fraud in connection with their applications for employment;
- (7) the certification of the three names standing highest on the appropriate list to fill any vacancy;
- (8) temporary employment without examination, with the consent in each case of the commission, in cases of emergency, but no such temporary employment may continue more than 30 days nor may successive temporary employments be permitted for the same position; provided, that until 60 days after cessation of hostilities in a war as declared by proper federal authority, whenever there are no names upon the eligible register, temporary appointment may be made for employment to continue until the position is filled by a candidate from the eligible register under the provisions of the rules, provided that persons on the eligible list at the time of induction into the armed forces of the United States must retain their position on the eligible register;
- (9) promotion based on competitive examination and upon records of efficiency, character, conduct and seniority;
- (10) suspension with or without pay for not longer than 60 days and for leave of absence, with or without pay; and
- (11) other rules not inconsistent with the provisions of this chapter as may, from time to time, be found necessary to secure the purposes of this chapter.

When a disparity exists between the make-up of the police department and its approved affirmative action goals, the commission may certify up to two eligible candidates from each protected group for which a disparity exists. This certification is in addition to the three candidates certified under clause (7). This expanded certification may not include a member of a protected group if a member of that group is one of the three candidates certified under clause (7). Certifications under this paragraph must be made from the list of eligible candidates who have successfully completed the examination, in order of their standing in the examination. These expanded certification procedures apply only to positions to be filled from the public and do not apply to promotional appointments.

Copies of such rules must be kept posted in a conspicuous place at each police station house and no rules of general application with reference to employment, promotion, discharge, or suspension are effective until posted.

**History:** (1933-53) 1929 c 299 s 6; 1943 c 441 s 1; 1959 c 694 s 3; 1973 c 123 art 5 s 7; 1991 c 140 s 1; 1993 c 35 s 1

#### **419.07 OFFICERS DISCHARGED ONLY AFTER HEARING.**

No officer or employee other than a peace officer, after six months' continuous employment, shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in defense of the charges as in this chapter hereinafter provided. No newly appointed peace officer after satisfactory completion of the basic peace officers training course pursuant to sections 626.843 to 626.852 and after a period of no longer than 12 months continuous employment thereafter, shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in defense of the charges as in this chapter hereinafter provided. Such charges shall be investigated by or before such civil service commission. The finding and decision of such commission shall be forthwith certified to the chief or other appointed or superior officer, and will be forthwith enforced by such officer. Nothing in this chapter shall limit the power of any officer to suspend a subordinate for a reasonable period not exceeding 60 days for the purpose of discipline, or pending investigation of charges when the officer deems such suspension advisable. The commission, in any city of the second class situate in two or more counties, may, by resolution adopted by unanimous vote, incorporate in the civil service rules a rule fixing the term of the office of chief of the department at six years from the date of appointment and thereafter the office of chief shall be open to competitive examination for all members of the department qualified to take such examinations. In the event of a new appointment being made to the office of chief as a result of competitive examination, the retiring chief shall be assigned a grade and class in the department as may be determined by the commission. Provided that the limitation of the term of chief as herein provided for shall not affect any person permanently holding the office of chief at the time of the passage of Laws 1947, Chapter 522; provided further that the provisions of this section shall not apply to persons referred to in Minnesota Statutes 1969, Section 299D.03.

**History:** (1933-54) 1929 c 299 s 7; 1947 c 522 s 1; 1971 c 839 s 1; 1980 c 509 s 159; 1986 c 444

#### **419.075 MERIT SYSTEM MUNICIPALITIES, DISCHARGE OF PEACE OFFICERS.**

Subdivision 1. **Application.** This section applies to any city, county, town or other political subdivision which has adopted a formal merit system under any provision of law or home rule charter.

Subd. 2. **Officers discharged after hearing.** No newly appointed peace officer, after satisfactory completion of the basic peace officer training course pursuant to sections 626.843 to 626.852 and after a period of no longer than 12 months continuous employment thereafter, shall be removed or discharged except for cause upon written charges after opportunity to be heard in defense of the charges.

**History:** 1971 c 839 s 2; 1973 c 123 art 5 s 7; 1980 c 509 s 160; 1986 c 444

#### **419.08 RULES AND STANDARDS.**

The commission shall ascertain the duties of each office, position, and employment in the police protection service of such city, and designate by rule as well as may be practicable the grade of each office, employment, or position. The commission shall prescribe standards of fitness and efficiency for each office, position, and employment and for each grade, and adapt its examination thereto.

**History:** (1933-55) 1929 c 299 s 8; 1973 c 123 art 5 s 7

**419.09 EXAMINATIONS.**

All examinations shall be impartial, fair, and practical and designed only to test the relative qualifications and fitness of applicants to discharge the duties of the particular employment which they seek to fill. No question in any examination shall relate to the political or religious convictions or affiliations of the applicant. All applicants for positions of trust and responsibility shall be specially examined as to moral character, sobriety, and integrity, and all applicants for position requiring special experience, skill, or faithfulness shall be specially examined in respect to those qualities. It shall be the duty of the chief of the police department and of every employee to act as an examiner or assistant examiner, at the request of the commission, without special compensation therefor. The members of the commission collectively or individually may act as examiners or assistant examiners.

**History:** (1933-56) 1929 c 299 s 9

**419.10 NOTICE OF EXAMINATIONS; CREATION OF ELIGIBLE REGISTER; REMOVAL AND ADDITIONS.**

Subdivision 1. **Notice of examinations.** (a) Notice of the time, place, and scope of each examination shall be given by publication and posting as specified in section 419.06, and by mailing such notice to each applicant upon the appropriate list of the application register ten days in advance.

(b) The notice may provide that other examinations may be administered from time to time during the life of the eligible register, without an additional publication or ten-day notice, to applicants meeting threshold requirements.

Subd. 2. **Creation of eligible register.** The names of those found eligible upon examination, after giving credit for character and previous successful experience, shall be entered with their address and percentages on the eligible register.

Subd. 3. **Removal of names.** No name shall remain upon the eligible register more than two years without a new application, and, if the rules of the commission so require, a new examination. When a vacancy has been filled or new appointment made, the names selected shall be stricken from the eligible register and transferred to the service register.

Subd. 4. **Addition of names.** If the notice under subdivision 1, paragraph (b), is given at the time of initial examination, additional examinations may be administered to applicants meeting threshold requirements without an additional publication or ten-day notice. Applicants passing a later examination shall be added to the eligible register in the order of their standing relative to the remaining applicants on the register.

**History:** (1933-57) 1929 c 299 s 10; 2001 c 87 s 1

**419.11 CHARGES FILED WITH SECRETARY OF COMMISSION.**

Charges of inefficiency or misconduct may be filed with the secretary of the commission by a superior officer or by the appointing authority, and thereupon the commission shall try the charges after no less than ten days' written notice to the accused. Such notice shall set forth the charges as filed. The trial of these charges shall be open to the public and each commissioner shall have the power to issue subpoenas and to administer oaths and to compel the attendance and testimony of witnesses and the production of books and papers relevant to the investigation. The commission shall require by subpoena the attendance of any witness requested by the accused who can be found in the county in which such city is located. The commission may make complaint to the district court of disobedience of its subpoenas or orders under this section, and the court shall prescribe notice to the person accused and require the accused person to obey the commission's

subpoena and order, if found within the lawful powers of the commission, and punish disobedience as a contempt of court. Witnesses shall be entitled to the same fees and mileage as for attendance upon the district court, except that any officer, agent, or employee of the city who receives compensation for services, shall not be entitled to fees or mileage.

**History:** (1933-58) 1929 c 299 s 11; 1959 c 694 s 4; 1973 c 123 art 5 s 7; 1986 c 444

#### **419.12 SUSPENSION AND REMOVAL; REINSTATEMENT.**

An employee who, after investigation and trial by civil service commission, is found guilty of inefficiency, breach of duty, or misconduct, may be removed, reduced, or suspended. The employee's name also may be stricken from the service register. If the board determines that the charges are not sustained, the accused, if suspended pending investigation, shall be immediately reinstated and shall be paid all back pay due for the period of suspension.

Findings, determinations, and orders of the commission for suspension, reduction, or removal, shall be in writing and shall be filed within three days after the completion of the hearing with the secretary of the commission. The secretary shall notify the employee of the decision in writing. Any person suspended, reduced, or removed by the commission after investigation may appeal in accordance with chapter 14.

The question to be determined by the court shall be:

"Upon the evidence, was the order of the commission reasonable?"

**History:** (1933-59) 1929 c 299 s 12; 1973 c 123 art 5 s 7; 1983 c 247 s 152; 1986 c 444

#### **419.13 CERTAIN ACTS A MISDEMEANOR.**

An applicant for examination, appointment or promotion in the police department service of the city who shall, either directly or indirectly, give, render, or pay or promise to give, render, or pay any money, service or other thing to any person, for or on account of or in connection with the applicant's examination, appointment or proposed appointment or promotion shall be guilty of a misdemeanor and shall also be subject to suspension or removal.

Any officer or employee of the police department, when operating under civil service in accordance with the provisions of this chapter, who shall in any manner directly or indirectly solicit, receive, or pay, or be in any manner concerned in soliciting, receiving, or paying, any assessment, subscription or contribution for any party or political purpose, shall be guilty of a misdemeanor and shall be subject to suspension or removal.

Any person who shall solicit or receive directly or indirectly, or be in any manner concerned in soliciting or receiving any assessment, contribution, or payment for any political purpose whatever from any officer or employee in a police department operated under civil service as in this chapter provided for, shall be guilty of a misdemeanor.

**History:** (1933-60, 1933-61, 1933-62) 1929 c 299 s 13-15; 1973 c 123 art 5 s 7; 1986 c 444

#### **419.14 COMMISSION VESTED WITH CERTAIN POWERS.**

When any city has a civil service commission the council may provide that this commission be vested with the powers and duties of the police civil service commission as set forth herein.

**History:** (1933-63) 1929 c 299 s 16; 1973 c 123 art 5 s 7

**419.15 OFFICERS TO COME UNDER COMMISSION.**

Any police officer regularly employed at the time of the creation of the civil service commission shall automatically come under the jurisdiction of the civil service commission.

**History:** (1933-63a) 1929 c 299; 1933 c 197 s 1

**419.16 ABOLITION OF COMMISSION.**

A police civil service commission created under this chapter may be abolished as follows: (1) by the voters in accordance with section 419.17; or (2) by a unanimous vote of the city council. Abolition by the voters shall be initiated by a petition signed by at least 25 percent of the number of legal voters voting at the last general municipal election filed with the governing body of the city requesting that the following question be submitted to the voters: "Shall the police civil service commission be abolished?"

**History:** (1933-63b) 1929 c 299; 1933 c 197 s 1; 1973 c 123 art 5 s 7; 1999 c 165 s 1

**419.17 ABOLITION SUBMITTED TO VOTERS.**

When a petition is filed under section 419.16, the governing body of the city shall cause the question to be submitted to the voters at the first following general municipal election. The commission is abolished if two-thirds of the votes cast in the election are in favor of the abolishment, and the status of the police department and all of its employees shall thereafter be the same as if the commission had not been created.

**History:** (1933-63c) 1929 c 299; 1933 c 197 s 1; 1973 c 123 art 5 s 7; 1999 c 165 s 2

**419.18 APPLICATION.**

The provisions of sections 419.01 to 419.18 with reference to the abolition of civil service commission shall not apply and shall have no force or effect in any city in this state where a commission has already been created.

**History:** (1933-63d) 1929 c 299; 1933 c 197 s 1; 1973 c 123 art 5 s 7

**419.181 LIMITATION UPON CONTEST OF CERTIFICATION.**

Notwithstanding any law to the contrary, no person shall contest the certification of any person to fill any vacancy by a police civil service commission in a city, except a city of the first class, later than six years after the date of certification.

**History:** 1959 c 290 s 1; 1973 c 123 art 5 s 7

**419.19** [Repealed, 1965 c 79 s 2]

**419.20** [Repealed, 1965 c 79 s 2]

**419.21** [Repealed, 1965 c 79 s 2]

**419.22** [Repealed, 1965 c 79 s 2]

**419.23** [Repealed, 1965 c 79 s 2]

**419.24** [Repealed, 1965 c 79 s 2]

**419.25** [Repealed, 1965 c 79 s 2]

**419.26** [Repealed, 1965 c 79 s 2]

**419.27** [Repealed, 1965 c 79 s 2]

**419.28** [Repealed, 1965 c 79 s 2]

**419.29** [Repealed, 1965 c 79 s 2]

**419.30** [Repealed, 1965 c 79 s 2]

**419.31** [Repealed, 1965 c 79 s 2]

**419.32** [Repealed, 1965 c 79 s 2]

**419.33** [Repealed, 1965 c 79 s 2]

**419.34** [Repealed, 1965 c 79 s 2]



## Civil Service Commission Examination Process

NEW ELIGIBILITY REGISTER SELECTION PROCESS			
APPLICATION PROCESS			
	PROJECTED DATES	ACTUAL DATES	NOTES
<b>Authorization to Initiate New Application Process by Civil Service Commission</b>	09/13/19		
<b>Selection Committee:</b> <ul style="list-style-type: none"> <li>Chief of Police</li> <li>Human Resources Director</li> <li>Police Commanders</li> </ul>			
<b>Hiring Pool Identified:</b> <ul style="list-style-type: none"> <li>Sgt. Sloat</li> <li>Sgt. Mahlen</li> <li>Sgt. Wilcox</li> <li>Det. Gould</li> <li>Sgt. J. Sleavin</li> <li>Det. Zarrett</li> <li>Officer Staaf</li> <li>Officer Evans</li> <li>Officer Pacholke</li> <li>Officer Bammert</li> <li>Officer B. Hartneck</li> <li>Officer S. Hartneck</li> <li>Officer Siljander</li> <li>Det. T. Sleavin</li> <li>Det. Zachman</li> <li>Officer Feldman</li> </ul>			This is the pool of department employees that will conduct first round interviews. Interview groups will be selected based on availability.
<b>Posting Locations:</b> <ul style="list-style-type: none"> <li>Internal Email Notification</li> <li>NeoGov Online</li> <li>League of MN Cities Website/Government Jobs</li> <li>MN POST Board Site</li> <li>Sun Post</li> <li>Others as appropriate</li> </ul>	09/16-10/6	9/17-10/13	<ul style="list-style-type: none"> <li>✓ Internal Email Notification</li> <li>✓ NeoGov Online</li> <li>✓ League of MN Cities Website/Government Jobs</li> <li>✓ MN POST Board Site</li> <li>✓ Sun Post</li> </ul> Received 96 applications (plus two duplicate applications)
<b>Selection Committee Reviews Applications</b>	10/7-10/8	10/13-10/18	
<b>HR Department Sends Written Test Invitation</b>	10/9	10/21	Invitations sent to all applicants who meet minimum qualifications. Invited all 96 applicants

OPEN COMPETITIVE EXAMINATION PROCESS			
	PROJECTED DATES	ACTUAL DATES	NOTES
<b>Hiring Pool Administers Written Test(s):</b> <ul style="list-style-type: none"> <li>• LEAP</li> <li>• Wonderlic</li> </ul>		10/24 10/25 10/28 10/29	Written test will be administered several times at different times of day and days of the week based on the number of qualified applicants. 59 applicants showed up to testing sessions
<b>Add Veterans Preference Points</b>			
<b>Selection Committee Reviews Examination Scores and Determines Cut-Off Score</b>			Cut off score determined based on received scores
INTERVIEW PROCESS			
	PROJECTED DATES	ACTUAL DATES	NOTES
<b>HR Department Sends Physical Ability Invitation</b>		11/05	Invitations sent to applicants who meet minimum acceptable score Invited 59 applicants to PT
<b>Selection Committee and Hiring Pool Administer Physical Ability Test</b>		11/12 11/14	Test is pass/fail based on scale determined by Cooper Institute. 39 applicants showed up to testing sessions
<b>HR Department Sends 1<sup>st</sup> Round Panel Interview Invitations</b>			Invitation sent to all applicants who pass Physical Ability Test. Invited 29 applicants to first round interviews
<b>Interview Panel 1 &amp; 2: Conducts 1<sup>st</sup> Round Interview followed by Scenario Evaluation Followed by PEP</b>		12/9 12/12	Applicants will do two back-to-back panels, run through scenarios, and complete the PEP. 27 applicants showed up to the interviews
<b>HR Department Sends 2<sup>nd</sup> Round Interview Invitation</b>			Invitation sent to all applicants who pass 1 <sup>st</sup> round interviews and scenario evaluation. Invitation sent to 17 applicants
<b>Chief of Police Conducts 2<sup>nd</sup> Round Interview</b> *includes members of selection committee		1/6/2020 1/9/2020 1/14/2020 1/16/2020	15 applicants scheduled and showed up for an interview
<b>Selection Committee Prepares Ranked Proposed Eligibility Register</b>	TBD	1/17/2020	Propose adding 6 to eligibility register
<b>Civil Service Commission Approves and Certifies Eligibility Register</b>	TBD	1/21/2020	
<b>Chief of Police Selects Candidate from Certified Register</b>	TBD		
<b>City Manager Approves Candidate(s)</b>	TBD		

<b>OFFER PROCESS</b>			
	<b>PROJECTED DATES</b>	<b>ACTUAL DATES</b>	<b>NOTES</b>
<b>HR Department Extends Conditional Offer of Employment</b>	TBD		Conditional offer is contingent upon successful results of a background check, psychological exam, and medical/drug test.
<b>Police Department Conducts Background Check</b>	TBD		
<b>Third-Party conducts Psychological evaluation, medical exam</b>	TBD		Psychological exam conducted by Martin McAllister Medical Exam/drug test conducted by Health Partners Occupational Health

<b>SCORING TABLE</b>			
<b>TEST</b>	<b>TOTAL POSSIBLE POINTS</b>	<b>SCORED BY</b>	<b>NOTES</b>
<b>Law Enforcement Aptitude Profile Test</b> A tool developed by BCG Consulting Group, the LEAP exam assesses a candidate's aptitude for police work. The tool offers questions that relate to 14 different key indicators of police aptitude.	50	BCG	Raw score divided by two (for a total of 50 points possible) added to total written test score
<b>Wonderlic</b> A popular group intelligence test used to assess the aptitude of prospective employees for learning and problem-solving in a range of occupations.	25	Scored by Police Dept. with answer key provided by vendor	Score divided by two (for a total of 25 points possible)
<b>Veteran's Preference</b>	10 to 15	N/A	Points assigned by HR as required by law
<b>Physical Ability Test</b>	Pass/Fail	Police Department Staff	5 categories worth 20 points each
<b>Personal Evaluation Profile</b> The PEP survey is designed to evaluate a person's basic value system: their background, attitudes, and beliefs concerning key areas such as honesty, reporting dishonesty, customer service, socialization, drugs, employment background, work ethic, absenteeism, and tardiness. The PEP helps to direct the backgrounding officer as to what areas are weak in this person's overall character.	N/A	Third Party	No score assigned; test results reviewed by Chief of Police prior to Chief's interview, results used to determine Chief's interview questions

## Demographics

### Self -Identified Gender

Step	Group	Start	Passed	Failed	Pass Rate
1.Application Received	Male	81	79	2	97.53%
	Female	16	16	0	100.00%
	Unknown	1	1	0	100.00%
	<b>Total:</b>	<b>98</b>	<b>96</b>	<b>2</b>	<b>97.96%</b>
2.Written Exam	Male	79	46	33	58.23%
	Female	16	12	4	75.00%
	Unknown	1	1	0	100.00%
	<b>Total:</b>	<b>96</b>	<b>59</b>	<b>37</b>	<b>61.46%</b>
3.Fitness Test	Male	46	22	24	47.82%
	Female	12	6	6	50.00%
	Unknown	1	1	0	100.00%
	<b>Total:</b>	<b>59</b>	<b>29</b>	<b>30</b>	<b>49.15%</b>
4.Interview	Male	22	11	11	50.00%
	Female	6	5	1	83.33%
	Unknown	1	1	0	100.00%
	<b>Total:</b>	<b>29</b>	<b>17</b>	<b>12</b>	<b>58.62%</b>
5.Chief's Interview	Male	11	3	8	27.27%
	Female	5	3	2	60.00%
	Unknown	1	0	1	0.00%
	<b>Total:</b>	<b>17</b>	<b>6</b>	<b>11</b>	<b>35.30%</b>
6. Eligibility Register	Male	3	N/A	N/A	N/A
	Female	3	N/A	N/A	N/A
	Unknown	0	N/A	N/A	N/A
	<b>Total:</b>	<b>6</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

**Self-Identified Ethnicity**

<b>Step</b>	<b>Group</b>	<b>Start</b>	<b>Passed</b>	<b>Failed</b>	<b>Pass Rate</b>
1.Application Received	American Indian or American Eskimo	1	1	0	100.00%
	Asian or Pacific Islander	1	1	0	100.00%
	African American	9	9	0	100.00%
	Hispanic	5	5	0	100.00%
	Caucasian	74	73	1	98.65%
	Two or More Races	5	4	1	80.00%
	Unknown	3	3	0	100.00%
	<b>Total:</b>	<b>98</b>	<b>96</b>	<b>2</b>	<b>97.96%</b>
2.Written Exam	American Indian or American Eskimo	1	1	0	100.00%
	Asian or Pacific Islander	1	1	0	100.00%
	African American	9	5	4	55.56%
	Hispanic	5	1	4	20.00%
	Caucasian	73	46	27	63.01%
	Two or More Races	4	2	2	50.00%
	Unknown	3	3	0	100.00%
	<b>Total:</b>	<b>96</b>	<b>59</b>	<b>37</b>	<b>61.46%</b>
3.Fitness Test	American Indian or American Eskimo	1	0	1	0.00%
	Asian or Pacific Islander	1	0	1	0.00%
	African American	5	2	3	40.00%
	Hispanic	1	1	0	100.00%
	Caucasian	46	22	24	47.83%
	Two or More Races	2	1	1	50.00%
	Unknown	3	3	0	100.00%
	<b>Total:</b>	<b>59</b>	<b>29</b>	<b>30</b>	<b>49.15%</b>
4.Interview	American Indian or American Eskimo	0	0	0	0.00%
	Asian or Pacific Islander	0	0	0	0.00%
	African American	2	1	1	50.00%
	Hispanic	1	1	0	100.00%
	Caucasian	22	14	8	63.64%
	Two or More Races	1	0	1	0.00%
	Unknown	3	1	2	33.33%
	<b>Total:</b>	<b>29</b>	<b>17</b>	<b>12</b>	<b>58.62%</b>

5.Chief's Interview	American Indian or American Eskimo	0	0	0	N/A
	Asian or Pacific Islander	0	0	0	N/A
	African American	1	1	0	100.00%
	Hispanic	1	1	0	100.00%
	Caucasian	14	4	10	28.57%
	Two or More Races	0	0	0	N/A
	Unknown	1	0	1	0%
	<b>Total:</b>	<b>17</b>	<b>6</b>	<b>11</b>	<b>N/A</b>
5.Eligibility List	American Indian or American Eskimo	0	0	0	N/A
	Asian or Pacific Islander	0	0	0	N/A
	African American	1	0	0	N/A
	Hispanic	1	0	0	N/A
	Caucasian	4	0	0	N/A
	Two or More Races	0	0	0	N/A
	Unknown	0	0	0	N/A
	<b>Total:</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>N/A</b>

## *Memorandum*

DATE: April 4, 2018  
TO: Tim Cruikshank, City Manager  
FROM: Maria Cisneros, City Attorney  
REGARDING: Police Civil Service Commission Responsibilities, Delegation & Liability  
FILE NUMBER: 000090-317012

---

### **I. Introduction & Summary**

Under Minnesota Statutes Chapter 419 (the “Act”), the Golden Valley Civil Service Commission (the “Commission”) has “absolute control and supervision over the employment, promotion, discharge, and suspension of all officers and employees of the police department.”<sup>1</sup> The purpose of the Commission is to promote fairness and transparency in police department hiring practices. Given the breadth of the Commission’s responsibilities under the Act, the Commission’s actions and policies can present significant liability for the City.<sup>2</sup> Accordingly, it is appropriate for the Commission to delegate certain responsibilities to City staff to mitigate potential liability and ensure efficient employment practices within the police department. As long as the Commission creates rules to guide the staff’s actions and use of discretion, retains overall discretion to make final certification decisions, and retains discretion to prescribe rules and formulate the selection process, delegation of Commission activities is permissible under the Act.

### **II. Analysis**

#### *A. Scope of Civil Service Commission Responsibilities*

The Act was originally enacted in 1929 to eliminate political partisanship in police department staffing.<sup>3</sup> Under the Act, the Commission has “absolute control and supervision over the employment, promotion, discharge, and suspension of all officers and employees of the police department.”<sup>4</sup> The Commission is responsible for supervising and overseeing the hiring, promoting, suspending, and terminating of police department personnel.<sup>5</sup> The Commission’s authority and role in each of these areas is defined in the Act. Despite the scope of the Act,

---

<sup>1</sup> Minn. Stat. § 419.05; Golden Valley City Code § 2.55 (adopting Minn. Stat. §§ 419.01-419.18).

<sup>2</sup> *State ex rel. McGinnis v. Police Civil Service Comm’n.*, 91 N.W.2d 154 (Minn. 1958).

<sup>3</sup> See *Yaeger v. Giguere*, 23 N.W.2d 22, 24 (Minn. 1946); *Naeseth v. Village of Hibbing*, 242 N.W. 6, 7 (Minn. 1932); *State ex rel. Kos. v. Adamson*, 32 N.W.2d 281, 282 (Minn. 1948).

<sup>4</sup> Minn. Stat. § 419.05.

<sup>5</sup> *Id.*

# Memorandum

Page 2

BEST & FLANAGAN

the authority of the Commission is limited in some ways.<sup>6</sup> For example, the Commission does not have authority to establish pay scales, vacations, sick leave, hospitalization, insurance, or other fringe benefits.<sup>7</sup> Nor does the Commission have the authority to make final hiring decisions—that authority is vested in the City Manager as the appointing authority.<sup>8</sup>

The Act requires the Commission to adopt rules to promote police department efficiency and to carry out the purpose of the Act.<sup>9</sup> The Commission's responsibilities are defined in the Act and include the following:

- a. Grade and classify all employees of the Police Department and prepare a service register.<sup>10</sup>
- b. Create and maintain an application register containing the names of all applicants.<sup>11</sup>
- c. Prescribe application forms.<sup>12</sup>
- d. Prescribe standards of fitness and efficiency for each office, position and employment.<sup>13</sup> The Act requires that each examination test the applicants' qualifications and fitness for the office; however, it does not explicitly required the Commission to create or administer the examinations. In fact, the Act explicitly authorizes delegation of examination administration to the chief of police and "every employee" of the department.<sup>14</sup>
- e. Try charges of misconduct and inefficiency brought by a superior officer or the City Manager at the election of the affected employee.<sup>15</sup>
- f. Adopt rules to promote efficiency in the police department and to carry out the purposes of the Act. <sup>16</sup> The rules must cover at least the following:
  - i. Classification all offices and employments in the police department.
  - ii. Public competitive examinations to test the fitness of applicants.
  - iii. Public advertisement of all examinations.

---

<sup>6</sup> Op. Att'y Gen. 785-e-2, October 21, 1965.

<sup>7</sup> *Id.*

<sup>8</sup> Minn. Stat. § 412.651, subd. 3; Op. Att'y Gen. 120, Dec. 16, 1974 (stating that the Commission does not have the authority to appoint personnel).

