# Duluth Racial Bias Audit:
## Final Report on Findings and Considerations



## THE CRIME AND JUSTICE INSTITUTE

August 2023

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## Acknowledgements

To the members of the Duluth community:

This report represents the Crime and Justice Institute's (CJI) assessment of the eleven areas that the Racial Bias Audit Team (RBAT), which includes the Duluth Police Department (DPD), directed us to focus our effort. We conducted the information gathering portion of our work from October 2022 through May 2023 and then began analyzing data, summarizing notes, and assembling this report. We found DPD and the RBAT to be willing and engaged partners throughout this process. We were also impressed by the engagement of dozens of organizations and groups that serve the Duluth community that were largely responsible for getting the word out about the community survey we conducted and answering our requests for interviews and connections to community members that are Black, Indigenous, and people of color (BIPOC) as the RBAT asked us to focus specifically on learning about the experiences of BIPOC community members in Duluth and their engagement with the DPD. The information we gathered largely represents experiences of community members and the status of the DPD over the past five years in an effort to develop an understanding for current strengths and challenges in the community and set the stage for planning a successful path forward.

As you read the findings of this report you will see that the DPD has several strengths that show the Department's willingness and ability to engage in equitable policing as they protect and serve the Duluth community. This is evidence by the responses and information we received from the Duluth community, specifically BIPOC community members. You will also see that there are ways the DPD can improve to provide public safety services that are more equitable and aligned with the expressed needs of the Duluth community. To achieve such improvement, the DPD and community members must work together to create a plan to implement change that includes measures for success along a defined timeline. CJI is committed to guiding the first steps of this process over the next few months.

It is essential for the community to engage during this critical phase of planning so that the direction of the DPD is the direction the Duluth community would like the Department to travel. This guidance and support from the community ensures the DPD prioritizes the goals the community would like to see and knows the community is participating in a co-produced commitment to accountable, transparent, and equitable policing. CJI has seen such commitment from the Duluth community and is excited to see Duluth and the DPD move forward together.

On Behalf of the CJI Team,

Katie Zafft
Manager, Policing and Evaluation
The Crime and Justice Institute
A Division of Community Resources for Justice

**Mike Ceynowa**
*Chief of Police*

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July 17, 2023

To Whom It May Concern,

The Duluth Police Department has a long history of progressive and innovative public safety programs that are rooted in a collaborative, community approach.  Our Department has produced many regional and nationally recognized initiatives in our partnership with the community and other public safety organizations.  The Racial Bias Audit (RBA) is another example of a collaborative, community partnership to learn about our community's needs, public safety approach, and what we can do to better serve our community in a fair, accountable, caring, and transparent manner.

In early 2021, representatives from City of Duluth Commission on Disabilities, Duluth Citizen Review Board, Duluth Community Safety Initiative, Human Rights Commission, NQT2SLGBIA Commission, the Duluth branch of the NAACP, and the Duluth Police Department came together to form the Racial Bias Audit Team (RBAT) to guide and direct this important work.   Request for Proposals (RFP's) were initiated to seek a vendor to provide a comprehensive Racial Bias Audit of the Duluth Police Department, and out of several consulting firms, the RBAT selected the Crime and Justice Institute (CJI) to lead the RBA.

The RBAT identified eleven audit objectives for CJI to research:
- Recruitment, Hiring, and Personnel Practices
- Bias and Interracial Relations Trainings
- BIPOC Community Relations
- Suspicious and Criminal Activity
- Gathering and Interpreting DPD Data
- Vehicle and Pedestrian Stops
- Civil Disturbance
- Immigrant and Refugee Populations
- Duluth Civilian Review Board
- DPD Camera Data Review
- Use of Force

CJI was given welcomed access to our Department, its functions, and its staff to complete this audit.  We appreciate the skilled and professional staff of the CJI, and the efforts they made to complete this comprehensive report.  A special thanks to Dr. Katie Zafft, the primary contact for Duluth Police, who was always accessible to answer questions and consider our input.

The Duluth Police Department would like to thank the members of RBAT, CJI, community members, and the City of Duluth for the commitment and time given to the process.  The Duluth Police Department is committed to taking the results of this audit into future planning to continue to make us, and our community, better through a partnered approach.

Respectfully,

Michael J. Ceynowa
Chief of Police

Tuesday, August 3, 2023

For nearly three years the Racial Bias Audit Team (RBAT) has worked with the larger community and the Duluth Police Department (DPD) to design and oversee the implementation of this racial bias audit. The RBAT is comprised of various members of Duluth city commissions and community organizations. Our intention was to design an audit that would both determine whether there is evidence of racial bias in Duluth policing, and evaluate DPD policies and procedures for their ability to deter, detect and counteract racial bias in policing.

The first phase of this process throughout 2021 was to design the audit objectives. The second phase of the process in 2022 and into 2023 was to select the auditing team and to oversee the audit. The third and most crucial phase is now upon us, as the community and the police department must continue to work in tandem to interpret the findings of the report, and design a process for implementation of policies and procedures based on these findings.

Our efforts to design and conduct this audit were not and will not be perfect. As with any comprehensive work with multiple voices, communication is complex and sometimes inaccurate or misunderstood. Now is the time for constructive dialogue. The DPD is committed to continuing to engage with the community around the issue of racial bias in policing and this audit is a discussion point. Through that discussion, together we can find and act on what is useful, and learn from our mistakes. Our next steps in this process will include open discussions, examining considerations within the audit, brainstorming what additional work must be accomplished by the community and DPD, as well as determining how that work will happen.

We need to bridge communication gaps. Too often we find ourselves as members of a group that opposes another group, and we sling mud at each other across a seemingly insurmountable divide. A willingness to make time to engage and understand each other is crucial. We implore all concerned citizens to join us in being a part of this next phase of the process.

Finally, the RBAT would like to offer sincere thanks to the Crime and Justice Institute and the Duluth Police Department for their consistent communication and open dialogue, and for their transparency throughout this process. We as citizens can make a difference in how policing is done in our city, and this audit and the continuing community-police relationship that built this audit is evidence of that.


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# Introduction

In September 2022, the City of Duluth, with input from Duluth's Racial Bias Audit Team (RBAT), contracted with the Crime and Justice Institute (CJI) to conduct a racial bias audit of the Duluth Police Department (DPD). CJI collaborated with the community and the Department to provide a holistic and comprehensive assessment of Department operations and interactions with the community with respect to the concerns raised about racial and ethnic disparities in police practices and operations. The scope of the audit largely reflects the status of the Department and experiences of community members within the past five years. Assessments of policies and trainings mainly represent the most recent versions of materials unless the audit team was provided materials that were previously used.

The City/RBAT identified the following project scope in their request for services:

- "Assess, monitor, and assist the DPD in concert with the community to uncover any aspects of implicit bias, as well as systemic and individual racial bias.
- Assess the impact of enforcement operations on historically marginalized and discriminated against populations.
- Provide recommendations for reforms that improve community-oriented policing practices, transparency, professionalism, non-discriminatory practices, accountability, community inclusion, effectiveness, equity and public trust. These recommendations should also consider statutory requirements, national best practices and current scientifically valid methodology, and community expectations.
- Engage the community and employees of DPD to understand both experiences and expectations of interactions between both groups."[1]

## Assessment Goals and Objectives

The scope of the audit, as directed by the audit goals developed by the Racial Bias Audit Team, focuses on eleven items that we consider to be three distinct areas of work: Department operations, Department interactions with the community, and the role of the Duluth Citizen Review Board (DCRB).

CJI's assessment protocol evaluates the following topic areas, outlined by section:

## Section I. Department Operations

- DPD recruitment, hiring, and personnel practices.
- The types and effectiveness of bias and intercultural relations training provided to DPD staff.
- DPD's evaluation of reports of suspicious or criminal activity for possible racially motivated fabrications and/or exaggerations.
- How the DPD gathers and interprets data.
- DPD's protocol and practices in response to civil disturbances.
- DPD's process of documenting, investigating, and adjudicating officer use-of-force incidents, in addition to transparency.

## Section II. Department Interactions with the Community

- DPD's response to calls from Black, Indigenous, and people of color (BIPOC) communities for change, as well as an evaluation of BIPOC community members and DPD staff members' attitudes toward each other.
- The impact of enforcement actions on BIPOC communities using scientifically valid methodology and benchmarks.
- Body-worn camera footage to identify whether bias is present.
- DPD's protocol and practices in interactions with immigrant and refugee populations.

## Section III. Role of the Duluth Citizen Review Board

- Assessment of the Duluth Citizen Review Board (DCRB)

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[1] "Request for Proposals for Professional Services for a Racial Bias Audit," City of Duluth, issued April 8, 2022, https://duluthmn.gov/media/14223/rfp-for-racial-bias-audit.pdf.

## Assessment Methodology

Our approach to this assessment focused on engagement with members of the Department and members of the community, separately and together, to fully assess present concerns and how they have been historically addressed. Our team reviewed and assessed existing data, policies, and procedures to develop a comprehensive understanding of the Department's strengths and challenges with respect to equitable policing practices.

Additionally, our approach included a comprehensive assessment of each item in the Scope of Services using our team's expertise and a range of methodologies to provide guidance to DPD, the City of Duluth, and members of the community for areas that may need focus or prioritization. The CJI team used a variety of assessment methods including document reviews, data analysis, camera footage review, interviews and focus groups, observation of operations through ride-alongs with officers and by attending command staff meetings, web-based survey delivery and analysis, and accessible public meetings in a variety of formats.

## Report Overview

This report is presented in three sections of 11 chapters that group the audit objectives into the DPD-focused items, community-focused items, and DCRB-focused item. In each chapter, we present a summary of the assessment objective as outlined by the City of Duluth's Request for Proposals, provide details about the methodology we used to conduct the assessment, detail a list of findings, and offer considerations for DPD and the Duluth community to weigh during discussions about next steps.

For quick reference, a list of all findings and considerations is presented at the beginning of this report and each list is sorted by chapter. These lists are meant to provide a guide to readers about where they can find more information about a topic area about which they would like to learn more.

The conclusion of this report provides a brief review of CJI's major takeaways from the information gathering portion of this audit and offers next steps for our work in assisting DPD and the Duluth community with implementation planning.

Photo credit: Duluth Police Department

# Summary of Findings and Considerations



## Chapter 1

Recruitment,
Hiring & Personnel
Practices

## Findings

1. DPD has implemented practices and policies that improve the transparency of their recruitment plan and achievements.
2. DPD uses multiple platforms to reach and attract candidates.
3. DPD adheres to some, but not all, best practices for utilizing community engagement as a recruitment tool.
4. DPD understands successful recruitment of diverse candidates requires constant communication but is still working to meet this standard.
5. DPD's standards of wage and workload do not incentivize individuals to work for the Department.
6. DPD's hiring process includes questions about bias which have proven effective in identifying and eliminating potentially biased candidates.
7. Factors such as housing availability and length of the hiring process are barriers to hiring.
8. DPD does not currently offer a specific training program to staff involved with the recruiting and hiring process.
9. DPD's transfer and promotion resources fail to include aspects of diversity, equity, and inclusion as relevant to the position or department.
10. DPD struggles to retain officers for longer than seven years, in large part due to wage and workload standards.

## Considerations

1. Continue to build staff capacity and support for internal department positions that are responsible for diversity efforts.
2. Augment recruitment materials with images and messaging that allow diverse candidates to see themselves in the role of a police officer.
3. Create a mentor team to support candidates from diverse backgrounds during the hiring process.
4. Prioritize relationship building in the community as a foundation for recruitment efforts, necessitating cooperation and collaboration between local community organizations and the DPD.
5. Expand youth outreach programs as a potential recruitment tool.
6. Make the timeline of the hiring process more transparent to applicants.
7. Leverage technology to eliminate barriers to apply and increase transparency in the application process.
8. Strengthen evaluation metrics in the hiring process to improve screening of candidates who exhibit bias.
9. Collect demographic data on candidates that drop out of the hiring process at each stage and develop a strategy for addressing disparities in hiring process retention.
10. Include language in promotion and transfer documents that is inclusive of the spectrums of gender, abilities, and non-dominant races and cultures.

## Chapter 2
Bias &
Intercultural
Relations
Training

## Findings

1. The majority of DPD staff feel that the Department's policies on bias and intercultural relations are strong.
2. Due to the high cost of external trainers, DPD is limited in how often it can implement the Fair and Impartial Policing training.
3. DPD staff report the Fair and Impartial Policing training lacks content directly related to communities in Duluth.
4. Bias and intercultural relations training objectives are not incorporated into other training environments offered to recruits or staff.
5. Implicit bias trainings increase officers' awareness of their own biases in the short-term, but application of lessons learned in the long-term is less apparent.

## Considerations

1. Tailor bias and intercultural relations trainings to the history and experiences of communities in Duluth.
2. Increase positive messaging about bias and intercultural relations training from DPD leadership and supervisors to improve staff members' reception of the trainings.
3. Incorporate the main training objectives of Fair and Impartial Policing™ (FIP) and relevant components of Crisis Intervention Training (CIT) into other training environments and supervision or mentorship opportunities

## Chapter 3
Responding to
& Investigating
Suspicious
Activity

## Findings

1. St. Louis County dispatch staff do not receive adequate training around the potential for racially motivated fabrications and/or exaggeration impacting suspicious activity reports made by community members.
2. St. Louis County dispatch staff are not consistently collecting sufficient facts from callers to aid officers in determining their response to calls for service.
3. DPD officers describe taking action to establish reasonable suspicion before conducting a stop about suspicious activity that originates from a call for service.
4. No meaningful demographic or outcome differences were found in officers' interactions with subjects when encounters were instigated by calls from community members versus self-initiated officer activity.

## Considerations

1. Invite call takers and dispatchers to attend trainings with DPD staff to improve dispatch and officer communication.
2. Work with St. Louis County to develop protocol for dispatchers to determine when a call for service may not require police intervention.
3. Host community forums that provide educational resources for community members about how to discern and report suspicious or alleged criminal activity.
4. Explore supporting efforts to develop legislation that holds callers accountable for racially motivated calls for police intervention.

## Chapter 4
### Gathering & Interpreting Data

## Findings

1. DPD recently made available to the public updated data related to use of force.
2. DPD consistently publishes data on internal and external complaints but does not provide a measure of change in complaints over time in public reporting.
3. DPD has begun to publish data on patrol activities and plans to do so quarterly; however, data for pedestrian stops is incomplete.
4. DPD makes crime data publicly available but provides no definitions or trend information.
5. DPD has made some data on department training publicly available, but not on a regular basis.
6. DPD makes department policies publicly available in an accessible and searchable format.
7. DPD does not publish data on officer misconduct or discipline.
8. DPD uses data to inform department operations and special initiatives through identifying trends and patterns in crime by geography and people frequently engaging in criminal behavior.

## Considerations

1. Ensure publicly available data is user friendly and includes definitions or data use guidance.
2. Ensure all pedestrian stops require officers to complete Stop Data forms.
3. Provide a measure of complaints over time and include race and ethnicity of complainants.
4. Take steps to improve public accessibility of crime data.
5. Publish updated and more specific information on department trainings.
6. Incorporate information related to officer misconduct and discipline into the complaint accountability report.
7. Develop articulated and cohesive strategies to address public safety concerns that are driven by data, research, and evidence

## Chapter 5
### Policies & Practices for Civil Disturbances

## Findings

1. DPD maintains situational awareness to identify any risks of civil unrest and prioritizes communicating with community leaders when possible.
2. DPD relies on command centers, a well-established chain of command, and a trained unit to coordinate the Department's response to civil unrest.
3. DPD is developing communication practices to better inform the public about civil disturbances.
4. DPD adheres to a practice of reviewing the Department's response to civil disturbances at various internal levels and with external partners

## Considerations

1. Invest in community partnerships and educational resources to aid the Department in determining appropriate responses to civil disturbances.
2. Establish and implement a clear public communication strategy for before, during, and after incidents of civil unrest.

## Chapter 6

Use of Force Documentation & Investigation

### Findings

1. DPD's Use of Force policy (Policy 300) provides information about when officers document force; however, there is inconsistency in officers' understanding for when a use of physical force requires documentation.
2. DPD's force investigation process relies on supervisors and Watch Commanders to review and identify training or misconduct issues that may need to be addressed.
3. DPD rarely convenes their Force Review Board and does not rely on it for reviewing non-deadly use of force incidents or to identify patterns in uses of force.
4. DPD does not use a discipline matrix when determining appropriate corrective action or discipline for misconduct related to use of force

### Considerations

1. Strengthen current policy on documenting use of force incidents, including requirements for when and how these incidents should be reported, and develop a system for collecting and storing relevant documentation.
2. Strengthen policies and procedures for determining whether an officer's use of force was justified, and for taking disciplinary action if necessary.
3. Utilize the Force Review Board to effectively investigate use of force incidents, with clear roles and responsibilities for members, unbiased processes for conducting reviews, and ensure there is opportunity for community input.

## Chapter 7

BIPOC Community Relations

### Findings

1. DPD policies exhibit a commitment to fair and impartial policing, including responsiveness to community concerns; however, the Department's internal review and reporting on community policing activities is not reflected in current policy.
2. DPD has an active social media presence but can fall short in effectively communicating issues relevant to at-risk or Black, Indigenous, and other people of color (BIPOC) community members.
3. DPD has partnerships with several community organizations that serve BIPOC communities.
4. DPD conducts engagement activities targeted towards young people in Duluth but may not be reaching older youth through this effort.
5. Survey data indicates that community members tend to interact with DPD officers in a public, non-crime setting; however, BIPOC community members feel they have little opportunity to engage with officers at community events.
6. BIPOC community members feel that DPD officers do not approach community interactions with empathy.
7. DPD officers can be hesitant to engage with BIPOC community members due to the prevalence of bystander escalation and a perception of racial tensions.
8. There is a culture within DPD of relying on enforcement activities such as vehicle and pedestrian stops as the primary opportunity for community engagement.
9. Based on survey results, community members are more likely than DPD staff to believe racism exists within the Duluth community and are also more likely to believe that a culture of racism exists within the Department.
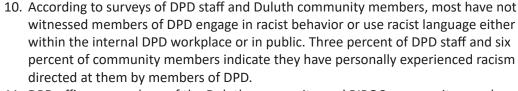
10. According to surveys of DPD staff and Duluth community members, most have not witnessed members of DPD engage in racist behavior or use racist language either within the internal DPD workplace or in public. Three percent of DPD staff and six percent of community members indicate they have personally experienced racism directed at them by members of DPD.

11. DPD officers, members of the Duluth community, and BIPOC community members all point to trust as a necessary component of positive relationships between DPD and the Duluth community.

## Considerations

1. Build a community engagement strategy in partnership with local neighborhood communities to ensure the Department's actions match the expectations for how community members expect officers to engage.

2. Provide officers and community members with pathways for non-enforcement interactions that build mutual trust.

3. Create a communications strategy that engages more intentionally with community organizations prior to wider public initiatives.

## Findings

### Vehicle Stops

1. Over half of all vehicle stops occur in four neighborhoods: Central Business District, Central Hillside, East Hillside, and Lincoln Park.

2. Most vehicle stops are for moving violations.

3. The most common result of a vehicle stop is a warning.

4. Most searches during vehicle stops occur during stops that end in arrest. Search data do not include information about whether these searches were conducted prior to an arrest decision or as an action taken by officers after making an arrest decision.

5. There were only eight vehicle stops that involved officers using force, with one resulting in an officer drawing their firearm.

6. One officer, assigned to work exclusively on road safety initiatives and driving while intoxicated (DWI) enforcement, conducted 25 percent of all vehicle stops; however, this officer's vehicle stops did not have any statistically significant racial disparities in their stops or stop outcomes.

7. There are statistically significant racial and ethnic disparities in vehicle stops as compared to a residential population benchmark (ages 16 and older).

8. There are statistically significant racial and ethnic disparities in vehicle stops as compared to an estimated driving population benchmark for vehicle stops that occur during daytime hours.

9. BIPOC drivers are more likely than white drivers to be stopped for equipment violations or suspicious activity (vehicle) stops.

10. There is a racial disparity in stop outcomes, with BIPOC drivers receiving harsher penalties than white drivers specifically during vehicle stops for equipment violations. This analysis does not account for possible differences by race or ethnicity in the presence of arrest warrants or driving histories.

11. Officers are more likely to conduct a search during a vehicle stop with a BIPOC driver than with white drivers, excluding stops that end in arrest.

12. There are no differences in search hit rates for BIPOC and white drivers during vehicle stops that do not end in arrest, indicating that decisions to search during vehicle stops are not likely to be driven by individual officer racial or ethnic bias.

### Pedestrian Stops

13. Most pedestrian stops occur in four neighborhoods: Central Business District, Central Hillside, East Hillside, and Lincoln Park.
14. Based on a sample of pedestrian stops reviewed for the body-worn camera footage assessment, 26 percent of pedestrian stops are with BIPOC community members. We cannot make conclusions about whether this represents a racial or ethnic disparity in pedestrian stops due to the lack of demographic information and associated information about all pedestrian stops.
15. Based on a sample of pedestrian stops reviewed for the body-worn camera footage assessment, many pedestrian stops are pretext stops to determine whether more serious criminal behavior is occurring, and these stops most often end with verbal warnings or no action.
16. There were nine pedestrian stops that involved officers using force, none of which involved officers displaying their firearm.

