

THE ROLL CALL

Bi-Monthly Newsletter of the Police Officers' Federation of Minneapolis * Volume V * Issue II * March 2005



MISSION STATEMENT

To promote the positive role of the police profession. To protect and secure members' rights and benefits through effective representation and professional relationships with the community and local, state and national governments.



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THE 411 ON THE CRA *Ann E. Walther, Esq.*

The Federation asked me to write an article about Civilian Review – a topic very personal to me.

I have been the Federation's attorney since 1992. That was the year Minneapolis' s CRA began to hold hearings and I was hired by the Federation to handle what we expected to be a huge influx of complaints. Since that time, I have handled virtually every hearing ever held at the CRA. I guess that gives me the dubious honor of being an "expert" on the CRA and I can say without hesitation that this current CRA is the most dysfunctional governmental process I have ever seen.

I might as well say right up front that I think the very concept of a "Civilian Review Authority" is absurd. Don't get me wrong-I have no problem with non-law enforcement professionals reviewing the investigations of complaints made by citizens against police officers to ensure that the investigations are complete, fair and unbiased *both for the citizens AND the accused officers*, just as I have no problem that there are non-lawyers on the Lawyer's Board, which investigates allegations of misconduct by members of my profession. What I have a problem with is the assumption that someone with absolutely no law enforcement training has the ability to 1) investigate police misconduct allegations and 2) pass judgment on whether the conduct violated law enforcement policy or training. Law enforcement is a profession, just like medicine or law, and a non-cop has no more ability to review whether a cop did his/her job correctly than you do to review whether a brain surgeon did his or her job correctly. If you need any more proof of the fallacy of civilian reviews, look to the court system. An expert witness is only allowed to testify if the subject is too technical or difficult for a jury ("citizens") to understand on their own. Medical and legal malpractice lawsuits always have expert witnesses, and so do police misconduct trials. Thus, the courts have recognized that the law enforcement *profession* is not one that the average juror can understand without the assistance of a police expert. Why then does "society" believe that a panel of untrained civilians can do what a jury cannot? I

believe that, if civilian oversight is necessary, the oversight should be done like it is in St. Paul, where citizens review the investigations conducted by internal affairs to ensure fair and impartial investigation of police misconduct. Indeed, this is the model which most communities in the country have adopted. But Minneapolis has insisted on maintaining the very system the courts and other communities have rejected.

So, needless to say, I was never a fan of Minneapolis's model from the start. It was stocked with "judges" who had anti-police animus and the hearings were very adversarial. However, I never thought I would look back fondly on the old CRA. Sadly, I must admit the old CRA was better. They had investigators who were former cops, and thus had the ability to adequately review the actions of officers. They had a triage system whereby they could dismiss a case that had no basis in fact or ones that alleged conduct that, even if true could not constitute misconduct. They had a board that allowed its executive director to find creative ways to dispose of cases without resorting to hearings, *even in cases where probable cause was found*. The new CRA was stripped of these positive features, leaving us with what is without a doubt the worst mess I have ever seen. There is no triage system—every case has to go to a "hearing." But it's not a hearing, either. The "thing," as I like to refer to it, bears no resemblance to a hearing. A "hearing" would imply that the accused had the opportunity to adequately defend him or herself. The "thing" is just an "opportunity" for the complainant and the officer to speak for ten minutes about the complaint. However, the City Attorney's office has determined that if the officer wants to defend him or herself during those ten minutes, the officer must waive his/her data practices rights.¹ This is coercion, and as such, is a violation of the officer's statutory rights.² And even if the officer does want to defend him/herself in spite of being forced to waive his/her rights to do so, the CRA won't let the officer even review the investigative file so as to be able to reasonably respond to anything. Thus,

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MESSAGE FROM PRESIDENT SGT. JOHN DELMONICO

First I would like to say thanks for the white ballot for another two-year term. I am proud to represent the great men and women of the Minneapolis Police Department, which I believe is the best there is.