<sup>9</sup> Minn. Stat. § 419.06.

<sup>10</sup> *Id.* §§ 419.05, 419.08.

<sup>11</sup> *Id.* § 419.05.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* § 419.08.

<sup>14</sup> *Id.* § 419.09.

<sup>15</sup> *Id.* § 419.11. In practice, the Commission's role in hearing termination appeals has largely been replaced by the union labor grievance process at the election of the affected officers.

<sup>16</sup> § 419.06(1)-(11).

- iv. Creation and maintenance of an eligible register containing the names of eligible candidates after successful examination in order of their standing in the examination.
- v. Creation of rules for striking names from the eligible register or rejecting candidates or eligibles that do not meet the minimum requirements.
- vi. Certification to the appointing authority (the City Manager) of the three names standing highest on the eligible register to fill any vacancy.
- vii. Procedures for temporary appointments without examination.
- viii. Promotion based on competitive examination and upon records of efficiency, character, conduct and seniority.
- ix. Suspension.

The Act does not require the Commission to carry out the day-to-day work called for by its rules, nor does it require that all decisions be made by the Commission itself. Furthermore, the Act does not prohibit the Commission from delegating such responsibilities to City staff.<sup>17</sup>

In practice, many Civil Service Commissions delegate responsibility for carrying out the procedures embodied in their rules to City staff or other third parties.<sup>18</sup> For example, the City of Maplewood delegates a substantial amount of responsibility to staff, including the creation of classifications and job descriptions, suspensions, training, performance evaluation, and moving employees from one position to another within a the same class.<sup>19</sup> In Minneapolis, the rules specifically authorize the Human Resources Department to coordinate training and implement processes for evaluating job performance “in order to achieve a comprehensive, integrated human resources management system.”<sup>20</sup>

The reasons behind this common practice of delegating to staff appear to be practical. First, the Act requires the Commission to oversee virtually every aspect of police department employment. The demands of creating, monitoring and maintaining the lists; drafting job descriptions and classifications; coordinating, administering and grading testing; interviewing

---

<sup>17</sup> *Anderson v. Police Civil Service Comm’n*, 414 N.W.2d 389, 392 (Minn. 1987) (“The statute’s language neither explicitly prohibits delegation of any of the statutory authority given to the Police Civil Service Commissions nor does it specifically mandate that all decisions of all facts of the process relative to personnel matters under the jurisdiction of the Police Civil Service Commissions be made by the commission itself.”).

<sup>18</sup> *See, e.g., Id.* (upholding the commission’s decision to delegate the oral examination of applicants to a panel of non-commission members).

<sup>19</sup> *See, e.g.,* City of Maplewood Police Civil Service Commission Rules and Regulations § 4 (stating that “[t]he Human Resource Director, in conjunction with the Police Chief, will create classifications and job descriptions and will periodically review them for needed changes” subject to review by the commission); *Id.* (“the Chief of Police, subject to the approval of the City Manager, shall have authority to suspend said Department employee from duty with or without pay”).

<sup>20</sup> City of Minneapolis Police Civil Service Rule 3.

candidates; keeping abreast of the employment status of eligible candidates; training and evaluating staff; and handling disciplinary matters is substantial. Given the broad scope of the Commission's oversight responsibilities and the complexity of the matters it oversees, it would be impractical to expect a group of three part-time volunteers to complete all of this work without staff involvement.

Second, the structure of the Commission itself makes it difficult for the Commission to conduct business on a day-to-day basis. Under the Act, the Commission must be composed of three, unpaid Commissioners.<sup>21</sup> To the extent Commissioners wish to handle these matters directly, they may only do so if one Commissioner handles the matter alone, or the whole Commission meets and holds a public meeting. The Commission is comprised of only three members, therefore, any time two or more commissioners gather to discuss Commission business, the meeting must be noticed and open to the public.<sup>22</sup> This means that Commissioners cannot collaborate with each other to handle matters outside of public meetings.

Finally, the responsibilities of the Commission require expertise in human resources, employment law, law enforcement, and public administration. The City has never required Commissioners to have backgrounds or expertise in these areas and often Commissioners have little or no relevant experience. Delegating primary responsibility for carrying out the policies of the Commission to full-time staff, including subject matter experts such as human resources and administration professionals, ensures that the Commission's policies are consistently and systematically followed and that they are in-line with the employment practices of other City departments. Additionally, engaging subject matter experts reduces the City's potential liability for employment related claims under applicable state and federal employment laws, as well as claims for violations of the terms of the City's collective bargaining agreements. Subject matter expertise is required to handle employment, discipline and record keeping matters, which are all highly regulated under state and federal law, and which are subject to other City policies and requirements.

*B. The Act Allows the Civil Service Commission to Delegate to City Staff*

The Commission may delegate some of its responsibilities to City staff. However, the power to delegate is not unlimited. The Commission may delegate all administrative and non-discretionary responsibilities as well as certain discretionary authority to the City Manager and

---

<sup>21</sup> Minn. Stat. §§ 419.02, 419.04.

<sup>22</sup> Minn. Stat. § 13D.01, subd. 1; *Moberg v. Indep. Sch. Dist.*, 336 N.W.2d 510, 518 (Minn. 1983) (“[M]eetings subject to the requirements of the Open Meeting Law are those gathering of a quorum or more members... at which members discuss, decide, or receive information as a group on issues relating to the official business of that governing body.”); Minn. Stat. § 419.01, subd. 1.

City staff so long as the Commission retains oversight over the process used in hiring, promoting, suspending, and terminating police department personnel.<sup>23</sup>

In *Anderson v. Police Civil Serv. Comm'n*,<sup>24</sup> the Minnesota Supreme Court held that “a municipal police civil service commission . . . may delegate certain discretionary authority . . . [and that] such delegation is not illegal so long as [the commission] retains and exercises ultimate authority over the general selection process.”<sup>25</sup>

In *Anderson*, an unsuccessful applicant contended that the Willmar civil service commission impermissibly delegated its discretionary authority to non-commission members by appointing an interview board of persons familiar with law enforcement and city management to conduct and score the oral examinations.<sup>26</sup> The unsuccessful applicant argued that it was “illegal for the commission to redelegate any of [its] power to an interview board by uncritically accepting the recommendation of the board.”<sup>27</sup>

The Court ultimately determined that although the commission delegated portions of the selection process, the delegation was permissible because the Commission (1) retained overall discretion to make the final selection; and (2) retained discretion to formulate the selection process. In so holding, the Court pointed out that while the Act states “that rules for employment-related examinations be made by the police commission, nowhere does the [Act] mandate explicitly that decisions under these rules be made by the commission itself.”<sup>28</sup> Furthermore, the Court specifically noted that the Act “omits to explicitly state, or even imply that the commission must be the sole body to exercise individual decisions under [its] prescribed standards” of fitness and efficiency.<sup>29</sup> Accordingly, there is no question that some level of delegation is contemplated by the Act and appropriate to achieve the purpose of the Act.

The question of which responsibilities are permissible to delegate is less clear, but the various court cases and attorney general opinions available on the subject treat the matter as a factual question that is examined on a case-by-case basis and hinges on whether the Commission retained final oversight and control over the function.<sup>30</sup> Some examples of delegable duties under *Anderson* include employment decisions made under existing civil service rules, decisions

---

<sup>23</sup> *Anderson*, 414 N.W.2d 389.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 389–90.

<sup>27</sup> *Id.* at 392.

<sup>28</sup> *Id.* at 392–93.

<sup>29</sup> *Id.* at 393.

<sup>30</sup> See generally *Anderson*, 414 N.W.2d 389.

regarding whether applicants have met the proscribed eligibility and fitness standards, administration of written examinations, and administration of oral interviews.

The U.S. Supreme Court, in *Wichita Railroad Company v. Public Utilities Commission*, addressed a similar question related to delegation and concluded that a rule making body may delegate authority to an administrative body as long as the rule making body promulgates “a certain course of procedure and certain rules of decision” for the administrative body to function under.<sup>31</sup> In other words, the rule making body must set up some standards or rules to guide the administrative agency’s actions, determination of facts and use of discretion. Under this precedent, the relevant legal question is whether the Commission, through its rules, has provided procedures to guide City staff in its actions, determination of facts and use of discretion with respect to police department employment matters.

There are certain functions that the Commission may not delegate. For example, because the Commission must retain ultimate oversight over the selection process, the final certification of the list of eligible candidates and the approval of commission rules cannot be delegated.<sup>32</sup> Notably, the Commission may not delegate its rule making authority because to do so would strip it of the ability to create a course of procedure and rules of decision.<sup>33</sup>

In summary, as long as the commission creates rules to guide the staff’s actions and use of discretion, retains overall discretion to make the final certification selection and retains discretion to formulate the selection process, most other commission duties may be delegated to staff or other third-party experts.

### C. *Liability Concerns Related to Civil Service Commission Activities*

Having opted into the Act, the City faces some unique liability risks owing to the Commission’s involvement in and responsibility for employment matters within the police department. It is not uncommon for Minnesota cities to face legal action over civil service commission rules, conduct and decisions.<sup>34</sup> Some examples of topics over which civil service commissions and Cities have been sued include:

---

<sup>31</sup> 260 U.S. 48, 59 (1922).

<sup>32</sup> See generally *Anderson*, 414 N.W.2d 389.

<sup>33</sup> *Id.* at 394.

<sup>34</sup> Andrew Wig, *Minnesota Supreme Court Rules Against Richfield Police Promotion Process*, SUN CURRENT, Jul. 1, 2015, available at [https://www.hometownsource.com/sun\\_current/news/local/minnesota-supreme-court-rules-against-richfield-police-promotion-process/article\\_0acf0694-7368-50b7-bf93-d84b38f90ec7.html](https://www.hometownsource.com/sun_current/news/local/minnesota-supreme-court-rules-against-richfield-police-promotion-process/article_0acf0694-7368-50b7-bf93-d84b38f90ec7.html).

Attached as Exhibit A. See also newspaper articles relating to 1957 Golden Valley Supreme Court case attached hereto as Exhibit B.

- Whether the oral examination process prescribed by a civil service commission was sufficiently competitive and objective.<sup>35</sup>
- Whether a civil service commission's certification of candidates was valid.<sup>36</sup>
- Whether a civil service commission placed the appropriate weight on seniority in the promotion process.<sup>37</sup>
- Whether a civil service commission adequately considered personnel records in the promotion process.<sup>38</sup>
- Whether an appeal of a civil service commission's demotion of a police officer could be assigned to a three judge panel.<sup>39</sup>
- Whether a civil service commission was required to consider the soldiers preference act in grading officers.<sup>40</sup>
- Whether a civil service commission's findings of a police officer's misconduct or inefficiency could be set aside and the facts relevant to the misconduct tried before a jury.<sup>41</sup>
- Whether a particular employee is subject to the commission's jurisdiction.<sup>42</sup>

In addition to potential liability arising out of the actions, decision and procedures of the Commission, the City could face other liability arising from or related to the mere existence of the Commission, including, for example:

- Liability related to the City's decision not to require commissioners to have some subject matter expertise as a prerequisite to serving on the commission. Some cities mitigate this additional risk by requiring commissioners to have a background in human resources, law enforcement, or some other related field. Golden Valley has never imposed such a requirement.

---

<sup>35</sup> *State ex rel. Kos*, 32 N.W.2d 281 (affirming district court's invalidation of the Rochester civil service commission's certification of a candidate for promotion because the oral examination process used did not employ an objective standard or measure).

<sup>36</sup> *Id.*

<sup>37</sup> *Coudron v. Johnson*, 288 N.W.2d 689 (Minn. 1979).

<sup>38</sup> *Peterson v. Richfield Civil Serv. Comm'n*, 864 N.W.2d 340 (Minn. 2015) (holding that the commission violated Minn. Stat. § 419.06 by failing to consider records kept in regular course of civil service administration).

<sup>39</sup> *In re Appeal of Hasty*, 302 N.W.2d 15 (Minn. 1981).

<sup>40</sup> *State ex rel. Jenkins v. Ernest*, 268 N.W. 208 (Minn. 1936).

<sup>41</sup> *State ex rel. McGinnis*, 91 N.W.2d. 154; *Kunze v. Korolchuck*, 349 N.W.2d. 337 (Minn. Ct. App. 1984).

<sup>42</sup> *Sellin v. City of Duluth*, 80 N.W. 2d 67 (Minn. 1956).

- The potential for conflict between civil service commission rules and procedures with police union contracts and other employment contracts, policies and practices of the City.<sup>43</sup>
- Liability for the statements and actions of commissioners as representatives of the City.<sup>44</sup>

As these examples illustrate, the existence of a civil service commission adds a layer of compliance complications to the police department's employment decisions that do not exist for the City's other departments.

One recent example of liability arising from the police civil service commission involves the City of Richfield. In 2013, Richfield was involved in a lawsuit brought by five officers who alleged that the promotional hiring process discriminated against them based on age. The basis for their claims was that the Act requires promotions to be made based in part on an applicant's "records of efficiency, character, conduct and seniority." In the promotional process at issue, the Richfield civil service commission directed applicants not to submit written resumes or supporting documents. Instead, the applicants' histories were discussed in the oral interview. The officers argued that the Commission failed to consider the required records because the term "records" refers to written documents.

The Minnesota Court of Appeals disagreed, holding that verbal discussions were sufficient to meet the records requirements. In 2015, Minnesota Supreme Court heard the case and overturned the Court of Appeals and held that the Commission had violated the statute by failing to consider records "kept in the course of the administration of civil service."<sup>45</sup> The case lasted over two years, taking up significant staff time resources. In June, 2017, after extensive research on the subject, the Richfield City Council voted unanimously to disband its Civil Service Commission.<sup>46</sup> The City of Richfield commissioned a promotional process improvement study to analyze the impact of the Civil Service Commission on the promotional process. The report concluded, among other things, that if the City did not abolish the Civil Service Commission, it could not participate in diversity-focused Officer hiring programs. The report is attached as Exhibit C.

Golden Valley has also been sued over its Civil Service Commission's actions. In *State ex rel. McGinnis v. Police Civil Service Commission*,<sup>47</sup> the Minnesota Supreme Court considered whether the Golden Valley civil service commission had properly affirmed the Village's decision to discharge the Police Chief. The trial court overturned the Commission's decision and the Village appealed to the Supreme Court. The court did not fully resolve the case on

---

<sup>43</sup> Minn. Stat. § 419.02 subd. 1.

<sup>44</sup> See Exhibit C at 11.

<sup>45</sup> *Peterson v. Richfield Civ. Serv. Comm'n.*, 864 N.W.2d 340, 342 (Minn. 2015).

<sup>46</sup> Miguel Otárola, *Richfield Dissolves Police Civil Service Commission*, WEST METRO BRIEFS, July 1, 2017.

<sup>47</sup> 91 N.W.2d 154 (Minn. 1958).

appeal and although the outcome of the case was mostly in the Village's favor, the appeal process persisted for over four years.<sup>48</sup> Participation in such a lawsuit requires an investment of staff and commissioner time, uses the City's legal resources, poses a risk of a financial judgment, and places ultimate control over City hiring and employment decisions with the court.<sup>49</sup>

Many cities rely on staff involvement in Commission activities to mitigate these liability risks. As previously discussed, such delegation is permitted under the Act, as long as the Commission retains discretion to make final certification decisions and formulate the selection process.

### III. Conclusion

The purpose of the civil service commission is to promote fairness and transparency in police department hiring practices. At the core of the Commission's duty is its responsibility for the creation of rules and processes that promote police department efficiency.<sup>50</sup> The delegation of certain Commission responsibilities to the City Manager and staff furthers these goals by ensuring City resources are allocated efficiently, commission rules and procedures are followed and liability risks are mitigated. As long as the Commission retains overall discretion to make final certification decisions and retains discretion to formulate the selection process, delegation of Commission activities is permissible under the Act.

---

<sup>48</sup> *Id.*

<sup>49</sup> *See, e.g., Kunze*, 349 N.W.2d 337 (ordering the police department to pay wages and PERA contributions for the time period between when the police department member was wrongfully terminated and when he was reinstated); *State ex rel. Jenkins v. Ernest*, 268 N.W. 208, 209 (Minn. 1936) (holding that if a former police department member was dismissed "in violation of the civil service laws he will be restored to his former position").

<sup>50</sup> Minn. Stat. § 419.06.

# Exhibit A

[https://www.hometownsource.com/sun\\_current/news/local/minnesota-supreme-court-rules-against-richfield-police-promotion-process/article\\_0acf0694-7368-50b7-bf93-d84b38f90ec7.html](https://www.hometownsource.com/sun_current/news/local/minnesota-supreme-court-rules-against-richfield-police-promotion-process/article_0acf0694-7368-50b7-bf93-d84b38f90ec7.html)

## Minnesota Supreme Court rules against Richfield Police promotion process

By Andrew Wig Jul 1, 2015

The Richfield Police Department's promotional process is under scrutiny following a Minnesota Supreme Court decision.

The court ruled June 10 that a 2013 promotion process involving Officer Greg Peterson did not adequately consider his pertinent records. Peterson initially filed his case with the Minnesota Court of Appeals, claiming the Richfield Civil Service Commission failed to review "records of efficiency, character, conduct and seniority" when he was passed over for a detective promotion in 2013, according to a Minnesota Supreme Court opinion penned by Justice Alan Page.

At issue was whether information disseminated during an oral interview constituted an adequate review of the "records." The posting for the open position in 2013 included the instructions, "Do not submit a resume or supporting documents," the Supreme Court opinion notes.

The Richfield Civil Service Commission, which oversees the promotion and hiring process in the police department, is mandated by law to review those records, said Erik Hansen, Peterson's attorney.

"The commission skipped that piece of it and just did a competitive examination," he asserted in a phone interview.

In light of pending litigation, city officials are remaining mum on specifics regarding the Supreme Court's decision.

"The city will not comment on pending litigation," Chief Jay Henthorne wrote in an email.

The court's decision means other promotions may be invalid as well, Hansen said, venturing, "I have to think that the people that are existing detectives don't properly have the job."

Following Peterson's petition regarding the 2013 promotion process, the Court of Appeals ruled, "nothing in the broad concept of records mandates a writing," according to Page's summary. But Page cites a previous Minnesota Supreme Court opinion – "State ex rel. Kos v. Adamson" – involving the Rochester Police Department.

The court stated at that time, "The records in question are required to be kept in the regular course of the administration of civil service. Information obtained or gathered for the occasion will not suffice. That sort of thing opens the door to personal favoritism and influence, which the law was designed to prevent."

That statement guided the Supreme Court's decision on Peterson and Richfield, Page wrote. The Richfield Civil Service Commission violated the state statute "when it failed to consider records 'kept in the regular course of the administration of civil service.' ... We therefore reverse the court of appeals and remand to the Richfield Police and Fire Civil Service Commission."

The commission addressed the candidate roster in question during its regular June 23 meeting.

"The Court remanded the Peterson matter to the Commission directing that the Commission conduct a review of the candidates' personnel files pertaining to efficiency, character, conduct, and seniority," it says in a written statement from the Richfield City Manager's Office.

The original four-person interview panel that evaluated Peterson and other candidates in 2013 conducted the review, according to the statement.

"Based on the results of the review of the candidates' records, the Commission ratified the promotional list in the same order as the 2013 list," the statement reads.

Peterson, who placed fourth out of five candidates on that list, is no stranger to legal action against the city. He was awarded \$12,000 in a lawsuit in 2013 after he claimed age discrimination in his removal from the department's Special Investigations Unit.

Then, last year, he filed another suit claiming he was the victim of discrimination following that judgment. A judge dismissed Peterson from the lawsuit, along with three other officers who also claimed age discrimination.

The same lawsuit went to trial with a fifth claimant, Officer Jeff Hatzenbeller still attached. After going to trial, the city of Richfield won that suit in March.

Contact Andrew Wig at [andrew.wig@ecm-inc.com](mailto:andrew.wig@ecm-inc.com) or follow him on Twitter

@RISunCurrent.

# Exhibit B

**Yankton College, Yankton  
Grant: \$87,000**

Affiliated with the Congregational Christian church. Faculty of 30; student body of approximately 300 men and women. Endowment about \$1,000,000; earnings on endowment last year, about \$45,000.

Said President Adrian Rondeau:

"Yankton college considers this a very important step in its long-range development program, which has special needs in the field of faculty salaries, as well as for general college expenses and expanding plant needs.

"The college anticipates raising a total of \$2,000,000 over the next four years in connection with its diamond anniversary campaign, and this gift, to be used for increased faculty salaries, is a most important first step in that campaign."

**WISCONSIN**

**Viterbo College, La Crosse**  
Grant: Not disclosed; expected to be about \$125,000, approximate amount of 1954-55 faculty payroll.

Operated by the Franciscan Sisters of Perpetual Adoration, a Roman Catholic order. Faculty of 30; student body of 300 women. No endowment.

Sister Francesca, president of the college, preferred to make no statement until formally notified of the amount of the grant.

Following is a list of other Wisconsin colleges receiving Ford foundation grants, and the amounts of their grants:

Alverno college, Milwaukee, \$204,000.

Beloit college, Beloit, \$298,400.

Humphrey (D., Minn.)  
Humphrey, in a talk for delivery at a South Dakota state Democratic dinner rally at Sioux Falls, said the GOP "wants to take credit for the sunshine, but refuses to take any blame for the rain."

"It is all right, apparently, for them to claim credit for peace and prosperity — but it is all wrong for Democrats to point out flaws in the peace and flaws in the prosperity," he said.

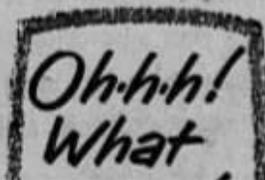
**Reinstated Police  
Chief to Go  
Back to His Job**

Al McGinnis, ousted Golden Valley police chief who was in effect reinstated by a district court decision Monday, said he plans to go back to his job as chief and expects "it will work out all right."

McGinnis was discharged after hearings before the village's police civil service commission in September.

He appealed the discharge and was given a jury trial before Judge Irving R. Brand. The new trial was granted under a provision of the veterans preference law.

The jury delivered a sealed verdict to Brand yesterday morning. The jury found McGinnis was not inefficient and was not guilty of misconduct while police chief.



**SAUTER - FINEGAN ORCHESTRA**  
with **ANDY ROBERTS**  
**ROSEMARY O'REILLY**

**REX REASON · MARTHA HYER**  
with **ALAN REED**

**RKO PAN** HENNINGTON AT 7:15 P.M. 12-2-54  
**CINEMASCOPE** WARNERCOLOR

**NOW OPEN 10:45 A.M. AUDIENCE AWARD WINNER**

**JAMES DEAN**  
as a kid from a 'good' family caught in the undertow of today's juvenile violence!

**EXTRA! The Living Swamp** with DE LUKE

**"REBEL WITHOUT A CAUSE"** with **NATALIE WOOD**

**RKO ORPHEUM**  
STARTS **FRI. DEC. 23**

**SAMUEL GOLDWYN'S**  
Picture of the Year...  
America's Own

**GUYS and DOLLS**

STARRING  
**MARLON BRANDO · JEAN SIMMONS**  
**FRANK SINATRA · VIVIAN BLAINE**

in Color and **CINEMASCOPE**  
Written by the Screen and Directed by **JOSEPH L. MANKIEWICZ**  
DISTRIBUTED BY M-G-M

**SYMPHONY**  
Symphony No. 5

**8:30 p.m.**  
**Friday, December 16th**  
**Northrop Auditorium**  
U. of M.

TICKETS (Tax Extra): \$1.25 to \$4.00  
at the Northrop Auditorium, Des Moines. Ticket Office, Mpls. Field, Schack's, St. Paul.

**WORLD**

Open 6-10  
A Top Comedy That Kicks the Lid Off Earth Comedy!  
**"SPECIAL DELIVERY"**  
with Joseph Cellas  
Features at 7:35 and 9:35

Enjoy Mr. Fixit every day in the Morning Tribune.

**Rialto**  
LIVE IN CHICAGO

**Lorine**  
NICOLET # 104

ADULTS 50¢

Star and Tribune Want Ads produce real results—fast. Phone FE. 3-3111

**AVALON THEATRE**  
FINE Arts  
LACE ST. & BLOOMINGTON TELEPHONE PA. 6-1222

The First Magnificent Fine Arts Motion Picture in **CINEMASCOPE** and **COLOR**

**RICHARD BURTON**  
**"PRINCE OF PLAYERS"**  
FREE REFRESHMENTS ALWAYS

**FRANKLIN** Franklin & 10th Ave. E. 1 Action Comedy Hit "THERE NO ANGELS" Plus "REDEAD FROM WYOMING"

**CHATEAU** 4th Avenue S. and Franklin Jane ALLYSON - Alan LAIRD "McCONNELL STORY" Color Cartoons

**BOULEVARD** RE. 7471—53RD AND LYNDALE AVE. SO.  
**ROBERT MITCHUM - JAN STERLING**  
**"MAN WITH A GUN"**

PARK FREE \* WE 6-9011 PARK FREE \* SO 6-7300

**HOPKINS RICHFIELD**  
West of Main, on Exchange Ave. 40th and Nicollet Ave.

ACTION AS YOU LIKE IT! **ROBERT MITCHUM** IN  
**"Man With the Gun"**

PLAN A FAMILY NIGHT OUT AT YOUR

**EDINA** WA 6 1521  
LAST TIMES TONIGHT JOEL McCREA

**Westgate** ACADEMY ARTS  
44th & FRANCE WA 2-4444

**THE M ROBERT**  
**MAN**  
STARTS TOMORROW

**WICH**  
★ WALT DISNEY ★ DONALD DUCK C

**R I**  
His Gun Was and He Was ROBERT MI  
**"MAN WITH**

**ST. LOU PAR**  
1212 W. LA  
M-G-M'S DR

# George Grim Won't Rely on Stassen's Aid

By FRANK WRIGHT  
Minneapolis Tribune  
Staff Writer

BISMARCK, N. D.—Ancher Neisen, candidate for the Republican nomination for governor of Minnesota, Monday said he is not depending on campaign aid from Harold Stassen.

"I intend to carry my campaign myself," said Neisen, who resigned as head of the rural electrification administration (REA) to make the race.

**HE ADDED** that he has not talked to Stassen, former Minnesota governor who now is President Eisenhower's disarmament adviser, about the part Stassen will play in the campaign.

Neisen, only announced candidate for the GOP nomination, is one of several men Stassen has said would make a good Minnesota governor.

Neisen discussed his candidacy during a press conference after making the keynote speech at the Republican state convention here.

**HE SAID** in his speech that the people of the United States are "tired of demagogues who cultivate partisan political conflicts for their own benefit."

The people desire government officials who will utilize statesmen in both the Republican and Democratic parties and make a common-sense approach to problems of the states and the nation, Neisen



# Bloodiest Week-end Claims 11 in Traffic --Holiday Yet to Come

With the bloodiest week-end of the year just past and the Memorial day holiday still ahead, it looked Monday as if Minnesota will equal or pass its all-time record for May traffic fatalities.

Eleven persons were killed on the state's highways during the week-end, one more than on the previous "worst week-end" of the year, May 12 and 13.

A twelfth person died Monday of injuries received May 18, bringing the month's toll to 50, just six short of May 1954, the worst on record.

**THE DEATHS** brought the year's toll to 163, compared with 195 at the same time last year.

Latest deaths reported were:

George Jacobson, 79, Lake Park, Minn. He died in a Detroit Lakes hospital yesterday of injuries received May 18 when he was struck by a car as he pushed a wheelbarrow down the road.