## Considerations

1. Ensure officers complete stop data forms for all pedestrian stops and conduct a disparity analysis once more complete data are being collected.
2. Create training opportunities and supervisory review protocols to ensure officers establish reasonable suspicion before conducting investigative pedestrian stops.
3. Collect more specific information about searches and frisks.
4. Reduce vehicle stops for equipment violations.
5. Develop a defined strategy for conducting vehicle and pedestrian stops that provides a rationale and framework for the goals of these types of stops and measures for achieving these goals.
6. Identify ways for the DPD and the Community Crisis Response team to work together to provide services to individuals in need of care and resources without needing police intervention

## Chapter 9

### Body-worn Camera Footage Review

## Findings

1. Overall, officers demonstrate good demeanor (averaging 3.5 out of 4 on the demeanor index), with officers most likely to demonstrate respect but least likely to interact with community members with impartiality.
2. Officers are less likely to demonstrate good demeanor when investigating potential crime during pedestrian stops than during vehicle stops or when officers are rendering aid to people in need of care. This difference in demeanor is statistically significant.
3. Officer demeanor does not differ significantly when interacting with BIPOC community members as compared to white community members.
4. Only 34 percent of the interactions reviewed involved officers introducing themselves to the subjects of the stop (where applicable), with officers significantly less likely to introduce themselves during pedestrian stops than during vehicle stops.
5. While most stops are no longer than necessary for officers to take appropriate action, BIPOC community members are significantly more likely to experience unnecessarily longer stops than white community members.
6. Overall, officers demonstrate procedural justice (averaging 3.6 out of 4 on the procedural justice index).
7. Officers are less likely to demonstrate procedural justice during pedestrian stops where officers are investigating a possible crime than during vehicle stops. This difference in adherence to the principles of procedural justice is statistically significant.
8. Procedural justice does not differ significantly when officers are interacting with BIPOC community members as compared to white community members.
9. For the sampled pedestrian stops, officers are statistically more likely to use their discretion to give a "break" to white stop subjects than for BIPOC stop subjects (e.g., issue fewer citations, give a warning instead of a citation, avoid making an arrest). There is no statistically significant difference by race or ethnicity in the discretion to give a "break" for the sampled vehicle stops.
10. Reviewers found potential racial or ethnic bias in five of the 152 police interactions in the sample (3.3 percent).

## Considerations

1. Focus on ensuring officers are introducing themselves when engaging with the public during police encounters.
2. Continuously emphasize in training and through supervision and mentorship that good demeanor and adherence to procedural justice are important for every interaction, especially pedestrian interactions with members of the community.
3. Establish a supervisory review process where supervisors assess body-worn camera footage for demeanor, adherence to the principles of procedural justice, and whether interactions are free of bias-based policing.
4. Proactively solicit feedback from community members that have encounters with police.

## Chapter 10
### Immigrant & Refugee Populations

## Findings

1. Nearly every component of a policy following best practices for engaging with immigrant and refugee community members is present within DPD policies.
2. DPD requires trainings related to working with the immigrant or refugee populations.
3. DPD has a limited history of engagement and relationship building with immigrant or refugee populations in Duluth.

## Considerations

1. Prioritize building partnerships with community organizations that work with immigrant communities in Duluth.

## Chapter 11
### Duluth Citizen Review Board (DCRB)

## Findings

1. The DCRB is a review-focused civilian oversight body, with some aspects of an auditor-focused oversight model.
2. The DCRB adheres to best practices of review-focused advisory boards and operates within the parameters of Minnesota state law.
3. DCRB's engagement with the community has rapidly declined since 2019, with many community members unaware of the Board's mission, role, and activities.
4. DCRB members fulfill their responsibilities through consistent engagement with DPD, despite the voluntary nature of the work.
5. The impact of the DCRB as an oversight mechanism for DPD's complaints process is limited.
6. Many community members in Duluth are unaware of how to file a complaint through the DCRB or DPD. Among the 37 respondents who have filed complaints, none of the BIPOC complainants were satisfied with the experience.

## Considerations

1. Improve the visibility of the DCRB in the Duluth community by revitalizing its function as an advisory body to DPD and the City Council and purpose to foster trust and communication between the police department and members of the community.
2. Renew the DCRB's charter or bylaws to align with the Board's function as an advisory body to the DPD and the City Council and prioritize addressing dissatisfaction with the complaints process.

# Section I: Department Operations

# Chapter 1: Recruitment, Hiring, and Personnel Practices

This assessment objective is focused on an evaluation of the Duluth Police Department's recruitment, hiring, and personnel practices through reviewing policies, procedures, and training focused on hiring standards, including a review of interview questions, and evaluating DPD's use of personality evaluations to identify tendencies toward racial or cultural bias, and aptitude for cultural inclusivity. CJI was tasked with determining whether the Department has data-driven and scientifically valid strategies to recruit and hire a diverse work force, specifically those with multi-racial or non-dominant racial and cultural backgrounds or experience. Further, it was CJI's role to assess if the City and DPD have data-driven and scientifically valid strategies that create and maintain a workplace environment welcoming of the integration, retention, and maintenance of a diverse workforce. CJI also assessed DPD's ability to diversify its workforce by comparing to best practices and identifying barriers to achieving this goal. We provide considerations and best practices for hiring, including the use of personality evaluations to assess racial bias, and retention of a diverse workforce.

## Methodology

CJI's assessment was based on a review of DPD policies, directives, postings, flyers, brochures, presentations, social media posts, and interviews with key staff involved with policy creation and the development of recruiting, hiring, training, and retention practices. Research on best practices was conducted, and all provided documents were compared against best practices to determine if DPD's recruitment, hiring, and retention strategies in place are as recommended by research.

## Findings

### Recruitment

***Finding 1: DPD has implemented practices and policies to improve the transparency of their recruitment plan and achievements.***

DPD developed a recruitment plan to incorporate the Department's policies, practices, and directives around inclusion of diversity statements in recruiting and hiring. It is DPD's philosophy and belief that diversity is needed, although there is no policy detailing this focus area. DPD recently finalized an external recruitment plan that provides more details about welcoming diversity. The 2023 – 2026 Recruitment and Retention Plan can be found on the Department's website.[2] DPD is now working on an internal document that will include language for staff to use when engaging the community. DPD supports the idea that the department membership must reflect its community, and according to the census data provided in the recruitment plan, the Department is achieving this overall. In the last four years, DPD has improved with recruiting and hiring more women officers. The Department's local and internal connections have helped with recruitment. In the last recruit class, there were four women and an additional BIPOC candidate out of eight recruits.

***Finding 2: DPD uses multiple platforms to reach and attract candidates.***

When the hiring process begins, DPD takes varied steps to recruit candidates for the advertised position. Advertisement is conducted through different platforms, to include: the Minnesota Board of Peace Officer Standards and Training (POST) state website, social media, online employment portals, out of state outlets, local media, career fairs, and by distributing hiring flyers. DPD has a recruitment video on the Department's website. DPD previously used a billboard but discontinued its use as it did not yield expected recruitment results and was very costly. DPD had a paid membership with the National Minority website with the hopes of increasing the

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[2] Duluth Police Department, *2023-2026 Recruitment and Retention Plan* (Duluth, MN: City of Duluth Minnesota, 2023), https://duluthmn.gov/media/14642/recruitment-plan-14.pdf.

number of BIPOC recruits but was discontinued due to lack of results. Local media has conducted live interviews with DPD members on television to increase awareness of DPD's hiring. Additionally, DPD attends recruiting and career fairs where they provide pamphlets directing interested applicants to DPD's website to apply. Specifically, DPD acquires a booth at job fairs at two high schools and provides information to potential future candidates.

DPD provides hiring flyers to community groups, churches, and libraries to hang on their bulletin boards. DPD has interest in reinstating a police explorer program to be able to create a career path into law enforcement for youth in the community. The Community Service Officer (CSO) intern program for high school and college students has garnered results, most recently five of eight program participants were hired to be police officers. According to the Department's website, the CSO program has become a viable recruitment tool for the DPD.[3] DPD surveys their applicants to evaluate and determine the effectiveness of their hiring campaigns. Many applicants indicated they learned that DPD was hiring through social media platforms.

***Finding 3: DPD adheres to some, but not all, best practices for utilizing community engagement as a recruitment tool.***
Community engagement not only allows law enforcement opportunities to build trust but also can be an avenue for recruitment through positive and frequent interactions. DPD currently engages the community through its summer fishing program that includes elementary aged children. However, there is no clear strategy in place to attract candidates at an early age to prepare for future candidates. No documentation supports DPD partnering with military organizations to develop a military track to DPD. DPD has staff who currently train and teach in criminal justice programs, most notably at Fon du Lac Tribal and Community College. The connection to a criminal justice program has proven to be successful in recruiting DPD candidates. DPD acknowledges they must tap into the local diverse groups with one of their stated first steps being more positive engagement with high school students.

***Finding 4: DPD understands successful recruitment of diverse candidates requires constant communication but is still working to meet this standard.***
DPD is working on outreach strategies for recruiting diverse candidates and describes a mindset that police officers must be recruited similar to how college athletes are recruited. DPD believes they must maintain constant contact through phone calls to develop a personal connection with the applicant. Although this has not occurred as a consistent strategy at DPD, the department understands this must occur to be competitive with other police departments recruiting the same applicants. To specifically reach diverse candidates, incorporating multiple factors that weigh in a law enforcement career decision. For example, including the recruit's family into the process whenever possible can help family members understand the process and the support and benefits the department is offering to their family member.

## Hiring
***Finding 5: DPD's standards of wage and workload do not incentivize individuals to work for the Department.***
DPD has experienced challenges in hiring police officers as there are limited ways to become a police officer in the State of Minnesota. These pathways include:
1) 4-year criminal justice degree with state-approved law enforcement skills testing,
2) 2-year associate degree and program for law enforcement skills testing, or
3) 3 years of experience and reciprocity to be a sworn officer in Minnesota.

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[3] "Community Service Officer – Intern Program," Duluth Police Department, https://duluthmn.gov/police-recruitment/community-service-officer-intern-program/.

Currently there are at least 11 educational degree programs in Minnesota providing the training to be a police officer, yet there are not enough enrolled students to fill the vacancies in police departments across the state. Current students want high pay and low workloads and DPD is not able to deliver on those demands. DPD has also struggled with current police officers leaving the Department for other police departments offering higher wages. Those same departments are offering $5,000-$10,000 incentive bonuses upon hire. According to staff, DPD ranked third in police officer salaries in 1995 but currently rank near 45 out of 308 municipal police departments in 2023. Further, staff indicate that DPD is the third largest municipal police department in the state but is not competitive in wages compared to other police departments. In 2022, the officer and sergeant unions accessed a 13 percent pay increase over a three-year period, but the wages are still not competitive compared to the surrounding areas. DPD welcomes lateral entry police officers, and police officers have applied from other states; however, these candidates often do not meet Minnesota's three years of experience requirement.

***Finding 6: DPD's hiring process includes interview questions about bias which have been proven effective in identifying and eliminating potentially biased candidates.***
There are three separate interviews or tests of candidates during the hiring process. The first is a civil service exam consisting of four to five questions. These questions are developed by DPD and submitted to the Civil Service Commission for approval, and no follow-up or clarification questions are allowed during the interview. The second is an interview with the Police Chief, designed to become more familiar with the candidate. During this interview, DPD gathers information on the candidate's experience as well as evaluates the person's character in how they may conduct themselves in carrying out their law enforcement duties in service to the public. There is no policy that governs the Police Chief's interview. DPD believes evaluating the person's character is an important reflection on how well the candidate will maintain the professionalism and equitable treatment necessary for engaging with the community. The Chief's interview indirectly assesses the potential bias candidates could bring to the role but refrains from explicitly addressing the topic. However, candidates have been eliminated when they have exhibited bias in their answers. The third stage's interview takes place as part of the candidate's background investigation, bringing clarification to specific information discovered during the investigation on the candidate's background. Some candidates have been eliminated in this phase for exhibiting bias, where information related to bias has been uncovered in their criminal history or past work performance.

As part of the hiring process, the candidate undergoes a psychological evaluation. DPD contracts with Campion Barrow & Associates to complete the psychological phase. Campion Barrow reviews the results and provides a recommendation to the DPD to support the candidate for hire or a recommendation not to hire. Included in the recommendation is information related to whether the candidate displayed bias tendencies.

***Finding 7: Factors such as housing availability and length of the hiring process are barriers to hiring.***
Some of the DPD's candidates abandon the hiring process by simply not appearing for scheduled interviews. Some candidates have discontinued the hiring process based on unfavorable information found in the background investigation. Lateral candidates have discontinued the hiring process due to an unfavorable housing market. There is a lack of affordable housing available in Duluth that meets the needs of incoming candidates. Some candidates are involved in multiple hiring processes and other police departments make faster offers due to fewer barriers related to the hiring timeline. The Duluth city charter requires certain civil service-specific requirements adding four to six weeks to the hiring process. From application to hire, the process takes approximately five months in Duluth. DPD has worked to reduce the timeline to four months, which is still a longer process than other Minnesota police departments. Longer hiring timelines can negatively impact diverse

candidates as they may be more likely to accept other positions or divert from the hiring process, favoring shorter timelines to gainful employment.

## Personnel Practices

***Finding 8: DPD does not currently offer a specific training program to staff involved with the recruiting and hiring process.***

While DPD does assign specific staff members to engage with recruiting and hiring activities, the Department does not provide staff with specific training on effective recruiting and hiring practices or more specifically on how to recruit and hire with a focus on diversity, equity, and inclusion.

***Finding 9: DPD transfer and promotion resources fail to include aspects of diversity, equity, and inclusion as relevant to the position or department.***

Documents were reviewed to determine if the City and DPD have data-driven and scientifically valid strategies to create and maintain a workplace environment that is hospitable to the integration, retention, and maintenance of a diverse work force, specifically those with multi-racial or non-dominant racial and cultural backgrounds or experience. The review of transfer and promotion documents revealed no intentional focus on diverse candidates to apply for the position. Promoting and transferring diverse talent requires active work to attract a diverse applicant pool by using multiple tools to promote open positions. The transfer and promotion documents reviewed outlined the purpose of the position, a definition, and duties and responsibilities of the position but did not identify the most important priorities of the position. The documents did not highlight any features or duties of the position specifically related to the diversity, equity, and inclusion work of the Department. The documents also did not address the specific impact the position has on the Department. DPD reports diversity statements are required by the state to be in all civil service job postings; therefore, is part of DPD police officer job posting. Job postings prepared by the City of Duluth's Human Resources Department include a diversity statement, as recommended by the Duluth Workforce Development Board, but a review of the internal transfer and promotional documents found no statement related to diversity.[4]

***Finding 10: DPD struggles to retain officers for longer than seven years, in large part due to wage and workload standards.***

In the last 10 years, DPD has experienced an increase in members moving to other agencies or opting into retirement when they are able. The Department is currently staffed with 127 officers with a capacity of 157. DPD considers this to be a staffing crisis as the agency has never experienced this large of a gap between current staff and how many staff are authorized. Upon being hired, members stay for three to seven years and generally leave the DPD to go to other agencies in or near Minnesota where the pay is higher, and the workload is more aligned with their expectations. DPD has asked the city for retention bonuses to help support retention, but the city has not fulfilled the request.

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[4] Duluth Workforce Development Board, *Diversity and Inclusion Employer Action Guide* (Duluth, MN: City of Duluth Minnesota, 2021), https://duluthmn.gov/media/10927/workforce-diversity-brochure-final.pdf.

## Considerations

***Consideration 1: Continue to build staff capacity and support for internal department positions that are responsible for diversity efforts.***

Research shows one of the strongest factors that increases organizational diversity is establishing positions with the responsibility of diversity efforts.[5] The DPD documents reviewed did not provide information related to the dedication of staff responsible for intentional focus on diversity efforts. However, focus group interviews revealed there is a dedicated staff member focused on diversity. National data shows agencies with a visible and dedicated staff member focused on diversity and a specific outreach program to recruit diverse candidates are more successful in hiring a diverse workforce.

***Consideration 2: Augment recruitment materials with images and messaging that allow diverse candidates to see themselves in the role of a police officer.***

Diverse individuals often pass on agencies with recruiting messages that show predominantly white male officers and may see this an indicator they will not fit in with the organization if hired.[6]

***Consideration 3: Create a mentor team to support candidates from diverse backgrounds during the hiring process.***

Peer support and mentoring has been found to be fruitful in increasing retention possibilities for diverse candidates as the broader field of law enforcement identifies ways to support and retain a more diverse workforce. National data show diverse candidates perceive there will be barriers to being hired and being successful upon hire. Diverse candidates also experience implicit bias in the form of lack of opportunities for retention. Ways to improve recruitment of diverse candidates include making diversity and inclusion a priority, looking for ways to level the playing field at each step in the selection process, mentoring diverse individuals during the recruiting process, proactively building community ties in diverse communities, creating targeted messages to attract and retain diverse candidates, and screening out candidates who exhibit biases.

Creating a mentoring team to assist diverse candidates during the process can provide information to candidates about what to expect and how to be successful in the hiring process. Diverse candidates may have family members who do not approve of their career choice and without the assistance of DPD members who can mentor and assist in allowing family members to be comfortable understanding that their family member will be supported, diverse candidates may be lost in the process.

***Consideration 4: Prioritize relationship building in the community as a foundation for recruitment efforts, necessitating cooperation and collaboration between local community organizations and the DPD.***

DPD has been working to build community ties in diverse communities; however, DPD can be more intentional in building those community ties to specifically attract diverse candidates by improving those relationships. If community relationships are not improved and the community members do not feel they are being heard, diverse communities will not encourage their members to enter the law enforcement profession. Through community ties, DPD can test the targeted messages to find if the messages are working to attract a diverse

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[5]Jane Wiseman, *Recruiting for Diversity in Law Enforcement: Selected Recent Research Insights* (Boston, MA: Institute for Excellence in Government, Inc., 2021), https://scholar.harvard.edu/files/janewiseman/files/police_recruiting_research_summary_august_2021.pdf.

[6]Jane Wiseman, *Recruiting for Diversity in Law Enforcement: Selected Recent Research Insights* (Boston, MA: Institute for Excellence in Government, Inc., 2021), https://scholar.harvard.edu/files/janewiseman/files/police_recruiting_research_summary_august_2021.pdf.

workforce. Cooperation and collaboration with local community organizations and DPD is necessary to achieve this goal.

### *Consideration 5: Expand youth outreach programs as a potential recruitment tool.*
Research shows recruitment requires a widened outreach strategy to be put in place to attract more diverse candidates.[7] These strategies include engaging with students in the school system from elementary through high school and higher education. Continuous engagement creates opportunities for the younger generation to preview the job and see themselves in the job. Partnering with military organizations and schools of criminal justice are additional opportunities to attract candidates as studies show students in criminal justice programs and individuals with military experience show an interest in law enforcement careers.[8]

### *Consideration 6: Make the timeline of the hiring process more transparent to applicants.*
One best practice related to diversifying a workforce and identifying any barriers to hiring includes making the hiring process more efficient.[9]  Many candidates drop out of the hiring process because it is too long. Some candidates may drop out or take other jobs if they assume they are not still in the process. Simplifying the process can increase the retention of interested candidates.  When beginning the hiring process, the job bulletin advertisement and recruitment materials should provide the process timeline so requirements are clear, and applicants are aware of when they will be offered a job. Applicants are most likely to remain engaged when they know the timing of stages in the process and have a clear point of contact who is responsive to questions.

### *Consideration 7: Leverage technology to eliminate barriers to apply and increase transparency in the application process.*
Best practices indicate law enforcement agencies should leverage technology for applications to eliminate barriers and create transparency. A way to leverage this is to provide digital tools to speed up the process of securely submitting documents.[10] Agencies with the electronic ability to upload secure background investigation materials can speed up the process of the investigation. Our review could not determine whether DPD eliminates barriers by allowing access to digital tools such as a self-assessment tool or checklist to see what information is going to be collected, how that information will be evaluated, and if there is something the candidate can address prior to the official background check to improve their results.

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[7] Jane Wiseman, *Recruiting for Diversity in Law Enforcement: Selected Recent Research Insights* (Boston, MA: Institute for Excellence in Government, Inc., 2021), https://scholar.harvard.edu/files/janewiseman/files/police_recruiting_research_summary_august_2021.pdf.

[8] Council on Criminal Justice Task Force on Policing, *Recruitment, Diversity, and Retention* (2021). https://counciloncj.foleon.com/policing/assessing-the-evidence/xiii-recruitment-diversity-and-retention/.

[9] Jane Wiseman, *Recruiting for Diversity in Law Enforcement: Selected Recent Research Insights* (Boston, MA: Institute for Excellence in Government, Inc., 2021), https://scholar.harvard.edu/files/janewiseman/files/police_recruiting_research_summary_august_2021.pdf.

[10] Jane Wiseman, Recruiting for Diversity in Law Enforcement: Selected Recent Research Insights (Boston, MA: Institute for Excellence in Government, Inc., 2021), https://scholar.harvard.edu/files/janewiseman/files/police_recruiting_research_summary_august_2021.pdf.

***Consideration 8: Strengthen evaluation metrics in the hiring process to improve screening of candidates who exhibit bias.***

As important as hiring a diverse force, so is the screening out of potential officers who exhibit biases that make them unable to practice equitable policing.[11] While there are questions that relate to bias in the stages of the hiring process, the questions in the civil service exam and Chief's interview stages can be stronger and more directly related to diversity, equity, and inclusion. Potential responses to such questions should demonstrate the candidate's acknowledgement of the history of policing in marginalized communities and knowledge of cultural awareness necessary for meeting DPD's stated community policing goals.

***Consideration 9: Collect demographic data on candidates that drop out of the hiring process at each stage and develop a strategy for addressing disparities in hiring process retention.***

DPD can evaluate the success at each phase of the process by race, ethnicity, gender, and socioeconomic background to ensure there are no stages in the hiring process that produce disparate outcomes and address areas where disparity occurs.[12]

***Consideration 10: Include language in promotion and transfer documents that is inclusive of the spectrums of gender, abilities, and non-dominant races and cultures.***

Research shows the language used in the selection process can hinder candidates with historically marginalized backgrounds and may result in unintended language biases.[13, 14] The goal is to eliminate unnecessary barriers and create more equitable and inclusive promotion practices. Language in promotion and transfer position documents can be specifically inclusive of the spectrums of gender, abilities, and non-dominant races and cultures. It is important for retention materials to show that there is a commitment to valuing diversity and contributing to an inclusive working and learning environment.[15] DPD may consider following the City of Duluth's Diversity & Inclusion Employer Action Guide recommendations related to retaining members of the police department. [16]

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[11] Jane Wiseman, "Building a Diverse Workforce in Law Enforcement," Police 1, November 16, 2021, https://www.police1.com/police-recruiting/articles/building-a-diverse-workforce-in-law-enforcement-xj4eKS8cqiIMcEjp/.

[12] Duluth Workforce Development Board, *Diversity and Inclusion Employer Action Guide* (Duluth, MN: City of Duluth Minnesota, 2021), https://duluthmn.gov/media/10927/workforce-diversity-brochure-final.pdf.