It's going to be an interesting year. We have started out with some unprecedented discipline, which we are aggressively appealing. We have asked the city to start talks on our labor contract, which expires this October. Also we will be getting at least 5 new city council members, with the rest of the council and mayor up for re-election. I have to say it's nice to see that citizens are finally catching on to the mayor, and what he is truly about - blame everybody else and make lots of excuses. The mayor would do a good job at organizing the half time show at the super bowl; it's all flash, but you wouldn't want him to coach either team, because they wouldn't win. He continues to say public safety is a priority, but he still has his plan to cut another 139 officers in the next five years. Let's see...less cops, crime is increasing. We all know where that will get us. How soon everybody forgets "Murderapolis". He has told downtown business people that he is increasing the police presence downtown. Again, they have lost at least 5 officers and they are adding 4 new ones. In my world that means there is still less at the end of the day. And I have to say, I don't think the "ghost squad cars" downtown are really scaring anybody. That would be like Marshall Fields' using all their mannequins to be loss prevention employees.

I can assure you we will be hard at work doing everything possible in dealing with the issues we are facing. There is no end to our agenda. As we successfully resolve one concern, we begin to work on another.

I know it not something you hear often enough but **thank you** for all the hard work you all do every day. Keep the faith!



INJURED ON DUTY *By Dan Ungurian*

Nobody likes to think about getting injured on the job. But the possibility is always there. Let's say you trip over a loose stair at a suspect's residence. Or a perpetrator punches you in the eye during an arrest. Or you crash your patrol car during a pursuit. Or you slip on ice and fall while you're on foot patrol. Or your lovable K-9 partner gets a little too aggressive during training and takes a piece off your finger. Any of these incidents might make you eligible for the injured-on-duty (IOD) benefit.

What is IOD?

IOD is a benefit of the federation's labor contract with the city which provides compensation to members for the one-third of lost work time that workers' compensation does not cover.

If you are a city employee injured on the job, work time lost because of the injury is covered by workers' compensation insurance - that is, two-thirds of your work time is covered.

To qualify for IOD coverage, your injury must be police-specific. That means the injury resulted from an activity that is unique to police work - in the process of making an arrest, executing a search warrant, responding to an emergency situation, doing patrol work or engaging in job-required physical training. Staple your hand to the desk while completing paperwork? Not covered. Slip on ice while walking to your squad car on the way to lunch? Not covered. Not police specific.

What do I do if I am injured on the job?

If you are injured on the job or a previous job-related injury recurs and you want workers' compensation and IOD benefit, you must seek medical attention. Your city-authorized healthcare provider will recommend that you:

1) Return to work. If your city-authorized healthcare provider makes this recommendation and you choose to miss work, your time off is considered sick time;

2) Return to work with limitations;
- OR -
3) Miss work for a specific amount of time.

Have your supervisor complete a report of injury that explains how the injury occurred. Send the report to room 100 within 24 hours of the injury. Absence of these reports is the primary reason IOD claims are denied. You must take this step to have your claim considered.

Injury claims are sent to police payroll, room 100, who gathers the necessary paperwork, approvals and medical records. (The city's worker's comp unit approves or disapproves claims for worker's compensation benefit.) Claims approved for workers' compensation benefits are sent to the IOD committee, which considers them for IOD benefit.

Typical reasons claims are denied for IOD benefit are:

⇒ **Lack of medical reports.** The officer didn't see a city-authorized healthcare provider for a new or recurring injury. If you have a previous injury that was approved for IOD benefit and the injury later recurs, you must see your city-



authorized healthcare provider again if you want the claim to be reconsidered for IOD benefit. You also need to complete another report of injury.

⇒ **Failure to comply with physician recommendations.**

⇒ **Incident is not related to a police-specific activity, patrol work or required physical training.**

IOD Committee members are Officer Dan Ungurian, Federation director; Officer Jeff Jindra, Federation director; Bill Champa, MPD Human Resources; Bertha Gabrish, MPD Payroll. For questions about the IOD benefit, contact Officer Dan Ungurian. Or check the department's Policies and Procedures manual on the city's intranet.

EMPLOYEE SURVEY RESULTS SEND A MESSAGE

By Sherral Schmidt and Debra Fields

From May through August of 2004 Minneapolis City employees were asked to complete "The Employee Survey." The survey was developed and disseminated by the Employee Engagement Team made up of HR employees and representatives from various other departments. Half of all city employees responded to the survey. Results were broken down departmentally and reports detailing the findings were published in December 2004. Seventy-two percent of MPD respondents work in investigations (52) or in the patrol division (103). What was learned, while not too surprising, should raise some eyebrows.