Marie Rooney, 16, St. Cloud, first fatality of 1956 within St. Cloud's city limits. She was killed Sunday night in a two-car collision caused when the driver of the car in which she was riding, Elmer Lauer, rural St. Cloud, skidded into another car driven by Virgil Klein, St. Cloud.

**FOUR OTHER** persons were injured in the crash. Lauer was tagged for reckless driving.

## Judge Orders Police Chief Be Reinstated

Al McGinnis, ousted Golden Valley police chief, was ordered reinstated in his job Monday by Judge Irving R. Brand of Hennepin county district court.

Si Weisman, McGinnis' attorney, said Brand's decision was of importance throughout the state, because constitutionality of part of the veterans preference law had been in question.

McGinnis was discharged by the village's civil service commission last December.

## STARTS MONDAY: What Will Your Life Work Be?

## Treasury Chief Reportedly to Quit in Month

Special From the New York Times  
WASHINGTON — Treasury Secretary Humphrey plans to leave his government post, probably within a month, it was authoritatively reported Friday.

Humphrey will return to private business. There was every indication he would be named chairman of the board of National Steel Co., a firm he helped form in the late 1920s. He would replace Ernest Weir, 81, who resigned this week.

Speculation on Humphrey's successor centered on Robert B. Anderson, former deputy secretary of defense, now president of Ventures, Ltd., a Canadian firm which has extensive mineral operations.

There also were reports the new secretary might be Lewis W. Douglas, former ambassador to Britain, however, there was no solid information that President Eisenhower actually had made his choice of a successor for Humphrey.

Humphrey said yesterday, "When the time comes for my resignation, it will be presented to President Eisenhower. It is well known that I have been in the cabinet much longer than I originally planned. But as long as I am secretary of the treasury I will have no other interest."

It was learned authoritatively that Humphrey's departure will be timed according to the requirements of his new job, not by events with-



RUSSIA'S SOBOLEV, RIGHT, TALKED PRIVATELY WITH EGYPT'S LOUFI  
The two diplomats conferred just before the United Nations security council meeting

## JORDAN: Lodge Says U.S. Fleet Has Its 'Rights'

Continued from Page One

against possible Communist aggression.

Scarcely had the Soviet representative finished when representatives of the west and one Arab state took issue with him.

Henry Cabot Lodge of the United States told Sobolev that nothing in the Eisenhower Middle East doctrine need trouble any nation which did not "harbor dreams of

international Communism and its agents in Jordan."

And, so far as the Baghdad agreement was concerned, he told Sobolev, "real peaceful coexistence in the world" would be promoted, should all other international bargains be as forthright.

Despite Sobolev's hint that the council should take action on Jordan there was no indication that immediate backing would be forthcoming.

all right as it stood.

After a full day of debate the council president, Sir Pierson Dixon of Britain, summed up "the general feeling that the Egyptian declaration had referred to further negotiations, possibly under U.N. auspices, but no formal proposal was made.

He said a few days would be needed for further study of the Egyptian memorandum and for consultation on it with canal user governments not represented on the council.

## Judge Refuses to Order Trial of Police Chief

The village of Golden Valley's attempts to prevent reinstatement of Al McGinnis as village police chief were rejected for the second time Friday by District Judge Irving R. Brand.

Brand denied a village motion that McGinnis be tried again on charges of inefficiency and misconduct in office. A jury earlier had ruled these charges were not proven.

THE VILLAGE has indicated it will appeal the new Brand decision to the state supreme court.

An earlier request to throw out the jury decision on grounds the court was infringing on an administrative right—the right of a police civil service commission to hear evidence and pass upon charges—also had been denied by Brand.

Such a commission had decided after a hearing McGinnis was guilty of the charges and had ordered his removal. McGinnis demanded the jury trial under provisions of the state veterans preference law.

IT IS the constitutionality of this law, which, in effect, has been challenged twice by the village and Brand has rejected the village position each time.

While appeals are in progress McGinnis is working at odd jobs and the village has an acting police chief.

## CONFEREES: House Balks at Reorganization Plan

Continued from Page One  
midway between the two original bills.

The versions adopted earlier by the two houses were one and a half million dollars apart. The house bill was the larger, at \$59,542,811, and the senate's was \$58,023,262.

Funds for 1957-59 operation of state administrative departments are involved in the big bill.

NOT UNTIL all four totals are in — plus such other big money items as claims, a Korean bonus and public employee retirement — will the tax conferees settle down to real work.

The house, which has accomplished most of the work before it, met twice only briefly to clear work sent over from the senate.

The latter body hacked away through morning and afternoon sessions at a sizable package of bills. The senate quit for the day at 5:15 p.m.

The house, upon motion of Rep. D. D. Wozniak, St. Paul, refused to concur in senate amendments to house file 984, Gov. Freeman's bill to reorganize state government agencies.

Wozniak, who is opposed personally to passage of a railroad and warehouse commission reform bill which was tacked onto house file 984 by the senate, termed the altered bill "totally unacceptable."

Rep. George French, Min-

neapolis—asked Wozniak if he thought there was any hope of reaching agreement on the bill, or would it be better to postpone it indefinitely at once?  
Wozniak said he thought the differences were no more insurmountable than those of the two tax bills.  
Named to represent the house on a reorganization bill conference committee were Wozniak, Karl Grittner and Joe Karth, all of St. Paul, Lawrence Yetka, Cloquet, and Reuben Nelson, Breckenridge.  
Wozniak said all five—all

NORGE automatic WASHERS  
from only \$148.88  
**Cardozos**  
518 St. at 1st Ave. No.

SAVE MORE  
AT YOUR  
**FAIRWAY FOODS**  
STORE

PAID ADV. - For Jeff M. Couch, Minneapolis. Printed, inserted and sold for at special advertising rates by Couch for City Treasurer Committee, Marckell E. Anway, 45 So. 7th St., Minn., Chairman.



# JEFF M. COUCH

for  
**CITY TREASURER**

(18 years in the court house)

- 36 years a resident of Minneapolis
- 18 years in the same position
- Member in good standing of:
  - ★ AF&AM 224
  - ★ OES #16
  - ★ VFW
  - ★ Minneapolis Consistory
  - ★ American Legion
  - ★ Loyal Order of Moose
- Endorsed by many local district and municipal judges and lawyers

city council, some neighbors, are providing the labor to put the 12-member George Kennedy family back under one roof. The old Kennedy home at 4721 University avenue NE, was burned out in January, and the children have been split up among a half dozen neighbors since. The modern four-bedroom home is going up next door on what was once the family garden plot. Kennedy, a laborer, had the old home paid

fire, has made the re-housing project a communitywide effort. The home is being rushed to completion for occupancy later this month. At right, electricians Ben Morse (top), 2957 Florida avenue N., Crystal, and Lewis Rausch, 209 Clifton avenue, IBEW local 292, are doing a wiring. Kennedy family from being burned out in job they think will help protect the again.



HENRY J. LUND  
"Times have changed"

## VALUES GROW

# Civic Club Helps Midway Win Industry

By JOHN NYBERG  
Minneapolis Star Staff Writer

For east is east and west is west . . .

But the twin—in this case Minneapolis and St. Paul—meets in Midway.

Spearheading the "moving together" is the Midway Civic club and its broad-shouldered, silver-thatched major-domo, Henry J. Lund.

"We were a 'no man's land' at one time," says Lund of the Midway area. "We lacked adequate transportation and communications. Civic improvements passed us by."

Times have changed, however. Drive along University avenue and adjacent thoroughfares and check the number of tracts available for business development. Not many left. "We're running out of land," says Lund.

Embracing most of the 11th and 12th wards of St. Paul, Midway has had, in the last 10 years, more than 60 per cent of the city's major building permits.

Another comparison: Taxes levied in St. Paul's loop wards and Midway wards were about equal in 1930—\$3,800,000 for each area. A decade later, tax levies in the loop dropped to \$2,646,467 while in the Midway they were \$3,604,818. In 1954, loop tax levies were \$3,573,096; in the Midway, \$7,420,424.

(Boundaries of Midway are

Lexington avenue on the east, Minneapolis-St. Paul city limits on the west and the city's boundaries on the north and south.)

An important factor in Midway's growth has been the truck transport industry. Back in 1933 the Midway club (as it was then known) initiated a program to attract the trucking industry to the area. Today the Midway is the third largest truck terminal in the world.

Efforts to put Midway on the map had their genesis with Mike Waldorf, C. M. Griggs and Herbert H. Bigelow, who established major businesses in the area. In 1919 the Midway club was born.

"We're a chamber of commerce in every sense of the word," says Lund. "Our ob-



ject, to cross highway one (Osseo road) at Sixty-sixth-and-a-half avenue N.

That's a block and a half north of the original highway department proposal, but about a mile south of one village proposal for a swing through relatively undeveloped flatlands along Palmer lake's south shore.

Mayor William Super has in the past said he thought the highway department route at Sixty-fifth avenue N. would "bisect our village like East and West Berlin."

A report from the village planning consultants, Thorshov & Cerny, Minneapolis, working with Carl Gardner & Associates, Chicago, said the mid-suburb freeway crossing would chop up the village socially, commercially and educationally.

## Deaths of Couple in Plane Probed

ISLAND LAKE, Ill. — (UPI) — Authorities today investigated a plane crash in a cornfield that killed a Minnesota dentist and his wife.

Killed in the crash of their private plane Wednesday were Dr. Kenneth H. Hall 44, White Bear Lake, Minn., and his wife, Ruth, 40. The crash occurred as they were returning to Minnesota from Chicago.

ELECTED Richard C. Reed, Jr., village treasurer over Anderson's choice of Homer Bonhiver, a certified public accountant.

## PLYMOUTH

Reed, a bookkeeper for a trucking concern, was named to succeed Philip Little, 3rd, who resigned effective Feb. 18. Under Plymouth's plan A form of government, the treasurer's office is appointive. It carries a salary allowance of \$50 a month. Vote was 4 to 1 for Reed.



The mayor's procedural rules were criticized by Philip Eckes, who questioned the need for strapping the council with formal regulations. Eckes' motion to table the list was seconded by Carl Theis.

In other action, the council instructed seven property owners to correct defective sanitary systems. The seven agreed to make improvements.

Mayor Anderson said today efforts will be made to clean up all neglected cesspools and drain fields in the village.

Mayor John Printon told Alm "the council hesitates to issue a liquor license to a vacant piece of property."

Councilman Bert Bronstad added that he'd like to see some progress on building before okaying a license. Bronstad also suggested school officials be contacted for their opinion on an off-sale liquor license.

Several councilmen agreed with Alm that a drugstore probably would have good control of liquor sales and certainly would be wary of selling liquor to juveniles when located so close to a school.

Bronstad suggested that perhaps Alm would want to save the license for "a fine restaurant. That's something we could use in that location."

Alm replied he has tentative plans for "a restaurant or drive-in."

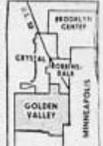
"But I'm not going to give you a lot of big talk before I get going," he said candidly. "Many developers come before councils and spread elaborate plans and pictures and then never produce. I'm not going to promise I'll have the whole thing built in a year when maybe I won't."

The council, expressing appreciation for his frankness,

## High Court Gets Case of Ousted Chief

Al McGinnis, suspended Golden Valley police chief, will be watching Minnesota supreme court decisions with more than the general citizen's interest for a while. He has his old job, and more than \$12,270 possible back pay, at stake.

## GOLDEN VALLEY



The high court had the long-contended case under advisement today, following oral arguments Wednesday by village Attorney Stanley D. Kane and McGinnis' attorney, St. Weisman.

Assisting in the village case, seeking to prove the Golden Valley police civil service commission had the power to remove McGinnis on grounds of inefficiency and misconduct, was Prof. Kenneth C. Davis of University of Minnesota law school.

The case involves at least an implied test of constitutionality of phases of Minnesota's veterans preference law. The village also claims that appeal provisions delegate executive powers of the municipality to the judiciary.

McGinnis, now near 60, was ruled innocent, by a Hennepin county district court jury, of the village civil service charges of inefficiency and misconduct.

McGinnis was getting \$409 a month as chief at time of his suspension Aug. 1, 1955. That pay, through January this year, would total \$12,270, and there have been Golden Valley salary adjustments since.

Young GOP Plans

## AND IT'S STILL A BRANCH LIBRARY

# Roseville Will Leaf Elm Be

By GENE NEWHALL  
Minneapolis Star Staff Writer

A tree still grows in Roseville, despite the zeal of a Ramsey county library official to cut it down.

## ROSEVILLE

Roseville village council had what might be called "one elm of an arguement" about arboreal protocol. It



dispatched Village Engineer Charles Soutter to survey the situation and come back with a recommendation as to cost and practicability of removing the tree.

Soutter brought to the council this week a delicate problem of intergovernmental diplomacy: (1) the tree, demonstrably an elm, failed to answer Williams' discription; and (2) it could be removed, as an engineering feat, but . . .

Here Soutter's stern policy of keeping his personal feelings out of technical deci-

standing," said Councilman Warren J. Brennan.

Councilman Harry Carlson, who lives down county road B a few blocks east of the library, said if the elm had to be removed so folks could see the library sign, he wanted the tree transplanted to his yard to shade his rambler.

Mayor Emil F. Cedarholm—who, incidentally, insists that everybody call him "Cedar"—observed, "It takes 75 years to grow a tree like that."

## Training Course to Start in April

In-service training for suburban city and village staffs should be ready to start on a day-a-week basis in April, the municipal managers association was told.

Lewis Taylor, fellow in public administration at University of Minnesota, described preparations for an eight-week course to give municipal employees a broad grounding in administration, budgeting, public relations, planning, organization and personnel work.

Village managers planning the course with him are Warren Hyde, Edina; Arthur Lee, Brooklyn Center, and Frank Lawler, Bloomington.

## Benilde High in Park Plans \$300,000 Addition

Benilde Catholic high students, bringing capacity

workers who have exhausted those benefits, and a program to accelerate conservation projects in areas of high unemployment.

Expected to be a major campaign issue is the measure providing 13 additional weeks of unemployment compensation eligibility for the jobless.

Freeman had asked for that, to bring the state law into conformance with new federal legislation. He asked more, however — an additional six weeks and supplemental benefits keeping the payments at the same level after the first eligibility period has expired for an unemployed worker.

This the conservative-controlled senate refused to do, to the chagrin of the liberals.

Freeman, in his face-to-face farewell to the senators shortly before adjournment, merely said he would "be less than honest" if he did not express "some disappointment that certain legislation had not been enacted."

Undoubtedly he will rip into the senate's stand with vigor when the campaign gets going.

But the senators may use the same bill against Freeman. The governor, in his message opening the special session, said that none of his proposals would cost taxpayers money.

Sen. Elmer L. Andersen, St. Paul, challenged this in the senate finance committee, pointing out Minnesota employers eventually will pay larger unemployment insurance taxes to repay the federal government's advance of \$8,200,000 which makes

SESSION  
Turn to Page 4A

## Roberta Linn's Condition Worse

HOLLYWOOD, Calif.—(AP)—Three more diagnosticians have been called in by physicians fighting to save the life of singer Roberta Linn.

She is in critical condition at Cedars of Lebanon hospital. Six doctors already are working on her case.

Her illness began as bronchial pneumonia, then spread as a general infection. Doctors said antibiotics have not seemed to halt the infection, which is seriously affecting her respiratory tract. She is in an oxygen tent.

Miss Linn, 27, was band leader Lawrence Welk's first TV Champagne Lady. Her real name is Roberta Duhin.



Miss Linn

# Shiny, New Tractor

By WILLIAM MacKAYE  
Minneapolis Star Staff Writer

A spanking new, bright yellow heavy duty tractor was presented today to Mohammed Reza Pahlevi, the shah of Iran, by J. Russell Duncan, president of Minneapolis Moline Co.

The shah said he knew how to drive a tractor, although he admitted with a smile that his plowed furrows were none too straight.

After accepting the tractor, the shah together with the mayor of Hopkins and officials of Minneapolis-Moline took a quick tour of the company's Hopkins plant.

He knowingly inspected complex agricultural machinery and closely questioned numerous plant workmen on the operation of various machines.

The shah wore dark glasses, but frequently removed them to inspect the machines more closely.

The entourage went next to tour the Cream of Wheat plant and the St. Paul campus of the University of Minnesota.

Shortly before noon the party arrived at the state capitol.

The shah was greeted in his car by Gov. and Mrs. Freeman and Lt. Gov. and Mrs. Rolvaag. The Iranian monarch then reviewed the honor guard formation of the state national guard.

At the entrance to the governor's reception room the shah was introduced to Herbert P. Buetow, president of Minnesota Mining & Manufacturing Co., who presented him with a gold-colored Thermo-fax copying machine, with an on-off button inscribed in Persian.

After introductions to other state constitutional officers and officers of the state senate and house, Gov. Freeman gave the shah a shelf of Minnesota books.

Following his visit to the capitol, the royal party went on to the University of Minnesota, where the shah attended afternoon sessions of the Iranian Students association convention and addressed the students.

The shah was greeted at Wold Chamberlain field Thursday afternoon by Gov. Freeman and the mayors of Minneapolis and St. Paul.

SHAH  
Turn to Page 4A

## Dow-Jones Averages

NEW YORK—(Special)—The noon Dow-Jones stock averages Friday:

	Noon	Chg.
30 Indust. ..	476.06	+2.05
20 RR's. ....	119.10	+ .35
15 Utils. ....	77.79	+ .10
65 Stocks ..	164.42	+ .56
Sales, 1,200,000 shares.		

## WHAT IS SO RARE AS A FAIR DAY IN JUNE?

The Minneapolis weather forecast says "fair and warmer" today for the first time this month—and for a good part of May as well.

Of course, there's a "mostly" tied to the pleasant words "fair and warmer tonight and Saturday."

Don't plan on getting used to such words. The five-day forecast shows rain developing over the week-end.

## Police Chief Firing Sent Back Home

By Associated Press

The case of Al McGinnis, discharged as chief of police of the village of Golden Valley, was sent back today by the Minnesota supreme court for further review by the Hennepin county district court.

The high tribunal granted an appeal of the Golden Valley civil service commission

after District Judge Irving R. Brand set aside its order firing McGinnis on charges of inefficiency and misconduct as chief.

Chief Justice Roger L. Dell said today in the unanimous decision that a court may not substitute its judgment for that of the civil service commission.

"It is clear," Dell said, "that traditionally the removal of a municipal employe has been a discretionary matter with the municipality."

"The power to appoint officers or employes of a municipal corporation carries with it the power of removal of such employes at the municipality's pleasure, unless that power of removal is restricted by statutory law."

"Thus, historically the courts have not been charged with the duty of deciding whether to retain or discharge public employes."

McGinnis, 57, was suspended Aug. 10, 1955, on various charges of inefficiency and misconduct. Hearings were held subsequently before the Golden Valley police civil service commission, which made findings and discharged him.

On appeal, the district court refused to consider the transcript of the proceedings before the civil service commission and ordered a new hearing.

At the conclusion of the trial, the judge put these two questions to the jury:

Was McGinnis guilty of inefficiency as chief?

Was McGinnis guilty of misconduct?

The jury was instructed by the trial judge that a finding of either inefficiency or misconduct is grounds for removal from office. The jury answered "no" to both questions. The court then reversed the commission and the commission appealed to the supreme court.



McGinnis

Gen. Donald W. Saunders of Athens, N. Y., airborne commander in charge of the operation.

The ill-fated plane was the third of the four-plane flight to take off. The first two got off on schedule and headed directly for London.

The fourth plane was on the runway ready to take off at the time of the crash. That flight was canceled.

Some five hours after the crash and with the first light of dawn, rescue workers found 14 bodies scattered over a wide area. The 15th body was jammed in the wreckage.

Parts of the flaming wreckage set fires to trees and brush hundreds of yards away.

The crashing plane gouged out two holes in the cross-state Massachusetts turnpike and knocked out electric power over a wide section when it struck high tension wires. A four to five mile stretch of the highway was closed until a crew of army men cleared away debris.

A big area of the countryside also was barred to outsiders while the search was on for the scattered bodies and pieces of the wreckage.

Kazimierz Machowski, 45, on whose property the plane crashed, said:

"I heard the plane taking off as I was lying in bed. In a very little while, I heard a terrific explosion. I ran outside and it was brighter than daylight from the burning plane. The heat from the wreckage was so terrific it wasn't possible to get near it."

Patrolman Richard Haslam, 34, of Chicopee, was one of the first on the scene.

"I radioed headquarters," he said, "that there was no need for any ambulances. No body on board had a chance."

"The plane," he said, "hit the ground just beyond the east lane of the turnpike, skidded across the roadway and burst into flames on the other side."

The civilians killed in the crash were:

Daniel J. Coughlin, 31, of Boston, associated Press newsmen.

Norman Montellier, 37, of

CRASH  
Turn to Page 4A

## 1949 Crash Took Lives of 13 U.S. Correspondents

NEW YORK—(AP)—The largest aviation death toll in the history of the newspaper profession occurred at Bombay, India, on July 7, 1949, when 13 American correspondents were killed in the crash of a KLM airliner.

The journalists, 12 men and one woman, had been on a tour of Indonesia sponsored by the Dutch government.

The 13 included two Pulitzer prize winners, H. R. "Red" Knickerbocker and S. Burton Heath of Newspaper Enterprise Associates (NEA), and foreign editor Charles Grotke of the Christian Science Monitor.



CONTROL SPLIT IN LEBANON—S approximately parts of Lebanon controlled. Their strength is in two major areas: northern Bekka valley, the Hermel, and the Halba area northeast of Beirut. Forces hold the coastal roads and Kesrouan and Metn areas in central Lebanon.

## A COMMON STRATEGY Lebanon's Who's Boss

By WILTON WY

BEIRUT, Lebanon—(AP)—You have heard where in Lebanon these days.

Many areas of the country's 4,000 square miles are held by rebel bands who have fought for nearly seven weeks.

When you enter those sections, the name of the local leader on the ground is your only friend. Otherwise you run a good risk of being

Lebanese army units recently evacuated Halba, in the extreme north. This left all north Lebanon, from Tripoli on, in rebel hands.

Most of north Lebanon is wild, mountainous country ideal for guerrillas. Fast-moving mountaineers firing small arms are more effective than modern armies with tanks, planes and heavy artillery.

The mountains overlap into Syria, and the rebel guerrillas easily move back and forth across the frontier to elude pursuers or to get supplies and reinforcements.

In the areas nearest the port of Tripoli, the insurgent bands are loyal to Rashid Karami, former prime minister who now is a leader of the rebellion against President Camille Chamoun.

To the east, in the Hermel region, rebels follow Druze chief Shibli Aryan.

In the fertile Bekaa valley of eastern Lebanon, the northern region is held mainly by bands under Sabri Hamadeh, former speaker of parliament.

Hamadeh's domain extends as far south as Baalbek, site of a famed Greco-Roman temple. Baalbek itself has changed hands several times, but last reports had it in rebel hands.

Farther south, in the mountains, is the region held by one of the most powerful rebel leaders, Socialist Kamal Jumblatt, a Druze and former minister of finance.

Jumblatt's territory begins just south of the main Beirut-Damascus highway and extends southward 25 miles to Jezzine. East and west, it stretches from just east of

## RIGHT HAND KNOWETH NOT

ST. JOSEPH, Mo.—(AP)—City workmen painted new traffic lines on a St. Joseph street the other day.

Next day, another city crew covered them with a new coating of asphalt.



Minneapolis Star photos by William Seaman

FRONT END OF PLANK IMPALED JAMES PETERS, DRIVER OF THIS CAR, IN 6 A.M. ACCIDENT  
Two boards went through automobile, and out rear window

Tells  
Strike  
Wilson

D SCHAEFER  
Star Staff Writer  
LEA, Minn. —  
ed Packinghouse  
America, today  
tation of its side  
in a five-week  
t Wilson & Co.  
all, Minneapolis  
esenting local 6,  
calling what ap-  
be a long list of  
is and members  
ns they have en-  
legal activities  
npany,

union's presen-  
to take shape  
sination of com-  
es.

being heard by  
e John Cahill,  
ge of the 14th  
ct, has such un-  
as a union sug-  
Cahill contact  
the federal  
conciliation  
service to  
learn, as an  
impartial offi-  
cial, whether  
the Wilson  
company had  
refused to at-  
tend negotia-  
tions session.  
Cahill took  
under advise-

on company.

Car Strikes Garage, Jamming  
12-inch Splinter in Man's Head



PETERS CAR STRUCK CORNER OF THIS GARAGE  
Building was being moved along NE. 2nd St.

negotiations drop "all de-  
mands which seek to usurp  
management prerogatives."

Union attorneys smile at  
"such broad terms."

C. E. Cairns, Albert Lea  
general manager for Wilson,  
was expected to take the  
stand for the company today.

Driver Killed  
When Car  
Leaves Road

George R. Tucker, 36, 508

A 33-year-old Minneapolis  
man suffered critical head in-  
juries today when his car  
collided with the corner of a  
garage being moved along NE.  
2nd St.

Two large planks were  
jammed through the wind-  
shield and out the rear win-  
dow of the car.

The driver, James Peters,  
166 NE. 14th Av., was rushed  
to General hospital for sur-  
gery to remove a large  
splinter imbedded in his head.

Hospital attendants said  
the splinter measured more  
than 12 inches in length and  
over an inch in diameter. It  
entered his head through the  
left eye.

Police said Peters, south-  
bound on 2nd St., about 6  
a.m., apparently ignored the  
warnings of flagmen posted  
to the sides and in front of  
the 16-by-32-foot garage  
which was moving slowly be-  
tween 12th and 13th Avs.

Two 2-by-8-inch planks at-  
tached to the side of the ga-  
rage punched through the  
windshield. They were car-  
ried with the car as it veered  
out of control, halting after  
smashing over a low block  
wall and an iron rail in front  
of the Norman Tovsen home,  
1211 NE. 2nd St.

Charles Petersen, driver of

Suburban  
Policeman  
Gets Title  
Officially

Golden Valley's police  
chief, Everett Frandsen, has  
prefaced his title with the  
word "acting" for the past  
four years and four months.

He dropped it this week.

The reason for Frandsen's  
lengthy tenure as an acting  
chief was the unresolved  
court test of the dismissal of  
Frandsen's predecessor,  
Al McGinnis.

GOLDEN VALLEY

McGinnis was suspended  
by the Golden Valley  
civil service commission  
in August 1955. After  
hearings in which charges of misconduct  
and inefficiency were consid-  
ered, McGinnis was dis-  
charged.



The ousted chief then ap-  
pealed to the Hennepin county  
district court, which on  
May 28, 1956, ordered McGin-  
nis reinstated.

The village appealed the  
district court order to the  
state supreme court.

On June 27, 1958, the high  
court held a court could not  
substitute its judgment for  
that of a civil service com-  
mission.

The case was returned to  
district court for further  
study. It has remained there  
since.

In August the suburb's  
council decided Frandsen's  
"acting" status could be en-  
ded and authorized the civil  
service commission to con-  
duct examinations for the  
job.

The commission Tuesday  
night presented its list of  
three certified candidates.  
Frandsen, one of three men  
certified, was officially ap-  
pointed.

Frandsen, 44, supervises a  
force of nine men. He has  
been a member of the Golden  
Valley force for 18 years.

Police Hold Man  
in Accidental  
Shooting Case

A north Minneapolis man  
was held by police for ques-  
tioning today in connection  
with the shooting Wednesday  
of a woman who claimed to  
be his girl friend.

