



CRYSTAL POLICE OFFICER ISSUE FAQS

November 1, 2013

Situation

For over a year, the City of Crystal has been managing personnel issues with two police officers, Officers Rob Erkenbrack and Alan Watt.

While we can acknowledge the existence of complaints against these two employees, we cannot provide information on the specific reasons for their discipline, pending final disposition of the complaints.

During the grievance process, which is outlined in the City's contract with Crystal Police Department Officers and Supervisors Unions, a community group began a public advocacy campaign on behalf of the officers. The group, which is not based in Crystal, has made a number of serious allegations about the Crystal Police Department.

These Frequently Asked Questions are based on questions City staff and elected officials have received from the public about this situation.

Frequently Asked Questions

Q. What is the current status of the investigations of these officers?

- The City of Crystal's investigations of Officer Alan Watt have been completed and as of October 23, 2013, Officer Watt returned to work. The City will make every effort to help Officer Watt succeed in his position, including providing training and support.
- Officer Watt was disciplined for a separate incident in 2012. This month an arbitrator found that the City had a basis and just cause for imposing discipline. Two other grievances are in process.
- The City of Crystal's investigations of Officer Rob Erkenbrack have been completed. The grievance process is ongoing.
- By law, the City cannot provide further information about unresolved complaints until the full process has been completed.

Q. Why can't the City say more about what is happening?

By law, the City can acknowledge the existence of complaints against an employee, but cannot provide information on the specific reasons for the discipline, pending final disposition of the complaints. According to Minn. Stat. Sec. 13.43 - Personnel Data, certain public employee data is public. In the City of Crystal's contract with employees belonging to the Crystal Police Department's unions, employees have the right to a full review process when disciplined. The process can include filing a grievance, seeking mediation, and seeking the ruling of an arbitrator on discipline issued. The law is designed so that the occurrence and substance of discipline and the steps in the process of making it final are not public until final disposition, in order to protect the employee.

Q. What are the allegations about corruption in the Crystal Police Department?

State law prohibits the release of data regarding investigations that do not result in discipline. Due to state law, the City cannot discuss the allegations made against Chief Revering and other officers by the community group and Officers Erkenbrack and Watt.

Further, the Police Officers Standards and Training Board (P.O.S.T.) is conducting an unbiased external investigation of the practices of the Crystal Police Department based on a complaint by the CUAPB.

The city council has full confidence in the city manager and police chief.

Q. What about the Ramirez family complaint of theft following a July 2008 raid in their Crystal home by the (now disbanded) Metro Gang Strike Force? Was there a cover-up or wrongdoing?

The Metro Gang Strike Force was a multi-agency group. The complaint was made against non-Crystal police officers. An independent investigator was hired by the City of Crystal to investigate these allegations and found there was no wrongdoing by the Crystal Police Department and no basis for a criminal case. Personal property of the Ramirez family had been taken from their home by their former landlord and the Metro Gang Strike Force. The family has been compensated for their loss of property.

Q. What about complaints of retaliation against Officers Erkenbrack and Watt?

While we are unable to comment on this specific situation, the City has policies that prohibit retaliation and other inappropriate behaviors. We take any allegation brought forward by any person or organization very seriously. All allegations of misconduct are properly investigated.

Crystal police officers are represented by a bargaining unit which has a grievance process in place with the City of Crystal. According to the union, all police officers are provided with necessary tools to file a grievance if they disagree with discipline or policy. Officers receive legal representation during disciplinary proceedings and can have their case heard

before a neutral arbitrator. The arbitrator's decision is legally binding.

The Crystal Police Department has a long tradition of excellence in providing public safety services to Crystal residents. We are proud of the professionalism of our staff, their dedication to their community, and the record of our police department.

Q. Why have these matters taken so long to resolve?

All police officers are members of a union and have a collective bargaining agreement with a grievance procedure. There are many steps involved in the process, and in some cases an employee may grieve more than one disciplinary action. The full process may take six months. Several concurrent or consecutive processes may take more than a year.

The City's elected officials and staff (as represented by the mayor, city council, city manager, and police chief) want the best for the City of Crystal. For the benefit of current and future employees and the City of Crystal, the integrity of the process must be observed.

Q. Is the City's grievance process normal?

Yes. The process is spelled out in the contracts the City has with bargaining units and is consistent with the Minnesota Public Employment Labor Relations Act (MPELRA). The contract is fairly standard for collective bargaining units, and the same agreements have been in place for many years. We've honored the process many times over the years.

We look forward to the resolution of these situations as quickly as they can be resolved; however, in deference to the rights of our employees, we are committed to the process that protects them and understand the process must be allowed to be carried out.

Q. How do other police officers feel about this situation?

On October 7, 2013, the SunPost published an open letter from the Crystal Police Department Officers and Supervisors Unions; Local 44 and Local 56 to the mayor and city council. The letter was drafted by the unions to "voice our position on recent personnel issues, protest, and city council conduct" and to encourage the city council to allow the grievance process to "run its course." Here is a link to the full letter as it appeared in the SunPost: <http://post.mnsun.com/2013/10/police-unions-city-let-grievance-process-run-course>.

Q. Why were Sgt. Erkenbrack and Officer Watt placed on administrative leave/demoted?

Minn. Stat. Sec. 13.43 regarding personnel data is designed so that the occurrence and substance of discipline and the steps in the process of making it final are not public until final disposition, in order to protect the employee. The law says that the entire grievance process, including the final step, arbitration, is private data.

While the City cannot say whether arbitration is a part of any grievance process with either

Sgt. Erkenbrack or Officer Watt, the City is committed to providing information within the limits of the law once final disposition has occurred. (According to Minn. Stat. Sec. 13.43, in the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. A disciplinary action does not become public data if an arbitrator sustains a grievance and reverses all aspects of any disciplinary action.)

Q. What about the Open Forum at city council meetings?

At a work session on October 10, the city council discussed moving Open Forum to a time other than during the televised city council meeting. However, the council voted to keep Open Forum at the same time. The rules were amended in September to exclude discussion of personnel matters or matters in litigation. The rules can be seen here:

http://www.crystalmn.gov/open_forum_guidelines.html.

The city council has been thoroughly briefed and is well aware of the issues and concerns of members of the community group and Crystal residents. The group's members have attended many city council meetings and have been in contact by telephone, email, and written letter. The City has responded many times to requests for information. However, we cannot comment on the specific outcomes of investigations of the officers until the full process is resolved.