What is not too surprising is that, in general, MPDers express considerable job satisfaction as evidenced by answers to several questions. For example: "The people in my work unit are committed to doing quality work." Eighty seven percent marked "agree" or "strongly agree." And eighty percent answered that they "agree" or "strongly agree" to both the following: "I believe that the quality of my work is important to the overall success of the City," and "My work unit provides quality services to customers."

There were similar favorable responses to opinions regarding supervisors, with 78% responding "agree" or "strongly agree" to the posed questions: "My immediate supervisor sets clear job expectations" and "My immediate supervisor values honest and open communication." Unfortunately, that is where the optimism appears to end.

Positive responses about elected officials, department management and department morale plummet (see charts at right). For 80% of responders, morale in the department is not positive; 60% believe that elected officials do not value the department or work that individuals do; 78% feel they are not informed about the decision-making process by management; and over 70% either doubt or don't know whether their responses to the survey will be taken seriously.

Is it any wonder that personnel may feel resigned to doing the absolute minimum during a shift, preferring to stay "under the radar" rather than risk drawing any attention from higher-ups who don't seem to know or care about their subordinates? Changes that have contributed to the plummeting morale on the department are numerous. Recent high pro-

file cases where there is an apparent lack of support from the administration has drastically impacted morale. Officers have been placed on extended administrative leave, removed from bid assignments, and discipline is being arbitrarily increased beyond what has been recommended by the panels. The Civilian Review Authority's numerous inadequacies, from the initial complaint, to investigations, and the findings of cases have further impacted the way officers are doing their jobs. This has created an environment that discourages aggressive police work. The issues have been discussed in a number of venues, yet there is no change from the administration.

Furthermore, the Chief appears to prefer pandering to community leaders rather than offer support to the cops he is supposed to be leading. Cops have very little trust in the administration, yet are continually asked to do more with less. No one wants to risk their livelihood going the extra mile for an administration or city that places little value on them and offers little support. The cynicism is permeable. But is it reversible?

"I am optimistic about most things," says President Delmonico. "I believe it can be reversed, but the Chief first has to recognize morale is a management issue. He has to be open to listening to the concerns and problems; then as the Chief, he has to implement the necessary changes to improve morale."

One of the measures being implemented is the Employee Survey Work Team which is being organized and overseen by Deputy Chief Lucy Gerold. **THE ROLL CALL** asked DC Gerold what it is hoped will be accomplished with the employee survey work team. "Employees took a lot of time to thoughtfully respond," she said. "The work team will identify recommended changes based on the input and build them into the 5-year plan."

Delmonico adds, "The most successful organizations have high morale and high productivity. Morale is a by-product of how people feel they are being treated. Employees want to know that their point of view is being considered. They don't have to get their way; they want to be respected.

"You can push people by threatening and demanding results but people don't respond to that over the long term. When productivity is low, fear does not inspire. You can have an organization in which people feel good and have fun and morale is high and yet, productivity is low. Nothing gets done. This is another recipe for failure.

So if the Chief (or any leader) is responsible for

results and high productivity, it is incumbent upon him to consider morale, and take some responsibility for both morale and productivity."

View the comprehensive survey report at http://insite/employee_survey/police/

Question 2: "The morale in my department is positive."

Responses	# of Responses	% of Responses
Not Answered	2	1%
Does Not Apply	0	0%
Don't Know	0	0%
Strongly Disagree	126	59%
Somewhat Disagree	46	21%
Somewhat Agree	31	14%
Strongly Agree	9	4%
Total Responses	214	100%

Question 7: "My work is valued by elected officials."

Responses	# of Responses	% of Responses
Not Answered	3	1%
Does Not Apply	3	1%
Don't Know	44	21%
Strongly Disagree	83	39%
Somewhat Disagree	44	21%
Somewhat Agree	28	13%
Strongly Agree	9	4%
Total Responses	214	100%

Question 19: "I believe my department is valued by elected officials."

Responses	# of Responses	% of Responses
Not Answered	2	1%
Does Not Apply	0	0%
Don't Know	16	7%
Strongly Disagree	90	42%
Somewhat Disagree	54	25%
Somewhat Agree	34	16%
Strongly Agree	18	8%
Total Responses	214	100%

Question 26: "My department management informs me about how decisions are made and how they affect me."