Noble Ofield, 24, 629 N.  
Girard Av., is held without  
charge. In general hospital  
with a bullet wound in the  
right chest is Mrs. Betty Lou  
Jones, 23, 1222 S. 6th St.

# Exhibit C

---

---

**CITY OF RICHFIELD  
POLICE DEPARTMENT**

**Promotional Process Improvement and  
Diverse Recruitment Study & Recommendations**

---

**I. Scope & Objective of RPD Promotional Process Improvement & Diverse Recruitment Study and Summary of Key Recommendations**

**A. Scope and Objective:** In March 2017, the City of Richfield commissioned a promotional process improvement study to review and analyze the City of Richfield Police Department's ("RPD") current promotional process. The study was conducted by undersigned Attorney & Consultant Michelle Soldo of Soldo Consulting, P.C. The purpose of the study was to thoroughly examine the RPD's promotional process and identify strategic process improvement changes to resolve known and potential process weaknesses that have been successfully challenged and identify ways for the RPD to engage in diverse recruitment efforts.

**B. Summary of Key Recommendations:** The following promotional process improvement and diversity recruitment recommendations are discussed further in Section IV of this report:

1. **Recommendation # 1:** It is recommended that the City Council abolish the Richfield Police Civil Service Commission either by referendum or unanimous vote of the City Council pursuant to Minn. Stat. § 419.16, Abolition of Commission.
  - a. The function served by Civil Service Commissions generally, and the Richfield Civil Service Commission specifically, has diminished and is largely carried out by City subject matter experts.
  - b. The Commission limits the RPD's efforts to recruit of a diverse workforce. If the Commission is not abolished, the City cannot participate in diversity-focused Officer hiring programs. The City currently has in place, an RPD Police Multicultural Advisory Committee ("PMAC") that fosters community involvement. PMAC members represent diverse cultural, ethnic, professional, educational, etc. backgrounds. The PMAC advises the RPD on how to better serve, communicate with, and understand the community. The PMAC meets monthly with Police personnel to discuss topics that are important to their communities.
  - c. Successful implementation of strategic process improvement recommendations identified during this study will require the overhaul of Commission Rules and Regulations and key changes with respect to appointment and training of current and future Commission members.

- 
2. **Recommendation #2:** It is recommended that the City contract with a professional consulting firm to manage the RPD promotional hiring process from start to finish or implement the recommended changes to the current process identified during this study.

See Report: Section IV – Discussion of Key Process Improvement Recommendations.

## II. Background: City of Richfield Police Department's Promotional Process

- A. For more than 70 years, the RPD's promotional process has been governed by a Police Civil Service Commission ("Commission") and Commission Rules and Regulations promulgated by the Richfield City Council. A 2016 League of Minnesota Cities study identified only 22 of 880 Minnesota cities that continue to utilize a Civil Service Commission form of governance for Police, Fire, EMS and/ or all City employees. Of that number, the City of Richfield is one of only 17 Cities utilizing a Police Civil Service Commission. See Exhibit 2: Richfield Police & Fire Civil Service Commission Rules and Regulations, Public Safety/Police Division (Revised March 2016). See also Exhibit 6: Synopsis of League of Minnesota Cities 2015 Poll Regarding Minnesota Civil Services Commissions.
- B. The City of Richfield's Police Civil Service Commission ("Commission") was created pursuant to Minnesota Statutes Chapter 419. See Exhibit 1: Minnesota Statutes Chapter 419 – Police Civil Service Commissions. By statute, the Commission has "absolute control and supervision over the employment, promotion, discharge, and suspension of all officers and employees of the police department" as defined by Commission Rules and Regulations. The Commission "may not prescribe any residency requirements for the positions under its control unless approved by the city council." See Exhibit 1 at § 419.05 ("Duties of Commission").
- C. Pursuant to Minn. Stat. § 419.02, the Commission is a three-person governing body appointed by the City Council who are citizens of the State, residents of the City, appointed for one- to three-year terms and hold their office until their successors are appointed and qualified. Neither Minn. Stat. §419 nor the Commission Rules and Regulations require that Commission members ("Commissioners") have any relevant human resources, labor relations or other experience required to carry out Commission duties, i.e. "the recruitment, examination, selection, hiring, promotion, suspension, demotion and discharge of employees covered by the Rules." See Exhibit 2: Richfield Police & Fire Civil Service Commission Rules and Regulations, Public Safety/Police Division (Revised March 2016) at Section II: Scope (p.2).
- D. Historically and currently, the Commission performs two primary duties: 1) The Commission approves the promotional hiring process recommended by the RPD's hiring authority – the Public Safety Director/Police Chief; and 2) The Commission certifies the promotional eligibility list following completion of the promotional testing and interview process. The Commission is also responsible for hearing termination appeals, a task the Commission has not performed since the 1990's due to union

---

contract grievance procedures providing for the arbitration of termination matters. Beyond approving the promotional process and certifying the resulting promotion eligibility list, other Commission duties identified in Commission Rules and Regulations (recruitment, examination, selection, hiring, suspension and demotion) can be and have been delegated by the Commission to other City personnel.

- E. In and prior to 2012, RPD successfully implemented a four-phase hiring and promotional processes. In 2012, for the reasons discussed further below, the RPD changed the four-phase promotional process to a two-phase process. The new process was used for a Sergeant promotional process in 2012, and a Detective promotional process in 2013. In 2014, three Detective candidates filed a lawsuit against the City alleging age discrimination in the promotional hiring process. That litigation led to preliminary changes in RPD's promotional hiring processes for Sergeant and Lieutenant positions filled in 2014, 2015 and 2016. See Report: Section III – Discussion of the RPD's Promotional Process.

### III. Discussion of the RPD's Promotional Process

- A. Prior to 2010, the RPD used promotional-eligibility exams developed by Personnel Decisions International ("PDI"), an independent professional consultancy firm. The Sergeant exam, which was the subject of an internal investigation, was comprised of four phases:
1. Phase 1: Written background and experience statement scored by PDI and comprising 20 to 25 percent of an applicant's total score;
  2. Phase 2: Written test scored by PDI and comprising 20 to 25 percent of an applicant's total score;
  3. Phase 3: Oral interview (comprising 25 to 30 percent of the total score) with a three-person interview panel that included one RPD command staff member and two command staff members from other police departments; and
  4. Phase 4: "Promotability" index (comprising 25 percent of an applicant's total score), which ranked candidates using metrics such as integrity, professionalism, and work product based on input from supervisors.
- B. In 2010, RPD learned that prior Sergeant candidates shared Sergeant promotional eligibility oral interview questions with other candidates. Consequently, the RPD had to change its testing procedure.
1. At the recommendation of PDI consultants, the RPD stopped using the PDI testing process and contracted with Standard & Associates (a national testing service) to develop and administer new promotional examinations. Other procedural changes RPD implemented took into consideration candidate feedback that RPD's four-phase promotional process was too time consuming and arduous.

- 
2. In 2012, the new promotional process the RPD implemented for Detectives, Sergeants and Lieutenants had two, versus four, phases:
    - a. Phase 1: a written test comprising 40 percent of an applicant's total score, evaluated by Standard & Associates; and
    - b. Phase 2: an oral interview comprising 60 percent of the score. The oral interview panel included City HR staff, the Assistant City Manager and RPD command staff. Command staff members from outside police departments did not participate in the process.
  3. The City discontinued the background and experience (former Phase 1) and "promotability" index (former Phase 4) portions of the RPD's promotional process and allocated the majority of the possible total points to the oral examination during which candidates had the opportunity to orally present their training, skills, experience and qualifications for promotion.
  4. The City used the new RPD exam procedure to fill a Sergeant position in 2012 and a Detective position in 2013. See Exhibit 4C: 2012 Sergeant Testing Process and Exhibit 4D: 2013 Detective Testing Process Resulting in Litigation.
  5. In 2013, the City was involved in a District Court lawsuit with initially five officers. Three of those officers were part of the suit based on the 2013 Detective promotional process. They alleged the promotional hiring process discriminated against them on the basis of age.
    - a. Commission Rules and Regulations provide that promotions "must be based upon competitive examination and upon records of efficiency, character, conduct and seniority." See Exhibit 2 at Section XIII - Promotions, para. b (p.15).
    - b. The litigant Officers alleged, in relevant part, that the City's elimination of the background and experience and "promotability" index phases of the promotional process unfairly precluded consideration of their experience and history of positive work experience, i.e., the promotional process did not take their seniority into account thereby resulting in disparate impact based on age.
    - c. The City argued, among other things, that all promotional candidates had an opportunity during their oral interview to verbally present their record of "efficiency, character, conduct and seniority," including history of positive work experience.
    - d. Protracted litigation lead to some City liability and litigation guidance that the candidate's verbal presentation during their oral interview of their "record of efficiency, character, conduct and seniority" is not sufficient. The candidate's documented record must be considered.

- 
6. In 2014, the City changed the RPD promotional process to include the interview panel's review and consideration of candidate personnel file records. See Exhibit 4D: 2013 Detective Testing Process Resulting in Litigation; See Exhibit 4E: 2014 Lieutenant Testing Process; See Exhibit 4F: 2015 Sergeant Testing Process and Exhibit 4G: 2016 Sergeant Testing Process. See also Exhibit 5: Litigation Records.
  7. In March 2017, the City commissioned the study discussed herein to fully and thoroughly examine RPD's promotional process and identify strategic process improvement changes to resolve known and potential process weaknesses that have been successfully challenged and identify ways for the RPD to engage in diverse recruitment efforts.
  8. The RPD's current Commission-approved promotional process, which is governed by Commission Rules and Regulations, includes the following eight (8) key steps:
    - a. Step 1: The Commission approves the promotional process recommended by the hiring authority.

The Commission performs this task.
    - b. Step 2: The RPD advertises for entry level Officer vacancies. The RPD posts internally and receives memoranda of interest for vacancies for the ranks of Sergeant, Detective, Lieutenant and Deputy Chief.

The task is not performed by the Commission; it has been delegated and by the Commission to other City staff.
    - c. Step 3: The RPD identifies eligible candidates, i.e., applicants/candidates who meet established minimum qualifications.

The task is not performed by the Commission; it has been delegated by the Commission to other City staff.
    - d. Step 4: The RPD offers and conducts internally, a voluntary promotional examination orientation;

The task is not performed by the Commission; it has been delegated by the Commission to other City staff.
    - e. Step 5: The RPD conducts a multi-phase promotional examination and creates a promotional list (referred to in Commission rules as "eligible register").

The task is not performed by the Commission; it has been delegated by the Commission to other City staff. From time-to-time, as provided by Commission Rules and Regulations, a Commissioner may observe the testing process.

- 
- f. Step 6: RPD staff tabulate composite candidate written examination and oral interview scores after expiration of the established examination appeal period.

The task is not performed by the Commission; it has been delegated by the Commission to other City staff.

- g. Step 7: The Commission certifies the promotional list ("eligible register").

The Commission performs this task.

- h. Step 8: The promotional eligibility list is sent to the hiring authority (the Director of Public Safety/Police Chief) who makes final hiring decision.

The hiring authority performs this task.

See Exhibit 4E: 2014 Lieutenant Testing Process; Exhibit 4F: 2015 Sergeant Testing Process and Exhibit 4G: 2016 Sergeant Testing Process.

#### **IV. Discussion of Key Process Improvement Recommendations**

Based on a thorough review of RPD's prior and current promotional processes and consideration of the factors that led to promotional process challenges and City liability, the following promotional process improvement changes are recommended:

- A. Recommendation # 1: It is recommended that the City Council abolish the Richfield Police Civil Service Commission either by referendum or unanimous vote of the City Council pursuant to Minn. Stat. § 419.16, Abolition of Commission. The statute provides in relevant part: "A police civil service commission created under this chapter may be abolished as follows:...(2) by a unanimous vote of the city council." See Exhibit 1: Minnesota Statutes Chapter 419 – Police Civil Service Commissions.

##### Rationale for Recommendation # 1:

1. Rationale: The function served by Civil Service Commissions generally, and the Richfield Police Civil Service Commission specifically, has diminished and is largely carried out by City subject matter experts.
  - a. In the 1930's when the Public Employee Labor Relations Act ("PELRA") was implemented, the Civil Service Commission form of governance and oversight was instituted. The objective was to separate recruitment, hiring and firing from Council and local politics. With the hiring of City managers/ administrators, human resources professionals, labor attorneys and unionization, there is no practical need for a Civil Service Commission comprised of community member volunteers for whom there are no established minimum qualifications to carry out Commission-delegated duties set forth in often antiquated Commission rules and regulations. In practice, hiring authorities, in

---

consultation with City Administrators/Managers, human resources personnel and City legal counsel, employ strategic and sound hiring practices. Grievance procedures in union labor contracts ensure procedural oversight of the discipline and termination process.

- b. The City of Richfield is one of seventeen (out of 880) Minnesota cities still utilizing a Police Civil Service Commission form of governance. Most recently, in 2014, the City of Grand Rapids abolished its Civil Service Commission through a unanimous vote of the Grand Rapids City Council as provided for by Minn. Stat. § 419.16. Grand Rapids, like other cities, determined that Commission rules and regulations hindered rather than benefitted the promotional hiring process and precluded, for the reasons discussed further below, police department diversity recruitment efforts. See [http://www.grandrapidsmn.com/news/gr-council-votes-to-abolish-police-commission/article\\_6afd6b80-85f9-11e4-8797-276453d49c19.html](http://www.grandrapidsmn.com/news/gr-council-votes-to-abolish-police-commission/article_6afd6b80-85f9-11e4-8797-276453d49c19.html).
- c. The Richfield Police Civil Service Commission is, by statute, comprised of three community members appointed by the City Council whose Commission appointment/ membership is not contingent upon their human resources and labor relations experience and expertise arguably required to carry out the key "recruitment examination, selection, hiring, promotion, suspension, demotion and discharge" duties with which the Commission is tasked. Consequently, in practice, the Commission has delegated to City hiring authorities (the Director of Public Safety/Police Chief, in consultation with HR and City legal counsel ("subject matter experts")), most of the Commission duties identified in current Commission Rules and Regulations. The Public Safety Director/Police Chief, in consultation with City subject matter experts, is responsible for handling RPD recruitment, hiring and promotions.
- d. Historically and currently, the *actual* role of the Richfield Police Civil Service Commission is narrowly limited to performing two functions: 1) approving the RPD hiring and promotional processes recommended by the hiring authority, the Chief/Public Safety Director; and 2) approving/certifying the list of eligible candidates the hiring authority presents to the Commission at the conclusion of the approved hiring/promotion process. While the Commission is also charged with hearing termination appeals, it has not performed that function since the 1990's (more than twenty years ago). The Commission's role with regard to termination appeals has been largely replaced by the City's negotiated labor contract grievance procedures with election of remedies provisions allowing Officers, Detectives, Sergeants and Lieutenants to follow the grievance process through arbitration or, in the alternative, to request a hearing before the Commission. See Exhibit 3: Richfield Police Department Collective Bargaining Agreements (Officers and Detectives & Police Supervisors).

- 
- e. Richfield Police Civil Service Commission Rules and Regulations are antiquated and require significant, versus piecemeal, updating.
- Some key terminology is outdated, e.g., the promotional list is referred to as “eligible register” and job descriptions are referred to as “classification of position(s)”.
  - Processes mentioned regarding job postings, solicitation of Officer letters of interest, submission of applications and the Commission’s actual role in the promotional process are inconsistent with current practices, which have changed due to advances in technology and Commission delegation of duties to RPD command staff.
2. **Rationale:** If the Commission is not abolished, the City cannot participate in diversity-focused Officer hiring programs.
- a. Arguably the most important reason for the City Council to abolish the Commission is that Minnesota Statutes Chapter 419 and Commission Rules and Regulations preclude the RPD from participating in diversity-focused Officer hiring programs. Thus, the Commission is a barrier to the RPD’s recruitment of a diverse workforce.
- An April 5, 2017 memorandum authored by City Attorney Mary Tietjen discusses the reasons Commission rules and regulations do not allow RPD, like law enforcement agencies that do not have a Civil Service Commission, to participate in the successful Suburban Law Enforcement Training Academy (“SLETA”). See Exhibit 8: 04.08.17 Memorandum from City Attorney Mary Tietjen to City Manager Steve Devich and Director of Public Safety/Police Chief Jay Henthorne Re: Suburban Law Enforcement Training Program
  - The purpose of SLETA, is to diversify the ranks of suburban police departments and more closely align departments to the communities they serve. Participating law enforcement agencies<sup>1</sup> join together to cooperatively hire non-traditional candidates as future Police Officers.
  - Participating agencies make an up-front conditional job offer to a Trainee, who then must successfully complete coursework and pass the licensing exam and the interview process. Trainees who complete the requirements automatically become eligible for a “promotion” to the position of Police Officer.

---

<sup>1</sup> Current participating agencies include: a) City of Bloomington; b) City of Eagan; c) City of St. Louis Park; d) City of Hastings; e) City of Maplewood; and d) the Metropolitan Airports Commission.

- 
- Richfield Police Civil Service Commission rules and regulations do not allow the RPD to participate in SLETA. Commission rules and regulations are based on requirements in Minn. Stat. § 419.06, which mandate a Commission to adopt rules that include public advertisements and competitive examinations for RPD positions, including promotional positions. A conditional job offer may not be extended to a candidate until after the examination and certification process. Minnesota Statutes § 419 does not authorize a Commission to adopt rules that would provide for exceptions to that process or suspend its rules in certain circumstances. Consequently, Commission rules preclude the RPD from participating in the SLETA and employ other diversity-focused hiring practices that do not comport with existing Commission rules and regulations.
  - The business case for the City's examination and reform of RPD's recruitment, selection and promotional process, unconstrained by Commission Rules and Regulations, is found in a January 2015 "Diversity in Law Enforcement Literature Review". The review was jointly conducted and published by the U.S. Department of Justice Civil Rights Division, Department of Justice Programs and the Equal Opportunity and Employment Commission. The review report provides in relevant part:

"[Workforce] [d]iversity can be a crucial element in establishing and expanding trust between law enforcement and the community. Workforce diversity may also have positive effects on law enforcement agencies; making them less insular and more receptive to change. In addition, the officers who are hired often reap tremendous benefits that inure to their families and communities."

"A wide range of barriers may undermine diversity at every stage of the recruiting, hiring, and selection process. There is substantial evidence that these barriers have made it difficult for underrepresented groups (i.e., racial/ethnic minorities, women, and LGBTI individuals) to secure positions in law enforcement."

"[T]here are concrete steps law enforcement agencies can take that will result in greater diversity among their personnel. By examining and, when necessary, reforming recruitment, selection, and training efforts, law enforcement agencies can attract and retain highly qualified workforces that better reflect the communities they serve."

"Traditional measures for hiring and training police officers and other law enforcement personnel not only have adverse impact on diversity, but also serve to undermine the ability to attract the most qualified and effective individuals for important public safety jobs. By identifying the factors and skills that are critical to effective law enforcement, police departments and other agencies can design

---

procedures that will attract individuals that are both highly qualified and diverse.”

See Exhibit 9: Diversity in Law Enforcement: A Literature Review”, Published January 2015 by the U.S. Department of Justice and the U.S. Equal Employment Opportunity Commission.

- The City currently has in place, an RPD Police Multicultural Advisory Committee (“PMAC”) that fosters community involvement. The role of the Advisory Committee should resolve concerns that dissolution of the Commission forecloses any opportunity for citizen/ community involvement.
- The PMAC is a 10- to 17-member community-member advisory board. PMAC members represent diverse cultural, ethnic, professional, educational, etc. backgrounds. The PMAC advises the RPD on how to better serve, communicate with, and understand the community. The PMAC meets monthly with Police personnel to discuss topics that are important to their communities.
- The primary role of PMAC members is to highlight community concerns and work strategically and collaboratively with the community and RPD to address those concerns. PMAC members also co-organizes many community engagement initiatives and network and engage with neighbors, coworkers, students, clients and others to learn how PMAC can improve police community relations.

See Police Multicultural Advisory Committee at <http://www.cityofrichfield.org/departments/public-safety/joint-community-police-partnership/police-multicultural-advisory-committee>. (last visited May 21, 2017)

- c. **Rationale:** Successful implementation of strategic process improvement recommendations identified during this study will require the overhaul of Commission Rules and Regulations and key changes with respect to appointment and training of current and future Commission members.
  - If the Police Civil Service Commission is not abolished for the reasons discussed further above, the complete overhaul of Commission rules must be completed. Although painstaking and time consuming, this task is essential to reconcile ambiguities in Commission rules and actual hiring and promotional practices that create potential City liability.
  - If the Police Civil Service Commission is not abolished, it is imperative that the City Council establish and enforce minimum qualifications for Commissioner appointments and mandate and provide Commissioner training. Historically, the City of Richfield’s Commission, like other Civil Service Commissions, is comprised of community members who express an

---

interest in volunteering to serve on the Commission or are recruited and agree to serve. Minnesota Statutes Chapter 419 does not require a City Council to, or preclude a City Council from, establishing minimum qualifications and experience standards for Commission members, e.g., recruitment, human resources and/or labor relations training and experience, etc. Similarly, the statute does not require a Council to, or preclude a Council from, establishing Commission behavioral standards.

- Current Commission rules and regulations: a) do not identify any minimum qualifications for Commission members, and b) do not require task-specific and fiduciary and professional responsibility training for Commission members, or establish or reference any code of conduct or other rules governing Commission member conduct. Recent City liability is attributable, in part, to the claims of a single Commission member that the Commission approved promotional process was discriminatory and the resulting Commission certified promotional eligibility list was invalid.
  - It is recommended that the City Council implement and enforce a Civil Service Commissioner Code of Conduct. It is also recommended that the City Council mandate and conduct annual Commission duty-specific training, including training regarding: a) Commissioner authority; b) Commissioner fiduciary responsibility; c) Commissioner ethics and conflicts of interest; d) data privacy requirements, and e) recruitment, examination, selection, hiring, promotion, suspension, demotion and discharge.
- B. Recommendation # 2: It is recommended that the City contract with a professional consulting firm to manage the RPD promotional hiring process from start to finish or implement the recommended changes to the current process identified during this study.

Rationale for Recommendation:

1. For two or more promotional processes conducted post-litigation, the City's use of a reputable outside professional consulting firm is a prudent process improvement and risk management strategy. In a post-litigation environment, the benefit derived from an independent and strategic promotional process implemented by external experts who can attest to process fairness and objectivity is invaluable. During this study, information was obtained from Industrial/Organizational Solutions, Inc. ("I/O Solutions"), a human resources consulting firm that specializes in personnel selection and develops, validates and implements entry level and promotion tests and assessments for the public safety industry. The City of Minneapolis Police Department utilizes I/O Solutions for entry level Officer hiring and all promotional examinations. I/O Solutions is also widely retained by entities post-litigation to develop and implement seamless and challenge-resistant hiring and promotional processes and practices. Information about the services I/O Solutions offers was obtained by Public Safety Director/Police Chief Jay Henthorne.

- 
2. In the alternative, if RPD continues to internally manage the hiring and promotion process, it is recommended that RPD implement the promotional process improvement changes identified during this study.

**IV. Exhibits**

- A. Exhibit 1: Minnesota Statutes Chapter 419 – Police Civil Service Commissions
- B. Exhibit 2: Richfield Police & Fire Civil Service Commission Rules and Regulations, Public Safety/Police Division (Revised March 2016)
- C. Exhibit 3: Richfield Police Department Collective Bargaining Agreements (Officers and Detectives & Police Supervisors)
- D. Exhibit 4: Richfield Police Department Testing Processes Employed During the Period 2009-2016
- E. Exhibit 5: Litigation Records
- F. Exhibit 6: Synopsis of League of Minnesota Cities 2015 Poll Regarding Minnesota Civil Services Commissions
- G. Exhibit 7: Poll Regarding Neighboring Police Department Testing Processes
- H. Exhibit 8: 04.08.17 Memorandum from City Attorney Mary Tietjen to City Manager Steve Devich and Director of Public Safety/Police Chief Jay Henthorne Re: Suburban Law Enforcement Training Program
- I. Exhibit 9: "Diversity in Law Enforcement: A Literature Review", Published January 2015 by the U.S. Department of Justice and the U.S. Equal Employment Opportunity Commission

Report drafted by:

05.23.17

Michelle M. Soldo

Date

Michelle M. Soldo, Consultant  
SOLDO CONSULTING, P.C.  
Telephone: (651) 238-3748  
Email: msoldo@soldoconsulting.com

[REMAINDER OF THE PAGE LEFT BLANK]

# DIVERSITY IN LAW ENFORCEMENT: A LITERATURE REVIEW

U.S. Department of Justice  
Civil Rights Division  
Office of Justice Programs

U.S. Equal Employment  
Opportunity Commission



January 2015

Recent events have placed a spotlight on the lack of diversity within police departments and other law enforcement agencies across the nation. After this past summer's events in Ferguson, Missouri, many news organizations focused on the racial demographics of the Ferguson Police Department.<sup>i</sup> Although approximately two-thirds of Ferguson, Missouri's residents are African American, only three of the town's fifty-three commissioned police officers are African American.<sup>ii</sup> Ferguson is far from alone in this regard: there are police departments in every corner of the United States where there are severe mismatches between the racial composition of the police force and the demographics of the community at large.<sup>iii</sup>

The Department of Justice's Civil Rights Division (CRT) and Office of Justice Programs (OJP) have joined with the Equal Employment Opportunity Commission (EEOC) to respectfully submit the attached literature review. It has been our collective experience that any consideration of policing effectiveness is incomplete without attention to who our police officers are, as well as whether the police force reflects the community that its officers are sworn to serve.<sup>iv</sup> Although workforce diversity alone may not resolve all issues related to the fairness and effectiveness of policing,<sup>v</sup> achieving diversity in law enforcement agencies can increase trust between those agencies and the communities they serve.<sup>vi</sup> That basic trust can be an essential part of defusing tension, investigating and solving crimes, and creating a system where citizens believe that they can rely on their police departments and receive fair treatment. Indeed, victims and witnesses of crime may not approach or engage with law enforcement officials if they do not perceive them to be responsive to their experiences and concerns. A diverse police department is also less likely to be insular, and therefore can be more receptive to change.

Moreover, a commitment to diversity in hiring and promotion opens crucial public sector jobs to all Americans and helps ensure equal employment opportunity in public safety jobs. These jobs are the backbone of a community: they offer long-term and rewarding careers; bring families into the middle class; and create investment in the community, all of which have a significant positive impact on that community's schools and housing and, indeed, in all other aspects of the American dream.

Lack of diversity in police departments directly implicates some of our nation's most fundamental civil rights laws and protections.<sup>vii</sup> Title VII of the Civil Rights Act of 1964 (Title VII),<sup>viii</sup> which is enforced by both the EEOC and CRT, prohibits employment discrimination on the basis of race, sex, color, religion, and national origin. Title VII prohibits intentional discrimination—for example, where a job applicant, despite being qualified for the position, is not hired because of race, sex, or another protected characteristic. Unfortunately, intentional employment discrimination still remains a substantial barrier in the law enforcement context. For example, two years ago CRT's Employment Litigation Section brought a case, which was referred from the EEOC, on behalf of a woman serving as a sergeant at a small police department who had been passed over to be assigned shift commander in favor of a man with less

experience.<sup>18</sup> This victim was the only woman who worked at the police department; in fact, twenty-three years earlier she had to bring a lawsuit just to obtain a position with the department. In the most recent case, the sergeant filed another discrimination charge in order to receive equal treatment. As a result of CRT's involvement in the case, she obtained the promotion to shift commander she deserved.