[13] Jane Wiseman, *Recruiting for Diversity in Law Enforcement: Selected Recent Research Insights* (Boston, MA: Institute for Excellence in Government, Inc., 2021), https://scholar.harvard.edu/files/janewiseman/files/police_recruiting_research_summary_august_2021.pdf.

[14] Jane Wiseman, *Law Enforcement Recruitment: Research-based Recommendations* (Boston, MA: Institute for Excellence in Government, Inc., 2021), https://scholar.harvard.edu/files/janewiseman/files/police_recruiting_policymaker_summary_oct_2021.pdf.

[15] Jane Wiseman, *Recruiting for Diversity in Law Enforcement: Selected Recent Research Insights* (Boston, MA: Institute for Excellence in Government, Inc., 2021), https://scholar.harvard.edu/files/janewiseman/files/police_recruiting_research_summary_august_2021.pdf.

[16] Duluth Workforce Development Board, *Diversity and Inclusion Employer Action Guide* (Duluth, MN: City of Duluth Minnesota, 2021), https://duluthmn.gov/media/10927/workforce-diversity-brochure-final.pdf.

# Chapter 2: Bias and Intercultural Relations Training

The purpose of this assessment objective is to evaluate the types of bias and intercultural relations trainings DPD recruits and staff have received, and how impactful these trainings have been for staff in how they carry out their duties. Specifically, CJI evaluated how these trainings are applied to the day-to-day work of those who engage the public and those who work solely in administrative roles and whether there has been a measurable impact on the implementation of these trainings.

## Methodology

To assess the quality, implementation, and impact of bias and intercultural relation trainings within DPD, CJI conducted a review of training materials and schedules, interviews with training instructors, focus groups with officers and sergeants from DPD's Patrol and Investigations Divisions, and an anonymous web-based survey of DPD staff completed by 111 members of the Department.

The officer survey asked several questions about attitudes towards training, this assessment, and the culture of DPD as they see it. CJI calculated a response rate of 65.4 percent based on staffing numbers presented in the DPD's 2022 annual report.[17] Nearly half of the respondents have been with the Department for over 10 years, followed by those that have been with the Department from three to 10 years, and finally newer staff with the Department two years or less (46 percent, 36 percent, and 18 percent, respectively). Nearly half of respondents work within the Patrol Division, with the Administrative and Investigative Divisions relatively equally represented (47 percent, 29 percent, and 24 percent, respectively). Most respondents were sworn personnel (74 percent), which is expected as approximately 80 percent of all DPD staff are sworn personnel.[18] Among sworn personnel, 66.3 percent were at the rank of officer, with the remaining respondents at the rank of sergeant or higher. Overall, the survey is a representative sample of staff at DPD, providing confidence in the generalizability of the opinions and experiences offered in the results.

## Findings

***Finding 1: The majority of DPD staff feel that the Department's policies on bias and intercultural relations are strong.***

In the web-based anonymous staff survey, CJI asked respondents for their opinions about the strength and usefulness of policies and training related to bias and intercultural relations. The survey asked respondents their opinions about the strength of the Discriminatory Harassment (Policy 315) and the Bias-Based Policing (Policy 401) policies. Most DPD staff felt like these policies were strong, with two-thirds of respondents indicating the Discriminatory Harassment policy is strong and 68 percent of respondents indicating the Bias-Based Policing policy is strong. However, approximately 20 percent of respondents were unsure or did not know whether the policies were strong, indicating either a lack of knowledge about the details of the policies or lack of knowledge about how the policies may compare to similar policies in other jurisdictions.

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[17] Duluth Police Department, *2022 Annual Report* (Duluth, MN: City of Duluth Minnesota, 2023), https://duluthmn.gov/media/14839/2022-annual-report-7.pdf.

[18] Duluth Police Department, *2022 Annual Report* (Duluth, MN: City of Duluth Minnesota, 2023), https://duluthmn.gov/media/14839/2022-annual-report-7.pdf.

***Finding 2: Due to the high cost of external trainers, DPD is limited in how often it can implement Fair and Impartial Policing training.***
The FIP training is broken down into three parts where investigators are trained in a four-hour block, patrol and supervisors are in an eight-hour block, while command staff and community members are allotted a day and a half. The supervisor version of FIP includes verbal scenarios such as "what would you do if…" type questions.

Implicit bias training is also delivered through the Crisis Intervention Training (CIT). The CIT coordinator is responsible for the implicit bias training as mandated by the Minnesota Board of Peace Officer Standards and Training (POST). POST requires a four-hour block of implicit bias training, part of a required 20-hour CIT training, which now includes an autism component per license cycle, delivered every three years. There is also a required four-day CIT training for all patrol officers, including new recruits. CIT trainers are also external and are described as legitimate experts.

According to DPD training instructors, the Department uses the Fair and Impartial Policing (FIP) and Crisis Intervention Team (CIT) trainings as a framework for the instruction of bias and interactions with the BIPOC community. FIP training is mandatory department-wide and was most recently completed in 2022, with prior training in 2017. There is no set delivery interval for the FIP training; however, the whole department is trained when it is provided. FIP training is facilitated by an external firm and the cost is very expensive, thus hindering the Department's ability to make this a continuous training.

***Finding 3: DPD staff report the Fair and Impartial Policing training lacks content directly related to communities in Duluth.***
According to DPD training instructors, FIP training meets POST required learning objectives. Instructors and officers alike believe that the message of the training is "good" but generalized. During officer focus groups, officers commented on how the training can be repetitive, as it rarely offers new information. The value of this type of training is in the tone it sets for agency culture. CIT training was described as more informative and provided new information about mental health. Combined, FIP and CIT trainings aim to impart the following lessons: (1) understanding the existence of implicit bias; (2) understanding that one must be mindful of implicit bias; and (3) encouraging empathy by department members. An example of the encouragement of empathy can be found in CIT training's use of headphones to simulate the experiences of a person diagnosed with schizophrenia.

Training instructors stated that DPD's philosophy for training is to engage with training participants on a personal level by bringing in subject matter experts. Some officers who participated in the focus groups initially believed training would be more confrontational but found through their participation that it was not.

***Finding 4: Bias and intercultural relations training objectives are not incorporated into other training environments offered to recruits or staff.***
The FIP training and the components of the CIT training relevant to understanding and confronting bias are standalone trainings. The training lessons are not incorporated into other training environments or reinforced through continuous learning opportunities. Therefore, while the trainings meet basic training standards by requiring officers to attend, the learning objectives are not infused into department operations.

***Finding 5: Implicit bias trainings increase officers' awareness of their own biases in the short-term, but application of lessons learned in the long-term is less apparent.***
When asked about bias and intercultural relations training staff receive, most officers who completed the anonymous survey felt like the training is somewhat or very useful to them in performing well in their jobs. In particular, CJI asked about the Fair and Impartial Policing training staff received most recently. Half of DPD staff

said they found the training somewhat useful, and 22 percent found it very useful. However, 28 percent indicated the training was not useful to them.

CJI also asked about training during focus groups with sworn staff in order to understand how officers viewed the training and thoughts they have for improvements. CJI's focus groups were with staff whose experience ranges from newer officers to sergeants with over two decades of employment with the DPD. According to this group, CIT training was more memorable than FIP, although officers admitted they blended together. Their responses on the topic of implicit bias and FIP training participation were vague. This group learned about implicit bias and recognizing it in themselves through training, then approaching situations differently. One member indicated they used the training when investigating a suspicious person, saying they paused to self-assess and ensure their suspicion was grounded in articulable facts rather than implicit bias. Other officers note they already treat people respectfully so there are no new takeaways from the training they received.

## Considerations

***Consideration 1: Tailor bias and intercultural relations trainings to the history and experiences of communities in Duluth.***
Bias and intercultural relations trainings can be enhanced by incorporating information and history relevant to the various communities in Duluth. Improvement may come from allowing trainers without law enforcement backgrounds to co-facilitate or teach portions of training modules. DPD could collaborate with community partners and identify new stakeholders to engage with to tailor training specifically to Duluth's community.

***Consideration 2: Increase positive messaging about bias and intercultural relations training from DPD leadership and supervisors to improve staff members' reception of the trainings.***
Prior to the bias and intercultural relations trainings, officers are often heard saying "this [training] is just to tell us how racist we are." Negative attitudes, stigmatized names of trainings, and messaging to advertise training can be barriers to positive reception by staff. For instance, messaging that training is mandatory and discipline would follow if someone does not attend can create a negative attitude before training starts. Messaging and advertising should be positive and reinforce the training's value, especially from supervisors.

***Consideration 3: Incorporate the main training objectives of Fair and Impartial Policing (FIP) and relevant components of Crisis Intervention Training (CIT) into other training environments and supervision or mentorship opportunities.***
Cross-training is a well-known tactic to achieve stronger uptake of training goals. Finding ways to intentionally reinforce the training objectives for FIP and CIT throughout the department can help to support long-term adoption of the intended training outcomes.

# Chapter 3: Responding to and Investigating Suspicious Activity

This assessment objective is focused on assessing how the DPD evaluates reports of suspicious or criminal activity for possibly racially motivated fabrications and/or exaggerations. In other words, when a call comes in from a member of the public alleging they have seen a suspicious person, vehicle, or some other kind of criminal activity, it is possible that this report is based on biased thinking. Understanding how these calls are received by the St. Louis County dispatch, the Duluth Police Department, and ultimately the DPD officers who respond to calls, is important when assessing the kinds of activities that could lead to racially disparate stops, negative police-community interactions, or hinder public trust in the police.

## Methodology

To understand how DPD evaluates reports of suspicious or criminal activity for potentially racially motivated fabrications and/or exaggerations, how officers handle reports they believe to be racially motivated, and if there are demographic differences in the subjects involved in calls for service or differences in outcomes, CJI 1) consulted with subject matter experts on best practices for receiving calls for service; 2) interviewed the supervising deputy who oversees all of St. Louis County's dispatch staff that answer calls for service; 3) conducted focus groups with officers and sergeants from DPD's Patrol and Investigations Divisions; 4) participated in patrol ride-alongs; and, 5) evaluated a sample of data representing self-initiated investigations of suspicious activity by officers as well as officers responding to calls about suspicious activity from members of the community.

For CJI's evaluation of data on calls for service, we constrained the sample to a seven-day period in late September 2022 and call types that are most representative of officer-initiated activity ("out-with" and "subject stop") and instances where officers responded to calls about suspicious or criminal activity ("susp activity"). The dataset DPD shared consisted of 91 calls, with 51 representing suspicious activity calls and 40 representing officer-initiated activity. This is not a sample of encounters during the seven-day period but rather all calls with the selected call types that occurred during the timeframe. The dataset included the incident number, call type, date, time, and location of the call, dispositions, and officers involved.

## Findings

***Finding 1: St. Louis County dispatch staff do not receive adequate training around the potential for racially motivated fabrications and/or exaggeration impacting suspicious activity reports made by community members.***

Through our interview with the supervising deputy of dispatch staff, CJI learned that dispatch staff receive training through a five-week academy and then a six-month training program where they spend time on the phones taking in calls as well as dispatching fire and law enforcement resources. The academy is focused on scenario-based learning, getting to know the computer systems they use to intake and dispatch calls, and instruction in giving basic medical advice. From there staff spend three months on with fire dispatch, and then three months on law enforcement dispatch. Some of the training is centered around avoiding compassion fatigue and building emotional resilience, but staff shared this is primarily done through on-the-job training as opposed to a specific curriculum. There is no training that is specifically about racial bias.

***Finding 2: St. Louis County dispatch staff are not consistently collecting sufficient facts from callers to aid officers in determining their response to calls for service.***

When staff answer calls from community members, they intake as much information as possible to best understand the situation and know whether to dispatch fire or law enforcement as well as communicate to fire or law enforcement about the nature of the call for service. The first piece of information collected is the

location. From there, staff ask additional questions to get a better sense of the circumstances of the call. Among other things, staff are trained to ask for the race of the person the caller is calling about. Staff shared with us that this does not always happen. When the staff person has a good idea of what the caller is concerned about, they will enter a CAD call type. Examples of call types include "suspicious activity," "person with a gun," "trouble unknown," and "disturbance." Other information they ask for may depend on the initial call type entered based on their assessment of the situation. For instance, if a staff person on the phones codes the call as "suspicious activity," the CAD system will prompt specific questions to ask the caller. These questions include asking for specifics about the location, what kind of activity the caller has observed (and a prompt to ensure this is supported by fact), questions around the time frame, descriptions of the person(s), and closing comments including whether the caller can safely maintain visual contact and can call back if there are any updates.

Unless the location is unknown and the caller refuses to provide it, the call is dispatched to fire or police. It is then up to officers to decide how to respond. Because of this, the information collected by phone and dispatch staff is critical. Based on our interview and review of dispatch SOPs, it seems staff who answer and dispatch calls have a process in place to collect sufficient facts from callers as is appropriate when deciding the call response. However, officers receiving dispatches indicate that sometimes calls about suspicious activity lack enough information from dispatch to determine how to respond. Officers indicate a variety of methods to handle suspicious activity calls, including asking dispatch to obtain more information, calling the person that made the call for service if contact information is available, or canvassing the location of the call for service to determine whether the activity appears to be a public safety concern. Officers indicate they understand why there is sometimes limited information about calls for service related to suspicious activity but also express desire for dispatchers to obtain enough facts to establish a public safety concern before being dispatched to such calls.

***Finding 3: DPD officers describe taking action to establish reasonable suspicion before conducting a stop about suspicious activity that originates from a call for service.***
CJI asked officers about situations in which they are dispatched to a suspicious person(s) or vehicle(s) and how they would approach this. Generally, the consensus was that an officer would obtain as much information as possible prior to arrival. They would do this through receiving details from dispatch and calling the reporting party when they left contact information to clarify and follow up on the details of the situation. Officers agreed that if the reporting party did not leave their contact information this is a red flag and officers would be suspicious of the legitimacy of this kind of call. Some officers shared that they analyze whether race is a contributing factor in the call, particularly when the location of the call is an area of primarily white residents. Officers suggested they are looking for evidence of criminal behavior, so if the report is that there are Black individuals sitting in a car, they would not do anything to respond, because that is not a public safety concern. Officers understand that dispatch forwards all calls to law enforcement, and though there was some preference expressed for dispatchers making decisions not to forward calls where there is a lower level of evidence of criminal activity, there was also an understanding that these staff are not trained in law enforcement practices and that it is the officer's responsibility to appropriately develop reasonable suspicion before conducting a stop.

***Finding 4: No meaningful demographic or outcome differences were found in officers' interactions with subjects when encounters were instigated by calls from community members versus self-initiated officer activity.***
To understand the descriptions and demographics of individuals involved with police encounters focused on suspicious activity, CJI also reviewed police reports which included narratives documented by dispatch and officers. This review revealed it is not common practice to record the race or ethnicity of the individual involved with this type of incident. Many narratives of suspect descriptions received by dispatch from a reporting party

included descriptions of clothing, gender, and relative age, but very few included racial or ethnic information. In addition, once the police officer or officers had encountered the subject, they typically documented information such as sex, date of birth, height, weight, and eye color of the subject, as well as mental health status, name, and driver's license number. As it was clear there would not be enough racial or ethnic information to analyze across call types, CJI conducted an in-depth review of half of the police reports provided instead of all 91 reports. Of the 45 reports that CJI reviewed specifically for racial or ethnic information about stop subjects, 35 had no racial or ethnic information, one indicated the involved individual was Black, and nine indicated the involved individual was white. Nine out of the 10 reports reviewed that included racial or ethnic information about the stop subject were instances in which officers were responding to calls for service from community members, rather than initiating a stop themselves. Several reports involve a suspect that was a person known to the police or at least identified during the stop, because the suspect or subject's name was included in the description, but little other descriptive information was available.

Cursory review of the 91 call types show that these calls are spread evenly over the seven-day period, other than Friday and Saturday where there were very few officer-initiated encounters. The dispositions are also spread across call types. The most common disposition across call types is "advised," (n=33) with "matter of record" and "assistance rendered" as the next most common (n=17 and n=12 respectively). After these, "gone on arrival" (n=7) and "unable to locate" (n=6) are the dispositions, and all other call types have four or fewer instances in this dataset. Perhaps by definition, the only dispositions that vary greatly across call types is "gone on arrival" and "unable to locate." These dispositions are only possible for instances in which an officer is responding to a call from a reporting party.

Overall, we did not find meaningful demographic or outcome differences in our assessment of officers' interactions with subjects when the encounter originated from a call from the member of the public or by their own initiative.

## Considerations

***Consideration 1: Invite call takers and dispatchers to attend trainings with DPD staff to improve dispatch and officer communication.***
Good communication between dispatchers and officers is important for timely and well-executed officer responses to public safety concerns. Opportunities for dispatchers to interact with officers in training settings relevant to their shared work responsibilities can enhance the way dispatchers provide information and the way officers relay information back to dispatchers. Jurisdictions that invite dispatchers to attend implicit bias training have also found this helpful to the information gathered by dispatch and relayed to officers when fielding calls for suspicious activity.[19]

***Consideration 2: Work with St. Louis County to develop protocol for dispatchers to determine when a call for service may not require police intervention.***
Providing dispatchers the training and authority to determine whether a call meets standards for requiring police intervention can reduce interactions between police and the public due to bias reporting parties may have in discerning whether a person is engaging in suspicious activity. The Department may consider advocating for dispatchers to be able to clear calls for service or route them differently when they do not meet standards

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[19] Jessica W. Gillooly, "Want to stop more Starbucks scenarios? Train these people," *The Washington Post,* May 25, 2018, https://www.washingtonpost.com/opinions/911-dispatchers-sit-between-police-and-people-of-color-they-need-better-training/2018/05/25/124b2bd6-5acf-11e8-858f-12becb4d6067_story.html.

required for police intervention. This can also provide dispatchers opportunities to explain to callers why the matter may not require police intervention.[20]

***Consideration 3: Host community forums that provide educational resources for community members about how to discern and report suspicious or alleged criminal activity.***

The scope of services for this assessment objective focuses on the duties of the Department, as they are responsible for the responses to calls for service, whether the calls are motivated by racial or ethnic bias or not. The Department can also work with the community to educate about racial bias and to communicate their strategies for evaluating reports for racial bias. Partnership between the community and the police is critical to improving police effectiveness, equity, and public trust. Developing resources that guides the public in evaluating whether a situation is a public safety concern can be a helpful tool.[21] Community members in cities like Madison, Wisconsin have developed specific initiatives to support discerning when to call for police intervention and offer a guide to community members in other cities to support efforts to ensure alternatives to police intervention are accessible and used.[22]

***Consideration 4: Explore supporting efforts to develop legislation that holds callers accountable for racially motivated calls for police intervention.***

Legislators at the state and local level across the country have introduced bills that develop accountability for individuals that call for police intervention when it is clear their motivation to do so was because of racial or ethnic bias. Some legislative efforts provide victims of such calls legal pathways to sue for monetary compensation and some efforts are more focused on holding callers criminally liable for making unsubstantiated calls for service.[23]

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[20] David Thacher & Jessica Gillooly, "Who makes the call? Thacher and Gillooly advocate for 911 operator training," *University of Michigan Ford School*, June 18, 2019, https://fordschool.umich.edu/news/2019/who-makes-call-thacher-and-gillooly-advocate-911-operator-training.

[21] For example: https://cdn.theconversation.com/static_files/files/227/threat-assessment-flowchart-rev-3b.pdf?1533746388.

[22] "Good Neighbor Project," City of Madison Police Department, https://www.cityofmadison.com/police/community/good-neighbor-project/.

[23] Madison's *The Capital Times* in September, 2020: https://captimes.com/news/local/neighborhoods/unreasonable-suspicion-when-residents-call-police-who-pays-the-price-when-bias-shapes-their-concerns/article_c1f36ac5-95f4-5281-bd7c-cca5c8608ecc.html.

# Chapter 4: Gathering and Interpreting Data

This aspect of the assessment evaluates how the DPD gathers and interprets data. The assessment seeks to understand whether DPD uses current scientifically sound methodology and benchmarks for data analysis, how the Department currently gathers and interprets data on race and ethnicity, and how the Department currently develops policy and strategies based on interpretation of those data.

## Methodology

To understand the universe of data that DPD currently makes available to the public, CJI reviewed reports and data available on DPD's public website. To assess the transparency and utility—from a community member's perspective—of the data shared on webpages and in reports on the website, CJI relied on two resources. The first is the Vera Institute of Justice's Police Data Transparency Index,[24] which contains data-transparency categories and metrics informed by interviews and conversations with members of the community including those directly impacted by the criminal justice system. The metrics include accessibility and usability of data provided to the public. For instance, the index measures whether the data are downloadable for independent analysis and whether there is guidance on how to use the data. The second resource is a Data & Transparency Framework for Policing Agencies, published by NYU's Policing Project.[25] The framework outlines data categories and elements to be posted on a police department's website as well as recommended practices specific to each category or element.

Based on these two resources as well as our own experience working with law enforcement agencies throughout the country, the categories of data that CJI looked for on DPD's website are police use of force, complaints about police conduct, patrol activities (such as calls for service, arrests, traffic stops, and pedestrian stops), crime reports, training, department policies, and officer misconduct and discipline. CJI reviewed DPD's publicly available data to understand whether DPD is sharing data on these topics, and to what extent the data shared are accessible, usable, regularly updated and measured over time, and whether information about race and ethnicity of subjects is included.

CJI also reviewed DPD's process for using data to inform operational focus areas, such as directed patrols and special initiatives. We reviewed materials provided by the crime analytics units and observed how this information is presented to DPD's command staff and to patrol officers during the meeting at the beginning of their shift.

## Findings

***Finding 1: DPD recently made available to the public updated data related to use of force.***
Over the course of this assessment, DPD updated their annual reports called "Response to Aggression & Resistance Report." Currently, DPD has three reports available to the public from 2020 through 2022.[26] It appears the reports will be made available annually now that the Department has caught up on producing them. While the report covers many important topics related to force, including the race and ethnicity of subjects involved, there are details or definitions missing that would help the public fully understand the incidents of use

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[24] "Police Data Transparency Index," Vera, last modified May 26, 2022, https://policetransparency.vera.org/.

[25] Policing Project, *Data & Transparency Framework for Policing Agencies* (New York City, NY: NYU School of Law), https://www.policingproject.org/transparency-framework.