Responses	# of Responses	% of Responses
Not Answered	1	0%
Does Not Apply	0	0%
Don't Know	1	0%
Strongly Disagree	97	45%
Somewhat Disagree	71	33%
Somewhat Agree	33	15%
Strongly Agree	11	5%
Total Responses	214	100%

Question 52: "My department management will take the responses to this survey seriously."

Responses	# of Responses	% of Responses
Not Answered	6	3%
Does Not Apply	0	0%
Don't Know	37	17%
Strongly Disagree	80	37%
Somewhat Disagree	43	20%
Somewhat Agree	34	16%
Strongly Agree	14	7%
Total Responses	214	100%

THE PURPOSE OF POAM FROM OFFICER LYALL DELANEY

I am often asked what is the Police Officers Alliance of Minnesota (POAM), and what does it do? To



begin with, the POAM is a statewide police association, all members of the Federation are members of the Alliance. The Alliance was established in 2002 by the Federation and the Hennepin County Deputies Association after both organizations ended their membership in the MPPOA. The leadership of both organizations believed strongly in the importance of an effective statewide organization to protect cops' rights and benefits but found that the MPPOA was falling well short of accomplishing this. Membership in the Alliance is now close to 3000, including local, county, state and federal sworn officers being represented.

POAM mission statement:

The purpose and mission of the Police Officers Alliance of Minnesota is to...

...Promote safety for the citizens of the State of Minnesota and the law enforcement officers that serve them.

...Maintain the highest levels of professionalism for Minnesota's peace officers.

...Work to improve the compensation, benefits and working conditions for peace officers in the State of Minnesota.

...Educate the public and political leaders regarding issues affecting public safety and other matters important to peace officers.

...Advance the public's image of and support for Minnesota's peace officers.

...Maintain a statewide organization for peace officers that is unaffiliated with any specific labor union and that operates under sound financial principles.

The alliance has worked on legislation ranging from increasing the rights of injured on duty officers to securing homeland defense and grant funding for the state, to federal legislation allowing officers to carry state to state. This year's session promises to be very challenging as the Alliance is proposing several controversial bills including making it a crime to make a

false accusation against a peace officer and legislation that would allow local units of government to enact a .05% sales tax for public safety. Also on our agenda is a proposal to increase the amount of vest reimbursement to \$1200.00, a bill that would waive the commercial licensing requirements to drive certain vehicles when the officer is driving the vehicle in an official capacity, and working to secure federal funding for the state.

Federation members are represented on the Alliance board by Wally Krueger (Secretary/Treasurer), Bruce Jensen (Director), and by me, in the capacity of the President. If you have any suggestions as to legislation you would like to see enacted or any questions about the alliance, or any other Federation issue for that matter, please call me at 612-788-0668.



A chilly dip. MPDsers Kari Jorgenson, Lynn Cronquist and Jessica Ciagne participated in the Polar Plunge on January 8th. Each participant had to raise \$75 to experience the "pleasure" of plunging into the icy waters of White Bear Lake. Proceeds benefit the Special Olympics.

CRA, continued from pg. 1

the ten minutes is essentially useless to the officer.

The most ridiculous thing about this new CRA is the requirement that officers be present at the "things." I was told by a city attorney that the real reason we have these "things" is to allow the complainant to "confront" the officer,³ which is why officers have to be there. Yet, the complainant doesn't even bother to show up in more than half the cases. Mind you, the CRA doesn't dismiss the case if the complainant is not there—in fact, it has no effect whatsoever on their decision. But the CRA still makes the officers come to the

"thing" at great cost, both financially, and in morale, to the City.

You might ask—so what is being done to change this behemoth? I will tell you that I and the Federation have repeatedly BEGGED, in writing and in person, the CRA, the police administration, the Civil Rights Director, the City Council and the Mayor to get rid of the present dysfunctional, wasteful mess and replace it with the St. Paul system, which provides for civilian oversight that is fair and impartial to the officers, recognizes that they are trained professionals who have a right to be judged by experts in their field, and also assures citizens (other than those vocal few who will never be happy unless every complaint is sustained and there are weekly public hangings of police officers from the City Hall clock tower) that the investigations have been conducted free of bias against the complainant.

So far our exhortations have fallen on deaf ears. However, the bottom line is, this CRA process needs to go. It is doing nothing for either citizens or officers other than sucking money out of the police budget, money that could go to ensuring there were enough officers on the street to protect citizens from the criminals who prey on them. As such, the present CRA serves no purpose other than as a constant reminder to officers that the elected officials who are bleating about the effect of the rise in crime on their political futures are not willing to support them by changing the CRA.