Title VII also prohibits the use of neutral selection practices that fall more heavily on one group unless those practices have been shown to be job related and consistent with business necessity. The Department of Justice, the EEOC, and private plaintiffs have a long history of successfully challenging facially neutral job screening devices—such as height requirements, written tests, or physical tests—that have an adverse impact on protected groups and are not job related or consistent with business necessity. For example, CRT successfully sued a state regarding its written examination for police sergeants; as a result, some of the small communities that use the challenged examination promoted their *first ever* African-American sergeants this year.<sup>19</sup> Following an EEOC investigation, CRT also successfully sued the New York City Fire Department regarding its written examination for entry-level hires.<sup>20</sup> The *New York Times* chronicled the success of one of the African-American firefighters hired as a result of that lawsuit; at the first fire he fought, he located and helped rescue a five-month-old child.<sup>21</sup> For more on the EEOC's work in this area, please see Chair Jenny Yang's written testimony submitted on January 21, 2015, and attached here as Appendix B.

The federal government cannot investigate or litigate every meritorious case of employment discrimination that may exist, especially given that there are nearly 18,000 state and local law enforcement agencies in the United States. The President's Task Force on 21st Century Policing, however, is uniquely situated to highlight the importance of workforce diversity for police departments and other law enforcement agencies. We believe that a crucial component of that message should be identifying barriers that undermine diversity and equal employment opportunity, while also highlighting best practices that departments can use to recruit, hire, and retain qualified and diverse personnel.

We hope that the attached review—which assembles research and academic scholarship that have addressed the issue of diversity in law enforcement—can aid in that process. Although this review is not exhaustive, it is designed to provide a cross-section of relevant information that we hope will be helpful and informative to the Task Force. We present the literature review in four categories:

- **Why Diversity Matters.** Diversity can be a crucial element in establishing and expanding trust between law enforcement and the community. Workforce diversity may also have positive effects on law enforcement agencies; making them less insular and

more receptive to change. In addition, the officers who are hired often reap tremendous benefits that inure to their families and communities.

- **Barriers to Achieving Diversity.** A wide range of barriers may undermine diversity at every stage of the recruiting, hiring, and selection process. There is substantial evidence that these barriers have made it difficult for underrepresented groups (i.e., racial/ethnic minorities, women, and LGBTI individuals) to secure positions in law enforcement.
- **Best Practices for Achieving Diversity.** There are concrete steps law enforcement agencies can take that will result in greater diversity among their personnel. By examining and, when necessary, reforming recruitment, selection, and training efforts, law enforcement agencies can attract and retain highly qualified workforces that better reflect the communities they serve.
- **Characteristics of High Quality Law Enforcement Personnel.** Traditional measures for hiring and training police officers and other law enforcement personnel not only have adverse impact on diversity, but also serve to undermine the ability to attract the most qualified and effective individuals for important public safety jobs. By identifying the factors and skills that are critical to effective law enforcement, police departments and other agencies can design procedures that will attract individuals that are both highly qualified and diverse.

We have also attached, as Appendix A to the review, a list of experts on the issue of workforce diversity in law enforcement with whom the EEOC and the Department of Justice have worked. This list is non-exhaustive; we hope that it can serve as a resource and starting point if the Task Force desires additional perspectives or information about the matters covered in this document and the attached literature review.

---

<sup>1</sup> See, e.g., Bathya Ungar-Sargon, *Lessons for Ferguson in Creating a Diverse Police Department*, FIVETHIRTYEIGHT POLITICS, Jan. 5, 2015, <http://fivethirtyeight.com/features/lessons-for-ferguson-in-creating-a-diverse-police-department/>.

<sup>2</sup> Emily Badger, *When Police Departments Don't Look Like the Cities They're Meant to Protect*, WASH. POST, Aug. 12, 2014.

<sup>3</sup> See Jeremy Ashkenas and Haeyoun Park, *The Race Gap in America's Police Departments*, N.Y. TIMES, Sept. 4, 2014; see also Emily Badger, Dan Keating, and Kennedy Elliott, *Where Minority Communities Still Have Overwhelmingly White Police*, WASH. POST, Aug. 14, 2014.

<sup>4</sup> Issues of diversity were raised repeatedly in the testimony that this Task Force received as part of its listening session on Building Trust and Legitimacy. See, e.g., Written Testimony of Chief Jim Bueermann (ret.), President, Police Foundation ("Every police leader knows of the importance of creating a diverse workforce. Police agencies that do not have a workforce that reflects the community it serves will eventually have to deal with a

heightened level of police-community tension brought on by the lack of police diversity.”); Written Testimony of National Organization of Black Law Enforcement Executives (“The challenge to hiring a diverse workforce in law enforcement is reflected by the faces of the organization’s leadership. The key to diversity in law enforcement is visibility of diversity, opportunity to engage people on their terms, and opportunities to advance.”); Written Testimony of National Association of Women Law Enforcement Executives (“It has been known by us and many others, that in order to best police a certain area, the diversity of a police force should be representative of the community they serve.”).

<sup>4</sup> The existing literature is conflicted about the impact demographic diversity has on the manner law enforcement agencies perform their duties. For example, one article surveyed the research with respect to African-American police officers and found evidence to support either side. David A. Sklansky, *Not Your Father’s Police Department: Making Sense of the New Demographics of Law Enforcement*, 96(3) J. CRIM. L. & CRIMINOLOGY 1209, 1224-25 (2006). On the one hand, the article pointed to studies showing that African-American officers were less prejudiced towards other African Americans than white officers, knew more about the African-American community, and got more cooperation from African-American citizens. *Id.* At the same time, the article also highlighted studies concluding that African-American officers were just as likely as their white counterparts to use their firearms, arrest civilians, receive citizen complaints, and be subjected to disciplinary proceedings. *Id.* at 1224. Part of the challenge may stem from the fact that it is very difficult to determine, with any degree of certainty, the role that demographics—for both officers and civilians—have on how law enforcement activities are conducted and perceived. *See id.* at 1225 (“On both sides of this debate, many of the findings are hard to interpret. If, for example, black officers draw more complaints, is that because they act more aggressively, or because they are assigned to tougher beats, or because prejudice makes their assertions of authority seem more objectionable, or because minority citizens feel more comfortable complaining about officers from whom they do not fear retaliation?”).

<sup>5</sup> It has been our experience that there is a growing consensus that diversity can be an important element in establishing trust and improving relations between law enforcement and communities. *See generally* Ungar-Sargon, *supra* note 1 (quoting an interview with Stanford Law Professor David Sklansky who explained: “When the police force integrates and begins to look more like the community it’s policing, it removes one big impediment toward trust. It doesn’t guarantee trust, but it removes one thing that makes it hard to develop trust.”). And in the wake of this summer’s events in Ferguson, Attorney General Eric Holder acknowledged the need to “consider the role that increased diversity can play in helping to build trust within communities.” Press Release, U.S. Dep’t of Justice, Statement by Attorney General Eric Holder on Latest Developments in Ferguson, Missouri (Aug. 14, 2014), <http://www.justice.gov/opa/pr/statement-attorney-general-eric-holder-latest-developments-ferguson-missouri>. Yet, despite the widespread belief that diversity in law enforcement can foster community trust, there has been scant research and, at times, mixed empirical findings regarding the relationship between police diversity and community trust. *See, e.g.*, Joshua C. Cochran and Patricia Y. Warren, *Racial, Ethnic, and Gender Differences in Perceptions of the Police: The Salience of Officer Race Within the Context of Racial Profiling*, 28(2) J. CONTEMP. CRIM. J. 206 (2012) (demonstrating, based on a recent empirical study, that officer race may play a more substantial role in the development of citizens’ perceptions than previous findings would suggest, providing some evidentiary support for diversification as a viable option for improving citizen-officer relations, and calling for further evaluation of diversification policies).

<sup>6</sup> To be clear, diversity in law enforcement includes more than just racial and ethnic diversity; it also should involve considerations of sex, national origin, religion, sexual orientation, and gender identity. This literature review focuses on issues of race and ethnicity (and to a lesser extent, sex) in light of the recent attention that has been directed towards these categories. However, all aspects of diversity should be considered when jurisdictions are considering whether their law enforcement agencies are representative and reflective of the communities they serve.

<sup>7</sup> 42 U.S.C. § 2000e *et seq.*

<sup>8</sup> *See* Press Release, U.S. Dep’t of Justice, Justice Department Settles Sex Discrimination Lawsuit Against the Town of Griffith, Indiana (June 11, 2013), <http://www.justice.gov/opa/pr/justice-department-settles-sex-discrimination-lawsuit-against-town-griffith-indiana>.

---

<sup>5</sup> See Press Release, U.S. Dep't of Justice, Justice Department Settles Allegations of Employment Discrimination in Promotion of Police Sergeants in New Jersey (Aug. 1, 2011), <http://www.justice.gov/opa/pr/justice-department-settles-allegations-employment-discrimination-promotion-police-sergeants>.

<sup>6</sup> See Press Release, U.S. Dep't of Justice, Justice Department Reaches Agreement in Principle with the New York City Fire Department Over Discriminatory Hiring Practices Resulting in \$98 Million in Relief (Mar. 18, 2014), <http://www.justice.gov/opa/pr/justice-department-reaches-agreement-principle-new-york-city-fire-department-over>.

<sup>7</sup> N.R. Kleinfield, *The Race Gap in America's Police Departments Baptism by Fire: A New York Firefighter Confronts His First Test*, N.Y. TIMES, June 20, 2014.

**Table of Contents**

**I. Why Diversity Matters.....Page 2**

**II. Barriers to Diversity.....Page 3**

**III. Best Practices for Achieving Diversity.....Page 6**

**IV. Characteristics of High Quality Law Enforcement Personnel.....Page 9**

## I. Why Diversity Matters:

1. Fridell, Lorie, Robert Lunney, Drew Diamond, and Bruce Kubu. 2008. *Racially Biased Policing: A Principled Response*. Washington DC: Police Executive Research Forum.

Abstract: A police agency whose officers reflect the racial demographics of the community they serve fulfills several important purposes in reducing racial bias in policing. First, it conveys a sense of equity to the public, especially to minority communities. Second, it increases the probability that, as a whole, the agency will be able to understand the perspectives of its racial minorities and communicate effectively with them. Third, it increases the likelihood that officers will come to better understand and respect various racial and cultural perspectives through their daily interactions with one another.

2. Sklansky, David A. 2006. "Not Your Father's Police Department: Making Sense of the New Demographics of Law Enforcement." *The Journal of Criminal Law & Criminology* 96 (3): 1209-1243.

Abstract: This article has three parts. The first part describes how the makeup of police workforces has changed over the past several decades. To summarize, the workforce has grown much more diverse with regard to race, gender, and more recently, sexual orientation—but the pace of change has varied greatly from department to department, and virtually all departments have considerable progress to make with respect to diversity. The second part of the article assesses the effects of the changes that have already occurred in law enforcement demographics. The author considers three different categories of effects: competency effects (ways in which minority officers, female officers, and openly gay and lesbian officers may have distinctive sets of abilities), community effects (ways in which the demographic diversity of a police department may affect its relations with the community it serves), and organizational effects (ways in which the workforce diversity may affect the internal dynamics of the department itself). The third part of the article concludes by exploring the ramifications of the changing demographics of law enforcement.

3. Wasserman, Robert. 2010. *Guidance for Building Communities of Trust*. Washington DC: Office of Community Oriented Policing Services.

Abstract: The Guidance describes the challenges that must be addressed by fusion centers, local law enforcement agencies, and communities in developing relationships of trust. These challenges can only be met if privacy, civil rights, and civil liberties are protected. For fusion centers, this requires strong privacy policies and audits of center activities to ensure that the policies and related standards are being fully met. For law enforcement agencies, it means that meaningful dialogue and collaboration with communities needs to occur in a manner that increases the legitimacy of the agency in the eyes of that community. Law enforcement must establish legitimacy in the communities they serve if trusting relationships are to be established. For communities, their leaders and representatives must collaborate with law enforcement and share responsibility for addressing the problems of crime and terrorism prevention in their neighborhoods.

## II. Barriers to Diversity:

1. Comeau, Michelle J. 2011. *Representation and Recruitment: A Three-Part Analysis of the Police Hiring Process Within New York State*. Rochester, New York: Rochester Institute of Technology.

Abstract: The article consists of three separate analyses, each of which examines the representation of women, African Americans, and Latinos in police organization within New York State. The initial study compares department representation to that of the community in regards to race or ethnicity and gender. This is followed by the second study, which does a detailed look at the hiring process of one department within a mid-sized city (Rochester, NY), noting attrition by majority/minority status at each hurdle applicants face. The third study utilizes data from the second study to create a model of attrition for the Rochester Police Department. From the three studies, a series of recommendations for departments was developed, including: (1) identify department needs and allot resources appropriately; (2) track application submissions which can assist in identifying times that departments should increase their recruitment efforts; (3) tailor advertisements in a manner that would promote diverse representation; (4) increase engagement through job fairs and reaching out to local professional organizations and community groups; and (5) hold informational sessions prior to, and during, recruitment efforts to provide interested parties with a realistic portrayal of the police officer position.

2. Jordan, William T., Lorie Fridell, Donald Faggiani, and Bruce Kubu. 2009. "Attracting Females and Racial/Ethnic Minorities to Law Enforcement." *Journal of Criminal Justice* 37 (4): 333-341.

Abstract: Using a national survey of law enforcement agencies, this study: (1) measured agencies' ability to fill sworn positions; (2) identified the strategies used to attract and hire females and minorities; (3) measured agencies' success in filling sworn positions with females and minorities; and (4) measured the impact of agency strategies and characteristics on levels of female and minority applications and hires. The results indicated great variation in agencies' ability to fill sworn positions with females and minorities, as well as considerable variation in the extent to which mechanisms are used to attract females and minorities to policing. The multivariate analyses indicate that investing in a recruitment budget and targeting minorities and women positively affects hiring.

3. Matthies, Carl F., Kirsten M. Keller, and Nelson Lim. 2012. "Identifying Barriers to Diversity in Law Enforcement Agencies." *RAND Center on Quality Policing*. Occasional Paper.

Abstract: This paper describes one method that law enforcement agencies can use to better understand and address the challenges of a diverse workforce in law enforcement agencies: a barrier analysis. Barrier analysis is a method of assessment aimed at identifying potential obstacles to obtaining resources or participating in a program. Using this tool, the article encourages law enforcement agencies to evaluate how women and racial/ethnic minorities face obstacles that might account for less-than-proportionate representation among applicants, hires,

and senior leadership. In the context of employment opportunities, the authors focus on how barrier analyses can be used to understand diversity-related challenges at key points in the career lifecycle, such as recruitment, hiring, promotion, and retention practices. They also present a complete barrier analysis that agency leaders can incorporate to identify key barriers and take proactive steps to build a more diverse workforce. Case studies are used to provide guidance for agencies to take proactive steps toward remedying the lack of representation in their workforces.

4. McCafferty, Francis L. 2003. "The Challenge of Selecting Tomorrow's Police Officers from Generation X and Y." *Journal of the American Academy of Psychiatry and the Law* 31 (1): 78-88.

**Abstract:** Demands on police officers in the past thirty years have grown dramatically with the increasing threats to social order and personal security. Selection of police officers has been difficult, but with the increasing demand and complexity of police work, along with the candidates applying from Generation X and even Generation Y, the selection process has become more critical. The personal characteristics attributed to Generation X—and in the future, to Generation Y—should be factored into the selection process to ensure that those individuals selected as police officers will be able to cope with what has been described as the impossible mandate of police work in a free society. Background information on the X and Y generations is imperative for psychiatrists working with police departments and other law enforcement agencies. This article explores these areas and constructs a paradigm selection process.

5. Miller, Susan L., Kay B. Forest, and Nancy C. Jurik. 2003. "Diversity in Blue: Lesbian and Gay Police Officers in a Masculine Occupation." *Men and Masculinities* 5 (4): 355-385.

**Abstract:** This study explores how lesbian and gay police officers fare within law enforcement agencies. Using qualitative survey responses from a sample of "out" and "closeted" gay and lesbian police officers in a Midwestern city, the authors examine: (1) how police organizations' cultures inform their experiences; (2) how officers navigate multiple aspects of their identities, including sexual orientation, gender, race, and ethnicity; and (3) the strategies lesbian and gay officers utilize to manage themselves in the workplace. The findings suggest that these officers support a more humane approach to policing and see themselves as particularly qualified to work within vulnerable communities.

6. Richard, Roseann M. 2001. *The Perceptions of Women Leaders in Law Enforcement on Promotions, Barriers and Effective Leadership*. San Francisco, California: The University of San Francisco.

**Abstract:** The purpose of this study is to identify factors that undermine successful career advancement for women in law enforcement. Through telephone interviews with women holding command positions of Captain or higher, the study described the perceptions of women law enforcement commanders on leadership effectiveness, challenges, and self-perception. The findings presented may be used as the basis for further assessment of effective law enforcement leadership and supervisory practices across various federal, state, local, and campus law enforcement agencies. In addition, the results from the study can be used to guide departmental

development of existing management and supervisory programs; update or create harassment and discrimination training where none previously existed; and allocate departmental resources for promotional test training programs and the testing processes.

7. Stroschine, Meghan S., and Steven G. Brandl. 2011. "Race, Gender, and Tokenism in Policing: An Empirical Elaboration." *Police Quarterly* 14 (4): 344-365.

Abstract: According to tokenism theory, "tokens" (those who comprise less than 15% of a group's total) are expected to experience a variety of hardships in the workplace, such as feelings of heightened visibility, isolation, and limited opportunities for advancement. In the policing literature, most previous studies have defined tokenism narrowly in terms of gender. The current research extends prior research by examining tokenism as a function of gender and race, with an examination of racial/ethnic subgroups. Particular attention is paid to Latino officers, as this study represents the first known study of tokenism and Latino police officers. Quantitative analyses reveal that, for the most part, token police officers do experience the effects of tokenism. Although all minorities experienced some level of tokenism, African-American males and African-American females experienced greater levels of tokenism than Latino officers, suggesting that race is a stronger predictor of tokenism than gender.

8. Wilson, Charles P., and Shirley A. Wilson. 2014. "Are We There Yet? Perceptive Roles of African American Police Officers in Small Agency Settings." *The Western Journal of Black Studies* 38 (2): 123-136.

Abstract: One aspect of police behavior that has not been fully or consistently emphasized is the problem of perception, particularly how African-American police officers serving in smaller law enforcement agencies perceive themselves and their view of how their agencies and the communities they serve perceive them. For this article, African-American police officers were surveyed to determine their perceptions of the positive or negative effects of their presence in local police agencies. Key findings indicate that African-American police officers still find themselves victims of racial indifference and seemingly hostile work environments; believe that racial profiling is both practiced and condoned by their agencies; that agencies do little to improve diversity and provide little support for their efforts; and that they strongly perceive their presence in these smaller agencies to have a positive impact on police interactions in the minority community.

### III. Best Practices for Achieving Diversity:

1. Bureau of Justice Statistics. 2012. *Survey: Hiring and Retention of State and Local Law Enforcement Officers, 2008-Statistical Tables*. Washington DC: Office of Justice Programs.

Abstract: A special survey was administered to a nationally representative sample of approximately 3,000 general purpose agencies as part of the 2008 BJS Census of State and Local Law Enforcement agencies. The study examined specific strategies and policies designed to help them meet the challenges of recruiting, hiring, and retaining qualified sworn personnel.

2. Equal Employment Opportunity Commission. 2003. Management Directive 715.

Abstract: The EEOC provides leadership and guidance to federal agencies on all aspects of the federal government's equal employment opportunity program. Management Directive 715 (MD-715) requires agencies to take appropriate steps to ensure that all employment decisions are free from discrimination and sets forth the standards by which the EEOC will review the sufficiency of agency Title VII and Rehabilitation Act programs. MD-715 sets forth and describes six essential elements for model programs. Pursuant to element four, Proactive Prevention of Unlawful Discrimination, agencies "have an ongoing obligation to prevent discrimination on the bases of race, color, national origin, religion, sex, age, reprisal and disability, and eliminate barriers that impede free and open competition in the workplace. As part of this ongoing obligation, agencies must conduct a self-assessment on at least an annual basis to monitor progress, identify areas where barriers may operate to exclude certain groups and develop strategic plans to eliminate identified barriers." The background materials include MD-715, Section IIA of EEOC's Instruction to Federal Agencies for MD-715 (Barrier Identification and Elimination), which provides a detailed explanation of the self-assessment process, and "Tips for Small Agencies Conducting Barrier Analysis under MD-715."

3. Haddad, Abigail, Kate Giglio, Kirsten M. Keller, and Nelson Lim. 2012. "Increasing Organizational Diversity in 21<sup>st</sup> Century Policing."

Abstract: Both the military and police departments are concerned about recruiting and promoting a racially/ethnically diverse workforce. This paper discusses three broad lessons from the Military Leadership Diversity Commission that can be used to inform police department hiring and personnel management: (1) qualified minority candidates are available, (2) career paths impact diversity, and (3) departments should leverage organizational commitment to diversity. Additionally, specific suggestions are given as to how law enforcement agencies can incorporate each of these lessons.

4. Kasdan, Alexa. 2006. *Increasing Diversity in Police Departments: Strategies and Tools for Human Rights Commissions and Others*. Harvard School of Government.

Abstract: The goal of the article is to help human rights and human relations commissions work with police officials to increase race and gender diversity among law enforcement personnel. The article studies three jurisdictions: Rhode Island, Kentucky, and Atlanta. The article

discusses how states should support local police departments in achieving diversity, including offering grants, training opportunities, and help in assessing diversity. There needs to be a firm commitment to diversity from police chiefs and police administrators. In order to achieve diversity, there needs to be partnerships and collaboration, outreach, hiring reform, and long-term recruitment efforts.

5. Matthies, Carl F. 2011. *Evidence-Based Approaches to Law Enforcement Recruitment and Hiring*. Santa Monica, California: Rand Corporation.

Abstract: Recruiting diverse, qualified candidates is a continual challenge for law enforcement. Around the turn of the millennium, many metropolitan agencies reported a shortage of individuals interested in police work. With the downturn in the economy came a flood of applicants, but funding for recruitment and hiring eventually decreased. Law enforcement can benefit from evidence-based approaches to evaluating recruitment programs and streamlining the application process.

6. Taylor, Bruce, Bruce Kubu, Lorie Fridell, Carter Rees, Tom Jordan, and Jason Cheney. 2005. *Cop Crunch: Identifying Strategies for Dealing with the Recruiting and Hiring Crisis in Law Enforcement*. Police Executive Research Forum.

Abstract: The processes of recruitment and selection are key to developing agencies with high-quality personnel and to producing agencies that are representative of their communities in terms of race and gender. The challenge of recruiting and hiring quality personnel has emerged as a critical problem facing law enforcement nationwide. It threatens to undermine the ability of law enforcement to protect our nation's citizens and to reverse important gains in our efforts to increase the representation on our police forces of racial/ethnic minorities and women. The Police Executive Research Forum conducted this project, with funding from the National Institute of Justice, to examine the nature and extent of the "cop crunch" and identify department-level policies/practices that facilitate the recruiting and hiring of quality personnel, including the recruiting and hiring of quality women and minorities.

7. White, Michael D., Jonathon A. Cooper, Jessica Saunders, and Anthony J. Raganella, 2010. "Motivations for Becoming a Police Officer: Re-assessing Officer Attitudes and Job Satisfaction After Six Years on the Street." *Journal of Criminal Justice* 38 (4): 520-530.

Abstract: This article was a follow-up to prior research that examined motivations among academy recruits in the New York City Police Department (NYPD). Using the same survey and analysis, this study re-examined motivations among officers from the same NYPD recruit class after six years on the job, and explored both motivation stability and the relationships among motivations and job satisfaction. Results suggested that motivations have remained highly stable over time, regardless of officer race/ethnicity and gender. Findings also suggested that white male officers were most likely to report low job satisfaction, and that there is a link between low satisfaction and unfulfilled motivations. Moreover, dissatisfied officers were much less likely to have expressed strong commitment to the profession through their original motivations, suggesting that low commitment up front may lead to low satisfaction later on. The article

concludes with a discussion of implications for police departments, particularly with regard to recruitment and retention practices and efforts to achieve diversity.

8. U.S. Commission on Civil Rights. 2000. *Revisiting Who is Guarding the Guardians?*

**Abstract:** Within law enforcement agencies, claims of sexual and racial harassment, disparity in pay, and low job satisfaction make police careers unattractive. Additionally, the selection process for police officers often contains biases that, in effect, eliminate candidates of color and noncitizen permanent residents from being hired. The Commission recommends, among other things, that law enforcement agencies: (1) develop creative strategies to increase diversity at all levels, (2) improve public perception of the police to attract more applicants, (3) encourage recruits to pursue higher education, (4) eliminate biases in the selection system, and (5) revise recruitment and selection methods.

#### IV. Characteristics of High Quality Law Enforcement Personnel:

1. Barrick, Murray R., and Michael K. Mount. 1991. "The Big Five Personality Dimensions and Job Performance: A Meta-Analysis." *Personnel Psychology* 44 (1): 1-26.

Abstract: The study investigated the relation of the "Big Five" personality dimensions (extraversion, emotional stability, agreeableness, conscientiousness, and openness to experience) to three job performance criteria (job proficiency, training proficiency, and personnel data) for five occupational groups (professionals, police, managers, sales, and skilled/semi-skilled). Results indicated that one dimension of personality—conscientiousness—showed consistent relations with all job performance criteria for all occupational groups. For the remaining personality dimensions, the estimated true score correlations varied by occupational groups and criterion type. The findings have numerous implications for research and practice in personnel psychology, especially in the subfields of personnel selection, training and development, and performance appraisal.

2. Ben-Porath, Yossef S., James M. Fico, Neil S. Hibler, Robin Inwald, Joelle Kruml, and Michael R. Roberts. 2011. *Assessing the Psychological Suitability of Candidates for Law Enforcement Positions*.

Abstract: This article describes and elaborates on the International Association of Chiefs of Police's Police Psychological Services Section's recommended procedures for conducting pre-employment evaluations of law enforcement candidates, with an emphasis on steps the hiring agency's administrators can take to ensure adherence to these practices.

3. Chappell, Allison T. 2008. "Police Academy Training: Comparing Across Curricula," *Policing: An International Journal of Police Strategies and Management*, 31 (1): 36-56.

Abstract: This study compared the academy performance of police recruits trained in a traditional curriculum with that of recruits trained under a new curriculum tailored to community-policing tasks; it also compared the characteristics of recruits who performed better under the community-policing curriculum with those who performed better under the traditional curriculum. The study found that recruits in both curricula performed similarly in terms of their mastery of the material; however, the recruits who performed better in the community-policing curriculum were more highly educated and female. The study examined recruit characteristics and performance in Florida's Police Academy under a traditional curriculum that emphasized preparation for law enforcement tasks, such as firearms training, physical training, defensive tactics, and driving, in addition to knowledge areas such as law, arrest procedures, traffic enforcement, and officer safety. Little attention was given to communications, cultural and ethnic diversity, problem solving, and police-community relations. The Florida Police Academy subsequently modified its curriculum to reflect the police tasks emphasized under community policing, which focus on greater police communication, interaction, and cooperation with the community in forging community-based priorities and practices in crime prevention and crime control. The community-policing curriculum focused on the application of learning rather than memorization, the use of a problem-solving model throughout the academy, and the use of scenarios as the basis for learning.