[26] "Response to Aggression & Resistance Report," Duluth Police Department, https://duluthmn.gov/police/public-reports-and-transparency/response-to-aggression-resistance-report/.

of force. For instance, there are types of force included that are not common knowledge to the public, such as hobble, spit hood, and soft empty hand control. [27]

The Department provides associated data with the reports that gives a summary of each use of force incident and a spreadsheet listing information about when the incident occurred, the nature of the interaction, subject resistance, the type of force used, the reason for the use of force, demographics of the subject, and whether injuries were sustained by the subject or officers.

***Finding 2: DPD consistently publishes data on internal and external complaints but does not provide a measure of change in complaints over time in public reporting.***
DPD has three reports available that include complaint data. The first is a report covering complaints from 2018 to 2020. This report details the complaint process, reveals information about hiring practices and the diversity of the Department, and includes graphs about complaints. The subsequent reports cover complaints from 2021 and 2022 and include only graphs. The graphs in all three reports show whether the complaints originated from internal or external sources, the dispositions, and the topics of all sustained allegations. Though each annual report provides data for that year, the Department is not measuring these data elements over time or offering trend information. In addition, few details or definitions are provided, and the race and ethnicity of complainants is not present. Finally, the data is not available in a spreadsheet format for community members to download and explore on their own.

***Finding 3: DPD has begun to publish data on patrol activities and plans to do so quarterly; however, data for pedestrian stops is incomplete.***
In January 2023, DPD published its first report on patrol activities (covering 2022), in April 2023 released stop information for January through March 2023, and in May 2023 the Department created a data dashboard for community members to explore stop data using an interactive tool.[28] The report on stops that occurred in 2022 includes the race and ethnicity of stop subjects and offers race breakdowns for actions taken by officers. The downloadable data and data present in the interactive tool do not have accompanying guidance or a data dictionary for community members who may want to explore these data but may be unclear about how some of the variables are defined.

As is described in the "Vehicle and Pedestrian Stops" chapter of this report, the data for pedestrian stops does not offer a complete picture of all pedestrian stops conducted by officers. When a pedestrian stop is coded as "out-with" in the Department's computer-aided dispatch system (CAD), officers are not prompted to complete a stop data form in which they provide information about the stop subject(s) demographics, the reason for the stop, and information about the outcome of the stop. This information is only collected when stops are coded in CAD as "traffic stop," "traffic pursuit," and "subject stop."

***Finding 4: DPD makes crime data publicly available but provides no definitions or trend information.***
DPD includes crime data on its website, but it is not downloadable and does not include guidance for community members who may want to understand more.[29] The table available at the writing of this report contains data from 2010 to 2020, but trends over time are not provided. There is no information about the race and ethnicity of subjects and little details or definitions are provided.

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[27] Duluth Police Department, *Response to Aggression & Resistance Report* (Duluth, MN: City of Duluth Minnesota, 2023), https://duluthmn.gov/police/public-reports-and-transparency/response-to-aggression-resistance-report/.

[28] "Stop Data," Duluth Police Department, https://duluthmn.gov/police/public-reports-and-transparency/stop-data/.

[29] "Crime Data & Maps," Duluth Police Department, https://duluthmn.gov/police/public-data/crime-data-maps/.

***Finding 5: DPD has made some data on department training publicly available, but not on a regular basis.***
DPD has only published information on department training in its 2023 recruitment and retention plan.[30] This report, outlining the Department's recruitment plan over the next four years, includes a list of training sessions officers receive during DPD's Academy and the hours required for each session. The report also lists a handful of trainings officers are required to receive on a recurring basis. However, these trainings are implemented at varying intervals and the date of the most recent training is not specified for each session. In addition, it is unclear if there are additional training sessions officers must attend to meet state licensure standards. While DPD does not publish data on the number of officers trained, the report does include some information on the percentage of officers who have received certain training. For example, as of the publishing of the recruitment and retention report, 95 percent of sworn officers had completed the required 32 hours of crisis intervention training.

***Finding 6: DPD makes department policies publicly available in an accessible and searchable format.***
DPD's website currently provides their policy manual as a searchable and accessible digital file. Users can search for key words and click chapters or specific policies in the table of contents to find information they are looking for.

***Finding 7: DPD does not publish data on officer misconduct or discipline.***
Information about sustained complaints and the allegations associated with them is available in the complaint information DPD publishes. For example, of the 65 complaints filed in 2022, 16 were sustained and the information provides the allegations for the sustained complaints.[31] However, DPD does not publish information specifically focused on officer misconduct or discipline.

***Finding 8: DPD uses data to inform department operations and special initiatives through identifying trends and patterns in crime by geography and people frequently engaging in criminal behavior.***
DPD has a robust analytics unit that regularly gathers data on crime patterns to present to command staff on a biweekly basis. Analysts define areas recommended for directed patrols and identify types of crime that are trending. The discussion during these meetings also focuses on ways officers have addressed previous trends and whether those efforts are successful. Command staff meetings do not include discussion about the specific strategy for addressing public safety concerns.

## Considerations
***Consideration 1: Ensure publicly available data is user friendly and includes definitions or data use guidance.***
Data that are downloadable should be in a format that can be easily understood or translated into analysis by community members. For example, the use of force spreadsheet could have a single header line that includes the variable names, and data on each line below this. Including a guidance memo along with the spreadsheet that is updated regularly ensures data users understand how the data are laid out in the spreadsheet and provides any definitions needed. Providing data in the same format across subject matters (e.g., complaints) also ensures consistency in transparency.

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[30] Duluth Police Department, *2023-2026 Recruitment and Retention Plan* (Duluth, MN: 2023), https://duluthmn.gov/media/14642/recruitment-plan-14.pdf.

[31] Duluth Police Department, *2022 Complaint Data* (Duluth, MN: 2023), https://duluthmn.gov/media/15109/2022-complaint-accountability-report.pdf.

***Consideration 2: Ensure all pedestrian stops require officers to complete Stop Data forms.***
The exclusion of "out-with" and other potential pedestrian stop categories from pedestrian stop data available to the public does not allow the Department or the community to analyze trends or patterns in pedestrian stops. Adding these stop categories to the requirements for officers to complete stop data forms can increase transparency about these types of police encounters.

***Consideration 3: Provide a measure of complaints over time and include race and ethnicity of complainants.***
The Department can begin to report on data over time, such as during the past five years. This allows community members and the Department to see stability and change over time. Including race and ethnicity of complainants is also a useful way to be transparent about whether complaints are being generated by any specific demographics.

***Consideration 4: Take steps to improve public accessibility of crime data.***
To aid public comprehension of data presented, DPD can add definitions to the crime data and maps tab on their website. Ensuring that the LexisNexis crime data map that is currently under construction is completed will be a positive step in providing the community with information about crime within the city.

***Consideration 5: Publish updated and more specific information on department trainings.***
To align with best practices for transparency about training opportunities provided to staff, DPD could integrate more specific information about trainings into their annual reports with a list of trainings offered during the year and the percentage of officers who have completed each training to date.

***Consideration 6: Incorporate information related to officer misconduct and discipline into the complaint accountability report.***
Providing the public more information about misconduct complaint investigations, generated internally and externally, offers the public more transparency about officer accountability and the steps the department takes when a complaint is sustained.[32]

***Consideration 7: Develop articulated and cohesive strategies to address public safety concerns that are driven by data, research, and evidence.***
Using data to inform policing strategies is a positive aspect of DPD's operational strategy. The Department can strengthen their approach to public safety by developing the "why" behind the strategies developed through data analytics. Grounding such operational directives and special initiatives in research and evidence can enhance the impact of strategies by aligning officers on a more cohesive problem-solving approach to addressing public safety issues.

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[32] For example: https://www.baltimorepolice.org/sites/default/files/2023-01/Q22022%20Misconduct%20Report_12.19.22.pdf.

# Chapter 5: Policies and Processes for Civil Disturbances

This assessment objective evaluates how DPD responds to civil disturbances. CJI was tasked with assessing DPD's protocols and practices on this topic to evaluate the Department's adherence to best practices when responding to incidents of civil unrest.

## Methodology

To understand how DPD evaluates and responds to civil disturbances and subsequently assess these practices, CJI interviewed DPD command staff who have experience and authority when implementing police responses to civil disturbances and reviewed DPD's policies, directives, and training that guide the Department's response when civil unrest occurs. We also consulted subject matter experts about best practices in responding to civil disturbances and referenced research on best practices as outlined by the International Association of Chiefs of Police,[33] the Police Executive Research Forum,[34] the US Department of Justice Office of Community Oriented Policing,[35] and the Policing Project at NYU's School of Law.[36]

## Findings

***Finding 1: DPD maintains situational awareness to identify any risks of civil unrest and prioritizes communicating with community leaders when possible.***

DPD relies on in-house crime analysts for intelligence gathering to understand the potential issues and environmental context in anticipation of a protest or other civil disturbance. These analysts monitor social media and notify command staff of any potential for civil unrest or planned protests. If potential protests are identified, representatives from DPD attempt to connect with event organizers to ensure open lines of communication and improve understanding about the context of the event. DPD also communicates with various city stakeholders as necessary including the Human Rights Office, mayor's office, fire department, and transit authority. If businesses are likely to be impacted or placed at risk, DPD will communicate with those business leaders in advance of the event. If protests or other demonstrations arise that are unplanned, DPD follows a similar practice of assessing the level of disturbance, reaching out to organizers and city leadership as possible, and deploying officers to scene when needed.

***Finding 2: DPD relies on command centers, a well-established chain of command, and a trained unit to coordinate the Department's response to civil unrest.***

DPD has command centers that may be used to coordinate the Department's response to civil disturbances and ensure that all relevant units are working together to effectively address the situation. DPD relies on a well-established chain of command to designate necessary tasks such as outreach to event leaders or organizers, city leadership, and other public services. In addition, DPD uses remote surveillance to observe disturbances and sends real-time information to those stationed at the command center(s).

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[33] International Association of Chiefs of Police, *Crowd Management* (Alexandria, VA: 2019), https://www.theiacp.org/sites/default/files/2020-08/Crowd%20Management%20FULL%20-%2008062020.pdf.

[34] Police Executive Research Forum, *Rethinking the Police Response to Mass Demonstrations: 9 Recommendations* (Washington, D.C.: 2022), https://www.policeforum.org/assets/ResponseMassDemonstrations.pdf.

[35] National Policing Institute and COPS Office, *21st Century Protest Response: Promoting Democracy and Advancing Community and Officer Safety* (Washington, D.C.: 2022), https://cops.usdoj.gov/RIC/Publications/cops-p459-pub.pdf.

[36] The Policing Project, *Policing Protests to Protect Constitutional Rights and Public Safety* (NYU School of Law: 2020), https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5f9af5fe6b0e0f0c265ffdb8/1603991043508/POLICING+PROTESTS+TO+PROTECT+CONSTITUTIONAL+RIGHTS+AND+PUBLIC+SAFETY+10-29.pdf.

When protests, demonstrations, or other incidents of civil unrest occur, DPD now deploys their Mobile Field Force (MFF) team. Officers in this team have been trained by Minnesota State Patrol and FEMA to respond to incidents of civil disturbance appropriately and effectively. DPD holds refreshers on this training twice per year for members of this team. The MFF team is responsible for working with analysts to gather information, assess the situation, identify individuals who may serve as points of contact for the demonstration, determine any threat to officers and the greater community, and relay relevant information to command posts. Officers from the MFF team are trained to identify and observe individuals that instigate non-peaceful behavior.

All officers receive training during the academy on how to respond to civil disturbances. In addition, DPD trains its officers to engage in a hands-off approach when responding to these incidents and closely follows protocols outlined in the Department's Crowd Management and Control policy. For example, during scheduled or smaller protests, DPD may deploy a squad car to observe the demonstration from a distance. This approach allows DPD command staff to determine when the MFF team or other officers should be deployed. According to Department leadership, communicating with event organizers about DPD's presence during a demonstration is a priority.

***Finding 3: DPD is developing communication practices to better inform the public about civil disturbances.***
DPD now has a full-time Public Information Officer (PIO) who manages the Department's social media and media relations. When demonstrations or protests occur, the PIO will publish a notice to the public on social media about areas to avoid due to civil unrest and/or police response. If high profile incidents occur, the PIO will also coordinate information and messaging for local media outlets. Department leadership acknowledges there is room to grow in how they communicate with the public about civil disturbances.

***Finding 4: DPD adheres to a practice of reviewing the Department's response to civil disturbances at various internal levels and with external partners.***
After DPD responds to a protest, demonstration, or other incident of civil unrest, leadership at various levels of the Department lead reviews with officers to debrief the event. This can include a command-level debrief, a roll call debrief, and informal debriefs between lieutenants and sergeants and their team of officers. If incidents of use of force occur, DPD may choose to use those incidents in future training to teach officers about proper or improper application of force. The Department's peer support team is available for deployment when needed, particularly for officers involved in the incident. DPD also holds after-action reviews with external partners, like the Duluth Civilian Review Board, when policy calls for such a review, such as when protective gear is used in the Department's response.

## Considerations
***Consideration 1: Invest in community partnerships and educational resources to aid the Department in determining appropriate responses to civil disturbances.***
DPD adheres to best practices in ensuring that organizational systems, processes, and strategies are in place so that the Department may engage with the community prior to or at the onset of a civil disturbance. Continuous community engagement and investment in the development of community partnerships will further assist DPD in preparing adequate responses to demonstrations. Not only can consistent communication with these partners better inform DPD about underlying issues within the community that may contribute to civil unrest, but it can also assist DPD in recognizing and communicating with community leaders during protests through a mutual agreement of clear identifiers (e.g., vests or shirts). Furthermore, DPD could work with community partners to develop an easy-to-understand reference document outlining critical information on protest activity and response that can be distributed to the community during incidents of civil unrest. Strong community partnerships also enable opportunities for communication post-event, so that the Department and community

may discuss both protest behavior and the police response. Allowing members from the Department and community to learn from these experiences can increase the likelihood of maintaining peaceful demonstrations and police response in the future.

***Consideration 2: Establish and implement a clear public communication strategy for before, during, and after incidents of civil unrest.***

Communicating with city personnel and the wider public is an important part of a police department's response to civil unrest. By keeping the public informed about its actions and decisions, the Department can help build trust and foster positive relationships with the community. It is important to be transparent and responsive to the concerns of community members, as this can help to de-escalate tensions and prevent further unrest.

While DPD has an established PIO to lead this communication, the Department can also develop a strategic communication plan that includes a list of key messages to convey during incidents of civil unrest and how to disseminate these messages. These messages can inform the public about the city and Department's position on supporting free speech during protests but also clearly define consequences for those responsible for committing violence or destruction during such demonstrations. This messaging strategy can be developed in coordination with city leadership or event organizers ahead of the demonstration, if possible.

It Is best practice for police departments to hold public meetings before or after civil disturbances. This allows the Department to communicate directly with the community about its response and allows DPD to address any community concerns. This increased transparency can build public trust and encourage more peaceful interactions between the community and police during future demonstrations.

# Chapter 6: Use of Force Documentation and Investigation

The purpose of this assessment is to evaluate DPD's process for documenting, investigating, and adjudicating officer use-of-force incidents. CJI is also tasked with identifying whether there is public transparency and access to this process.

## Methodology

CJI compiled and reviewed DPD policies, directives, and data for use of force incidents. This included a review and assessment of DPD's publicly available use of force information to evaluate the extent to which the public has access to the process of documenting, investigating, and adjudicating use of force incidents (provided in the "Gathering and Interpreting Data" chapter of this report). Furthermore, CJI assessed the use of force investigations and adjudications process for officers who are involved in use of force incidents by reviewing policy and conducting interviews with investigators assigned to this process.

## Findings

***Finding 1: DPD's Use of Force policy (Policy 300) provides information about when officers document force; however, there is inconsistency in officers' understanding for when a use of physical force requires documentation.***

DPD's policy on use of force indicates that "any use of force greater than handcuffing a cooperative person by a member of this department shall be documented promptly, completely and accurately by an appropriate narrative report, and Subject Resistance Report" (Policy 300, section 300.5).[37] In practice, and described by officers during interviews, there is disagreement about the level of force necessary to prompt documentation when physical force is used, most of which focuses only on needing to document lower levels of physical force if officers need to perform a takedown maneuver on a non-compliant individual in order to gain compliance, but not for non-compliant individuals that officers can handcuff while they remain standing.

***Finding 2: DPD's force investigation process relies on supervisors and Watch Commanders to review and identify training or misconduct issues that may need to be addressed.***

Once officers complete documentation for a use of force, their supervisor reviews the documentation and notifies the Watch Commander to review the use of force and associated documentation. Watch Commanders are responsible for flagging any issues with the officer's use of force. If issues are found, the Use of Force Coordinator in the Professional Standards Unit reviews the incident and creates an internal complaint if possible misconduct is found. The incident is then investigated by the Use of Force Coordinator and the Internal Investigations Sergeant and recommendations for corrective action or discipline are made. If corrective action is needed, such as a policy or training refresher, the lieutenant in charge of the officer communicates the corrective action to the officer. If discipline is recommended, the incident is reviewed by command staff and discipline is decided.

***Finding 3: DPD rarely convenes their Force Review Board and does not rely on it for reviewing non-deadly use of force incidents or to identify patterns in uses of force.***

DPD's Policy 301 (Use of Force Review Boards) details the scope and goals for the Force Review Board.[38] The Board is convened when the use of force by a DPD member results in great bodily harm or death to another

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[37] Duluth Police Department, *Policy 300: Use of Force* (Duluth, MN: 2022): 58, https://duluthmn.gov/media/15653/policy-manual.pdf.

[38] Duluth Police Department, *Policy 301: Use of Force Review Boards* (Duluth, MN: 2022): 65, https://duluthmn.gov/media/15653/policy-manual.pdf.

person. The Board is also convened when a DPD member discharges a firearm on- or off-duty, excluding training or recreational use of firearms. The Chief of Police can optionally convene the Board for any use of force incident at any time and may use their discretion for whether to wait for an external investigation process to be completed before convening the Board. The Force Review Board was not convened during the assessment period of this audit.

***Finding 4: DPD does not use a discipline matrix when determining appropriate corrective action or discipline for misconduct related to use of force.***
Once a use of force investigation is completed there is not an articulated structure for how corrective action and disciplinary recommendations are made and the factors that are used to determine appropriate action.

## Considerations

***Consideration 1: Strengthen current policy on documenting use of force incidents, including requirements for when and how these incidents should be reported, and develop a system for collecting and storing relevant documentation.***
Effective documentation of use of force incidents is an important part of ensuring that police departments can accurately and transparently account for their actions and make informed decisions about the use of force. By establishing clear policies and procedures, training personnel on these policies, and collecting and storing all relevant documentation, the Department can help to ensure that they are able to accurately and thoroughly document use of force incidents. Documentation should be stored in a secured and organized manner, so it is readily accessible for review and analysis. Regular reviews of all policies and procedures will ensure they reflect the latest best practices and meet the needs of the department.

***Consideration 2: Strengthen policies and procedures for determining whether an officer's use of force was justified, and for taking disciplinary action if necessary.***
Effective adjudication of use of force incidents is an important part of ensuring that the department can hold officers accountable for their actions and maintain the trust of the community. By establishing clear policies and procedures for adjudication, involving the Force Review Board, and considering all relevant evidence, the department can help to ensure it can fairly and transparently adjudicate use of force incidents. This should include a process for reviewing and evaluating the findings of an investigation, as well as a system for holding officers accountable for their actions.

***Consideration 3: Utilize the Force Review Board to effectively investigate use of force incidents, with clear roles and responsibilities for members, unbiased processes for conducting reviews, and ensure there is opportunity for community input.***
Use of force review boards can be an effective way for the DPD to ensure its use of force policies and practices are fair, transparent, and accountable. By establishing clear policies and procedures for the review process, appointing a diverse group of individuals to serve on the Force Review Board, and providing opportunities for community input and engagement, the Department can help to ensure that the review process is thorough, unbiased, and effective. Best practices suggest providing training on the review process and establishing a clear and unbiased process for conducting reviews.

# Section II: Department Interactions with the Community

# Chapter 7: BIPOC Community Relations

This assessment objective asks CJI to assess the Duluth Police Department's response to calls for change from Black, Indigenous, and people of color communities and those BIPOC communities' appraisals of the DPD's response to those calls, as well as a general evaluation of these two groups' attitudes toward each other. It is thus CJI's role to assess how DPD engages with BIPOC communities in Duluth and determine the two groups' perceptions and trust of each other. Understanding this is critical in determining the perception and validity of racial disparities within policing practices. Specifically, it is imperative to understand any gaps in this perception of racial disparities in police practices from the perspectives of community members and Department members.

## Methodology

CJI assessed DPD's engagement and relationship with BIPOC communities and the two groups' attitudes toward each other by taking several steps. We gathered information on best practices for engagement with BIPOC community members as outlined by the Office of Community Oriented Policing Services,[39] International Association of Chiefs of Police,[40] Vera Institute of Justice,[41] NYU Policing Project,[42] and the President's Task Force on 21st Century Policing.[43] We also reviewed DPD's policies and directives that guide officers' interactions with the community as well as public materials on this topic, including any media coverage or organization postings that focused on the historical and recent relationship between the Department and BIPOC communities.

CJI conducted a focus group with DPD staff specifically assigned to community engagement, including officers with the Community Oriented Policing Unit and the Mental Health Unit (CORE), and two focus groups with officers and sergeants from DPD's Patrol and Investigations Divisions. In total, 21 members of DPD attended these focus groups. We also deployed an anonymous web-based survey of DPD staff that was completed by 111 staff members (a 65.4 percent response rate).

CJI's approach with the community was to take several avenues to connect with community members that wanted to share their experiences. We conducted four focus groups with BIPOC community members, in partnership with the University of Minnesota Duluth's Office of Diversity and Inclusion and the American Indian Community Housing Organization (AICHO). In total, 30 members of the community attended these focus groups.

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[39] Palladian Partners, Inc., *Strengthening the Relationship between Law Enforcement and Communities of Color: Developing an Agenda for Action* (Washington, D.C.: Office of Community Oriented Policing Services, 2014), https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-p307-pub.pdf.

[40] International Association of Chiefs of Police, *Steps to Building Trust* (Washington, D.C.: 2018), https://www.theiacp.org/resources/steps-to-building-trust.