In the end, however, there is one bright side to the current CRA system. All of these hearings have given me an opportunity to personally meet and get to know so many of you and I want all of you to know that I am proud to represent you—and, as a citizen of, and business owner in, the City of Minneapolis—to have you represent me.

¹ Minn. Stat. § 13.43 provides that all data "collected" by the CRA (unless an allegation is sustained AND discipline is imposed), including statements by complainants and officers, are "non-public personnel data" on the accused officer. That means that the officer has a right to preclude the complainant from hearing his/her statement to the panel.

² The City claims that it is not a violation of the officers' rights because the officer is *permitted*, but not *required*, to make a statement and the officer's declination of a statement to protect his/her rights will not be used against the officer by the panel. This is ludicrous.

³ Never mind that in America, it is the *accused* that is supposed to have the right of confrontation.

A PRESIDENTIAL DETAIL

By Sherral Schmidt

In January 42 members of the Minneapolis Police Department went to Washington DC to assist with inaugural security. There were over 3000 officers from 67 agencies around the United States that participated in the security detail. This was the first time in inaugural history that officers from all over the states were used. The opportunity to participate in the detail was presented at a meeting of major city chiefs last spring. Departments had to submit a letter of interest and commit at least 30 officers to the detail. Over 150 officers replied to the departments request for volunteers to participate. Once in DC, officers attended a briefing at Georgetown University. It was an awesome sight to see the gymnasium at the University full of officers from all



over the U.S. While there, we were briefed on what the security concerns were, the types of problems that were anticipated, and what we could and could not do. After the security briefing we were all sworn in as special deputies and received credentials that allowed us into the secured areas we were assigned to. Departments were also given their assignments for Inauguration Day. Most officers were assigned to parade routes or one of the inaugural balls. Minneapolis officers were assigned to security along a section of the parade route.

On Inauguration Day officers were on post at 0800. The parade route started at the Capitol and went down Pennsylvania Avenue, ending near the White House.

The parade route was lined with officers standing five feet apart from one another, from beginning to end. Officers had to keep their backs to the parade route and watch the crowds. Officers were responsible for stopping anyone that attempted to disrupt the parade route. Our section of the parade route had some protesters, but they chose to fight amongst themselves and caused no problems for officers.

Being involved in the inaugural security was a once in a lifetime experience for officers and will likely not be forgotten anytime soon. Officers viewed this as a positive experience and enjoyed themselves.



Presidential Detail Photos, clockwise from top left: the capital "dressed" up for the swearing-in ceremony; MPD keeps an eye on protesters; sergeants take a photo op before Capitol Hill; law enforcement personnel from across the country are deputized; the MPD contingency; the president passes by; Director Sherral Schmidt and the Inaugural Seal.



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THE ROLL CALL

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reg. price \$42
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Harvest Blue baby sleeper.
reg price \$22
clearance \$17



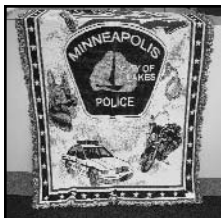
Steel blue Golf Shirt
reg. price \$35
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Navy Windshirt, reg. price \$36
clearance \$30



Nylon Running Pants, reg. price \$25
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MPD Throw Blanket, \$32



Desert Tan Jacket, \$55

POLICE FEDERATION DIRECTORY

John Delmonico, President (612) 788-0646
president@mpdfederation.com
Wally Krueger, Vice Pres. (612) 788-0655
vp@mpdfederation.com
Bruce Jensen, Secretary (612) 788-0656
secretary@mpdfederation.com
Lyall Delaney, Treasurer (612) 788-0668
treasurer@mpdfederation.com
Ron Stenerson, Director (612) 788-1189
director1@mpdfederation.com
Jeff Jindra, Director (612) 788-1279
director2@mpdfederation.com
Sherral Schmidt, Director (612) 788-0696
director3@mpdfederation.com
Bob Kroll, Director (612) 788-1485
director4@mpdfederation.com
Dan Ungurian, Director (612) 788-1638
director5@mpdfederation.com
Joe McGinness, Director (952) 808-5662
parkrep@mpdfederation.com
Emily Ewald, Exec. Asst. (612) 788-8444
ewald@mpdfederation.com

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