

Minnesota Now (MPR) | Minnesota Now Minneapolis names 15-person police oversight board
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CATHY WURZER: Minneapolis has a new community commission on police oversight. 15 people, one from each ward, two selected by Mayor Jacob Frey, will serve on a rotating basis to review allegations of police misconduct.

The new appointees were approved last week. The commission replaces the city's long-criticized police civilian review process, so there are plenty of eyes on this new board. Lots of expectations to live up to. Plenty of skeptics.

Rachel Moran is an associate professor and founder of the Criminal and Juvenile Defense Clinic at the University of St. Thomas School of Law. Professor, welcome back.

RACHEL MORAN: Thanks, Cathy.

CATHY WURZER: As I mentioned, civilian oversight is not new for Minneapolis's police department. It has-- what, a 30-year history or so, with varying degrees of success. How is the makeup of this commission any different from what we've seen in the past?

RACHEL MORAN: Well, the makeup is a little bit different in the sense that it is one ward member-- or one member from each ward. So the city council has been more involved in the selection of this makeup. And also what they're being asked to do is slightly more involvement than has typically happened in the past.

These commissioners will serve as review panelists, where they get to review investigations of police misconduct or alleged police misconduct.

CATHY WURZER: The board looks like it's pretty well racially balanced. Would you agree with that?

RACHEL MORAN: It's a fairly diverse board, yes.

CATHY WURZER: And there was some controversy over whether the city should consider folks with ties to law enforcement. What did you make of that?

RACHEL MORAN: Right. Well, a lot of former law enforcement applied for positions, and I generally agreed with the people who found that to be not troubling to receive applications, but I wouldn't want many on the board because this commission already has to work with the police department.

They're not reviewing investigations of misconduct alone. They're actually reviewing them in partnership with-- every five-member panel will have two high-ranking Minneapolis police officers on it already. And so this is very much not an independent oversight agency. It's a working in partnership with the police.

CATHY WURZER: OK, so this new commission doesn't have the authority to discipline officers, or even make findings about misconduct because isn't there a state law specifically preventing civilian bodies from having that kind of authority?

RACHEL MORAN: Exactly. There's a Minnesota law that applies across the state that says a civilian oversight body shall not have the authority to make findings of fact about complaints or to impose discipline on officers.

And so that was a source of frustration for a lot of people in the Minneapolis commission that the commission is not going to have that authority, but it actually wasn't up to Minneapolis officials at all. There's a state law that says they can't construct their agency to give civilians that authority.

CATHY So for folks listening, what does this accomplish, really, aside from the optics?

WURZER:

RACHEL MORAN: Well, it's hard to say. And that's a really fair question. I think when you're talking about what effective civilian oversight usually involves, it usually involves more power than the Minneapolis commission has.

For example, a recommended civilian oversight agency would have the power to actually investigate misconduct, perhaps to subpoena witnesses or evidence so that they can review it themselves, as opposed to just waiting for the police department to investigate claims.

And an effective agency also would potentially have the power to actually impose discipline, rather than simply making recommendations. So it could be useful. I'm hopeful. But for the people who are more skeptical, they have some reasons to be.

CATHY I think there are something like 200 or so police oversight agencies across the country. Are there cities doing it right that we can look to for an example?

WURZER:

RACHEL MORAN: There are no cities that have an agency as powerful as the people talking about civilian oversight would recommend. So there are a few cities-- Milwaukee and Detroit, for example-- they actually have-- those oversight agencies have disciplinary powers.

That's a big deal for people who want civilians to have more control over actually enforcing discipline against police misconduct. So you could look to those agencies. They've had some success. But there's no agency that has the power to subpoena and the power to impose discipline and a rigorous track record of success.

CATHY In the wake of George Floyd's death, I mean, there's clearly a lot of pressure on these people to get things right. What will you be looking for as the board begins its work?

WURZER:

RACHEL MORAN: Well, I'll be looking for what kind of discipline is happening in the Minneapolis Police Department. One thing that's interesting coming out of the court enforceable settlement agreement with the department of human rights is the city is supposed to be making its discipline more publicly accessible and easier to find.

And so I'll be looking for are there changes to the ways they're disciplining officers? And if so, is this commission having an impact in that discipline?

CATHY All right. Rachel Moran, always a pleasure. Thank you so much.

WURZER:

RACHEL MORAN: Thank you, Cathy.

MORAN:

CATHY Rachel Moran is an associate professor and founder of the Criminal and Juvenile Defense Clinic at the University of St. Thomas School of Law. The new community commission on police oversight will meet for the first time, by the way, on May 16.

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