[41] Vera Institute for Justice, *How to Serve Diverse Communities* (Washington, D.C.: Office of Community Oriented Policing Services, 2016), https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities_1.pdf.

[42] NYU Policing Project, National Police Foundation, & National Urban League, *Beyond the Conversation: Ensuring Meaningful Police-Community Engagement* (Washington, D.C.: 2018), https://www.policingproject.org/beyond-the-conversation-report.

[43] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington, D.C.: Office of Community Oriented Policing Services, 2015), https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

We also conducted individual interviews with 28 BIPOC community members in person, via audio or video calls, and through written communication.

To gain perspectives of the wider Duluth community, we deployed a web-based community survey that received 1,353 responses from a diverse sample of Duluth residents. To achieve this response rate and to reach as many potential respondents as possible, CJI posted flyers for the survey, conducted outreach to community organizations so they could share with their membership, encouraged DPD to use its social media to market the survey, and with the assistance of the Racial Bias Audit Team (RBAT) distributed paper copies of the survey for those that prefer a non-digital method to complete it.

Seventy-nine percent of survey respondents identified as residents of Duluth, and among residents, 86 percent have lived in the city for six or more years. A smaller portion of respondents identified as non-residents who spend a considerable amount of time in the city (20 percent). The survey asked respondents to indicate in which Duluth neighborhood they spend most of their time when they are in the city. The neighborhoods with the highest response rates include Central Hillside (11 percent of respondents), Lincoln Park (nine percent), Lakeside-Lester Park (nine percent), and East Hillside (eight percent).

Regarding race and ethnicity of respondents, 69 percent identified as white, eight percent as Black, seven percent as Indigenous, two percent as Asian, one percent as Native Hawaiian or other Pacific Islander, and two percent as a race not listed. Three percent of respondents identified as Hispanic or Latino. Eleven percent of respondents chose not to disclose their race or ethnic identity. Just over half of respondents identified as female (57 percent), with 33 percent identifying as male, and four percent identifying as genderqueer, gender non-binary or gender fluid, and less than one percent identifying as transgender female or transgender male. Respondents had a normal distribution across age, with the greatest number of respondents being 36-49 years old (32 percent), followed by the neighboring age groups of 26-35 years old and 50-64 years old (22 percent each). Fifteen percent of respondents were 65 years or older and eight percent of respondents were 18-25 years old. Despite targeted outreach to local high schools, none of the community survey respondents identified as 16 to 17 years old.

## Findings

***Finding 1: DPD policies exhibit a commitment to fair and impartial policing, including responsiveness to community concerns; however, the Department's internal review and reporting on community policing activities is not reflected in current policy.***

DPD reiterates its commitment to fair and impartial policing throughout multiple department policies and directives. The Department acknowledges the ethnic and cultural diversity of the City of Duluth and that all community members have a need for protection and right to fair and impartial police service.[44, 45, 46] The Department also has an established Community Policing Unit that maintains DPD's partnership with civic organizations and community groups, identifies training needs based on community and department input, and develops problem oriented or community policing strategies as needed. The Department developed a

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[44] Duluth Police Department, *Policy 401: Bias-Based Policing* (Duluth, MN: 2022): 344, https://duluthmn.gov/media/15653/policy-manual.pdf.

[45] Duluth Police Department, *Policy 100: Law Enforcement Authority* (Duluth, MN: 2022): 8, https://duluthmn.gov/media/15653/policy-manual.pdf.

[46] Duluth Police Department, *Policy 315: Discriminatory Harassment* (Duluth, MN: 2022): 155, https://duluthmn.gov/media/15653/policy-manual.pdf.

Community Policing policy in July 2022, prior to which DPD did not have a stand-alone policy describing its community policing strategy. This new policy requires the Community Policing Commander to prepare quarterly internal reports about community concerns and DPD's response to these concerns. The policy also requires annual written reports from the East and West Area Commanders and the Administrative Deputy Chief to evaluate the Department's Community Policing programs and the Citizens' Survey available on DPD's website.[47] While these are effective tools for internal strategies to build trust among BIPOC communities, the Department has only produced one quarterly report as of this assessment. Furthermore, it is unclear how DPD has used this information to update its community policing strategies.

The Department indicates that it uses more frequent and integrated ways to report on community policing strategies than this new policy details. For example, weekly reports focused on geographic areas with specific crime trends and community policing activities are shared with command staff and community policing teams have weekly meetings to discuss current projects, program planning, and to discuss ways to overcome challenges. This integration is a positive aspect of the Department's community policing strategy but lacks articulated strategic goals and expectations to guide ongoing activities.

***Finding 2: DPD has an active social media presence but can fall short in effectively communicating issues relevant Black, Indigenous, and people of color (BIPOC), or with community organizations that serve individuals at risk of victimization for specific types of crime.***
DPD has an active social media presence through various media outlets. CJI has observed DPD's regular use of social media to alert the community of public safety concerns, local events, and opportunities for public feedback on the Department, such as through this assessment's community survey. DPD employs a full-time public information officer to manage the Department's communication strategy. However, CJI has heard that the community is not always satisfied with how DPD presents information.

For example, during this assessment period, DPD posted about a public safety risk targeted at a specific sector of the community. While the intentions of Department leadership were to alert at-risk members of the community, the outcome instead isolated those members of the community and highlighted their vulnerabilities. In our community focus groups, CJI heard from individuals who identify with this community that a public safety warning would have been more effective in partnership with a trusted source, like a local community organization that serves this sub-population. Our conversations with community members and organizations illuminated that DPD can be more successful at alerting community members of specific risks through direct communication with the organizations or leaders in the community in addition to their standard public outlets.

***Finding 3: DPD has partnerships with several community organizations that serve BIPOC communities.***
A review of DPD's publicly available reports found numerous DPD community partnerships. The Department partners with the following organizations involving BIPOC community members: Native Lives Matter Coalition; Safe Haven; First Witness; Boys and Girls Club; Neighborhood Youth Services; and Valley Youth Center. DPD also leads two initiatives to assist local BIPOC communities: Mending the Sacred Hoop and the Gaagige-Mikwendaagoziwag Reward Fund. Both initiatives prioritize addressing violence against Native American

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[47] Duluth Police Department, *Policy 346: Community Policing* (Duluth, MN: 2022): 287, https://duluthmn.gov/media/15653/policy-manual.pdf.

women, who are victimized at the highest rate in the United States by perpetrators of all races. DPD works closely with community partners on these initiatives.[48]

### Finding 4: DPD conducts engagement activities targeted towards young people in Duluth but may not be reaching older youth through this effort.

Members of the Duluth Police Department, in particular the Community Oriented Policing and CORE (Mental Health) units, are acutely aware of the agency's approach to community engagement. The *Get Hooked on Fishing* program and *Kids, Cops, and Cars* event were mentioned in multiple Department focus groups as cornerstones of DPD's engagement with the community. *Get Hooked on Fishing* relies on DPD's partnership with local youth centers, which allow local youth to sign up for fishing with members of the Community Oriented Policing Unit in local lakes and rivers each summer. While this program's reach is limited due to its small capacity, it allows for meaningful relationship building between the officers and families involved. The Department's annual *Kids, Cops, and Cars* event attracts around 2,000 families each year with the purpose of destigmatizing members of the agency in uniform and creating a sense of trust and comradery in the community. Both programs allow officers to build a sense of trust with youth in the community, according to DPD.

When BIPOC community members were asked about DPD's community engagement, these programs were two of the few that could be named. Community members acknowledged DPD's efforts to build trust with children in the city, but they argued that there was little effort to continue building that trust with older youth or other young people throughout the city. The members of the Community Oriented Policing Unit reported that they are assigned to visit recreation and youth centers or attend local sports games. DPD also has a Community Oriented Policing bus that attends community events and gatherings by request as a community engagement or recruitment tool. Yet community members could not confirm this individualized engagement by DPD.

### Finding 5: Survey data indicates that community members tend to interact with DPD officers in a public, non-crime setting; however, BIPOC community members feel they have little opportunity to engage with officers at community events.

Data from the community-wide survey presents an image of consistent non-enforcement engagement between DPD and members of the community. Of the 1,097 respondents who detailed how frequently they have interacted with a member of DPD between 2018 and 2023, the greatest number of interactions occurred through a public, non-crime setting (such as during a community event, at a transit station, or in a school). Of the 792 respondents who have interacted with DPD members in a public, non-crime setting, 300 respondents had interacted with a DPD member 1 to 2 times in this setting, 245 had 3 to 5 times, and 247 had 5 or more times. Yet 298 respondents had never interacted with DPD in a public, non-crime setting such as this (27 percent of all respondents). Members of Black, Indigenous, and Hispanic or Latino communities were more likely to have experienced this type of interaction never or 1 to 2 times, compared to members of Asian and Native Hawaiian or other Pacific Islander communities who were more likely to have experienced these interactions 1 to 2 or 3 to 5 times.

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[48] Duluth Police Department, *2021 Annual Report* (Duluth, MN: City of Duluth Minnesota, 2022), https://duluthmn.gov/media/14015/2021-annual-report-25.pdf.
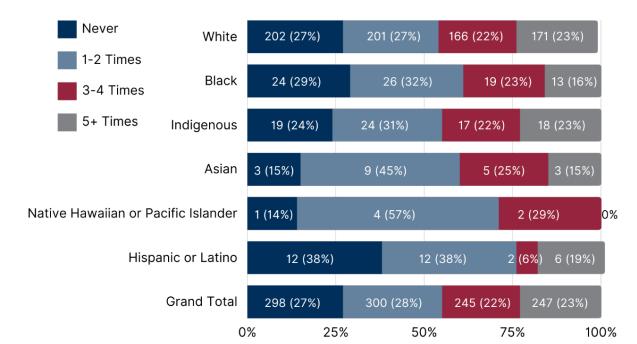
**Figure 1: Community interactions with DPD in public, non-crime settings by racial and ethnic group.**

| | Never | 1-2 Times | 3-4 Times | 5+ Times |
|---|---|---|---|---|
| White | 202 (27%) | 201 (27%) | 166 (22%) | 171 (23%) |
| Black | 24 (29%) | 26 (32%) | 19 (23%) | 13 (16%) |
| Indigenous | 19 (24%) | 24 (31%) | 17 (22%) | 18 (23%) |
| Asian | 3 (15%) | 9 (45%) | 5 (25%) | 3 (15%) |
| Native Hawaiian or Pacific Islander | 1 (14%) | 4 (57%) | 2 (29%) | 0% |
| Hispanic or Latino | 12 (38%) | 12 (38%) | 2 (6%) | 6 (19%) |
| Grand Total | 298 (27%) | 300 (28%) | 245 (22%) | 247 (23%) |

**Note**: This analysis excludes data on respondents who selected "prefer not to answer" to the survey question (n=7).

DPD maintains a running list of community events, of which officers in each district are made aware. This list was recently digitized to a tab on the agency's internal bulletin, so that it can be accessed at any point in the day by officers. Yet when BIPOC individuals in conversation with CJI were asked about DPD's presence at events, few community members could recall seeing an officer at a regional basketball game or school event. Those who could remember DPD's presence stated that the Chief was often the only member to show up and engage with the community. Several individuals spoke of officers showing up to community events in the past, in uniform, and not engaging with the community. This presents a message that officers are "forced" to be at community events, making DPD's community engagement feel "ingenuine" to the community. Department members have admitted that staffing issues have impacted members' availability to attend community events, as they must prioritize answering calls for service. However, this does not impact how officers present themselves when they are able to be present at events.

Compounding the issue, BIPOC community members stressed the importance of seeing officers out in the community. Few individuals could recall seeing officers walking in their community, as patrol seems to predominantly rely on DPD vehicles. CJI heard from BIPOC community members that officers are more intimidating to engage with inside their vehicles than on foot. If DPD officers are unable to leave their car for sustained periods of their patrol shift, non-enforcement interactions between officers and their community will remain limited.

Interviews and forums held with members of the BIPOC community illuminated a perception gap in the kinds of events that can build positive relationships between DPD and the BIPOC community. Individuals recalled that DPD previously held community meetings in each neighborhood in Duluth. These meetings provided an opportunity for community members to meet officers and understand current public safety issues. While this was seen as positive engagement by the community, other DPD initiatives—like stopping children on bikes for not wearing helmets and handing out fake tickets—were seen as causing more harm than good when speaking

with adults associated with children that had such interactions. By contrast, during ride-alongs conducted throughout the audit, the audit team witnessed several engagements where children approached officers to ask for stickers when they saw them on the street, indicating an interest and willingness for young people to approach officers in positive ways when given the opportunity to do so.

### Finding 6: BIPOC community members feel that DPD officers do not approach community interactions with empathy.

When asked about their interactions with DPD officers, several BIPOC community members expressed that there was a notable lack of empathy on behalf of DPD officers. Community members felt that most officers treat community members like cases rather than people. Individuals who are stopped by an officer are "guilty until proven innocent." Also found in Chapter 9 of this report ("Review of Body-worn Camera Footage"), community members note that officers neglect to introduce themselves at the onset of an interaction which was seen as a missed opportunity to build rapport. Conversations with community members highlighted a lack of mutual respect in police-community interactions.

### Finding 7: DPD officers can be hesitant to engage with BIPOC community members due to the prevalence of bystander escalation and a perception of racial tensions.

One theme that arose during our focus groups with DPD officers is agency members' hesitancy to engage with BIPOC community members due to the perceived risk that bystanders will escalate the situation because of the racial tensions around policing. We heard numerous stories of officers engaging with BIPOC members of the community, in both enforcement and non-enforcement interactions, and having non-BIPOC members insert themselves into these interactions through verbal engagement with officers.

### Finding 8: There is a culture within DPD of relying on enforcement activities such as vehicle and pedestrian stops as the primary opportunity for community engagement.

Another theme that arose during our conversations was the idea that community interactions for officers are directly tied to vehicle stops. Officers lamented that factors like COVID-19 and the perception of racial disparities perpetuated by the Department have led to fewer vehicle stops, and thus fewer interactions with members of the community. This may indicate that the Department places greater value for patrol officers on enforcement interactions, like vehicle or pedestrian stops, over non-enforcement community relationship building. This was echoed by BIPOC community members in our conversations, who stated that recent interactions with DPD often came in the form of a vehicle or pedestrian stop. The community survey results verified this theme, as 36 percent of respondents (n=399) who had one or two interactions with DPD in the past five years were involved in a vehicle stop (an additional 20 percent of respondents were passengers present during a vehicle stop). Of these respondents involved in a vehicle stop, 67 percent identified as white, nine percent as Black, seven percent as Indigenous, four percent Hispanic, three percent as Asian, and one percent as Native Hawaiian or other Pacific Islander.

Moreover, many BIPOC community members spoke of being followed by officers who were "waiting for [the community member] to slip up" with a moving violation to stop them. BIPOC members also spoke of the risk of being stopped on the street for no reason than other being suspected of a crime. While this interaction was rare in survey results (92 percent of all respondents had never experienced this), five percent of all respondents reported this experience.

***Finding 9: Based on survey results, community members are more likely than DPD staff to believe racism exists within the Duluth community and are also more likely to believe that a culture of racism exists within the Department.***

In an anonymous officer survey (n=111), CJI asked a series of questions about racism, white supremacism, and whether staff believe there are cultural norms as such at DPD or if there are individuals that have racist or white supremacist ideologies. We offered definitions for terms to ensure consistency with interpretation of these concepts.[49] Overall, approximately 38 percent of staff felt like racism in the Duluth community is very or somewhat common. Very few DPD staff members believed a culture or subculture of racism or white supremacism exists within the Department (six percent and four percent of survey respondents, respectively). Most staff also felt like the Department was resistant to embracing a racist culture or subculture (74 percent) or white supremacist culture or subculture (74 percent and 82 percent, respectively).

**Figure 2: Responses on surveys related to whether respondents believe a culture of racism exists within DPD, by demographics and DPD membership.**



**Note**: This analysis includes a breakdown of responses from 791 community members and 111 DPD staff members. Excluded are 239 community respondents who selected "don't know/unsure" or "prefer not to answer" to this community survey question.

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[49] In the anonymous officer survey, CJI defined "racism" as a belief that race is a fundamental determinant of human traits and capacities and that racial differences produce an inherent superiority of a particular race over others. We defined "white supremacy" as the specific belief that white people are a superior race and should therefore dominate society, typically to the exclusion or detriment of other racial and ethnic groups. CJI referred to "culture" as the set of shared attitudes, values, goals, and practices among members of a group (such as the Duluth Police Department).

By contrast, most community survey respondents believed that racism was very or somewhat common in Duluth (64 percent). This belief held true across racial and ethnic demographics. Thirty-two percent of respondents believed a culture of racism existed within DPD, though more respondents believed a culture of racism did not exist within DPD or were unsure (45 percent and 23 percent, respectively). By racial and ethnic demographics, most Indigenous, Asian, and Hispanic or Latino respondents felt a culture of racism within the Department existed. Conversely, 61 percent of Black respondents to this question felt it did not exist. White respondents were nearly split in this belief (with 35 percent of white respondents believing it exists and 39 percent believing it did not and the remaining 26 percent unsure or preferred not to answer).

***Finding 10: According to surveys of DPD staff and Duluth community members, most have not witnessed members of DPD engage in racist behavior or use racist language either within the internal DPD workplace or in public. Three percent of DPD staff and six percent of community members indicate they have personally experienced racism directed at them by members of DPD.***
Twenty-seven percent of staff have observed or experienced other DPD staff members engaging in racist behavior or use racist language among other members of the Department. However, when asked about interacting with the public, only three percent of staff indicate they have observed or experienced other DPD members engaging in racist behavior or use racist language during interactions with the public. Additionally, three percent of DPD staff indicated they have experienced racism directed at them personally by other members of the DPD. Most with those experiences did not make others at the Department aware of their experience through any complaint process.

Nineteen percent of respondents to the community survey report having witnessed racist behavior by Department members and six percent have experienced it. This observation and experiences were present across all racial and ethnic groups.

***Finding 11: DPD officers, members of the Duluth community, and BIPOC community members all point to trust as a necessary component of positive relationships between DPD and the Duluth community.***
Approximately half of respondents to the community survey had a mostly positive view of DPD (52 percent of 1,111 respondents). When examined by racial or ethnic group, the mostly positive or somewhat positive view of DPD does not vary by group. The BIPOC community members in Duluth who participated in conversations with CJI spoke of mistrust of the police due to past personal experiences and incidents they heard about from others or in the media. The shared perspectives and experiences of these BIPOC community members may help explain the views of the other half of survey respondents that indicated less positive views of the Department overall.

Only when BIPOC community members had opportunities to get to know individual officers personally did they report positive relationships and a sense of trust with police. Several BIPOC individuals spoke of their hesitancy to call the police to report a crime or request assistance, unless they were able to speak with an officer they knew personally. As one BIPOC community member said, "The last thing I want to do is call 911 to bring the police to me," for fear that they would be presumed as a perpetrator of crime. DPD officers we spoke with acknowledge that these racial tensions and mistrust among the community members can lead to an obstruction of vital information officers need to solve crime incidents.

When asked about the quality of their interactions with the community and potential racial tensions, DPD officers had mixed responses. For some, community interactions were generally positive, with only a small portion of the community reacting negatively to an officers' presence. For others, those negative interactions were more prominent in memory. According to one officer, it "happens quite often that community members want nothing to do with us, even during a crime incident." Yet another stated how the tone of a community

interaction "depends on the person…[and] how I present myself when I arrive on the scene." All officers agreed that tensions with community members, particularly racial tensions, could occur with any individual, regardless of race or ethnic background, and thus not solely with BIPOC individuals.

Several officers felt frustrated that their job is to help the community, but they are unable to do so when community members don't trust the police. As one officer said, "If I'm willing to sit down and have a conversation about the racial tensions with an individual, nine times out of ten it calms things down. But then I'll have the same conversation a week later." These types of conversations—a form of intentional relationship building—are required by both community members and DPD officers to overcome mistrust. As one community member put it, trust is only improved through consistency, "like any other relationship."

## Considerations

***Consideration 1: Build a community engagement strategy in partnership with local neighborhood communities to ensure the Department's actions match the expectations for how community members expect officers to engage.***

As outlined in the findings, DPD has numerous community partnerships upon which the Department can build a foundation of trust with different groups in the community. However, the Department is lacking in a developed, public community engagement strategy that it can use to continuously build relationships and address feelings of mistrust within BIPOC communities. DPD can collaborate with its community partnerships to build an inclusive community engagement strategy. DPD can work with its current partners to expand its network to other BIPOC communities throughout the city through the identification of community members, community organizations, and/or faith-based institutions that can serve as a liaison, or bridge, between the Department and the BIPOC communities.[50, 51] This outreach can be done on a regularly scheduled basis by Department leadership, members of the CORE Unit, and/or the Public Information Officer.

DPD can then utilize the perspectives, experiences, and expertise of its network and connections by learning from and creating meaningful opportunities for community members to provide input and feedback on the Department's engagement strategy in the ways that the community would like to engage.[52, 53] Best practices elevate the importance of Department leadership in communicating to the public about how their feedback is integrated once input and feedback has been given. This open and consistent communication can help build a community's trust in their department and belief that they have a meaningful role in the co-production of public

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[50] Vera Institute for Justice, *How to Serve Diverse Communities* (Washington, D.C.: Office of Community Oriented Policing Services, 2016), https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities_1.pdf.

[51] San Francisco Police Department, *SFPD Community Policing Strategic Plan* (San Francisco, CA: 2018), https://www.sanfranciscopolice.org/sites/default/files/2020-11/SFPDCommunityStrategyPlan.20201102.pdf.

[52] Palladian Partners, Inc., *Strengthening the Relationship between Law Enforcement and Communities of Color: Developing an Agenda for Action* (Washington, D.C.: Office of Community Oriented Policing Services, 2014), https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-p307-pub.pdf

[53] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington, D.C.: Office of Community Oriented Policing Services, 2015), https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

safety.[54] DPD may benefit from creating public versions of the internal community policing reports required by policy to enhance transparency about the Department's community policing efforts.

