

## UNDERSTANDING THE MINNEAPOLIS CITY COUNCIL'S CHARTER AMENDMENT

On June 26, 2020 the Minneapolis City Council introduced a proposed charter amendment to rebrand the Minneapolis Police Department into a “Department of Community Safety and Violence Prevention.”

There are many problems with this proposed charter amendment. Some are technical, some relate to process, and some relate to what this amendment will actually do (or, more correctly, won't do).

### **The Proposed Amendment Won't Change Policing—Just Make it Less Accountable**

The proposed amendment gives the appearance of creating a kinder, gentler version of public safety but really it just shifts power and accountability.

Under the current charter, the Mayor oversees policing, including discipline. The proposed charter amendment would put the police department under another department that reports to a City Council committee and, for any action, to all 13 Council members. The new structure means LESS direct accountability for the police department and is a DISASTER for community oversight of the police.

The City Council would have you believe they will do a better job of holding police accountable but history tells us otherwise. Council members, including the current ones, have never made the slightest effort to rein in the MPD even though they had many opportunities before George Floyd was killed. They never questioned the union contract. They blew the chance to mandate a good body camera policy when they approved the purchase before seeing the policy. And they created the Office of Police Conduct Review (OPCR), which has a dismal rate of upholding complaints against police, and they continually refuse to address its failures. Why would anyone think they would do a better job of holding police accountable under this new scheme?

Their proposed amendment creates no actual reforms in policing. Instead, it promotes the notion that policing and social services somehow belong under the same umbrella, perpetuating many of the problems the community experiences now.

### **The Devil is in The Details**

- The city charter is our constitution. It is meant to have a kind of permanence. It is deliberately difficult to change so it is essential that any changes be legal because it generally takes until the next election to fix any mistakes.
- The current Charter makes it clear that the mayor is responsible for all police discipline. The proposed amendment **doesn't indicate who is responsible for police discipline**, a fatal flaw.
- Their proposed wording of Section 7.3(b) states “The Council MAY maintain a division of law enforcement services, composed of licensed peace officers...” while subd. 1 states “The director...SHALL appoint the director of the division of law enforcement services...” SHALL is a legal word that means something must be done. Why would the director be required to appoint a head of a division that may or may not exist?
- **BUT THERE IS AN EVEN BIGGER PROBLEM:** The word MAY implies that there may not even be a police department. Under state law, only licensed law enforcement officers can take a person into custody, issue citations in lieu of arrest, seek and effectuate warrants, and investigate crimes for possible prosecution. If the City Council decides not to “maintain a division of law enforcement services,” will law enforcement services then be left to the Hennepin County Sheriff's Department, which is even less accountable to the community? (There isn't even a clear complaint mechanism for that department).

## **A Flawed Process Creates Flawed Results**

In its haste to push this charter amendment, the City Council has completely cut out any involvement of the community. The normal process for a charter amendment is for the city council to send the amendment to a committee. That committee refines the wording and holds one or more public hearings for community input. This time, however, the City Council suspended its own rules to avoid holding public hearings.

The proposed amendment now goes to the Charter Commission. This commission is doing what the City Council has failed to do—addressing the flaws in the amendment and holding public hearings. The Charter Commission is a deliberative body—they actually take the time to review proposed amendments because they recognize the seriousness of making permanent changes to the charter. They received the amendment wording on July 1, 2020 and have 60 days to review it, with the option to extend that by 90 days.

The City Council seems hell bent to get this flawed amendment on the ballot for November 2020 but the deadline for completing the process through the Charter Commission and back to the City Council is August 21, 2020. Since meeting this deadline is very unlikely, the amendment will probably not be on the ballot until November 2021. This begs the question—why the giant rush to push out faulty wording with no input from the public?

Many are stating they want the right to vote on this proposed amendment. The power to vote on something is important but the ability to decide the content of what we get to vote on is even more powerful. The city council abused that power when they came up with a deeply flawed amendment proposal without consulting the community.

Keep in mind that even if a charter amendment proposal gets on the ballot in 2020 or 2021, it still has to be approved by 51% of the city's voters. A poorly written proposal has a lot less chance of success.

## **What Should Be Done?**

There is one part of the proposed charter amendment that would be helpful. The current charter requires the city to fund policing at .0017 x the population. That means we're required to fund a minimum of about 730 cops (we actually have about 880 on the payroll). Yet police are being utilized for many functions that shouldn't be approached through a law enforcement lens including mental health crisis calls, homelessness, substance abuse and overdoses, school discipline, and other societal issues. This part of the proposed amendment removes this funding requirement, which would allow us to significantly reduce the size of the police force and shift funds to mental health crisis responders and social service agencies that would do a better job of addressing these issues.

In addition, whether or not a charter amendment ends up on the ballot, the City Council and Mayor could move forward NOW with actions to rein in the MPD and hold them accountable. They could start by dismantling the ineffective OPCR and replacing it with true community oversight of the police, including empowering the community to directly oversee the police chief and assign discipline.

There are many other actions they could take. These are not fast fixes but they are lasting ones. For a complete list, go to [cuapb.org](http://cuapb.org) for our list of 44 recommendations on ending police violence.



Information provided by **COMMUNITIES UNITED AGAINST POLICE BRUTALITY**. We meet every Saturday at 1:30 p.m. at 4200 Cedar Avenue in Minneapolis. For more information or for help with a police brutality incident, call our 24-hour hotline: **612-874-STOP** or see our website at [www.CUAPB.org](http://www.CUAPB.org).