4. Marion, Nancy. 1998. "Police Academy Training: Are We Teaching Recruits What They Need To Know?" *Policing: An International Journal of Police Strategies and Management*. 21 (1): 54-79.

**Abstract:** The description of the basic police academy focuses on training duration, entrance requirements, class make-up, environment, instruction, and stress. A review of knowledge learning addresses civil liability, ethics, special needs groups, public relations/cultural diversity, and examinations. An overview of skill training considers firearms training, self-defense, physical training, and communication skills. An overview of hazardous-materials training also is provided, along with attitude training. The study concludes that overall this particular police academy is providing the information and skills training required to prepare recruits to be police officers. However, the study found the academy lacking in its ability to transmit the proper attitudes for new police officers. There remains an obvious element of sexism and an element of elitism on the part of some instructors, which was made obvious to the recruits. There are a few areas not included in the training, specifically ethics and helping the elderly or victims of crime. The addition of female and minority instructors may help create change. Possible changes in future police academy training are discussed.

## **APPENDIX A: LIST OF EXPERTS**

**Kathleen Lundquist, Ph.D.**  
President and Chief Executive Officer  
*APTMetrics, Inc.*

**Mark Killingsworth, Ph.D.**  
Professor of Economics  
Rutgers University School of Arts and Sciences

**Marc Bendick, Ph.D.**  
Co-Founder and Co-Principal  
Bendick and Egan Economic Consultants, Inc.

**David P. Jones, Ph.D.**  
President  
*Growth Ventures Inc.*

**APPENDIX B:**  
**WRITTEN TESTIMONY OF JENNY YANG**  
**CHAIR, U.S. EQUAL EMPLOYMENT**  
**OPPORTUNITY COMMISSION**



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
Washington, D.C. 20507

Office of the Chair

**Written Testimony before the  
President's Task Force on 21<sup>st</sup> Century Policing**

**Jenny R. Yang, Chair  
U.S. Equal Employment Opportunity Commission**

On behalf of the U.S. Equal Employment Opportunity Commission, I thank Chairs Charles Ramsey and Laurie Robinson, Task Force members, and Executive Director Ronald Davis for inviting written testimony from the EEOC. We write to support the Task Force's efforts "to identify best practices and ... make recommendations to the President on how policing practices can promote effective crime reduction while building public trust."<sup>1</sup> In the wake of the events in Ferguson, New York City, Cleveland, and across the country, your efforts are timely and vital. I commend you on the success of the Task Force's first listening session and on your inclusion of workforce diversity as one of the strategies that will aid state and local law enforcement in building trust and legitimacy in the communities they serve and, ultimately, in achieving effective, community-oriented policing.

Promoting equality of opportunity in the public sector is vital to the EEOC's mission to stop and remedy unlawful employment discrimination in the workplace. We write to provide background on the EEOC's work to promote equality of opportunity in policing and to offer recommendations to assist police forces in drawing from the diversity of their community.

**EEOC AUTHORITY & RESOURCES**

Fifty years ago, Title VII of the Civil Rights Act of 1964 created the EEOC as the leading government agency charged with enforcing civil rights protections in the workplace. Today, we have 53 field offices nationwide, and we enforce federal laws prohibiting discrimination on the basis of race, color, religion, sex, national origin, age (40 or older), disability or genetic information.<sup>2</sup> Our jurisdiction includes private, federal, and public sector workplaces, which include state and local law enforcement agencies.<sup>3</sup>

---

<sup>1</sup> Executive Order 13684 to Establish the President's Task Force on 21<sup>st</sup> Century Policing (December 18, 2014), available at <https://www.federalregister.gov/articles/2014/12/23/2014-30195/establishment-of-the-presidents-task-force-on-21st-century-policing>.

<sup>2</sup> EEO laws also prohibit retaliation on the basis of complaining about discrimination, filing a charge of discrimination, or participating in an employment discrimination investigation or lawsuit.

<sup>3</sup> The EEOC's federal sector enforcement program covers federal agencies, including federal law enforcement agencies. The Commission is authorized to hold hearings on EEO complaints against federal

The EEOC shares enforcement authority for public sector employers with the Department of Justice's Civil Rights Division ("CRT") under Title VII, the Americans with Disabilities Act ("ADA"), and the Genetic Information Nondiscrimination Act ("GINA"). Generally, the Commission receives, investigates, and may attempt to mediate charges of discrimination against public employers. Where the Commission finds reasonable cause to believe an unlawful employment practice has occurred, it attempts to conciliate those charges. Commissioners may also file Commissioner's Charges against public employers. If conciliation of a charge fails, the EEOC refers the charge and its investigative file to CRT, which has authority to sue public employers. The EEOC also has authority under Title VII, ADA, and GINA to sue labor organizations that represent state and local employees or employment agencies that service state and local employers.<sup>4</sup>

Moreover, the Commission has the authority to receive, investigate, attempt to mediate, conciliate, and sue regarding a charge of discrimination against a public employer under the Age Discrimination in Employment Act of 1976 (ADEA) and receive, investigate, and sue under the Equal Pay Act of 1963 (EPA).

The EEOC is also authorized to collect workforce demographic data from employers with more than 100 employees. State and local government workforce data, including data from certain police departments, is captured on the EEO-4 form. The data of individual state and local government employers is not made public, but aggregate data may be shared to provide information about employment by race, ethnicity, and gender in various job groups and by salary bands within those job groups.

The EEOC is also charged with providing guidance and conducting training and outreach to promote equal employment opportunity and encourage voluntary compliance with the laws we enforce.

---

agencies and adjudicate appeals from federal agency administrative decisions. The EEOC also monitors and collects data on agencies' compliance with EEO laws, monitors and evaluates federal agency affirmative employment programs, and conducts education and outreach aimed reducing barriers to equal employment and EEO compliance. As an example, in Fiscal Year 2013, the EEOC found in favor of a class of female agents in a pattern or practice action against the Drug Enforcement Agency involving discrimination in foreign assignments and promotions on the basis of sex. *Garcia v. Dep't of Justice*, EEOC Appeal No. 0120122033, 2013 WL 2903347 (June 7, 2013).

<sup>4</sup> As an example, in Fiscal Year 2012, the EEOC filed suit against Jacksonville Association of Firefighters (Local 122 of the International Association of Fire Fighters). The EEOC alleged that the union negotiated with the City of Jacksonville for a racially discriminatory written exam in the promotion process that it knew to have a disproportionate adverse impact on Black test takers. Case No. 3:12-cv-00491-MMH-TEM (M.D. Fla.). The Department of Justice filed a companion suit against the city. Case No. 3:12-cv-00451-TJC-MCR, (M.D. Fla.).

## IMPORTANCE OF EEO COMPLIANCE & DIVERSITY

The EEOC's Strategic Enforcement Plan prioritizes eliminating systemic barriers to hiring and recruitment in the public, private, and federal sectors under all of the laws we enforce.<sup>5</sup> These laws prohibit employers from using recruitment practices or selection procedures that have the purpose or effect of discriminating against individuals based on their protected characteristic(s).

As an example, Title VII permits employment tests to be used as long as they are not "designed, intended or used to discriminate" against covered individuals<sup>6</sup> and imposes restrictions on how tests are scored.<sup>7</sup> Title VII also prohibits employers from using facially-neutral tests or selection procedures that disproportionately exclude covered individuals where the tests or procedures are not "job-related and consistent with business necessity" for the position in question.<sup>8</sup> The Uniform Guidelines on Employee Selection Procedures ("UGESP") were promulgated to be used by employers, including law enforcement agencies, to evaluate their selection practices and assess whether they are in compliance with the law.<sup>9</sup> The use of any selection procedure that has an adverse impact based on a category protected under Title VII will be considered discriminatory unless the procedure is job-related and consistent with business necessity, i.e. it has been properly validated,<sup>10</sup> or the use of the procedure is otherwise justified under federal law.<sup>11</sup>

Although EEO enforcement is distinct from the promotion of diversity in the workplace, the concepts are linked, as compliance with EEO laws will often lead to greater diversity in the workplace. Moreover, the absence of diversity is often a critical indicator of potential barriers to

---

<sup>5</sup> Available at <http://www.eeoc.gov/eeoc/plan/sep.cfm>.

<sup>6</sup> *Id.* at § 2000e-2(h).

<sup>7</sup> *Id.* at §2000e-2(l) (it is an unlawful employment practice "to adjust the scores of, use different cutoff scores for, or otherwise alter the results of, employment-related tests on the basis of race, color, religion, sex, or national origin"). The ADA also addresses prohibited practices related to employment tests. See 42 U.S.C. §12112(b).

<sup>8</sup> 42 U.S.C. § 2000e-2(k)(1)(A)(1); see *Griggs v. Duke Power Co.*, 401 U.S. 424, 431 (1971).

<sup>9</sup> 29 C.F.R. Part 1607; see *Albemarle Paper Co. v. Moody*, 422 U.S. 405, 431 (1975).

<sup>10</sup> See, e.g., *Isabel v. City of Memphis*, 404 F.3d 404, 413-14 (6th Cir. 2005) (City's use of a written test for promotion to police lieutenant resulted in a disparate impact on African Americans; City's procedure was not properly validated and therefore "had no business justification.") UGESP instructs employers to rely upon "criterion-related validity studies, content validity studies or construct validity studies" to validate a selection procedure. 29 C.F.R. § 1607.5(A).

<sup>11</sup> *Id.* at §§ 1607.3, 1607.6; see *Officers for Justice v. Civil Serv. Comm'n*, 979 F.2d 721, 728 (9th Cir.1992) ("[B]efore utilizing a [selection] procedure that has an adverse impact on minorities, the City has an obligation pursuant to the *Uniform Guidelines* to explore alternative procedures and to implement them if they have less adverse impact and are substantially equally valid [to other options].").

equal employment opportunity in the workplace. As witnesses testified during the first Task Force listening session, and as reported by the 1967 Kerner Commission, while a diverse police force will not alone ensure effective community policing or the protection of civil rights, a police force that reflects the community it serves can aid in building trust and legitimacy in the community. This can lead to higher quality and more effective law enforcement. The EEOC is highly interested in the work of the Task Force with respect to diversity, and we encourage the inclusion of diversity and EEO compliance in your final recommendations.

#### DATA FROM THE FIELD

In Fiscal Year 2014, the EEOC received 1,152 charges against entities listed as "police" or "sheriff" departments.<sup>12</sup> The top basis for these charges was retaliation under all statutes (50.5 percent, with 43.6 percent alleging retaliation under Title VII alone), followed by discrimination on the basis of sex (36.5 percent), race (34.2 percent), disability (29.4 percent), and age (16.5 percent).<sup>13</sup> Sorted by issue raised, the top issues were harassment (34.5 percent), discriminatory terms and conditions of employment (33.2 percent), discriminatory discipline (20.4 percent), and reasonable accommodation related discrimination (12.3 percent). Promotion, assignment, intimidation, suspension, and hiring discrimination were all issues raised, but each category fell under 10 percent.<sup>14</sup>

Although the EEOC's charge data provides insight into employment discrimination issues alleged, it should not alone be used to gauge the scope or severity of discrimination or a particular type of discrimination in any given sector. Many employees and job seekers do not take the step of filing charges and many others, especially in the case of recruitment and hiring discrimination, are not aware that a violation has occurred.<sup>15</sup> In contemplation of this, Congress authorized Commissioners to file charges under Title VII when they have reason to believe discrimination has occurred and similarly authorized the EEOC to file Directed Investigations under the EPA and ADEA.

The EEOC also utilizes its education and outreach programs to promote equal employment opportunity in the public sector. In Fiscal Year 2014, our program analysts conducted 43 trainings for state and local law enforcement agencies. These trainings focused on topics such as an overview of EEO laws, implicit bias, diversity and inclusion, employer responsibility and complaint resolution, and harassment. As a result of our nationwide presence, the EEOC has

---

<sup>12</sup> Although the EEOC's system does not separately track charges against police departments *per se*, we can track charges against entities which expressly contain the word "police" or "sheriff." While using this method somewhat undercounts the charges against police departments, some of which, for example, may only name the municipality involved, we do believe it constitutes a representative sample of the kinds of complaints being made.

<sup>13</sup> The percentages for charges in FY 2014 alleging EPA or GINA violations is under one percent.

<sup>14</sup> Also, some charges allege more than one basis or issue of discrimination.

<sup>15</sup> It should also be noted that not all charges will result in a finding of discrimination.

ongoing relationships with state and local governmental employers, sometimes in small localities where there is little federal presence and sometimes as an institutional partner with a larger employer. As an example, the Denver Field Office has partnered with the Denver Sheriff's Department to teach its curriculum on anti-harassment and bullying for new recruits. With the renewed focus on quality community policing and the role diversity plays in achieving it, the EEOC expects and is well positioned to form new and deeper partnerships that will benefit EEO enforcement, police departments, and the public alike.

## NEXT STEPS & RECOMMENDATIONS

### *EEOC Next Steps*

The EEOC is working with CRT, others at DOJ, and experts in the field to:

1. Identify instances in which the use of certain recruitment, hiring, and promotion practices in law enforcement may serve as barriers to equal employment opportunity;
2. Facilitate the development of best practices for EEO compliance and achieving and maintaining greater police force diversity; and
3. Develop and deploy effective EEO and diversity/inclusion training for different state and local law enforcement audiences, including department leadership, human resources, and hiring officials (including those in Civil Service Commissions who often design police hiring criteria), union leadership, and individual officers.

The EEOC will also continue evaluating charge and EEO-4 data for outreach and systemic administrative and legal enforcement opportunities.

### *Recommendations for Task Force*

We encourage the Task Force to:

1. Invite oral and written testimony on recruitment, hiring, and promotion practices that promote equal employment opportunity in policing;
2. Examine the qualities needed to be a successful police officer and identify relevant selection practices;
3. Encourage additional research to quantify the benefits of a diverse police force that reflects the community served;
4. Highlight those departments where diversity has proven an effective law enforcement strategy and highlight the approaches taken, as appropriate; and
5. Consider the use of grants to assist small and mid-sized police departments in conducting barrier analyses and taking proactive measures to comply with EEO law and achieve or maintain a diverse workforce.

*Resources for the Task Force*

To aid the Task Force in its work, in the coming weeks, the EEOC and CRT will:

1. Recommend experts who can provide oral or written testimony on recruitment, hiring, and promotion practices that promote equal employment opportunity in policing; and
2. Submit a literature review on workforce diversity in police departments, including barriers, best practices, and job qualifications.

As resources permit, the EEOC can also provide the Task Force additional information on our charge and EEO-4 data.

CONCLUSION

Thank you again for your consideration of this testimony and the important role diversity plays in ensuring 21<sup>st</sup> Century policing that meets the needs of our nation. The Commission looks forward to working with you.



***WORKING GROUP***  
POLICE-INVOLVED DEADLY FORCE ENCOUNTERS  
FEBRUARY 2020



# FOREWORD

Any encounter between police and community that results in injury or death is not only a tragedy for the person that is injured or killed, it is life-altering for their loved ones and the officers involved, and has a profound impact on the entire community.

There have been many firm opinions over the years about why police-involved deadly force encounters persist, and those opinions have grown more intense and more polarized as people's and communities' frustration, grief, and anger has grown. This has also made practical solutions for reducing them that can be effectively implemented and widely adopted harder and harder to agree on. In the meantime, people continue losing their lives, survivors' lives continue being changed forever, communities continue being torn apart, and trust between community and law enforcement continues to fray.

We thought it didn't need to be that way any longer and that we were in a position to do something about it. We began talking about a working group more than a year ago, right after each of us took office. We were, and are, rooted in the premise that we as a state can work through polarization to get to actually implementable steps for reducing deadly force encounters if we bring together people from a broad range of experience and backgrounds who have not been invited or encouraged to talk to each other about it before, and if we commit to really listen to each other and stay at the table when the going gets rough, as we knew it inevitably would.

This is something no other state has tried before. We saw an opportunity for Minnesota to set a national model and we took it.

Over 50 panelists and community members offered in-person testimony over the course of four hearings. We convened hearings in Saint Paul, Mankato,

Cloquet, and Brooklyn Park. Dozens of community members spoke of their experiences at three listening sessions in Minneapolis, Bemidji, and Worthington. Additionally, nine email submissions were submitted via the working group website.

The working group spent more than 30 hours in deliberations and discussions centered on the recommendations witnesses offered during their testimony. After that many hours of discussion, and sometimes strong disagreement, the 18 members of this working group are proposing, with consensus, 28 recommendations and 33 action steps. They're not everything that everyone wanted, but they are real, actionable recommendations that, if implemented, will reduce police-involved deadly force encounters.

We want to thank each and every member of the working group who joined in the spirit of good faith and a desire to make an impact, and kept coming back in that spirit. They have set a model for listening and honoring each other, as well as for wrestling with differences, that Minnesotans can be proud of. We thank everyone who delivered testimony, every way that they delivered it. We especially thank the families of people who have died or experienced deadly force encounters for sharing their grief, pain, resilience, and creativity with us, and for both challenging and encouraging us.

These 28 recommendations and the forthcoming report will not just sit on a shelf. It is not an end in itself: it's merely the end of the beginning of turning these recommendations into reality, building trust, healing, and making sure everyone gets home safe.

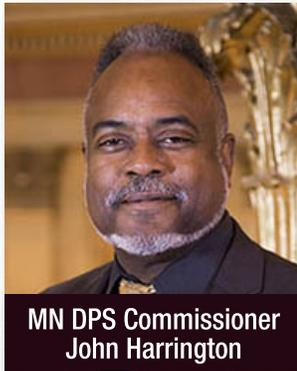


# ABOUT THE WORKING GROUP

Minnesota Attorney General Keith Ellison and Commissioner of Public Safety John Harrington began discussing the idea of a working group to identify ways to reduce deadly force encounters

with law enforcement in early 2019, shortly after each took office. In July 2019, they announced a working group of 16 members that they chose to ensure that a cross-section of community, advocacy, academic, foundation, mental-health, law-enforcement, and criminal-justice-system stakeholders were at the table. They also chose members to ensure geographic and racial diversity. After the first all-day hearing in August 2019, they expanded the working group by two members, to respond to community testimony that disability and autism advocates were not represented. These 18 members stayed at the table through the duration of the working group.

The working group was designed as a platform for members to listen to and learn from Minnesota-based and national researchers, experts, advocates, and each other, and especially those most directly involved in deadly force encounters: families whose loved ones lost their lives in police-involved deadly force encounters; officers themselves, their families, and their agencies; and those tasked with investigating and prosecuting such cases. The goal of the working group was to make actionable recommendations to all parties and communities that, if implemented, will reduce deadly force encounters with law enforcement.



MN DPS Commissioner  
John Harrington



MN Attorney General  
Keith Ellison

The working group held four all-day public hearings and three evening listening sessions around Minnesota between August 2019 and January 2020. Attorney General Ellison and Commissioner Harrington

also met privately with family members who lost loved ones in police-involved deadly force encounters.

The hearings were open to the public in a variety of ways. The public was invited to speak during the public-comment sessions at the conclusion of each hearing and during the listening sessions, and to submit written testimony to inform the deliberations of the working group. In addition, the working group responded to community feedback by establishing a session at the beginning of each all-day hearing to receive testimony from families affected by police-involved deadly force encounters. The Department of Public Safety set up a web portal at <https://dps.mn.gov/divisions/co/working-group/Pages/default.aspx> to provide the public with full access to hearings, agendas, submitted testimony (written and oral), and a mechanism for submitting public testimony to the working group online. All hearing and listening sessions were live-streamed, videotaped, transcribed, and posted to the website. Meeting summaries were also prepared and posted for each of the four hearings, and are provided in the appendix of this document along with the hearing agendas.

# MEETINGS HELD

## **July 22, 2019**

Press Conference Announcement of Working Group  
Department of Public Safety, Saint Paul, MN

## **Aug. 17, 2019**

Public Hearing 1  
State Capitol, Saint Paul

## **Sept. 9, 2019**

Working Group Discussion 1  
Wilder Foundation, Saint Paul

## **Sept. 28, 2019**

Public Hearing 2  
Minnesota State University, Mankato

## **Oct. 9, 2019**

Working Group Discussion 2  
Wilder Foundation, Saint Paul

## **Oct. 17, 2019**

Public Hearing 3  
Fond du Lac Tribal and Community College, Cloquet

## **Nov. 7, 2019**

Working Group Discussion 3  
The Minneapolis Foundation, Minneapolis

## **Dec. 5, 2019**

Listening Session 1  
Sabathani Community Center, Minneapolis

## **Dec. 17, 2019**

Listening Session 2  
Bemidji State University, Bemidji

## **Dec. 19, 2019**

Listening Session 3  
Worthington High School, Worthington

## **Jan. 6, 2020**

Public Hearing 4  
North Hennepin Community College, Brooklyn Park

## **Jan. 9, 2020**

Working Group Discussion 4  
The Minneapolis Foundation, Minneapolis

## **PUBLIC HEARING AND DELIBERATION FORMAT**

Each all-day public hearing was broadly organized around one of four themes: 1) Investigation, Oversight and Accountability; 2) Prevention, Training, and Officer Wellness; 3) Policy and Legal Implications; 4) Community Healing and Mental Health. During the public hearings, working group members had the opportunity to ask questions of testifiers, including affected families and the general public. Their focus in questioning was to get at the concrete actions that they could recommend to reduce or mitigate police-involved deadly force encounters.

Working group members early on came to consensus on the five pillars of their mandate:

- 1) Community healing and engagement;**
- 2) Prevention and training;**
- 3) Investigations and accountability;**
- 4) Policy and legal implications;**
- 5) Officer wellness.**

They also established four criteria for developing recommendations:

- 1) It falls within the mandate of the working group;**
- 2) It is likely to have an impact on reducing deadly force encounters;**
- 3) It is actionable, with identifiable steps;**
- 4) It addresses community and law-enforcement concerns.**

**Note:** The Working Group developed the recommendations and action steps between August 2019 and February 2020. The Working Group as a whole neither supports nor opposes any pending legislation that may be related to the recommendations and action steps.

## 1 COMMUNITY HEALING AND ENGAGEMENT RECOMMENDATIONS AND ACTION STEPS

### RECOMMENDATION 1.1

**All law enforcement agencies and their communities should increase meaningful police community relations through genuine listening and positive actions, particularly during critical incidents such as police-community deadly force encounters.**

**Action Step 1.1.1** Peace Officer Standards and Training Board (POST), working with a collaborative group of stakeholders, should develop education, awareness and training materials to educate law enforcement agencies on model practices in communication, transparency and openness that can improve effective police community interactions.

**Action Step 1.1.2** Local and tribal law enforcement agencies should provide effective communication and trauma-informed training to all law enforcement public information officers (PIOs) or any other staff involved in communications with the public, especially during critical incidents.

**Action Step 1.1.3** All local jurisdictions should consider using tools such as “A Strategic Resource for Mayors on Police-Involved Shootings and In-Custody Deaths” prepared by Cities United or resources from the League of Minnesota Cities on how to effectively manage the dynamics of officer-involved shootings and in-custody deaths before, during, and after an event in order to increase public confidence in the system. Tribal agencies and Sheriff’s offices may find additional resources specific to their unique challenges through their own associations.

**Action Step 1.1.4** The Department of Public Safety should prepare educational materials for the public and officers on how to handle traffic stops when people are legally carrying a concealed firearm on their person or in the car.



## RECOMMENDATION 1.2

**State, tribal, and local governments should increase their investment in community-based mental health and trauma-informed services statewide.**

**Action Step 1.2.1** State, tribal, and local governments should implement trauma-informed, culturally-appropriate community healing models. Models should train and equip local community healers, facilitate community dialogues, and address historical racial trauma, as well as concentrated community and individual trauma, that results from police-involved deadly force encounters.

**Action Step 1.2.2** All law enforcement agencies should train officers to be aware of the impact of current and historical racial trauma in communities and how to reduce additional trauma through officer actions. This includes how to treat people at the scene of an incident, make appropriate referrals, conduct interviews, demonstrate empathy, listen, and refer people to trauma-informed services.

## RECOMMENDATION 1.3

**The Department of Public Safety should take steps to ensure that the families of those involved in police-involved deadly force encounters are treated respectfully, provided timely information on a consistent basis, and given access to appropriate resources and services.**

**Action Step 1.3.1** The Department of Public Safety should establish a Family Liaison position to interact directly with the affected families of those involved in police deadly encounters. This position will ensure families are treated with dignity and respect, keep the families informed in a timely and consistent manner, and refer the families to available services.

## RECOMMENDATION 1.4

**The Department of Public Safety should work with the chiefs' and sheriffs' associations, police unions, local officials, and community representatives to promote more effective models of neighborhood policing that focus on proactive policing and problem-solving through engaging the community rather than responding only to calls for service.**

**Action Step 1.4.1** Local law enforcement agencies should seek regular feedback from their communities on their performance, interactions, and treatment through surveys, focus groups, complaint mechanisms, social media platforms, etc.

## RECOMMENDATION 1.5

**The Office of the Attorney General and Department of Public Safety should work with key stakeholders to create a joint permanent component or Office to serve as “Minnesota’s Peacemaker” (similar to the federal Office of Community Relations Services in the U.S. Department of Justice). The component would have the authority and responsibility to work with communities in conflict by mediating disputes, enhancing community capacity to independently prevent and resolve future conflicts and undertake restorative practices. The Office would work with community groups, public officials, law enforcement, and other relevant stakeholders to promote healing and restoration, resolve community conflicts arising from highly-charged incidents, and prevent and respond to alleged hate crimes involving the targeting of individuals based on their race, color, national origin, gender, gender identity, sexual orientation, religion, or disability.**



## 2 PREVENTION AND TRAINING RECOMMENDATIONS AND ACTION STEPS

### RECOMMENDATION 2.1

**Local law enforcement agencies should work with community partners to engage them in the standards, expectations, and recruitment of officers that know their local communities and increase the diversity of their workforce.**

**Action Step 2.1.1** The Peace Officer Standards and Training Board (POST) should develop and provide guidance to local governments regarding recruitment, hiring, retention, promotion, and special-assignment practices in order to achieve workforce diversity that reflect the Minnesota context.

### RECOMMENDATION 2.2

**Local governments should partner to adopt co-responder and other models that improve outcomes for people with developmental/physical/intellectual disabilities or who are in mental-health crisis during interactions with law enforcement.**

**Action Step 2.2.1** The State of Minnesota should provide incentives, funding, and support for local governments to implement co-responder or crisis-response teams.

**Action Item 2.2.2** Explore and pilot technology solutions to increase dispatcher/law enforcement access to information that can better inform their level of knowledge related to The person they are responding to if there are disabilities, developmental disabilities, or mental-health conditions involved. Voluntary participation and protection of privacy are key issues that must be addressed as part of implementing new technologies.

### RECOMMENDATION 2.3

**Ensure that all law enforcement agencies are trained in de-escalation tactics and skills (time, cover, distance) in order to reduce use-of-force, especially when responding to persons in crisis.**

### RECOMMENDATION 2.4

**Explore the non-disciplinary use of body camera video and simulator scenarios to identify training to improve officer performance through proactive coaching/mentoring and training in de-escalation tactics.**

## RECOMMENDATION 2.5

**The Legislature should expand law enforcement training funding and ensure consistent implementation statewide, including across rural and smaller agencies. The appropriation sunset for training funds should be removed and current funding levels and requirements for training maintained.**

**Action Step 2.5.1** Every full- and part-time peace officer in Minnesota should be trained in crisis intervention and mental health crises; conflict management and mediation; and recognizing and valuing community diversity and cultural differences that includes implicit bias training. The Legislature should incorporate the current expansion of funds into the State base budget to meet this goal.