***Consideration 2: Provide officers and community members with pathways for non-enforcement interactions that build mutual trust.***

Our conversations with community members and officers highlighted that while the Department may understand the value of non-enforcement interaction with the community, examples of this type of engagement are infrequent. DPD tracks the various community events that occur throughout the city, but officers' attendance at these events is not prioritized within the Department. Department leadership should encourage and enable officers to allocate a portion of both non-response time and off-duty time to participation in community events, specifically events that have opportunities for dialogue with diverse community members and mentoring youth.[55] Community organizations and leaders who would like to see DPD officers present as members of the community can invite the Department to local events, as a means of creating opportunities for relationship and trust building.

Community engagement for a police department is more than just programming and events; it also looks like consistent, positive non-enforcement interactions with members of the community. Officers can integrate non-enforcement interactions throughout their shifts as opportunities to build trust and clearly articulate why actions are being taken in enforcement engagements.[56] These non-enforcement interactions are especially important for BIPOC members of the community, who often feel that they are at greater risk of a negative interaction with the police than white members of the community. This trust building through non-enforcement activities requires members of the Department and community members to prompt conversations and non-enforcement interactions with each other, when possible, in an effort to build trust.

Department leadership can also set clear expectations for standards of performance for community engagement and how it is informed by cultural competency training. These standards can be measured and awarded appropriately to encourage sustained, positive engagement with the community.[57] DPD officers can prioritize non-enforcement interaction as equally important to their job as engaging with the public through enforcement of laws. This framework positions non-enforcement community engagement as a vital tool in building the community trust necessary to identify and resolve crime.

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[54] NYU Policing Project, National Police Foundation, & National Urban League, *Beyond the Conversation: Ensuring Meaningful Police-Community Engagement* (Washington, D.C.: 2018), https://www.policingproject.org/beyond-the-conversation-report.

[55] International Association of Chiefs of Police, *Steps to Building Trust* (Washington, D.C.: 2018), https://www.theiacp.org/resources/steps-to-building-trust

[56] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington, D.C.: Office of Community Oriented Policing Services, 2015), https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

[57] Damon J. Brown, "Community policing in multicultural communities: Adding key components to make it successful," *Police Chief Online,* August 19, 2020, https://www.policechiefmagazine.org/community-policing-in-multicultural-communities/.

***Consideration 3: Create a communications strategy that more intentionally engages with community organizations prior to wider public initiatives.***

Clear public communications guidelines and strategy can aid a department developing positive relationships with communities that may historically mistrust the police.[58] DPD and the Public Information Officer can invest in the establishment of a communications strategy so that the Department may continue to utilize its social media to as a tool to support engagement with BIPOC communities. The publication of both positive engagement with BIPOC community members and the Department's investigations into hate or bias crimes can show BIPOC communities that they are valued by the department.[59] When there are public safety threats to specific communities in Duluth, particularly as they relate to BIPOC community members, DPD could follow established guidelines to first alert its community partners who serve these communities. Through this direct communication, community organizations and leaders can offer input or feedback to DPD leadership about the best way to present and distribute information to at-risk community members, as well as the greater Duluth community.

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[58] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington, D.C.: Office of Community Oriented Policing Services, 2015), https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

[59] Vera Institute for Justice, *How to Serve Diverse Communities* (Washington, D.C.: Office of Community Oriented Policing Services, 2016), https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities_1.pdf.

# Chapter 8: Vehicle and Pedestrian Stops

To assess the impact of enforcement actions on BIPOC community members, the assessment guidelines called for an analysis of vehicle and pedestrian stops based on several factors including location, reason for the stop, stop outcomes, and use of force. The DPD collects information about vehicle and pedestrian stops using a Stop Data Form that officers are prompted to complete when conducting these types of stops. The Department began posting stop data on its website in January 2023.[60]

## Methodology

The city of Duluth has approximately 86,000 residents throughout 31 distinct neighborhoods.[61] According to the U.S. Census Bureau's 2020 demographic estimates, 87.3 percent of Duluth's residents identify as white, non-Hispanic or Latino. Nearly five percent of Duluth's residents identify as two or more races, followed by 2.7 percent Hispanic or Latino, 2.6 percent Black, 1.7 percent Indigenous, and 1.6 percent Asian. In total, approximately 12.7 percent of Duluth's residents are BIPOC community members. Figure A1 in the Appendix of this report provides estimates for BIPOC representation within each of Duluth's neighborhoods, with the Central Business District, Central Hillside, and Lincoln Park being the neighborhoods with the highest proportion of BIPOC residents within their neighborhoods (26.2, 22.0, and 20.8 percent, respectively). While these population estimates provide some context for who may reside neighborhoods, it offers only a partial picture for who is most likely to encounter police. For example, while there are residents within the Central Business District of Duluth, the area includes many businesses frequented by individuals that reside in other areas within the city and people from out of town that visit the city for work or as a vacation destination. These factors, in addition to the purpose and intended goals of conducting vehicle or pedestrian stops, must be considered when determining whether there are disparities in the likelihood of a police encounter by race or ethnicity.

## Vehicle Stops

To measure whether there are significant disparities in vehicle stops and stop outcomes, CJI followed a phased analysis approach similar to what is used in other states and localities to understand whether race and ethnic disparities are present and what factors may be producing such disparities.[62]

Phase one involves developing a qualitative understanding for what vehicle stops in Duluth look like with respect to where stops occur, who they are with, what actions are taken during the stop, and the outcome of the stop. We also analyze whether there are officers who conduct a high volume of vehicle stops. We analyzed all vehicle stops conducted in 2022.

Phase two involves empirical analyses to identify whether and to what extent DPD has racial or ethnic disparities in vehicle stops. We used two benchmarks to estimate whether the racial and ethnic distribution of vehicle stops is significantly different from the racial and ethnic distribution of people at risk for a vehicle stop. We first use a population benchmark that compares Census information about the race and ethnicity of Duluth residents to the race and ethnicity of drivers who are stopped by police.

The second benchmark estimated the driving population by using Census data for residential population combined with data about commuter flows. Including commuter flow information offers a more accurate

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[60] "Stop Data," Duluth Police Department, https://duluthmn.gov/police/public-reports-and-transparency/stop-data/.

[61] "Neighborhoods Duluth," City of Duluth, Minnesota, last modified June 22, 2022, https://data-duluthmn.opendata.arcgis.com/datasets/neighborhoods-duluth/explore?location=46.765312%2C-92.111411%2C11.72.

[62] For example, Connecticut's annual analysis of traffic stops: https://www.ctrp3.org/analysis-reports/reports.

representation of the demographic of drivers at risk for being stopped by police because it takes into consideration non-residents of Duluth that regularly drive in the city for work. The race and ethnicity of the estimated driving population was then compared to the race and ethnicity of drivers in vehicle stops. This analysis was constrained to stops that occur during the day (6:00 am through 8:00 pm) to roughly estimate when drivers from surrounding communities are most likely to be driving in Duluth.

Phase three involved an analysis of stop outcomes to understand whether there are disparities that may occur after the decision to make a stop has been made. This analysis examined the distribution of stop outcomes while considering race and ethnicity of the driver and the reason for the stop. This tested whether vehicle stops made with BIPOC drivers result in different outcomes relative to white drivers.

Phase three also involved a search hit rate analysis which relies on the idea that motorists rationally adjust their tendency to carry contraband based on their perceived likelihood of being searched by police. Similarly, police rationally decide whether to search a motorist based on visible indicators of guilt and an expectation of the likelihood that a motorist might have contraband. The assumption is that BIPOC people would be searched more often if they were more likely to carry contraband; however, the rate of searches should be exactly proportional to the tendency to carry contraband. Therefore, in the absence of racial bias we should expect the rate of successful searches to be equal across different demographic groups regardless of differences in their tendency to carry contraband.

## Pedestrian Stops

Our initial approach to understand whether racial or ethnic disparities in DPD's pedestrian stops are present was to develop and analyze a Risk-Adjusted Disparity (RAD) Index originally developed by Dr. Lawrence Sherman that is currently used by several agencies to identify and respond to racial disparities in these types of stops.[63] This method is drawn from the understanding that balanced policing requires equalizing protection from crime by considering victimization rates. Balanced policing occurs when disparities in police practices are balanced in relation to disparities in risks of harm. That is, balanced policing occurs when officers are focusing their efforts where public safety is of most concern and not expending resources in areas where there are fewer concerns for public safety. Sherman and Kumar state that such balance is defined as "a state of equal protection under law, in which no measurable or vulnerable group suffers substantially higher risks of harm from crime than any other without proportionate attempts by police to reduce those elevated risks." [64]

The RAD Index is constructed at the neighborhood level to develop a deeper understanding for police encounters at a more granular level than by police district. This allows the Department to investigate any over or under policing that is identified and would be better equipped to explain the drivers for the disparities. Such information can position command staff to take corrective actions to ensure equitable policing within specific geographic areas. Combined with direct input and collaboration with local communities, the RAD Index can offer departments an approachable measure to track and address issues related to the 14th Amendment's equal protection clause.

[63] Lawrence W. Sherman and Sumit Kumar, "Equal Protection by Race With Stop and Frisk: A Risk-Adjusted Disparity (RAD) Index for Balanced Policing," *Cambridge Journal of Evidence-Based Policing* 5, (2021): 1-19, https://www.repository.cam.ac.uk/bitstream/handle/1810/325459/41887_2021_Article_65.pdf?sequence=3&isAllowed=y.

[64] Lawrence W. Sherman and Sumit Kumar, "Equal Protection by Race With Stop and Frisk: A Risk-Adjusted Disparity (RAD) Index for Balanced Policing," *Cambridge Journal of Evidence-Based Policing* 5, (2021): 6, https://www.repository.cam.ac.uk/bitstream/handle/1810/325459/41887_2021_Article_65.pdf?sequence=3&isAllowed=y.

Unfortunately, deficiencies in the Stop Data form developed by DPD in 2021 to track pedestrian and vehicle stops prevented us from developing the RAD Index to measure racial disparities in pedestrian stops. Stop Data forms are only completed when the computer-aided dispatch (CAD) code is "traffic stop," "traffic pursuit," and "subject stop." However, pedestrian stops also occur under other CAD codes, most notably "out-with," which CJI reviewed a sample of during the body-worn camera review of this assessment (see Chapter 9, "Review of Body-worn Camera Footage").

Based on conversations with the Department, "subject stop" usually refers to officer-initiated pedestrian stops where officers are stopping an individual because they believe they may be engaged in criminal activity. "Out-with" stops are officer-initiated pedestrian stops in which an officer begins an interaction with a person because the officer believes the person may need care (e.g., welfare check of a person laying on the sidewalk) or believes the person may be engaged in criminal activity. Thus, there is overlap between "subject stop" and "out-with" interactions.

In 2022, there were 176 stops labeled "subject stop" and 1,690 stops labeled "out-with." Of the 176 subject stops, 116 had corresponding information from stop data forms that officers document once the stop is completed. Review of the data indicated that 32 of the stops labeled subject stops were more likely vehicle stops, given the reason for the stop was indicated as moving or equipment violations. Therefore only 84 of the 144 likely subject stops have demographic or outcome data from stop forms. None of the 1,690 stops labeled as "out-with" have stop forms associated with them because DPD's system does not prompt officers to complete a stop data form for these types of stops. Given that only 84 of the estimated 1,834 pedestrian stops have stop data forms associated with them (4.6 percent), it would be inappropriate to conduct a racial disparity analysis of pedestrian stops for this assessment.

The pedestrian stop analysis was limited to an overview of where "subject stop" and "out-with" stops occur, a discussion of uses of force that occur during pedestrian stops, and qualitative information about the random sample of "out-with" and subject stops derived from the body-worn camera footage review.

## Findings

### Vehicle Stops

***Finding 1: Over half of all vehicle stops occur in four neighborhoods: Central Business District, Central Hillside, East Hillside, and Lincoln Park.***

DPD conducted 5,858 vehicle stops in 2022, with just over half of all vehicle stops occurring the Central Business District, Central Hillside, East Hillside, and Lincoln Park (see Table A2 in the Appendix for a full listing of all vehicle stops by neighborhood). Figure 3 below provides information about vehicle stops by neighborhood and reason for the stop (moving violation, equipment violation, or suspicious activity) for the four neighborhoods where half of all vehicle stops occur. These four neighborhoods remain the primary areas where vehicle stops occur regardless of the reason for the stop and are more prominently represented in stops for equipment violations and suspicious activity.
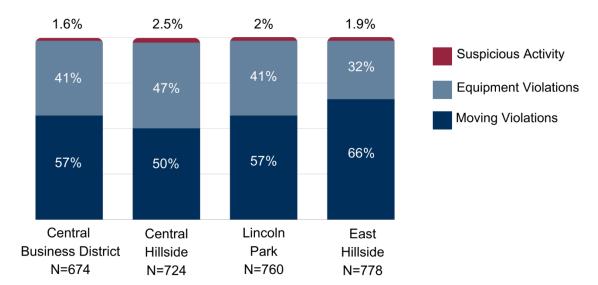
**Figure 3: Types of vehicle stops conducted in 2022 within top four neighborhoods where vehicle stops occur.**



**Note**: This analysis excludes 46 vehicle stops conducted in 2022 that did not fit within neighborhood boundaries when mapped using ArcGIS (0.8% of all vehicle stops in 2022).

*Finding 2: Most vehicle stops are for moving violations.*
Most vehicle stops are for moving violations which are violations of the rules of the road (61.5 percent). Approximately 37 percent of vehicle stops in 2022 were for equipment violations, which usually involve broken headlights or taillights, window tint violations, not using a seatbelt, a cracked windshield, or expired license plate registration. Vehicle stops conducted to investigate suspicious activity were the least common type of stop (1.5 percent).

*Finding 3: The most common result of a vehicle stop is a warning.*
Most vehicle stops in 2022 ended with verbal warnings (79.5 percent). Citations were given in 13.8 percent of stops and no action was taken in 3.5 percent of stops. The smallest proportion of vehicle stops ended in arrest (190 arrests, 3.2 percent of vehicle stops). Of those arrested, 24 percent were arrests made because the person had a warrant. The data indicate that 36 percent of all arrests ended in conviction, 6.3 percent of arrests were dismissed or charges were declined, and 28.9 percent were pending dispositions at the time of review. Of the dismissed arrests, seven began as stops for moving violations, three began as stops for equipment violations, and one began as a stop for suspicious activity. Seven of the arrestees that had charges dismissed were white, two were Black, and two were Indigenous.

*Finding 4: Most searches during vehicle stops occur during stops that end in arrest. Data on searches do not include information about whether these searches were conducted prior to an arrest decision or as an action taken by officers after the arrest decision was made.*
Searches (vehicles and/or persons) were conducted during 3.8 percent of vehicle stops in 2022. Figure 4 indicates that most searches occurred during stops that ended in an arrest (72.9 percent). There are more searches during vehicle stops that end in warnings than vehicle stops that end in citations (16.3 percent and 10.4 percent, respectively). It is unclear in the data whether searches during stops that ended in arrest occurred prior to the arrest or as a search incident to arrest where officers search the person because they are taking them into custody. Of the searches conducted, 32.6 percent resulted in locating contraband, most of which was drugs.
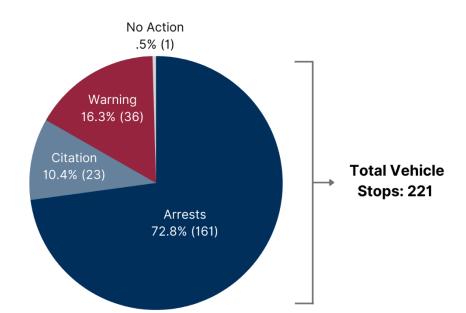
**Figure 4: Searches conducted by DPD in 2022 during vehicle stops, by outcome of the stop.**



*Finding 5: There were only eight vehicle stops that involved officers using force, with one resulting in an officer drawing their firearm.*

Use of force during vehicle stops was rare, with eight vehicle stops involving use of force in 2022 (0.14 percent). During those eight encounters, officers used empty hand techniques, take downs, and pressure point maneuvers. One stop involved the use of a chemical agent to control the subject (e.g., pepper spray), one involved displaying the officer's taser, and one involved the discharge of a taser and an officer displaying their handgun. Five of the eight incidents indicated that officers used force in order to effect an arrest and the other three incidents involved officers using force to protect an officer. Four of the use of force incidents involved white subjects, three were with Indigenous persons, and one involved a Black individual.

*Finding 6: One officer, assigned to work exclusively on road safety initiatives and driving while intoxicated (DWI) enforcement, conducted 25 percent of all vehicle stops; however, this officer's vehicle stops did not have any statistically significant racial disparities in their stops or stop outcomes.*

We analyzed vehicle stops to see if there were any specific officers who conducted more stops than others. One officer was responsible for 25 percent of all vehicle stops made in 2022. For most of 2022 this officer was paid out of a grant given to DPD by the Minnesota Department of Public Safety to fund an officer meant to work exclusively on driving while intoxicated (DWI) enforcement. Once the grant was completed at the end of September 2022, the officer continued to function in a similar capacity as a patrol officer. Given the volume of stops this one officer conducted, we analyzed vehicle stops overall and then conducted analyses excluding their stops. We also looked specifically at the stops this officer conducted to identify whether racial or ethnic disparities were present. There are no racial or ethnic disparities present when analyzing only the stops of this high-volume officer. That is, the data indicate that this officer conducts vehicle stops equitably, including their decisions to conduct searches and decisions to issue citations instead of warnings or taking no action.

*Finding 7: There are statistically significant racial and ethnic disparities in vehicle stops as compared to a residential population benchmark (ages 16 and older).*

Table 1 provides information about the race and ethnicity of drivers in vehicle stops compared to the racial and ethnic demographic profile of residents of Duluth. The majority of vehicle stops occur with white drivers, with 11.3 percent of stops conducted with drivers that are Black. Just under four percent of vehicle stops are with Indigenous drivers, and smaller shares of vehicle stops occur with Hispanic/Latino drivers, Asian drivers, and drivers perceived by officers to be Native Hawaiian or Other Pacific Islander (1.6, 1.5, and 0.4 percent, respectively).

**Table 1: By race and ethnicity, vehicle stops conducted by DPD in 2022 and estimated residential population aged 16 and older.**

| Race or Ethnicity | Number of Vehicle Stops | Percent of Vehicle Stops | Percent of Residential Population |
|---|---|---|---|
| Asian | 85 | 1.5% | 1.6% |
| Black | 660 | 11.3% | 2.6% |
| Hispanic or Latino | 93 | 1.6% | 2.7% |
| Indigenous | 220 | 3.8% | 1.7% |
| Native Hawaiian or Other Pacific Islander | 25 | 0.4% | 0.03% |
| White | 4,775 | 81.5% | 87.3% |
| BIPOC Combined | 1,083 | 18.5% | 12.7% |

**Notes**: DPD's race and ethnic categories are mutually exclusive and represent the officer's perception of the driver's race or ethnicity during a vehicle stop. The BIPOC Combined row includes residents of Duluth that identify as 2 or more races or "other" race not listed. Residential represent estimates from the 2020 Census for the city of Duluth.

Collectively, BIPOC drivers are involved in 18.5 percent of all vehicle stops and make up an estimated 12.2 percent of Duluth's residential population that is old enough to drive. Statistical analysis shows that the racial and ethnic composition of vehicle stops (BIPOC drivers compared to white drivers) differs significantly from the racial and ethnic composition of Duluth's residential population.[65] This disparity is most pronounced for Black drivers, where they are involved with 11.3 percent of vehicle stops but are estimated to make up 2.2 percent of Duluth's residential population that is of driving age. Indigenous drivers also experience vehicle stops at a higher rate than their share of the residential population (3.8 percent and 1.6 percent, respectively).

*Finding 8: There are statistically significant racial and ethnic disparities in vehicle stops as compared to an estimated driving population benchmark for vehicle stops that occur during daytime hours.*

Table 2 provides information about the race and ethnicity of drivers in the 2,411 vehicle stops that occurred during daytime hours (6:00am to 8:00pm) in 2022 compared to the racial and ethnic demographic profile of the estimated driving population in Duluth, which includes non-resident commuters from surrounding areas that drive in the city for work. The majority of vehicle stops that occur during the day are with white drivers (83.7 percent), with 9.3 percent of stops conducted with drivers that are Black.

Overall, BIPOC drivers are involved in 16.3 percent of vehicle stops that occur during the daytime but make up 11.1 percent of the estimated driving population. Statistical analysis shows that the racial and ethnic composition of vehicle stops (BIPOC drivers compared to white drivers) differs significantly from the racial and

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[65] Chi-square with 1 degree of freedom = 2.16.2, p=0.000.

ethnic composition of Duluth's residential population.[66] This disparity is most pronounced for Black drivers, where they are involved with 9.3 percent of vehicle stops during the day but are estimated to make up only 2.1 percent of Duluth's driving population. Indigenous drivers also experience daytime vehicle stops at a higher rate than their share of the estimated driving population (3.2 percent and 1.5 percent, respectively).

**Table 2: By race and ethnicity, vehicle stops conducted by DPD in 2022 during daytime hours and estimated driving population aged 16 and older.**

| Race or Ethnicity | Number of Daytime Vehicle Stops | Percent of Vehicle Stops | Percent of Estimated Driving Population |
|---|---|---|---|
| Asian | 43 | 1.8% | 1.8% |
| Black | 225 | 9.3% | 2.1% |
| Hispanic or Latino | 35 | 1.5% | 1.8% |
| Indigenous | 78 | 3.2% | 1.5% |
| Native Hawaiian or Other Pacific Islander | 11 | 0.5% | 0.02% |
| White | 2,019 | 83.7% | 88.9% |
| BIPOC Combined | 392 | 16.3% | 11.1% |

**Notes**: DPD's race and ethnic categories are mutually exclusive and represent the officer's perception of the driver's race or ethnicity during a vehicle stop. The BIPOC Combined row includes residents of Duluth that identify as 2 or more races or "other" race not listed. Estimated driving population represents estimates from the 2020 Census for the city of Duluth combined with the Census Bureau's 2020 Longitudinal Employer-Household Dynamics Data estimates.

