

[MUSIC PLAYING]

**INTERVIEWER:** The Minneapolis City Council is preparing to vote next week on a plan to replace Minneapolis's long criticized Police Civilian Review Process with a new Community Commission on Police Oversight. The proposed Community Commission on Police Oversight would be responsible for the civilian roles and reviewing misconduct investigations. But multiple parties, including local activists and past leaders of the civilian review process say the proposal falls short.

This afternoon, the group Twin Cities Coalition for Justice 4 Jamar will protest the proposal, claiming it would remove power the proposed board would have to enact any police discipline or policy changes. To get to the bottom of what this proposal is all about, we're joined by Rachel Moran. She's a professor at Saint Thomas School of Law and an expert on police accountability and oversight boards. Professor, welcome back.

Let's begin with a little history. I think that's probably appropriate. Civilian oversight of police has had what? I don't know, a 30-year history in Minneapolis with varying degrees of success in different iterations. Tell me more about what the current oversight process looks like.

**RACHEL MORAN:** Well, it's messy. Currently, you've got three kind of separate agencies that are involved in some ways in civilian oversight. The most important one is the Civil Rights Office of Police Conduct Review, which is a lengthy name in itself, but what they do is partner with the Minneapolis Police internal affairs to investigate allegations of police misconduct. And then we also have a group called the Police Conduct Review Panel that is a mix of civilian and sworn police officers who review claims about completed investigations of police misconduct.

**INTERVIEWER:** This process has been long criticized. In fact, the State Department of Human Rights issued the report last spring saying that the city's police officers were not held accountable because of-- I think the quote was ineffective accountability and oversight systems. Why has the civilian review boards, commissions, agencies had such a fraught history in Minneapolis, any theories?

**RACHEL MORAN:** There's really very little that is independent of the police department, and that's what the Department of Human Rights was criticizing as well. They are saying, yes, we have a couple of agencies that get involved in-- get civilians involved in the review process, but at every step of the way, there are police officers and the final decision about any discipline is always up to the police chief. And so civilians have a kind of a tangential role, but they have no independent authority at all.

**INTERVIEWER:** Now, this new board would be different in what way?

**RACHEL MORAN:** Well, I think that's one of the questions is how different would it really be. I'll give you two examples of ways it would be different. One is it consolidates three separate agencies into one. So it takes away the police review panel, it takes away what was called the Police Conduct Oversight Commission, and it takes a little bit of the power out of the civil rights group. And it instead creates one Community Commission on Police Oversight.

Now, would their actions really be very different? Not necessarily, but it does consolidate. The other thing that I think is important is it does give the city council members a little bit more involvement in the police oversight process, and that's because one distinctively different aspect of this proposal is that it would allow 13 civilian members to be appointed by the city council.

**INTERVIEWER:** OK. So they'll be appointed rather than elected, right? Which would remove the opportunity for the community to have a choice though in who represents their interests on the commission, is that right? Am I reading that right?

**RACHEL MORAN:** Well, you're definitely right that it's appointed rather than elected. You're definitely right that that's a complaint we're already hearing. Now, I can't say how city council would go about appointing these people. My hope would be that they would get more involved in soliciting input and relying on input from community members, but some members do think that's a fair criticism.

**INTERVIEWER:** So as you read this now, which by the way, it came out I believe what? Early in November-- mid-November or so, the parameters for this new commission. Do you think looking at it, it has more teeth than past iterations?

**RACHEL MORAN:** I do not think it has much teeth, but I do want to be really clear on one issue that a lot of people are complaining about that the new community commission would still have no ultimate authority to impose discipline or even to make findings about whether officers have committed misconduct. That's what renders it somewhat toothless, but that is actually not a choice of anyone in Minneapolis. That's because a state law specifically prevents any civilian bodies from having that kind of authority in Minnesota.

So I just want to be clear about that because there's a lot of criticism aimed at the city for proposing this. Some of that's very fair criticism, but one thing the city can't do-- its hands are tied because of state law-- is have a civilian oversight commission that actually has authority to impose discipline. State law doesn't let them do that.

**INTERVIEWER:** As a matter of fact, thanks for reminding us. I believe that occurred during the Dayton administration-- that particular law was passed during the Dayton administration. Well, based on what you know about the Minneapolis City Council, do you think this proposal will pass?

**RACHEL MORAN:** I think there's a decent likelihood it will. There are city council who don't necessarily have a lot of interest in creating change. And for them, this proposal, it's not that different. And so there's probably some appeal there. But even for the members of the city council have been a lot more outspoken about wanting to create changes.

What could be appealing to them about this proposal is it does give them authority to appoint commissioners at least, which previously they weren't really involved in that process. And so it gives the council a little bit more power or at least-- even if you don't want to call it power-- at least more involvement in selecting people who will be involved in the police oversight process.

**INTERVIEWER:** All right. Interesting. I appreciate your time. Thank you, Professor.

**RACHEL MORAN:** Sure.

**MORAN:**

**INTERVIEWER:** That's Rachel Moran. She's a professor at Saint Thomas School of Law. She's an expert on police accountability and oversight boards. By the way, Minneapolis residents are invited to join city of Minneapolis staff and officials during three public forums to hear about proposed changes to this community role in the city's police oversight structure that's this coming Wednesday. The city council's Public Health and Safety Committee is scheduled to hold a public forum on the proposed changes virtually today at 6:00 PM. You can find connections and information for that forum at [Minneapolis, mn.gov](https://www.minneapolis.mn.gov).