**Action Step 2.5.2** The Legislature should require the inclusion of procedural justice and historical community trauma as part of the existing community diversity and implicit bias training requirements.

## RECOMMENDATION 2.6

**Officers and dispatchers should have the skills to recognize and respond appropriately to people with developmental, physical, and intellectual disabilities, and refer them to appropriate resources for follow-up, care, and support.**

**Action Step 2.6.1** Law enforcement agencies should include components on crisis intervention, mental health, and developmental, physical, and intellectual disabilities in basic recruit training and in-service training. These training components should be developed with input and collaboration from people with developmental, physical, and intellectual disabilities. The Legislature should fund the inclusion of dispatchers in this training.

## RECOMMENDATION 2.7

**Local governments, law enforcement agencies, foundations, and community-based organizations should work with the Minnesota Chapter of the National Organization of Black Law Enforcement Executives (NOBLE) to expand dissemination of 'The Law and Your Community' for youth and communities. This should include an emphasis on the role of community in working with law enforcement to improve public safety.**

## 3 INVESTIGATIONS AND ACCOUNTABILITY RECOMMENDATIONS AND ACTION STEPS

### RECOMMENDATION 3.1

**Create an independent and specialized investigation unit within the Bureau of Criminal Apprehension (BCA) with the authority to investigate all officer-involved shootings and uses of force that result in death or severe bodily injury. This recommendation does not prohibit other authorized investigative agencies from conducting these investigations.**

**Action Step 3.1.1** This unit shall work on police-involved deadly force cases. The agents assigned to the unit will not have a conflict of interest with involved officers or their agencies.

**Action Step 3.1.2** The Department of Public Safety should conduct a review of its existing staffing and structure and identify what resources and structural changes are needed to create a specialized unit with the BCA that does not, as a matter of course, work closely with local law enforcement.

**Action Step 3.1.3** The State Legislature should provide the funding necessary for this unit.

### RECOMMENDATION 3.2

**The Attorney General and the Minnesota County Attorneys Association should continue working together to discuss and develop ideas for how the Attorney General's Office can be supportive and engaged around deadly-force encounters in terms of expertise, resources, conflicts, jurisdiction, or other issues.**



## RECOMMENDATION 3.3

**Review current statutes relevant to body worn cameras based on emerging concerns related to transparency and accountability of police-involved deadly force encounters.**

**Action Step 3.3.1** Law enforcement agencies using body worn cameras should proactively re-engage the public in periodic reviews of body worn camera practices and policies once implemented to ensure public transparency and accountability.

**Action Step 3.3.2** The Legislature should research and evaluate the impact of body worn cameras by 2022. If the evidence suggests they contribute to public safety and community trust, and provide value in deadly force encounters, the Legislature should encourage and fund the full implementation of body worn cameras statewide, understanding that communities have local autonomy on the choice to adopt body worn cameras.

## RECOMMENDATION 3.4

**Establish a formal, protected, non-disciplinary Sentinel Event Review process similar to the National Transportation Safety Board (NTSB) to review critical incidents and identify systemic issues that need to be addressed to improve outcomes in law enforcement, including deadly force encounters.**

**Action Step 3.4.1** The State of Minnesota should review similar processes already in place in Minnesota such as the Infant Mortality Review Board and determine the best format to adopt for use statewide. This should include a review of other state models and lessons learned.

## RECOMMENDATION 3.5

**Local communities and law enforcement agencies should implement customized models of community involvement that increase communication, input, and engagement of the public in establishing openness, listening, and transparency between the public and the law enforcement.**

## RECOMMENDATION 3.6

**The State of Minnesota should work with key stakeholders to explore options to address public concerns about closed cases of police-involved deadly force encounters, such as an Ombudsman and Office of Inspector General.**

## 4 POLICY AND LEGAL IMPLICATIONS RECOMMENDATIONS AND ACTION STEPS

### RECOMMENDATION 4.1

The State of Minnesota, working with law enforcement and community stakeholders, should review the existing use-of-force standards and statutes and recommend any revisions necessary to ensure there is a focus on the sanctity of life, as well as standards that require that the use-of-force be reasonable, necessary, and proportionate.

### RECOMMENDATION 4.2

All police agencies should adopt use-of-force policies that, at a minimum:

- Make sanctity of life a core organizational value.
- Require officers to de-escalate when such effort does not compromise officer safety.
- Require force used by officers to be reasonable, necessary, and proportionate.
- Hold officers accountable to use sound tactics, such as time, distance, and cover, to reduce the need to use force.
- Require officers to intervene, when appropriate and safe, when witnessing unreasonable use of force.
- Require officers to report all incidents of unreasonable use of force to a supervisor.

**Action Step 4.2.1** The Peace Officer Standards and Training Board (POST) should update the training curricula and capacity of certified colleges and training institutions to deliver updated use-of-force training components to include sanctity of life, proportionality, imminent threat, de-escalation tactics, self-defense, communication skills, and rendering aid.



# RECOMMENDATIONS AND ACTION STEPS

## RECOMMENDATION 4.3

The Department of Public Safety and Peace Officer Standards and Training Board (POST) shall convene focus groups and experts to discuss strategies to increase the role of the POST Board to approve, suspend, or revoke officer licenses at the Chief Law Enforcement Officer's request in order to strengthen accountability and transparency of officers who violate State standards.

## RECOMMENDATION 4.4

**Establish a data-collection and reporting system that tracks all police-involved deadly force encounters.**

**Action Step 4.4.1** Require all law enforcement agencies to report all deadly force encounters and uses of force resulting in serious or great bodily harm or death to the Bureau of Criminal Apprehension (BCA) for inclusion in the FBI's national Use-of-force database.

## RECOMMENDATION 4.5

**All law enforcement agencies should institute a policy that mandates officers to render immediate medical aid to gunshot victims, including those injured during an officer-involved shooting, as soon as safely possible.**

**Action Step 4.5.1** The Legislature should provide financial support for all agencies in the state to equip officers with first aid kits that include a tourniquet and QuikClot.

**Action Step 4.5.2** All law enforcement agencies should adopt a policy that requires officers receive first-aid training.



## RECOMMENDATION 4.6

**All law enforcement agencies should implement an Early Intervention Program (EIP) for officers and dispatchers that is designed to identify problem behaviors at the earliest possible stage so that intervention and support can be offered in a non-disciplinary manner.**

## RECOMMENDATION 4.7

**The Legislature should pass a carefully crafted privacy protection (protected conversations) for peer-support programs for first responders, modeled after other state model policies that protect therapeutic debriefings and individual counseling sessions led by certified peer counselors.**

## RECOMMENDATION 4.8

**Law enforcement agencies should adopt data practices that promote transparency, openness, and accountability. This includes collecting, analyzing, translating, and publishing data to create clear and accurate knowledge about the nature of police-community interactions, use of force, and police-involved deadly force encounters.**

**Action Step 4.8.1** Particular care should be taken to articulate in policy and execute in practice those privacy protections regarding the release of information related to victims, victims' families, involved officers, and officer families.

## 5 OFFICER WELLNESS RECOMMENDATIONS AND ACTION STEPS

### RECOMMENDATION 5.1

**Expand resources, and increase statewide awareness of existing resources, to improve the mental health and wellness of first responders and dispatchers.**

- Action Step 5.1.1** The Department of Public Safety should develop and promote a comprehensive Officer Mental Health and Wellness tool kit to promote officer resilience, ability to manage exposure to trauma, and improve physical and mental health outcomes.
- Action Step 5.1.2** The Department of Public Safety should work with the Peace Officer Standards and Training Board (POST), law enforcement, dispatch professional associations, and unions to establish a confidential referral mechanism, similar to “Lawyers Concerned for Lawyers,” to encourage peer reporting and referral to address suicide prevention and mental health and wellness.
- Action Step 5.1.3** The Department of Public Safety should create an officer safety and wellness working group to monitor officer safety and wellness throughout the state, and work with the Peace Officer Standards and Training Board (POST), law enforcement unions, and police chiefs’ and sheriffs’ associations to identify any patterns and trends. For example, this group should review the Law Enforcement Mental Health and Wellness Report to Congress to identify models that can be incorporated into a tool kit for law enforcement agencies throughout the state and recommend ways to implement relevant recommendations.
- Action Step 5.1.4** The Department of Public Safety and law enforcement stakeholders should work with the Legislature to develop funding to incentivize and evaluate effective officer resilience, mental health, and wellness programming similar to the existing training reimbursement fund.
- Action Step 5.1.5** All peace officers should receive confidential mental health and wellness check-ins every three years. Mental health and wellness check-ins should also be done after significant incidents. A significant incident would involve use of a Critical Incident Stress Management Debriefing Team and/or a determination by the chief law enforcement officer that the peace officer had significant involvement in the incident.
- Action Step 5.1.6** The Legislature should provide funding incentives for agencies to address barriers in providing officers access to mental-health checks similar to the current training reimbursement fund.

## RECOMMENDATION 5.2

**All law enforcement agencies should establish or participate in evidence-informed mental health and wellness programs, such as Peer Support Teams and Crisis Intervention Stress Management (CISM) programs.**

**Action Step 5.2.1** The State of Minnesota and the Department of Public Safety should establish a full-time position to coordinate Peer Support, Critical Incident Stress Management (CISM), and officer safety and wellness efforts statewide.

**Action Step 5.2.2** The Department of Public Safety should promote, support, and partner with groups that work to address the trauma and stress experienced by peace officer families, using evidence-informed programs and services.



# HEARING SUMMARIES

## HEARING ONE AGENDA AND SUMMARY

### Opening Remarks from Co-Chairs

### Introduction of Working Group Members

### Role of Prosecutors in Deadly Force Investigations

Local County Attorney: Mike Freeman, Hennepin County

Local County Attorney: John Choi, Ramsey County

Federal Law: Anders Folk, First Assistant US Attorney

### National Perspective

Allison Goldberg, Institute for Innovation in Prosecution

John Jay, College of Criminal Justice

### Police Deadly Force Encounters — Perspectives from Community

Valerie Castile, Mother of Philando Castile

Wanda Johnson, Mother of Oscar Grant

### Deadly Force Investigations — Challenges and Perspectives from Law Enforcement

Minnesota Chiefs of Police Association: Police Chief Brad Wise, City of Coon Rapids

Minnesota Sheriffs' Association: Sheriff Tim Leslie, Dakota County

### Bureau of Criminal Apprehension (BCA) Investigative Process

Superintendent Drew Evans, Minnesota Bureau of Criminal Apprehension (BCA)

On Saturday, Aug. 17, 2019, the Working Group on Police-Involved Deadly Force Encounters, co-chaired by Minnesota Attorney General Keith Ellison and Commissioner of Public Safety John Harrington, hosted the first public hearing, titled Investigations, Oversight and Accountability, at the State Capitol.

The working group convened at 9:00 a.m. A group of protestors raised concerns about the formation and makeup of the working group and the ongoing number of police-involved shootings. The working group listened to the concerns expressed by those present for about an hour and then adjourned. The meeting was re-convened later in the day.

Due to a shortened timeframe, not all planned

presenters were able to address the working group; some were rescheduled to a later hearing. The following panels presented testimony; videos of the hearing are available on the MN DPS website, as are copies of written remarks or materials provided by the speakers.

The hearing began with presentations by Wanda Johnson, mother of Oscar Grant; and Valerie Castile, mother of Philando Castile as part of Panel A: Police Deadly Force Encounters—Perspectives from the Community. Both lost sons to police deadly force encounters. Their testimony provided insights into

the extended impact of police deadly force encounters on family members and the affected communities.

The Role of Prosecutors in Deadly Force Investigations (Panel B) was led by Allison Goldberg, policy advisor for the Institute for Innovation in Prosecution (IIP). She introduced the Prosecutor's Tool Kit on Deadly Police Encounters and a link to the IIP webpage with a series of best practices and recommendations for actions to be taken by prosecutors to improve investigations and prosecution of deadly force encounter cases. She was followed by Michael Freeman, Hennepin County Attorney; John Choi, Ramsey County Attorney; and Anders Folk of the U.S. Attorney's Office. They each reflected on the role of the prosecutor and made specific recommendations to improve investigations and prosecution of these cases.

The third panel focused on the law enforcement perspective on deadly use of force, with testimony by Coon Rapids Police Chief Brad Wise and Dakota County Sheriff Tim Leslie. They each provided specific recommendations for consideration by

the working group. The final presentation was made by Drew Evans, superintendent of the Bureau of Criminal Apprehension (BCA). The BCA oversees the investigations of police-involved deadly force encounters statewide. He reviewed the current state of policy and practice regarding the BCA and provided a detailed PowerPoint that is available on the website for the hearings.

Public comment was opened, and testimony was provided by interested parties, including several impacted family members who provided additional detail about their specific concerns with the policies and practices that lead to deadly force encounters, the lack of communication with the affected families, the level of trauma experienced by the loved ones of those killed in police-involved deadly force encounters, and frustrations with the investigation process.

The hearing was closed by the co-chairs. All proceedings were live-streamed, recorded on video, and posted to the working group website.

# HEARING SUMMARIES

## HEARING TWO AGENDA AND SUMMARY

### Opening Remarks from Co-Chairs

### Introduction of Working Group Members

### Invited Testimony by Affected Families

### Officer Wellness

Chief Mike Goldstein, Director of Public Safety/Chief of Police at City of Plymouth  
Sean Smoot, 21st Century Policing Solutions

### Prevention and Training

Ellie Wilson and Jillian Nelson, Autism Society of Minnesota  
Steve Wickelgren, CIT Officers Association Clinical Officer

### Prevention and Training (Part 2)

Capt. Kevin Lutz, Camden County Police Department and Integrated Communication, Assessment and Tactics (ICAT) Trainer • PERF 30 Guiding Principles for Use of Force • Camden Use of Force Principles

### BCA Investigative Process (Part 2)

Superintendent Drew Evans, Minnesota Bureau of Criminal Apprehension (BCA)

### Invited Testimony by Affected Families and Public Comment

On Saturday, Sept. 28, 2019, the Working Group on Police-Involved Deadly Force Encounters, co-chaired by Minnesota Attorney General Keith Ellison and Commissioner of Public Safety John Harrington, hosted the second public hearing, titled Prevention, Training and Officer Wellness, at Minnesota State University at Mankato.

The working group convened at 10:30 a.m. with a panel on Officer Wellness led by Sean Smoot of 21st Century Policing Solutions (21CP Solutions), who reported on the Law Enforcement Mental Health and Wellness Report to Congress and eleven case studies on best practices in officer wellness to improve officer mental health and resilience and ability to respond as trained under stressful

situations. He was followed by Chief Mike Goldstein, who is also director of public safety for the City of Plymouth. Chief Goldstein spoke to the importance of addressing the stress of the job and cumulative exposure to trauma that results in negative health outcomes for officers through intentional mental health and wellness strategies.

The second panel focused on Prevention and Training, with testimony by Jillian Nelson and Ellie Wilson of the Autism Society of Minnesota and Steve Wickelgren, CIT Officer Association of Minnesota. Nelson addressed the disproportionate impact of police-involved deadly force encounters. As many as 50 percent involve

people with mental health or disabilities, raising concerns about the training of officers to recognize mental health and disabilities and the protocols for response. Wickelgren spoke about crisis intervention training (CIT) to better equip officers to recognize and respond to mental health situations.

The third panel was anchored by Capt. Kevin Lutz of the Camden County Police Department, who described a national best practice in reducing police-involved deadly force encounters. Over the last six years, the CCPD has reduced officer-involved shootings from 65 to one per year through a number of policy changes, training, and protocols, beginning with a focus on sanctity of life and integrated communication, assessment and tactics protocols (ICAT) that help officers slow things down, back off, and reduce officer-created jeopardy situations. Copies of their training and protocols are provided in the resources on the working group website.

The final presenter was again Drew Evans, superintendent of the Bureau of Criminal Apprehension (BCA), who described the investigative process that the BCA uses for police-involved deadly force cases.

Invited testimony of affected families was provided by several family members who detailed their concerns about the causes of deadly force encounters, lack of emphasis on community well-being and resources for the families of those killed by police, and concerns about BCA investigations.

The hearing was closed by the co-chairs. All proceedings were live-streamed, recorded on video, and posted to the working group website.

# HEARING SUMMARIES

## HEARING THREE AGENDA AND SUMMARY

### **Blessing**

Ricky Defoe, Fond du Lac elder

### **Acknowledgements/Welcome Introduction of Working Group, Co-chairs**

### **Invited Testimony of Affected Families**

### **Role of POST in Training AND Licensing**

Nate Gove, Executive Director, Minnesota POST Board

### **Technology Policy Implications Part 1**

Superintendent Drew Evans, MN BCA, Retention, access, release, and viewing of body camera video during an active investigation

### **Technology Policy Implications Part 2**

Irene Kao, Intergovernmental Relations Counsel, League of Minnesota Cities  
Sheriff Pat Eliassen, Cook County

### **Use of Force, Legal and Policy**

Christy Lopez, Constitutional Law, Georgetown University Graham v Connor, CA AB392, Proportionality  
Fred Bruno, Attorney

### **Disparities in Policing and Data as a Tool**

Chris Burbank, Center for Policing Equity, National data and what it tells us about race and disparities in policing, officer-involved shootings  
Jon Roesler, Surveillance, Epidemiology and Analysis (SEA) Unit, Minnesota Department of Health Police Involved Fatality Data

### **Invited Families Testimony and Public Comment**

On Thursday, Oct. 17, 2019, the Working Group on Police-Involved Deadly Force Encounters, co-chaired by Minnesota Attorney General Keith Ellison and Commissioner of Public Safety John Harrington, hosted the third public hearing, titled Policy and Legal Implications, at Fond du Lac Tribal and Community College in Cloquet, MN.

The hearing was opened at 9:00 a.m. with a blessing by Fond du Lac elder Ricky Defoe. The hearing began with a presentation by Nate Gove, executive director

of the Minnesota Peace Officer Standards and Training (POST) Board, on the role of the POST Board in establishing officer standards and training requirements. Minnesota is unique in that it certifies higher education facilities to deliver the standard training requirements for police officers. The working group asked numerous questions about the standards for both hiring and training content.

Superintendent Drew Evans, of the Bureau of Criminal Apprehension (BCA) followed with a presentation on the policy implications for the use of technology, particularly body cameras, which bring new resources to improve transparency, accountability and training. But they also bring specific challenges and costs that need to be addressed.

The third panel also addressed technology policy implications, but from a local law enforcement and local government perspective. Irene Kao, intergovernmental relations counsel for the Minnesota League of Cities, led off with a detailed policy analysis and review of the body camera legislation passed after significant input and negotiations. Sheriff Pat Eliason of Cook County spoke to the challenges that rural counties face when considering body cameras. The costs go far beyond the purchase of the cameras to include the cost of properly collecting, storing and managing the data. Irene Kao also emphasized that the costs go beyond the law enforcement agency, imposing increased costs on the courts and prosecutors' offices.

Legal and policy implications of use of force were addressed through presentations by Fred Bruno, an attorney who often represents law enforcement officers; and Christy Lopez, a constitutional law professor at Georgetown University. Bruno addressed police rights and due process in deadly force encounters, a big question being why officers are told to wait to give their statements and whether they should be

able to view the video before or after providing their statements or being interviewed by investigators. Lopez provided testimony on the movement to change policies that address proportionality and when deadly force is justified with a higher standard emerging that is currently being applied under the *Graham v. Connor* decision.

The final panel addressed disparities in policing and data as a tool to help understand and monitor progress. Chris Burbank, with the Center for Policing Equity, spoke about the work they are doing with the Minneapolis Police Department and Chief Arradondo through the Data Transparency Model to use data to better measure factors that get at the consistency and fairness with which police tactics are applied and how to get at systemic issues that contribute to disparate outcomes between racial and ethnic groups. He was followed by Jon Roesler with the Surveillance, Epidemiology and Analysis (SEA) Unit at the Minnesota Department of Health. Mr. Roesler reviewed the data sources available to track police-involved fatality data in Minnesota.

The meeting concluded with invited testimony of affected families and other public comment.

The hearing was closed by the co-chairs. All proceedings were live-streamed, recorded on video, and posted to the working group website.

# HEARING SUMMARIES

## HEARING FOUR AGENDA AND SUMMARY

### Opening remarks and time available for impacted families

#### Community Healing

Renee Gurneau, Anishinaabe Knowledge Institute

Mark Anderson, Barbara Schneider Foundation and Indigenizing CIT (via pre-recorded video)

LeMoine LaPointe, Indigenizing CIT

Dr. Joi Lewis, Joi Unlimited (via pre-recorded video)

Shaundelle Darris, Hersiliency

#### Resources for Local Jurisdictions and Communities

Anthony Smith, Executive Director, Cities United A Strategic Resource for Mayors on Police-Involved Shootings and In-Custody Deaths

<http://citiesunited.org/wp-content/uploads/2017/09/A-Strategic-Resource-for-Mayors-on-PoliceInvolved-Shootings-and-In-Custody-Deaths-2017.pdf>

Booker Hodges, President, Minnesota Chapter of the National Organization of Black Law Enforcement Executives (NOBLE)

William Blair Anderson, Police Chief; Saint Cloud, MN The Law and Your Community  
<https://noblenational.org/noble-programs/the-law-your-community/>

#### County Attorneys

Mike Freeman, Hennepin County Attorney

John Choi, Ramsey County Attorney 1:45-3:15

#### Mental Health and Autism

Sue Abderholden, Executive Director, National Alliance on Mental Illness — Minnesota (NAMI-MN)

Noah McCourt, Autism Advocate

Mike Vandervort and Rich Flaten, Metro Crisis Incident Stress Management (CISM) Team

#### Affected Law Enforcement Families

#### Affected Law Enforcement Family Member

#### MN Chapter Concerns of Police Survivors

#### Arbitration

James Michels, Law Enforcement Labor Attorney, Rice, Michels & Walther LLP

Isaac Kaufman, General Counsel, Law Enforcement Labor Services

#### Invited Families Testimony and Public Comment

On Monday, Jan. 6, 2020, the Working Group on Police-Involved Deadly Force Encounters, co-chaired by Minnesota Attorney General Keith Ellison and Commissioner of Public Safety John Harrington, hosted the fourth public hearing, which focused on community healing; mental health; prosecution; arbitration; resources for local jurisdictions and communities; and testimony from affected law enforcement families, families affected by police-involved deadly-force encounters, and the public in Brooklyn Park at the North Hennepin Community College Prevention.

The working group convened at 9:00 a.m. with testimony from Priscilla Fairbanks, a mother who lost her only son in a police-involved deadly force encounter in 2019. She shared the heartbreaking loss and the confusion over why deadly force was required when he was already on the ground being held by a police dog. She made several recommendations to address officer training, recruitment, hiring, monitoring and firing protocols.

The first panel focused on community healing, with testimony provided by Renee Burneau with the Anishinaabe Knowledge Institute; Mark Anderson (pre-recorded) and LeMoine LaPointe with the Barbara Schneider Foundation; Dr. Joi Lewis with Joi Unlimited; and Shaundelle Darris with Hersiliency. Burneau provided an overview of the historical trauma experienced by indigenous people and efforts to restore the path of life where the mind and heart work together through recovering their language, culture and spiritual foundation. Mark Anderson and LeMoine LaPointe provided an overview of efforts to indigenize the Crisis Intervention Team (CIT) model through a four-phase community engagement process that involves the entire community in the process of four dialogue sessions focused on Discover, Dream, Design, and Deliver as a way to

deeply address underlying community priorities and solutions. Dr. Lewis (pre-recorded) addressed the need to focus on and fund the infrastructure to build the capacity for community healing in the face of trauma, including police-involved deadly force encounters, through meditation, mindfulness, emotional liberation and conscious movement. Darris described her efforts to improve community healing by establishing Hersiliency, a program to address mental health and wellness for communities of color and provide cultural sensitivity trainings to dismantle racial inequities. Each of the speakers made specific recommendations to address community healing.

The second panel focused on resources for local jurisdictions and communities, with presentations by Anthony Smith, Executive Director of Cities United; Booker Hodges, the President of the MN chapter of the National Organization of Black Law Enforcement Executives (NOBLE); and Chief William Blair Anderson, City of St. Cloud, MN. Smith shared the background behind the creation of Cities United to address the needs of African American boys and young men and reduce the violence that impacts them.

He explained that former Minneapolis Mayor Betsy Hodges worked with Cities United to develop a tool for mayors and cities to use to better respond to police-involved deadly force encounters and in-custody deaths. Smith shared the key lessons from their publication, “A Strategic Resource for Mayors on Police-Involved Shootings and In-Custody Deaths.” The NOBLE presentation focused on “The Law and Your Community,” a national one-hour course to educate high school students and their parents on citizenship, law literacy and law enforcement engagement. Hodges and Anderson also shared how New Jersey has created an adapted version for a state-wide curriculum that is being disseminated through

# HEARING SUMMARIES

the schools to reach all youth and is making efforts to develop a middle school model without a driving component.

The third panel was anchored by Michael Freeman, Hennepin County Attorney and John Choi, Ramsey County Attorney. Freeman shared an updated protocol his office is developing to address officer use of force. He provided a copy of the current draft of the policy and reiterated his support for the original nine suggestions he made during Hearing 1, and he provided an update on additional key learnings since then. His staff provided a detailed review of areas they think need more attention with specific recommendations. During Q&A, both Freeman and Choi responded to questions about how to improve the transparency and openness of the prosecution of police-involved deadly force cases while protecting the due process rights of officers. Both agreed that they would be willing to explore creating a Special Prosecutor Unit within the Attorney General's Office to handle these cases statewide to ensure objectivity and the level of expertise needed to effectively prosecute such cases. Testimony also identified that for Hennepin County, 100 percent of the 15 cases since 2015 have had incomplete training and personnel records. This needs to be addressed through better local agency protocols.

The fourth panel addressed mental health and autism with presentations by Richard Flaten and Mike Vandervort of the Metro Crisis Incident Stress Management Team (CISM); Sue Abderholden, executive director of the National Alliance for Mental Illness-MN (NAMI); and Noah McCourt, autism advocate. The Metro CISM Team presented an overview of officer mental health best practices, including peer support teams. They recommended the legislature adopt privacy protection legislation for peer support conversations so that peer supporters

cannot be called to provide evidence in court cases related to protected conversations. They also recommended the review and adoption of the 22 recommendations in the Law Enforcement Mental Health and Wellness Report to Congress. Abderholden provided testimony addressing the areas of concern and recommendations of NAMI to improve services and interventions with people experiencing mental health episodes. NAMI would prefer officers to be trained in CIT but not to assume that means they can provide mental health clinical services. NAMI recommends including mental health professionals as part of the response team, and would prefer that mental health episodes be responded to by a mental health team rather than officers. McCourt provided an overview on the impact of the Americans with Disabilities Act (ADA) on police-community interactions. He recommended further exploration of the voluntary Vitals App that can alert law enforcement officers if a person has provided information about their mental health status to improve informed interactions.