***Finding 9: BIPOC drivers are more likely than white drivers to be stopped for equipment violations or suspicious activity (vehicle) stops.***

Racial disparities in vehicle stops using population or other benchmarks are limited in that they can only superficially detect whether vehicle stops are disparate with respect to rough estimates of who may be out driving on the roadway at any given time. However, these benchmarks are a helpful first step in identifying the extent of racial disparities that may be present in stops. An additional analysis to understand whether different types of vehicle stops are driving the disparities offers important context. The stated reasons for vehicle stops present in the Department's data include moving violation, equipment violation, and suspicious activity (vehicle). Table 3 shows that white drivers are more likely than BIPOC drivers to be stopped for moving violations as compared to equipment violations or stops for suspicious activity. BIPOC drivers are more likely than white drivers to be stopped for equipment violations or for suspicious activity. These differences are statistically significant.[67]

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[66] Chi-square with 1 degree of freedom = 65.02, p=0.000

[67] Chi-square with 2 degrees of freedom = 14.69, p=0.001.

**Table 3: Types of vehicle stops conducted by DPD in 2022 by combined race/ethnic category**

| Race/Ethnicity | Moving Violations | Equipment Violations | Suspicious Activity | Total |
|---|---|---|---|---|
| BIPOC Combined | 614 (56.7%) | 443 (40.9%) | 26 (2.4%) | 1,083 (100%) |
| White | 2,987 (62.6%) | 1,714 (35.9%) | 74 (1.6%) | 4,775 (100%) |
| Total | 3,601 (61.5%) | 2,157 (36.8%) | 100 (1.7%) | 5,858 (100%) |

**Notes**: BIPOC Combined includes DPD's race and ethnic categories: Asian, Black, Hispanic/Latino, Indigenous, and Native Hawaiian or other Pacific Islander combined. These categories are mutually exclusive and represent the officer's perception of the driver's race or ethnicity during a vehicle stop.

***Finding 10: There is a racial disparity in stop outcomes, with BIPOC drivers receiving harsher penalties than white drivers specifically during vehicle stops for equipment violations. This analysis does not account for possible differences by race or ethnicity in the presence of arrest warrants or driving histories.***
There is a difference by race in whether drivers receive a warning because of a vehicle stop with white drivers receiving warnings in 80.6 percent of their stops compared to BIPOC drivers receiving warnings in 72.4 percent of their vehicle stops (Table 4). BIPOC drivers are also more likely to be arrested during a vehicle stop as compared to white drivers (5.1 percent and 2.9 percent, respectively), and are more likely than white drivers to receive a citation (16.5 percent and 13.1 percent, respectively).  These differences are statistically significant.[68] There are factors not included in this analysis beyond an officer's discretionary decision to issue a citation or make an arrest, including whether there are racial disparities present in driving histories or likelihood of an arrest warrant.

**Table 4: Outcomes of vehicle stops conducted by DPD in 2022 by race or ethnicity of the driver.**

| Race/Ethnicity | No Action | Warning | Citation | Arrest | Total |
|---|---|---|---|---|---|
| Asian | 0 (0.0%) | 77 (90.6%) | 8 (9.4%) | 0 (0.0%) | 85 (100%) |
| Black | 22 (3.3%) | 493 (74.7%) | 113 (17.1%) | 32 (4.8%) | 660 (100%) |
| Hispanic or Latino | 6 (6.5%) | 70 (75.3%) | 12 (12.9%) | 5 (5.4%) | 93 (100%) |
| Indigenous | 11 (5.0%) | 148 (67.3%) | 44 (20.0%) | 17 (7.7%) | 220 (100%) |
| Native Hawaiian or Pacific Islander | 4 (16.0%) | 18 (72.0%) | 2 (8.0%) | 1 (4.0%) | 25 (100%) |
| White | 162 (3.4%) | 3,849 (80.6%) | 627 (13.1%) | 137 (2.9%) | 4,775 (100%) |
| BIPOC Combined | 43 (4.0%) | 806 (74.4%) | 179 (16.5%) | 55 (5.1%) | 1,083 (100%) |
| Total | 205 (3.5%) | 4,655 (79.5%) | 806 (13.8%) | 192 (3.3%) | 5,858 (100%) |

**Notes**: BIPOC Combined includes DPD's race and ethnic categories: Asian, Black, Hispanic/Latino, Indigenous, and Native Hawaiian or other Pacific Islander combined. These categories are mutually exclusive and represent the officer's perception of the driver's race or ethnicity during a vehicle stop.

An additional analysis used to narrow in on factors influencing racial disparities present in vehicle stops is to measure whether there is a racial disparity in stop outcomes while controlling for the reason for the stop and gender of the driver (because men are overrepresented in police stops as compared to women). Table 5 indicates that when comparing stops that result in a citation to stops that result in either a warning or no action, BIPOC drivers are 1.38 times more likely to receive a citation than white drivers, controlling for the reason for

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[68] Chi-square with 3 degrees of freedom = 25.64, p=0.000)

the stop and driver gender. This disparity is largest for Indigenous drivers, as they are 1.92 times more likely to receive a citation than white drivers. Black drivers are 1.44 times more likely than white drivers to receive a citation during a vehicle stop.

The racial disparity in stop outcomes is driven by vehicle stops for equipment violations, specifically. Table 5 shows the relationship between race and likelihood of receiving a citation over a warning or no action for all vehicle stops, stops for moving violations, and stops for equipment violations. There is no significant racial disparity in the likelihood of receiving a citation rather than a warning or no action for stops for moving violations. There are significant racial disparities in the likelihood of receiving a citation for stops for equipment violations. BIPOC drivers are nearly twice as likely to receive a citation rather than a warning or no action during vehicle stops for equipment violations, with Black drivers twice as likely and Indigenous drivers three times more likely than white drivers.

**Table 5: Statistical Likelihood of outcomes of vehicle stops in 2022 by race or ethnicity of the driver.**

| Race/Ethnicity of Drivers Compared to White | All Vehicle Stops Odds Ratio (standard error) | Moving Violations | Equipment Violations |
|---|---|---|---|
| BIPOC Drivers | 1.38 (0.130)** | 1.15 (0.137) | 1.96 (0.304)** |
| Black Drivers | 1.44 (0.164)** | 1.17 (0.171) | 2.09 (0.384)** |
| Indigenous Drivers | 1.92 (0.052)** | 1.36 (0.341) | 3.05 (0.791)** |

**Notes**: Logistic regression of the likelihood of receiving a citation rather than a warning or no action, conditional on gender for each type of stop. Stars (**) represent statistical significance at the 99 percent confidence level. Cells with no stars (**) indicate no statistical significance. In addition to Black and Indigenous drivers, BIPOC drivers that are a race or ethnicity other than Black or Indigenous are included in the BIPOC drivers analysis and include Asian, Native Hawaiian or other Pacific Islander, and Hispanic or Latino. We could not provide statistical analysis for these other racial and ethnic categories because there are too few stops for these groups.

***Finding 11: Officers are more likely to conduct a search during a vehicle stop with a BIPOC driver than with white drivers, excluding stops that end in arrest.***
Table 6 shows information about the relationship between race and the likelihood of being searched during a vehicle stop. This analysis excludes vehicle stops that end in arrest because searches during those stops could occur before an arrest or as an action taken after officers have made the decision to take the person into custody. As previously described in Finding 4 of this chapter, 72.9 percent of searches occur during stops that end in arrest. The analysis for this finding represents information about 62 of the 221 searches that occur during stops that do not end in arrest.[69]

Of the 62 searches in this analysis that occur during vehicle stops that do not end in arrest, 34 are with BIPOC drivers and 28 are with white drivers. Proportionately, this means that 2.3 percent of vehicle stops involving BIPOC drivers and 0.6 percent of vehicle stops involving white drivers involve searches during the encounter. Statistically, this indicates that the odds of getting searched during a vehicle stop are 3.6 times higher for BIPOC drivers than for white drivers, controlling for gender. Broken out by race categories, Black drivers are 4.8 times more likely to be searched during a vehicle stop than white drivers and Indigenous drivers are 3.6 times more likely to be searched during a vehicle stop than white drivers. All these differences are statistically significant.

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[69] Of the 122 searches that occur during vehicle stops that end in arrest, 96 occur with white drivers and 26 occur with BIPOC drivers.

The disparities in search rates are more pronounced during vehicle stops for moving violations than for vehicle stops for equipment violations. BIPOC drivers are 5.5 times more likely than white drivers to be searched during a vehicle stop for a moving violation. Black drivers are 6.9 times more likely than white drivers to be searched during stops for moving violations and Indigenous drivers are 7.4 times more likely to be searched than white drivers for these stops. BIPOC drivers are 2.4 times more likely than white drivers to be searched during stops for equipment violations, with Black drivers 3.3 times more likely to be searched during these stops but Indigenous drivers are not significantly more likely than white drivers to be searched during stops for equipment violations. Drivers of other racial and ethnic categories (Asian, Native Hawaiian or other Pacific Islander, and Hispanic or Latino) are represented in the BIPOC drivers analysis. There are too few stops and searches with drivers of these racial and ethnic categories to draw statistical comparisons.

**Table 6: Statistical Likelihood of being searched during a vehicle stop in 2022 by race or ethnicity of the driver.**

| Race/Ethnicity of Drivers Compared to White | All Vehicle Stops Odds Ratio (standard error) | Moving Violations | Equipment Violations |
|---|---|---|---|
| BIPOC Drivers | 3.59 (0.944)** | 5.48 (2.182)** | 2.38 (0.879)* |
| Black Drivers | 4.78 (1.338)** | 6.91 (2.937)** | 3.26 (1.284)** |
| Indigenous Drivers | 3.61 (1.753)** | 7.36 (4.813)** | 1.83 (1.376) |

**Notes**: This analysis excludes vehicle stops that end in arrest. Logistic regression of the likelihood of being searched during a vehicle stop, conditional on gender for each type of stop. Stars (**) represent statistical significance at the 99 percent confidence level and (*) represents statistical significance at the 95 percent confidence level. Cells with no stars indicate no statistical significance. In addition to Black and Indigenous drivers, BIPOC drivers that are a race or ethnicity other than Black or Indigenous are included in the BIPOC drivers analysis and include Asian, Native Hawaiian or other Pacific Islander, and Hispanic or Latino. We could not provide statistical analysis for these other racial and ethnic categories because there are too few stops for these groups.

***Finding 12: There are no differences in search hit rates for BIPOC and white drivers during vehicle stops that do not end in arrest, indicating that decisions to search during vehicle stops are not likely to be driven by individual officer racial or ethnic bias.***

Table 7 shows the rate of searches through which officers find contraband (i.e., search hit rate) by combined race and ethnic categories. The hit rate for searches is statistically equal by race demographics, thus indicating that the officer's decision to conduct a search is not likely to be driven by individual officer racial or ethnic bias. Therefore, while our analysis indicated BIPOC drivers are significantly more likely to be searched during a vehicle stop, specifically during stops for moving violations, it does not appear that individual officer bias is the primary driver for this disparity in the likelihood of being searched. However, the limitation of this analysis is that it excludes vehicle stops that end in arrest due to the lack of information about when searches occur during the stop. If included, a fuller picture of when searches are conducted, could identify whether this finding is robust for all searches where officers use their discretion to establish probable cause to conduct a search as compared to searches required because an arrest decision has already been made.[70]

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[70] For searches that occur during vehicle stops that end in arrest, the search hit rate for white drivers is 24.0 percent and the search hit rate for BIPOC drivers is 38.5 percent. A disparity analysis is not appropriate for these stops because the data do not differentiate whether searches were conducted prior to officers making an arrest decision or as an action taken after an arrest decision has been made.

**Table 7: Hit rates for searches during vehicle stops in 2022, by race and ethnicity.**

| Racial or Ethnic Category | No Contraband Discovered | Contraband Discovered | Total Searches |
|---|---|---|---|
| BIPOC Drivers Searched | 15 (44.1%) | 19 (55.9%) | 34 (100%) |
| White Drivers Searched | 12 (42.9%) | 16 (57.1%) | 28 (100%) |
| All Drivers Searched | 27 (43.6%) | 35 (56.5%) | 62 (100%) |

**Notes**: This analysis excludes vehicle stops that end in arrest. BIPOC drivers include Asian, Black, Indigenous, Native Hawaiian or other Pacific Islander, and Hispanic or Latino. We could not provide statistical analysis for these other racial and ethnic categories because there are too few stops for these groups.

## Pedestrian Stops

***Finding 13: Most pedestrian stops occur in four neighborhoods: Central Business District, Central Hillside, East Hillside, and Lincoln Park.***

Similar to vehicle stops, pedestrian stops are concentrated in Duluth's downtown neighborhoods (N=1,818). Table 8 indicates that nearly 70 percent of pedestrian stops occur in these areas (a full list of neighborhoods is in Table A3 in the Appendix of this report along with a link to a map depicting where each neighborhood is located). Broken out by the type of pedestrian stops ("subject stop" and "out-with"), 79 percent of subject stops occur in these areas with 42 percent of all subject stops in just the Central Business District alone. The Central Business District also had the highest percentage of "out-with" types of stops (28.5 percent).

**Table 8: Types of pedestrian stops conducted in 2022 within the top four neighborhoods where pedestrian stops occur.**

| Neighborhood | Total Pedestrian Stops (%) | Subject Stops (%) | "Out-With" Stops (%) |
|---|---|---|---|
| Central Business District | 538 (29.6%) | 60 (42.0%) | 478 (28.5%) |
| Central Hillside | 292 (16.1%) | 20 (14.0%) | 272 (16.2%) |
| Lincoln Park | 257 (14.1%) | 21 (14.7%) | 236 (14.1%) |
| East Hillside | 166 (9.1%) | 12 (8.4%) | 154 (9.2%) |
| Subtotal of all Pedestrian Stops | 1,253 (68.9%) | 113 (79.1%) | 1,140 (68.0%) |

**Note**: This analysis excludes 16 pedestrian stops conducted in 2022 that did not fit within neighborhood boundaries when mapped using ArcGIS.

***Finding 14: Based on a sample of pedestrian stops reviewed for the body-worn camera footage assessment, 26 percent of pedestrian stops are with BIPOC community members. We cannot make conclusions about whether this represents a racial or ethnic disparity in pedestrian stops due to the lack of availability of demographic information and associated information about all pedestrian stops.***

As discussed in the methodology of this chapter, we estimate that only 4.6 percent of pedestrian stops in 2022 have completed stop data forms that track demographics of stop subjects and other relevant information about the stop to measure potential racial or ethnic disparities in encountering police through these stops and whether there are disparities in outcomes of officer-initiated pedestrian stops. Therefore, while BIPOC community members represent 26 percent of the pedestrian stops discussed in the "Body-worn Camera Footage Review" chapter of this report, we cannot conclude whether this representation in pedestrian stops is expected because we do not have all the relevant information necessary to consider when estimating a pedestrian's likelihood of getting stopped by police.

***Finding 15: Based on a sample of pedestrian stops reviewed for the body-worn camera footage assessment, many pedestrian stops are pretext stops to determine whether more serious criminal behavior is occurring and these stops most often end with verbal warnings or no action.***

The themes present in the 53 pedestrian stops reviewed in the "Body-worn Camera Footage Review" chapter of this report indicates that many officer-initiated pedestrian stops are conducted to determine whether a person or group of people are engaging in more serious criminal behavior than what drew the attention of the officer to initiate the stop. These types of stops are often called pretext stops in that officers rely on lesser but legitimate reasonable suspicion to initiate a stop for the purpose of investigating whether the person is engaging in more serious criminal behavior.

For example, many of the pedestrian stops in the sample were of individuals riding bikes at night without affixed front or rear lights.[71] Officers indicate the lack of lights as the reason for the stop and ask for the person's identification. If officers are unable to establish evidence that the bicycle was stolen or that the person is not otherwise engaged in criminal behavior through questioning or by running checks of bicycle registration information, the person was released. Sometimes officers conveyed the true motive of their stop by telling subjects that there have been bike thefts recently and they use these opportunities to determine whether the person is engaged in bike theft or other crime. In other situations, officers talk with individuals in parks closed after dark or check license plate registration numbers for cars parked in closed parking lots. In these cases, officers are checking on the welfare of the persons involved or are attempting to determine whether other criminal behavior is occurring. The outcomes of these stops are predominantly verbal warnings or no action by officers. Two resulted in citations and one resulted in an arrest.

***Finding 16: There were nine pedestrian stops that involved officers using force, none of which involved officers displaying their firearm.***

Similar to use of force during vehicle stops, use of force during pedestrian stops were rare with nine stops involving use of force in 2022 (0.04 percent of an estimated 1,834 stops). During those nine encounters, officers used empty hand techniques and take downs. Two stops involved the use of a taser. Seven of the nine incidents indicated that officers used force to effect an arrest and the other two incidents involved officers using force to protect an officer and to prevent an escape. Five of the use of force incidents involved white subjects, two involved Black subjects, and two involved Indigenous subjects.

## Considerations

***Consideration 1: Ensure officers complete Stop Data forms for all pedestrian stops and conduct a disparity analysis once more complete data are being collected.***

The stop data posted on the Duluth Police Department's website can be strengthened by collecting more complete information about all pedestrian stops that occur throughout the city of Duluth. Incorporating more types of pedestrian stop categories that officers routinely use to initiate these stops can help develop a more complete dataset of pedestrian stops in Duluth and would allow for a breakdown of these stops by geography and stop outcomes. Once this data is collected, DPD or an outside agency can conduct a disparity analysis of pedestrian stop data to identify and address any potential disparities in enforcement actions.

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[71] Minn. Stat. Ann. § 160.222 (2022), https://www.revisor.mn.gov/statutes/cite/169.222.

*Consideration 2: Create training opportunities and supervisory review protocols to ensure officers establish reasonable suspicion before conducting investigative pedestrian stops.*
Developing more robust training for officers when making decisions about whether to make a pedestrian stop can ensure stop subjects consistently engage with officers who adhere to the principles of procedural justice and behave with good demeanor.

*Consideration 3: Collect more specific information about searches and frisks.*
The stop data documented by officers do not indicate whether weapons patdowns (also called frisks) occur during stops and do not identify the type of search conducted during a stop. Frisks are actions officers take when they have reasonable suspicion that a person is armed and immediately dangerous and involve officers patting down the person's outer clothing to locate and retrieve objects that may be weapons. Documenting the type of search conducted will be helpful in differentiating searches that lead to arrest and searches that are conducted after the arrest decision is made. These actions and officers' justifications for them are important to document and identify given the implications for constitutional policing standards required by law.

*Consideration 4: Reduce vehicle stops for equipment violations.*
The greater likelihood of BIPOC drivers being stopped for vehicle equipment violations may be a main factor driving the racial disparity in vehicle stops. This disparity could be due to a range of factors, including a difference in the types and roadworthiness of vehicles, differential driving habits, or officer-level bias. One way to address the unknown factors involved with this disparity is to consider reducing vehicle stops for equipment violations. Officers issue warnings in 82 percent of vehicle stops for equipment violations which could be issued by other means (e.g., by mail, automated text message, or email) rather than conducting a stop on the roadway. Recent evidence from Ramsey County Minnesota points to success with this strategy in reducing disparities while maintaining public safety.[72]

*Consideration 5: Develop a defined strategy for conducting vehicle and pedestrian stops that provides a rationale and framework for the goals of these types of stops and measures for achieving these goals.*
One way to ensure accountability and transparency for how the department uses vehicle and pedestrian stops to maintain public safety is to develop with officers and the community a framework for the goals for vehicle and pedestrian stops and how to measure whether these goals are being met.

*Consideration 6: Identify ways for the DPD and the Community Crisis Response team to work together to provide services to individuals in need of care and resources without needing police intervention.*
The Human Development Center (HDC) offers community crisis response in Duluth and its surrounding area, consisting of community members trained to de-escalate, stabilize, and connect community members experiencing crisis. Doing so diverts the person in crisis from law enforcement or emergency department intervention by using a community-based public safety system.[73]

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[72] Rory Pulvino, Jess Sorenson, JJ Naddeo, and Jared Fishman, *Traffic Stop Policy in Ramsey County, MN* (Washington, D.C.: Justice Innovation Lab, 2023), https://traffic-stop-policy-ramsey-county.justiceinnovationlab.org/.

[73] "Community Crisis Response," Human Development Center, last modified 2022, https://hdcnorth.org/crisis-response.

# Chapter 9: Review of Body-worn Camera Footage

The goal of the assessment of camera footage was to evaluate the quality of police interactions, focusing on patterns of behavior and language that may indicate racial bias. To achieve this assessment, CJI requested access to body-worn camera footage for stops rather than relying only on in-car camera data that was to be the original scope of this portion of the assessment.

## Methodology

DPD uses Axon technology for tracking and storing body-worn camera data but, at the time of this assessment, did not have the auto-tagging option enabled for all video data which would automatically attach video for a police interaction to the written documentation completed for the stop and officers must manually attach videos to other stop information to retain it. Only footage that is evidence in a case, captured during an incident involved in a complaint, or captured during a use of force incident is retained beyond 90 days. All other video footage is purged from the system after 90 days. To ensure CJI was viewing all the video associated with a stop, we drew a sample of stops from the most recent two months of stops once our assessment began. This allowed DPD to match untagged videos to the stops in the sample and retained all videos associated with the sampled stops in the system during the audit period.

DPD provided a list of all vehicle and pedestrian stops for September and October 2022. There are three categories of stops in the sample:

1. Vehicle Stop – officer-initiated vehicle stops, regardless of whether a citation was generated for the stop. (N=1,220)
2. Subject Stop – officer-initiated pedestrian stops where officers are stopping an individual to investigate a crime (e.g., suspicious activity). (N=28)
3. Out-With Stop – officer-initiated pedestrian stop in which an officer begins an interaction a person because the officer believes the person needs care (e.g., welfare check of a person laying on the sidewalk) or has/is/will be engaged in criminal activity. (N=295)

CJI drew a random sample of stops from each stop category that met a 95% confidence level that the results are generalizable with a 10% margin of error (e.g., accuracy measure). These thresholds are standard sample size determinations used in law enforcement audits. Using this protocol, CJI reviewed video footage for 90 vehicle stops, 22 subject stops, and 73 "out-with" stops.

The assessment included the below information for each assessed stop.