The fifth panel focused on the testimony from two affected law enforcement families to present the reality that a police-involved deadly force encounter has repercussions on officers, their families and their agencies. The first speaker was a mental health professional whose husband is a police officer who shot and injured a suspect to prevent himself from being seriously injured during an altercation. She spoke to the impact on the entire family, the process he went through during the investigation, and the services that were provided to the family. The second presenter addressed a different scenario where a loved one who was an officer was killed in the line of duty during an execution-type attack by two teens. She described the ongoing impact over many years on her family and his. Both made recommendations, including: the need for mental health assessments

for officers on an annual basis; mandated therapy after all critical incidents; training for families and officers to recognize signs of PTSD, depression and suicide; a checklist for what officers and their families really need after a critical incident; support services with a liaison for officers and their families; and legislative funding to enhance police training budgets to do the mental health training.

The sixth panel focused on the issue of arbitration and how it affects the ability of law enforcement agencies to fire unsatisfactory officers. James Michels of Rice, Michels and Walther, LLP and Isaac Kaufman of Law Enforcement Labor Services addressed the current system for how and why arbitration for public employees works. Kaufman shared research on the 67 law enforcement arbitration cases since 2006: 55 percent were found in favor of the law enforcement agency. The concern for law enforcement executives is that they are sometimes prohibited by arbitration rulings from firing an officer they feel is unfit or unsafe for duty, thus increasing a potential risk for bad outcomes with the community.

The final session was reserved for public testimony and that of affected families. Chuck Turchik, a community member, spoke about a number of issues, including the need to have more solid data about the nature of the problem before the working

group can accurately address the causes, including how many cases, all the demographics and data around the cases, context of the incidents, etc. He emphasized that the follow-up for implementation will be as important as the recommendations for change.

The testimony of affected families was provided by Toshira Galloway, Ashley Quinones and Chara Blanch. Recommendations included extending the statute of limitations in filing wrongful death cases from three to six years in situations of police-involved deadly force; establishing a State Inspector General with the authority to open any cases involving police-involved deadly force encounters with no statute of limitations; establish a State Special Prosecutor's Office to handle police-involved deadly force encounters; and put control of the POST Board into the hands of community representatives to ensure community oversight of police standards and training.

The hearing was closed by the co-chairs. All proceedings were live-streamed, recorded on video, and posted to the working group website posted below. Materials provided by the presenters are also available at <https://dps.mn.gov/divisions/co/workinggroup/Pages/resources.aspx>.

# WORKING GROUP MEMBERS



## **MN ATTORNEY GENERAL KEITH ELLISON (CO-CHAIR)**

Keith Ellison was sworn in as Minnesota's 30th attorney general on January 7, 2019. From 2007 to 2019, Ellison represented Minnesota's 5th Congressional District in the U.S. House of Representatives. He served for 12 years on the House Financial Services Committee, where he helped oversee the financial services industry, the housing industry, and Wall Street, among others. Before being elected to Congress, Attorney General Ellison served four years in the Minnesota House of Representatives. Prior to entering elective office, he spent 16 years as an attorney specializing in civil-rights and defense law, including five years as executive director of the Legal Rights Center.



## **MN DEPARTMENT OF PUBLIC SAFETY COMMISSIONER JOHN HARRINGTON (CO-CHAIR)**

John Harrington was appointed by Governor Tim Walz in January 2019 to serve as the Commissioner for the Department of Public Safety for Minnesota. Prior to becoming the Commissioner of Public Safety, Harrington served as the Chief of the Metro Transit Police 2012-2019, helping to create the Homeless Action team and increasing diversity from 5-50%. Commissioner Harrington is a former member of the Minnesota Senate who represented District 67, which includes the East area of Saint Paul. Harrington was the 39th Police Chief for the city of St. Paul Police Department serving from 2004-2010 where he began his police career in 1977.

As St. Paul Police Chief, Harrington tackled some of the city's most difficult problems, resulting in the development of programs that greatly reduced domestic violence and gang involvement. He also increased the diversity of the police department by 40 percent and worked with the private sector to increase police resources helping to found The Police Foundation and Shop with Cops.



## **MEDARIA ARRADONDO, MINNEAPOLIS POLICE CHIEF**

Chief Medaria Arradondo is the 53rd Chief of the Minneapolis Police Department. He joined the MPD in 1989 as a patrol officer in the 4th Precinct and worked his way up the ranks before being appointed the Inspector of the First Precinct in 2013. He also served as a School Resource Officer, Northside beat officer, the Commander of the Internal Affairs Unit, Deputy Chief, and Assistant Chief, before being nominated as Chief by the mayor in 2017. Chief Arradondo actively sits on several community boards and is a member of several national and international police associations. Arradondo is a courageous public servant and change agent with a demonstrated talent for building mutually-respectful and trusting relationships with community

members and professional policing teams. He served as MPD's liaison for the National Initiative for Building Community Trust and Justice Organization, overseeing the execution of initiatives on procedural justice, implicit bias, and reconciliation training. His works has helped positively transforming the MPD culture and position the Department as a national leader in police service excellence.

# WORKING GROUP MEMBERS



## **CHANDA SMITH BAKER, THE MINNEAPOLIS FOUNDATION**

Chanda Smith Baker, who joined The Minneapolis Foundation in 2017, is a results-driven leader with 25 years of nonprofit and community experience. She oversees the Foundation's Community Impact team and its competitive grant making program, which distributes \$5 million to \$7 million every year to transform education, foster economic vitality, and promote civic engagement in greater Minneapolis-St. Paul. In addition, she provides strategic direction and leadership to the Foundation's community initiatives and partners with its donors, as well as organizations and leaders across the city and state, to increase their alignment and collective impact. Before joining the Foundation, Chanda spent 17 years at

Pillsbury United Communities, where she served in a variety of positions before assuming the role of President and CEO in 2011.



## **CLARENCE CASTILE**

Clarence D. Castile has been a resident of the Saint Paul Midway community for over 40 years. He is passionate about assisting in developing policies and procedures for the protection of our law enforcement communities, and most especially the citizens. Mr. Castile lost his nephew, Philando Castile to gun violence in July 2016.



## **ELIZER DARRIS, ACLU**

After being sentenced to natural life in prison as a juvenile and violently struggling for years in adult facilities, Elizer Eugene Darris fought to turn his life around. Self-education became his vehicle of self-discovery and through it, his life was redeemed. Currently, he serves on multiple Boards and advocates for social justice and criminal justice reform. He is the Field Organizer with the American Civil Liberties Union of Minnesota (ACLU-MN) and leads the Smart Justice Campaign.

# WORKING GROUP MEMBERS



## **MATT GOTTSCHALK, DIRECTOR OF PUBLIC SAFETY, CORCORAN**

Director Matt Gottschalk has worked in law enforcement for 18 years and currently serves as the Director of Public Safety for the City of Corcoran. He has previously served the communities of Mankato and Staples. He holds a Master's Degree in Public Administration from Hamline University and serves on the executive boards of the Minnesota Chiefs of Police Association and Hennepin County Chiefs of Police Association. As a police leader, Director Gottschalk has dedicated his efforts to the implementation of community-oriented governance across Minnesota.



## **STATE SEN. BILL INGEBRIGTSEN (R - DOUGLAS/OTTER TAIL COUNTIES)**

Bill is a 34-year veteran of the Douglas County Sheriff's Office, including 16 years as the Douglas County Sheriff. Bill is now serving his 3rd term in the Senate District 8, which includes communities across Douglas and Otter Tail counties.



## **HONORABLE MARK KAPPELHOFF, MN FOURTH JUDICIAL DISTRICT**

Mark J. Kappelhoff is District Court Judge on the Fourth Judicial District Court in Hennepin County, Minnesota. He serves as the Chair of the Hennepin County District Court's Equal Justice Committee and Co-Chair of the Domestic Violence Steering Committee. Before being appointed to the bench, Judge Kappelhoff spent nearly two decades as a federal prosecutor in the Civil Rights Division of the U.S. Department of Justice, where he served in a number of senior leadership positions, including Deputy Assistant Attorney General and Chief of the Criminal Section. In these positions, he enforced the civil rights laws related to policing practices, hate crimes, and human trafficking. Among his responsibilities, he oversaw the Department's criminal and civil investigations in Ferguson Missouri, Baltimore, Maryland, and other police departments around the country. He also worked on the Justice Department's police accountability and criminal justice reform efforts, played an instrumental role in the Department's efforts to secure passage of the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, and co-chaired the Attorney General's Advisory Group on racial disparities in federal sentencing.

# WORKING GROUP MEMBERS



## DR. BRITTANY LEWIS

Dr. Brittany Lewis is a well-respected community engaged scholar, thought leader, author, professor, and youth action research team leader known for bringing those most often locked out of local decision making processes to the action research table. Dr. Lewis is the Founder and CEO of Research in Action, an urban research consulting firm, and is currently a Senior Research Associate at the Center for Urban and Regional Affairs (CURA) at the University of Minnesota where she is the Principal Investigator of the Illusion of Choice: Evictions and Profit in North Minneapolis report and the Co-Principal Investigator on the recently published report entitled: The Diversity of Gentrification: Multiple Forms of Gentrification in Minneapolis and St. Paul. Dr. Lewis uses a critical race and gender studies lens when looking at the intersections of poverty, urban housing, policing, and community economic development.



## STATE REP. RENA MORAN (DFL - ST. PAUL)

Representative Rena Moran is the Chair of the Health and Human Services Policy Committee of the Minnesota House of Representatives. She has represented the St. Paul communities of Frogtown, Summit-University, Rondo, Thomas-Dale, and the North End since 2010. As a legislator, she has focused on protecting child welfare, enacting criminal justice reform, and fighting for affordable housing and economic opportunity for all. Moran formerly served as House Deputy Minority Leader and is the current Chair of the People of Color and Indigenous (POCI) Caucus and the United Black Legislative Caucus. She holds a B.S. in Early Childhood Education from Southern Illinois University and is the Director of Prevention Initiatives and Parent Leadership at Minnesota Communities Caring for Children. Moran is a graduate of the Bush Foundation Fellowship, Humphrey Policy Fellowship, and Henry Toll Fellowship. On a national level, Moran serves as Executive Secretary of the National Black Caucus of State Legislators, Midwest Region Coordinator for the National Organization of Black Elected Legislative Women, and as the Minnesota State Director for both the Women Legislators' Lobby and the National Foundation for Women Legislators. She is a proud mother of seven and grandmother of eight.



## JUSTIN PAGE, MID-MINNESOTA LEGAL AID/ MINNESOTA DISABILITY LAW CENTER

Justin Page is a staff attorney with Mid-Minnesota Legal Aid/Minnesota Disability Law Center. His practice focuses on disability access and discrimination litigation. He has successfully represented individuals with disabilities in a wide range of disability related cases involving public accommodations and governmental entities. Prior to joining the Minnesota Disability Law Center, he was a law clerk for Judge Pamela Alexander, Fourth Judicial District of Minnesota, and worked as a legislative aide to the late U.S. Senator Paul Wellstone.

# WORKING GROUP MEMBERS



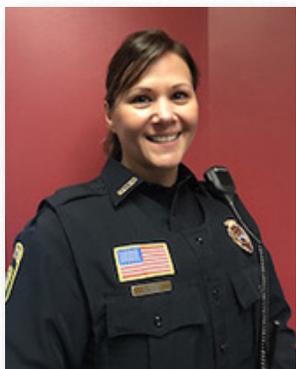
## **PATINA PARK, MINNESOTA INDIAN WOMEN'S RESOURCE CENTER**

Patina Park is Mnicoujou Lakota and is the President/CEO of the Minnesota Indian Women's Resource Center (MIWRC), a 35-year culturally grounded nonprofit agency dedicated to providing holistic, multi-service programming grounded in traditional teachings that help to heal, preserve, and strengthen Native American women and their families from the multi-generational trauma impact of settler colonization. Upon graduating from Hamline Law School in 2001, Ms. Park focused her early legal career on advocating for Native American families involved in child protection and private custody cases throughout Minnesota in both state and tribal courts. Ms. Park previously served as an appellate court judge for the Prairie Island Sioux Community and taught Children and the Law and Federal Indian Law at the former Hamline University School of Law, now Mitchell Hamline School of Law. She is married to a 25-year veteran of the St. Paul Police Department and has two children, who like her, are on the autism spectrum.



## **BRIAN PETERS, MINNESOTA POLICE AND PEACE OFFICERS ASSOCIATION**

Brian Peters became the Executive Director of the Minnesota Police and Peace Officers Association (MPPOA) in June 2019. Prior to becoming the Executive Director, Peters lead Target Corporations Global Crisis Management, Threat Assessment and Travel Security Program. Before leaving Target for the MPPOA, Peters served on Target's Executive Services Team tasked with the Safety and Security of Target's top Executive Leadership Team. Prior to joining Target, Peters served as a Commander in the City of Brooklyn Center. He joined the department in 1998 as a Community Service Officer, Patrol Officer, sergeant and Commander. Peters is a graduate from the University of St. Thomas with a master's degree in Police Administration and also has a bachelor's degree in Political Science from the University of Minnesota, Twin Cities. Peters is a graduate of the FBI National Academy session 251.



## **SARA RICE, MILLE LACS BAND POLICE CHIEF**

Sara Rice is Chief of Police and an enrolled member of the Mille Lacs Band of Ojibwe. Rice the joined the Mille Lacs Band Police Department in 2001, serving as a Police Officer and Conservation Officer prior to being named Interim Police Chief in 2016 and receiving permanent appointment as Chief in January, 2018. Rice is also a member of the Minnesota POST Board. Rice has lived her entire life on the Mille Lacs Reservation. She attended Onamia High School, received her law enforcement degree from Central Lakes College, and earned a Bachelor of Arts degree in organizational behavior from the College of St. Scholastica. She leads a full-time police department of 23 full-time, POST-certified officers that dates back to 1984. The Mille Lacs Band Police Department has law enforcement authority under federal, state and tribal law.

# WORKING GROUP MEMBERS



## **MARK RUBIN, ST. LOUIS COUNTY ATTORNEY**

Mark S. Rubin was elected St. Louis County Attorney in 2010, after serving as a prosecutor in the office for more than 30 years, handling major criminal cases, including officer involved shootings. Mark is a graduate of the College of St. Scholastica and Hamline University School of Law, now Mitchell Hamline. In 2011, Mark was honored with the Julius Gernes Minnesota State Bar Association Prosecutor Award for Excellence. In 2012, he was awarded the M.A. Johnson Distinguished Service Award by the Minnesota County Attorneys Association, the award demonstrating significant leadership and a commitment to striving to improve the quality of justice while increasing and enhancing public awareness of the office of County Attorney. Mark also enjoys an AV Preeminent Rating from Martindale Hubbell, the highest possible rating in both legal ability and ethical standards. As County Attorney, Mark has been a state-wide co-leader on the issue of protecting girls who have been sexually trafficked, resulting in the successful passage of the Safe Harbor Act. Mark and his wife Nancy reside in Duluth. They have two sons, Anthony and Jeremy, a daughter in-law, Dr. Amanda Webb-Rubin, and two beautiful grandchildren, John Angelo and Julia Lynn.



## **KEVIN TORGERSON, OLMSTED COUNTY SHERIFF**

Kevin Torgerson currently serves as the Olmsted County Sheriff, Rochester, Minnesota. Sheriff Torgerson began his law Enforcement career with the Hennepin County Sheriff's Office, Minnesota and has been serving continuously in law enforcement since 1980. He served in the Detention, Warrants, Courts/ Bailiff and Radio (Dispatch) Divisions. In January of 1986, Torgerson transferred to the Olmsted County Sheriff's Office working in every capacity the Office served its communities. Sheriff Torgerson rose in ranks from deputy, Sergeant and to Captain before being sworn in January 6th, 2015. Torgerson is married with two adult children, one in the medical field and one in education.



## **DR. ARTIKA TYNER**

Dr. Artika R. Tyner is a passionate educator, author, sought after speaker, and advocate for justice. At the University of St. Thomas, Dr. Tyner serves as founding director of the Center on Race, Leadership and Social Justice and law professor. She is committed to training students to serve as social engineers who create new inroads to justice and freedom.





# EXECUTIVE SUMMARY

## City Administration

763-593-8006 / 763-593-8109 (fax)

---

### Golden Valley City Council/Manager Meeting

July 14, 2020

#### **Agenda Item**

4. Human Services Commission and Golden Valley Community Foundation Discussion

#### **Prepared By**

Tim Cruikshank

#### **Summary**

The community of Golden Valley is fortunate to have both a city based Human Services Commission (HSC, established 1992) and Community Foundation (GVCF, establish 2011). However, the roles of the HSC and GVCF have overlapped since inception which has, at times, created confusion and inefficiencies. This was recognized early on and as a result, there is a fairly extensive history of working together to better clarify roles, funding sources, service delivery and overall missions. There have been past discussions of possible merger, sharing and even a partnership that would maximize efficiencies and therefore increase the impact of the much valued and needed services these two organizations deliver to our community. Although some progress has been made, it is during this challenging time for many people that the need for these services and how each organization functions has been highlighted.

The purpose of this item is to get feedback from the Council and provide direction to staff.

#### **Financial or Budget Considerations**

Not Applicable

# Housing & Redevelopment Authority

July 21, 2020 – 6:30 pm

## REGULAR MEETING AGENDA

This meeting will be held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. The public may monitor this meeting by watching on Comcast cable channel 16, by streaming on [CCXmedia.org](http://CCXmedia.org), or by calling 1-415-655-0001 and entering the meeting code . The public may participate in this meeting during public comment sections, including the public forum beginning at 6:20 pm, by calling 763-230-7454. Additional information about monitoring electronic meetings is available on the [City website](#). For technical assistance, please contact the City at 763-593-8007 or [webexsupport@goldenvalleymn.gov](mailto:webexsupport@goldenvalleymn.gov). If you incur costs to call into the meeting, you may submit the costs to the City for reimbursement consideration.

### 1. Call to Order

A. Roll Call

### 2. Approval of Agenda

### 3. Consent Agenda

Approval of Consent Agenda - All items listed under this heading are considered to be routine and will be enacted by one motion. There will be no discussion of these items unless a Commission Member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

A. Approval of Minutes:

1. Regular Meeting – April 21, 2020
2. Work Session – June 9, 2019

B. Reimbursement of City Expenditures

C. Receipt of Quarterly Financial Reports

### 4. Public Hearing

### 5. Old Business

### 6. New Business

A. North Wirth Development Agreement Amendment

### 7. Adjournment



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



## City Council

### REGULAR MEETING AGENDA

July 21, 2020 – Immediately  
Following HRA meeting

This meeting will be held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. The public may monitor this meeting by watching on Comcast cable channel 16, by streaming on [CCXmedia.org](http://CCXmedia.org), or by calling 1-415-655-0001 and entering the meeting code . The public may participate in this meeting during public comment sections, including the public forum beginning at 6:20 pm, by calling 763-230-7454. Additional information about monitoring electronic meetings is available on the [City website](#). For technical assistance, please contact the City at 763-593-8007 or [webexsupport@goldenvalleymn.gov](mailto:webexsupport@goldenvalleymn.gov). If you incur costs to call into the meeting, you may submit the costs to the City for reimbursement consideration.

#### 1. Call to Order

- A. Pledge of Allegiance
- B. Roll Call

Pages

#### 2. Additions and Corrections to Agenda

#### 3. Consent Agenda

Approval of Consent Agenda - All items listed under this heading are considered to be routine by the City Council and will be enacted by one motion. There will be no discussion of these items unless a Council Member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

- A. Approval of Minutes:
  - 1. City Council Meeting – July 7, 2020
- B. Approval of City Check Register
- C. Licenses:
  - 1. Approve Temporary On-Sale Liquor License – Born Passion
- D. Minutes of Boards and Commissions:
  - 1.
- E. Approval of Bids, Quotes and Contracts:
  - 1. 2020-2021 GreenCorps Host Site Agreement
- F. Acceptance of Grants and Donations:
  - 1.

#### 4. Public Hearing

- A. Public Hearing – Ordinance # - Zoning Text Amendments - Narrow Lots
- B. Public Hearing - MS4 General Permit, Storm Water Pollution Prevention Program, Annual Report to the Minnesota Pollution Control Agency Res. 20-

#### 5. Old Business



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



**6. New Business**

All Ordinances listed under this heading are eligible for public input.

- A. Interim Report - 10 West End Public Art Committee
- B. Golden Valley Small Business CARES Grant Program
- C. CARES Housing Program
- D. COVID-19 Pandemic Emergency Administrative Actions
- E. Review of Council Calendar
- F. Mayor and Council Communications
  - 1. Other Committee/Meeting updates

**7. Adjournment**

DRAFT

# City Council

## REGULAR MEETING AGENDA

August 4, 2020 – 6:30 pm

This meeting will be held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. The public may monitor this meeting by watching on Comcast cable channel 16, by streaming on [CCXmedia.org](http://CCXmedia.org), or by calling 1-415-655-0001 and entering the meeting code . The public may participate in this meeting during public comment sections, including the public forum beginning at 6:20 pm, by calling 763-230-7454. Additional information about monitoring electronic meetings is available on the [City website](#). For technical assistance, please contact the City at 763-593-8007 or [webexsupport@goldenvalleymn.gov](mailto:webexsupport@goldenvalleymn.gov). If you incur costs to call into the meeting, you may submit the costs to the City for reimbursement consideration.

### 1. Call to Order

- A. Pledge of Allegiance
- B. Roll Call

Pages

### 2. Additions and Corrections to Agenda

### 3. Consent Agenda

Approval of Consent Agenda - All items listed under this heading are considered to be routine by the City Council and will be enacted by one motion. There will be no discussion of these items unless a Council Member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

- A. Approval of Minutes:
  - 1. City Council Meeting – July 21, 2020
- B. Approval of City Check Register
- C. Licenses:
  - 1. Approve New and Used Dealers Licenses
- D. Minutes of Boards and Commissions:
  - 1.
- E. Approval of Bids, Quotes and Contracts:
  - 1.
- F. Acceptance of Grants and Donations:
  - 1.
- G.

### 4. Public Hearing

- A. Public Hearing - Rezoning Properties to Comply with Comp Plan Land Uses (1)
- B. Public Hearing - Zoning Text Amendment - R-3 Densities

### 5. Old Business



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



**6. New Business**

All Ordinances listed under this heading are eligible for public input.

- A. COVID-19 Pandemic Emergency Administrative Actions
- B. Review of Council Calendar
- C. Mayor and Council Communications
  - 1. Other Committee/Meeting updates

**7. Adjournment**

DRAFT

# City Council/Manager

Wednesday, August 12, 2020 – 6:30 pm

## REGULAR MEETING AGENDA

This meeting will be held via Cisco Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. The public may monitor this meeting by calling 1-415-655-0001 and entering the meeting code . For technical assistance, please contact support staff at 763-593-8007 or [webexsupport@goldenvalleymn.gov](mailto:webexsupport@goldenvalleymn.gov). If you incur costs to call into the meeting, you may submit the costs to the City for reimbursement consideration. Additional information about for monitoring electronic meetings is available on the **City website**.

### Pages

1. 2020 Budget Update and Preliminary 2021-2022 Budget and Levy Discussion
2. Council Review of Future Draft Agendas: City Council August 18, City Council September 1, Council/Manager September 8, City Council September 15, City Council October 7, and Council/Manager October 13, 2020

Council/Manager meetings have an informal, discussion-style format and are designed for the Council to obtain background information, consider policy alternatives, and provide general directions to staff. No formal actions are taken at these meetings. The public is invited to attend Council/Manager meetings and listen to the discussion; public participation is allowed by invitation of the City Council.



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



# City Council

## REGULAR MEETING AGENDA

August 18, 2020 – 6:30 pm

This meeting will be held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. The public may monitor this meeting by watching on Comcast cable channel 16, by streaming on [CCXmedia.org](http://CCXmedia.org), or by calling 1-415-655-0001 and entering the meeting code . The public may participate in this meeting during public comment sections, including the public forum beginning at 6:20 pm, by calling 763-230-7454. Additional information about monitoring electronic meetings is available on the [City website](#). For technical assistance, please contact the City at 763-593-8007 or [webexsupport@goldenvalleymn.gov](mailto:webexsupport@goldenvalleymn.gov). If you incur costs to call into the meeting, you may submit the costs to the City for reimbursement consideration.

### 1. Call to Order

- A. Pledge of Allegiance
- B. Roll Call

Pages

### 2. Additions and Corrections to Agenda

### 3. Consent Agenda

Approval of Consent Agenda - All items listed under this heading are considered to be routine by the City Council and will be enacted by one motion. There will be no discussion of these items unless a Council Member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

- A. Approval of Minutes:
  - 1. City Council Meeting – August 4, 2020
- B. Approval of City Check Register
- C. Licenses:
  - 1.
- D. Minutes of Boards and Commissions:
  - 1.
- E. Approval of Bids, Quotes and Contracts:
  - 1.
- F. Acceptance of Grants and Donations:
  - 1.
- G.

### 4. Public Hearing

- A. Public Hearing - Rezoning Properties to Comply with Comp Plan Land Uses (2)
- B. Public Hearing - Zoning Text Amendment - Mixed Use Architectural Standards

### 5. Old Business



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



**6. New Business**

All Ordinances listed under this heading are eligible for public input.

- A. Review of Council Calendar
- B. Mayor and Council Communications
  - 1. Other Committee/Meeting updates

**7. Adjournment**

DRAFT

## City Council

### REGULAR MEETING AGENDA

September 1, 2020 – 6:30 pm  
Council Chambers  
Golden Valley City Hall  
7800 Golden Valley Road

**1. Call to Order**

- A. Pledge of Allegiance
- B. Roll Call

Pages

**2. Additions and Corrections to Agenda**

**3. Consent Agenda**

Approval of Consent Agenda - All items listed under this heading are considered to be routine by the City Council and will be enacted by one motion. There will be no discussion of these items unless a Council Member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

- A. Approval of Minutes:
  - 1. City Council Meeting – August 18, 2020
- B. Approval of City Check Register
- C. Licenses:
  - 1.
- D. Minutes of Boards and Commissions:
  - 1.
- E. Approval of Bids, Quotes and Contracts:
  - 1. Approve Professional Services to Update City's 5-Year MS4 Stormwater Permit
- F. Acceptance of Grants and Donations:
  - 1. Approve Amendment to the Hennepin County Residential Recycling Grant Agreement
- G. Approve Amendment to City Manager's Employment Agreement Res. 20-

**4. Public Hearing**

- A. Public Hearing - Rezoning Properties to Comply with Comp Plan Land Uses (2)
- B. Public Hearing - Zoning Text Amendment - Mixed Use Architectural Standards

**5. Old Business**

**6. New Business**

All Ordinances listed under this heading are eligible for public input.

- A. Review of Council Calendar
- B. Mayor and Council Communications
  - 1. Other Committee/Meeting updates

**7. Adjournment**



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



# City Council/Manager

**September 8, 2020 – 6:30 pm**  
Council Conference Room  
Golden Valley City Hall  
7800 Golden Valley Road

## REGULAR MEETING AGENDA

### Pages

1. Proposed Budgets and Capital Improvements Program
  - a. 2021-2022 Proposed Other Funds Budget
  - b. 2022-2030 Proposed Capital Improvement Plan
  - c. 2021-2022 Proposed General Fund Budget & Levy
2. Council Review of Future Draft Agendas: City Council September 15, City Council October 7, Council/Manager October 13, City Council October 20, Wednesday, City Council November 4, Council/Manager November 10, 2020

Council/Manager meetings have an informal, discussion-style format and are designed for the Council to obtain background information, consider policy alternatives, and provide general directions to staff. No formal actions are taken at these meetings. The public is invited to attend Council/Manager meetings and listen to the discussion; public participation is allowed by invitation of the City Council.



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.