- Number of officers and subjects present
- Number and duration of videos
- Type and severity of the stop
- Perceived race/ethnicity and gender of subject(s) in the stop
- Officer language and demeanor– formal, friendly, polite, impartial, respectful
- Whether the officer(s) exhibited any overt bias during the stop in their language or demeanor
- Outcome of stop and whether the officer used discretion in determining the outcome
- Overall procedural justice provided during the stop – verbal introduction of officer, conveying trustworthiness, allowing subject(s) to have a "voice" during the interaction

Upon review, CJI qualitatively classified four types of stops within the sample:

1. Stops to provide care (n=28): Stops initiated by officers because they believed the subject was in need of care, rather than to investigate a crime. These stops included officers responding when approached by people on the street asking for a courtesy ride; officers checking on people who looked hurt and in need of medical help or services for substance use disorders; and officers connecting people with resources for basic needs like clothing, housing, or bus information.
2. Pedestrian stops, 911 initiated (n=6): Stops initiated by officers in response to 911 calls for service.
3. Pedestrian stops, officer-initiated (n=47): Stops initiated by officers to investigate a potential crime, based on the officer's own suspicion.
4. Vehicle stops (n=103): Stops initiated by officers for both violations of the rules of the road (e.g., speeding) or because of vehicle equipment deficiencies (e.g., broken headlight).

For the purpose of our analysis, CJI combined pedestrian stops focused on investigating crimes (regardless of whether it was initiated by officers or initiated by 911 calls for service) into one category (n=53). One stop in the sample could not be classified as any type because it lacked videos and written information to allow the reviewers to classify it. Among all 185 stops in the sample, 29 lacked videos associated with the stop, hampering our ability to assess officer behavior during the stop beyond what was written in documentation. [74]

There were 188 individuals involved in the 156 stops that had videos associated with them. Reviewers noted whether stop subjects presented as male, female, or if the reviewer was unable to determine. Sixty-four percent of subjects were male, 35 percent female, and one percent unknown. Reviewers also noted perceived race or ethnicity of stop subjects. BIPOC community members were present in 26 percent of the 156 stops that had videos associated with them, with 16 percent reviewers perceived as Black, five percent Indigenous, four percent Latino, and two percent Asian or Pacific Islander. Reviewers were unable to determine the race or ethnicity of stop subjects in seven percent of the stops and white stop subjects represented 67 percent of all stops. These proportions do not significantly differ by the type of stop. That is, approximately 26 percent of pedestrian and vehicle stops in the sample involved BIPOC community members.

## Findings[75]

***Finding 1: Overall, officers demonstrate good demeanor (averaging 3.5 out of 4 on the demeanor index), with officers most likely to demonstrate respect but least likely to interact with community members with impartiality.***

Demeanor refers to a person's outward behavior and includes the way they act, speak, and express themselves. In a policing context, officer demeanor is interrelated with feelings of police legitimacy and confidence in police. Reviewers assessed officer language and demeanor using four factors:

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[74] For the 29 stops that lacked videos, we reviewed written documentation and determined that 10 stops involved pedestrian stops to investigate a possible crime, nine stops were vehicle stops, and nine stops were stops where officers rendered assistance to a person in need of care. One stop did not have enough written information associated with it for us to determine the type of stop.

[75] A sensitivity analysis for each finding relevant to vehicle stops was conducted to assess whether findings differ when excluding the 14 stops conducted by the officer focused on DWI enforcement that are present in this sample. No differences were found when comparing findings with and without this officer's stops included in the analyses.

1. Respectful – softening commands where appropriate, giving agency to the subject (e.g., dignity), avoiding interruption, expressing empathy, and using formal titles or familiarity when appropriate.
2. Polite – the practical application of good manners (e.g., using "please" and "thank you").
3. Friendly – kindness in tone of voice, sincerity with questions and inquiries, open body language, and avoiding short or curt language.
4. Impartial – acting and making decisions based on objective facts rather than appearing judgmental in a manner that reflects a critical or condemnatory point of view.

Table 9 provides a breakdown of officer demeanor for each of these factors. An average demeanor score is also provided, with a total possible demeanor score of four. Overall, the average demeanor score for officers is 3.5 out of 4 (87.5 percent). Of the 151 stops where reviewers could assess officer demeanor, most officers were respectful (90 percent), polite (88 percent), friendly (87 percent), and impartial (83 percent). The variation in adherence to these factors of demeanor indicates that although officers are respectful in their demeanor, they are less likely to exhibit impartiality when interacting with stop subjects.

**Table 9: Officer demeanor in sampled police stops, (September and October, 2022)**

| Demeanor Factor | All Stops (N=151) | Vehicle Stops (N=95) | Pedestrian Stops (N=38) | Stops to Provide Care (N=18) |
|---|---|---|---|---|
| Respectful | 90.0% | 94.7% | 73.7% | 100% |
| Polite | 88.1% | 92.6% | 71.1% | 100% |
| Friendly | 87.4% | 91.6% | 71.1% | 100% |
| Impartial | 82.8% | 87.4% | 65.8% | 94.4% |
| Demeanor Index | 3.5 | 3.7 | 2.8 | 3.9 |

**Notes**: The demeanor index is the average of each of the four factors combined, out of a total score of four for each type of stop. Vehicle stops are officer-initiated vehicle stops regardless of whether a citation was issued. Pedestrian stops are officer-initiated stops focused on investigating possible criminal activity. Stops to provide care are encounters where individuals approach officers for help or officers approach individuals that appear to need care (e.g., someone walking up to an officer asking for a bus voucher or officers checking on someone laying in the middle of a sidewalk).

***Finding 2: Officers are less likely to demonstrate good demeanor when investigating potential crime during pedestrian stops than during vehicle stops or when officers are rendering aid to people in need of care. This difference in demeanor is statistically significant.***
Table 9 above shows the proportion of stops that met the criteria for each measure of officer demeanor by the type of stop reviewed. Officers demonstrated respectful, friendly, polite, and impartial demeanor in nearly all of the stops in which officers were rendering aid to people that requested their assistance or that officers approached to see if they needed help. Just over 90 percent of the vehicle stops reviewed demonstrated officer demeanor that was respectful, polite, and friendly. Reviewers indicated that officers were impartial in 87 percent of vehicle stops. Just over 70 percent of pedestrian stops reviewed demonstrated officer demeanor that was respectful, polite, and friendly. Reviewers indicated that officers were impartial in 66 percent of pedestrian stops.

Using a combined score of all four demeanor factors, we tested the difference in the average demeanor score for officers for when they are conducting vehicle stops and when they are conducting pedestrian stops to investigate whether a person is engaging in criminal behavior. The average demeanor score for officers during vehicle stops was 3.7 out of 4 while the average demeanor score during pedestrian stops was 2.8 out of 4. This

difference in demeanor is statistically significant and indicates that officer demeanor is better in vehicle stops than during pedestrian stops.[76]

These findings indicate that officers know, understand, and can put into practice skills aligned with the protection and service element of policing. However, demonstration of the elements of good demeanor are diminished during pedestrian stops as compared to vehicle stops. This may indicate that when officers are focused on investigative stops where they are attempting to determine whether the person is engaging in crime, officers are less likely to demonstrate the elements of good demeanor than when they are initiating a stop where they have already established clear reasons for engaging with the person (e.g., vehicle stops or when rendering aid to persons in need of care).

***Finding 3: Officer demeanor does not differ significantly when interacting with BIPOC community members as compared to white community members.***

Table 10 shows the average scores on the demeanor index by race/ethnicity and type of stop. Overall, the average demeanor score for police interactions with BIPOC community members is 3.4 (85 percent). The average demeanor score for police interactions with white community members is 3.5 (87.5 percent). Demeanor scores are highest for all race/ethnic groups for stops that involve officers rendering assistance to persons in need of care, and lowest for stops that involve officers stopping pedestrians to investigate possible criminal behavior.

**Table 10: Officer demeanor in sampled stops, by racial and ethnic category, (September and October, 2022)**

| Race/Ethnicity | Respectful | Polite | Friendly | Impartial | Demeanor Index |
|---|---|---|---|---|---|
| White (N = 104) | 91% | 88% | 89% | 83% | 3.5 |
| BIPOC (N = 41) | 88% | 90% | 83% | 80% | 3.4 |
| Unknown Race/Ethnicity (N=6) | 83% | 83% | 83% | 100% | 3.5 |
| Overall (N=151) | 90% | 88% | 87% | 83% | 3.5 |

**Note**: The demeanor index is the average of each of the four factors combined, out of a total score of four for each racial and ethnic category.

While the officer demeanor scores are not statistically different by race or ethnic group, friendliness appears to be driving the demeanor scores lower when comparing interactions with BIPOC community members to interactions with white community members. Table 11 shows that officers were found to be friendly in 88 percent of their interactions with BIPOC community members during vehicle stops compared to 92 percent of their interactions with white community members during these types of stops. For pedestrian stops, there was a 13 percentage point difference in friendliness when comparing BIPOC interactions and interactions with white stop subjects (64 percent and 77 percent, respectively).

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[76] t-statistic = 3.911, degrees of freedom = 131, two-tailed p-value=0.0001.

**Table 11: Officer friendliness in sampled stops, by type of stop, (September and October, 2022)**

| Race/Ethnicity | Stops to Provide Care (N=18) | Vehicle Stops (N=95) | Pedestrian Stops (N=38) |
|---|---|---|---|
| White (N=104) | 100% | 92% | 77% |
| BIPOC (N=41) | 100% | 88% | 64% |
| Unknown Race/Ethnicity (N=6) | 100% | 100% | 100% |

***Finding 4: Only 34 percent of the interactions reviewed involved officers introducing themselves to the subjects of the stop (where applicable), with officers significantly less likely to introduce themselves during pedestrian stops than during vehicle stops.***

DPD's policy on Bias-Based Policing (Policy 401.4.2) references the expectation of officers, per Minnesota statute, to "Introduce or identify themselves and state the reason for a contact as soon as practicable unless providing the information could compromise officer or public safety." Reviewers measured whether officers introduced themselves and found that 49 of the 146 applicable stops involved officers introducing themselves at the beginning of the interaction or as soon as practicable.[77]

We measured differences in whether officers introduced themselves by type of stop and by race/ethnicity. By type of stop, officers introduced themselves during 44 percent of vehicle stops and in 11 percent of pedestrian stops (excluding stops where officers were rendering assistance to individuals in need of care). This difference is statistically significant, indicating that officers are significantly less likely to introduce themselves during pedestrian stops than during vehicle stops.[78] Officers introduced themselves in 29 percent of all stops with BIPOC community members and in 36 percent of stops with white community members. While officers introduced themselves during fewer stops with BIPOC community members than with white community members, this difference is not statistically significant.

As discussed in the "BIPOC Community Relations" chapter of this report, members of BIPOC communities raised the lack of officers introducing themselves, when unknown to them, as a concern when they have experienced interactions with officers. Community members said that the lack of introduction made them feel like officers did not care to build rapport with them or were not engaging in a way that was professional.

***Finding 5: While most stops are no longer than necessary for officers to take appropriate action, BIPOC community members are significantly more likely to experience unnecessarily longer stops than white community members.***

On average, the stops reviewed took seven minutes or less, ranging from one minute to 33 minutes, not including transport time if officers were offering a ride to the individual or when they were taking individuals to jail for an arrest. This average duration was similar for each of the types of stops, with only the interactions where officers are engaging with people in need of care lasting slightly longer and averaging eight minutes instead of seven.

Reviewers assessed whether the duration of each stop was an appropriate amount of time, given the goals of the stop and the circumstances confronted by the officers that impact how long the interaction occurred. For example, vehicle stops may be longer if drivers are not able to immediately provide proof of insurance and officers allow them to contact the owner of the vehicle or their insurance company to obtain a digital copy.

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[77] We excluded stops where either audio or visual of the beginning of the stop was not present either because officer cameras were in a buffering period during the initial approach or due to late or no camera activation.

[78] t-statistic = 3.846, degrees of freedom = 129, two-tailed p-value=0.0002.

Stops may also be longer if the subject of the stop has questions for the officer. These are factors that may necessarily increase the duration of the stop. Factors that unnecessarily increase the duration of stop were those factors within the officer's control that caused the stop to last longer than the amount of time needed to take appropriate action. For example, officers may answer a personal call during a vehicle stop or discuss unrelated or non-urgent matters with other officers instead of releasing the driver from the stop in a timely manner. Other examples involve officers that have established and articulated reasonable suspicion to detain an individual for the primary reason they conducted the stop but spend additional time working to establish reasonable suspicion for a different issue that is not articulated or discovered during the stop. Reviewers found that of the 154 stops where duration of the stop could be assessed, 90 percent lasted only the amount of time necessary for officers to take appropriate action.

Reviewers found that the duration of stops with BIPOC community members was unnecessarily longer than stops with white community members. While 95 percent of stops with white community members were an appropriate duration necessary for officers to take appropriate action, 78 percent of stops with BIPOC community members were longer than would be expected for officers to take appropriate action. This difference is statistically significant.[79]

### Finding 6: Overall, officers demonstrate procedural justice (averaging 3.6 out of 4 on the procedural justice index).

Procedural justice focuses on the way police interact with members of the community and how the behaviors of officers during those interactions shape a person's view of police and the justice system process. Reviewers assessed four factors in developing an understanding for how officers adhere to the principles of procedural justice:

1. Explain the reason for the stop – this includes explaining the initial reason for the contact if officers found that reasonable suspicion to make the stop was ultimately unfounded. This principle is present in DPD's Bias-Based Policing policy (Policy 401), per Minnesota statute.
2. Trustworthiness – officers convey trustworthy motives when explaining the nature of the stop or interaction.
3. Voice – officers allow the subject an opportunity to have a "voice" during the encounter (e.g., explain their situation, ask questions, voice concerns).
4. Transparency – officers communicate the result of the stop or interaction and how they arrived at their decision.

Table 12 provides a breakdown of officer procedural justice for each of these factors. An average procedural justice score is also provided, with a total possible score of four. Overall, the average procedural justice score for officers is 3.6 out of 4.0. Of the 148 stops where reviewers could assess officer adherence to procedural justice principles, most officers gave stop subjects a voice (93 percent), explained the reason for the stop (89.5 percent), were transparent about the result of the stop (85.4 percent), and conveyed trustworthy motives when explaining the nature of the stop (85.1 percent).

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[79] t-statistic = 3.239, degrees of freedom = 143, two-tailed p-value=0.0015.

**Table 12: Officer procedural justice in sampled police stops, (September and October, 2022)**

| Procedural Justice Factor | All Stops (N=151) | Vehicle Stops (N=95) | Pedestrian Stops (N=38) | Stops to Provide Care (N=18) |
|---|---|---|---|---|
| Explain Reason | 89.5% | 90.4% | 83.3% | 100% |
| Trustworthiness | 85.1% | 91.1% | 63.9% | 100% |
| Voice | 93.2% | 97.8% | 78.4% | 100% |
| Transparency | 85.4% | 91.0% | 71.1% | 88.2% |
| Procedural Justice Index | 3.6 | 3.8 | 3.0 | 3.9 |

**Note**: The procedural justice index is the average of each of the four factors combined, out of a total score of four for each type of stop.

***Finding 7: Officers are less likely to demonstrate procedural justice during pedestrian stops where officers are investigating a possible crime than during vehicle stops. This difference in adherence to the principles of procedural justice is statistically significant.***

Table 12 above shows the proportion of stops that met the criteria for each measure of procedural justice by the type of stop reviewed. Each measure of procedural justice was demonstrated by officers in over 90 percent of vehicle stops. There was variation in procedural justice measures demonstrated during pedestrian stops with officers conveying trustworthiness in 64 percent of stops and explaining the reason for the stop in 83 percent of pedestrian stops.

Using a combined score of all four procedural justice principles, we tested the difference in the average procedural justice score for officers for when they are conducting vehicle stops and when they are conducting pedestrian stops to investigate whether a person is engaging in criminal behavior. The average score for officers during vehicle stops was 3.8 out of 4 while the average score during pedestrian stops was 3.0 out of 4. This difference in demeanor is statistically significant.[80]

These findings indicate that officers know, understand, and can put into practice skills aligned with the protection and service element of policing. However, demonstration of the elements of good demeanor are diminished during pedestrian stops as compared to vehicle stops. This indicates that when officers are focused on investigative stops where they are attempting to determine whether the person is engaging in crime, officers are less likely to demonstrate the elements of good demeanor than when they are initiating a stop where they have already established clear reasons for engaging with the person (e.g., vehicle stops or when rendering aid to persons in need of care).

***Finding 8: Procedural justice does not differ significantly when officers are interacting with BIPOC community members as compared to white community members.***

Table 13 shows the average scores on the procedural justice index by race and ethnicity and type of stop. Overall, the average procedural justice score for police interactions with BIPOC community members is the same as the average procedural justice score for police interactions with white community members (3.6).

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[80] t-statistic = 4.765, degrees of freedom = 121, two-tailed p-value=0.0000.

**Table 13: Officer procedural justice in sampled stops, by racial and ethnic category, (September and October, 2022)**

| Race/Ethnicity | Explain Reason | Trustworthy | Voice | Transparency | Procedural Justice Index |
|---|---|---|---|---|---|
| White (N=102) | 90% | 83% | 95% | 85% | 3.6 |
| BIPOC (N=40) | 89% | 89% | 90% | 87% | 3.6 |
| Unknown Race/Ethnicity (N=6) | 83% | 100% | 83% | 80% | 3.6 |
| Overall (N=148) | 89% | 85% | 93% | 85% | 3.6 |

**Note**: The procedural justice index is the average of each of the four factors combined, out of a total score of four for each racial and ethnic category.

***Finding 9: For the sampled pedestrian stops, officers are statistically more likely to use their discretion to give a "break" to white stop subjects than for BIPOC stop subjects (e.g., issue fewer citations, give a warning instead of a citation, avoid making an arrest). There is no statistically significant difference by race or ethnicity in officers' discretion to give a "break" for the sampled vehicle stops.***

For vehicle stops, officers routinely use their discretion to give drivers a break by issuing warnings rather than citations during the stop (91 percent of 89 vehicle stops). There is no variation by race or ethnicity in officers using their discretion during vehicle stops to issue warnings rather than citations or conduct arrests.

For pedestrian stops where potential criminal behavior is being investigated, officers use their discretion to give stop subjects a "break" during 18 of 23 stops for which reviewers assessed this measure. By race/ethnicity, officers used their discretion for the outcome of the stop in 12 of 13 pedestrian stops with white stop subjects and six of 10 pedestrian stops with BIPOC stop subjects.[81] Similar to the finding for vehicle stops, the statistical result would more likely reflect a true outcome if every pedestrian stop throughout the year could be measured in this way. However, as discussed in the "Vehicle and Pedestrian Stops" chapter of this report, data for race and ethnicity and stop outcomes are not documented for every pedestrian stop.

***Finding 10: Reviewers found potential racial or ethnic bias in five of the 152 police interactions in the sample (3.3 percent).***

DPD's Policy 401 Bias-Based Policing defines bias-based policing as:

> "An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

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[81] This difference is statistically significant using a 90 percent confidence threshold but not when using the standard 95 percent confidence threshold (t-statistic = 1.931, degrees of freedom = 21, two-tailed p-value=0.0671). If a directional test is used, where the direction of the difference is assumed that more discretion will be given to white stop subjects than BIPOC stop subjects, the difference is statistically significant at the standard 95 percent confidence threshold (t-statistic = 1.931, degrees of freedom = 21, one-tailed p-value=0.0336).

This includes the use of racial or ethnic stereotypes as factors in selecting whom to stop and search. It does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject (Minn. Stat. § 626.8471)."

Reviewers found bias-based policing in five of the 152 police encounters reviewed (3.3 percent). Two of the incidents involved officers exhibiting bias based on economic status and three involved incidents where officers exhibited bias based on race or ethnicity. Four of the five encounters with bias involved BIPOC individuals with one encounter involving a white individual.

The two incidents where bias was focused on economic status involved officers acting on suspicion that the individuals did not belong in a low-income area because they were "too nice or too normal" and officers making assumptions about whether a person may have stolen the money they had on their person because they did not appear to be someone who would have that much money. The three incidents where bias was focused on race or ethnicity involved language, questioning, and actions driven by assumptions made about the person's race or ethnicity.

## Considerations

***Consideration 1: Focus on ensuring officers introduce themselves when engaging with the public during police encounters.***
Officers introducing themselves at the beginning of an interaction or as soon as practicable can work to ensure officers are engaging with the community in ways that are expected by department policy and Minnesota statute.

***Consideration 2: Continuously emphasize in training and through supervision and mentorship that good demeanor and adherence to procedural justice are important for every interaction, especially pedestrian interactions with members of the community.***
Improving demeanor and adherence to procedural justice during pedestrian stops can work to strengthen department culture that the quality of interactions with members of the community, regardless of the reason for the interaction, is an important pillar of the department's community policing goals.

***Consideration 3: Establish a supervisory review process where supervisors assess body-worn camera footage for demeanor, adherence to the principles of procedural justice, and whether interactions are free of bias-based policing.***
An important aspect of the supervisory role is to ensure staff are engaging with the community in consistent ways that are reflective of the values of the department. Regular assessment of the quality of interactions between officers and members of the community by supervisors ensures that behavior not consistent with the values of the department is corrected or disciplined accordingly.

***Consideration 4: Proactively solicit feedback from community members that have encounters with police.***
Some law enforcement agencies have developed ways to solicit prompt feedback about police encounters. At the end of their interaction with community members, officers can provide members of the community with contact cards that prompt them to provide feedback about their encounter with police using accessible formats (e.g., text message, voicemail, email, web-based form). Some agencies have developed an automatic text message system that solicits feedback shortly after a police response to certain calls for service. This proactive solicitation of feedback can help departments track and maintain high-quality interactions with the public that adhere to the expectations of officer demeanor and procedural justice.

# Chapter 10: Immigrant and Refugee Populations

This assessment objective asks CJI to evaluate the Duluth Police Department's (DPD) protocols and practices in interactions with immigrant and refugee populations. This includes whether DPD makes referrals to immigration enforcement agencies in accordance with applicable local, state, and federal legal guidelines. Understanding DPD's policies relevant to immigration enforcement agencies and interaction with individuals who have limited English proficiency is important to understanding the level of trust these communities have in DPD when it comes to reporting crime or receiving police assistance. This part of the assessment also aims to assess this level of trust from the community, in part based on DPD's outreach to the immigrant and refugee community in the greater Duluth region.

## Methodology

CJI assessed DPD's protocols and practices in interactions with immigrant and refugee populations by comparing research on best practices for local police departments' interactions with immigrant and refugee populations to DPD policies and training materials focused on interactions with these communities. These policies include the Immigration Violations policy (Policy 412) and the Limited English Proficiency Services policy (Policy 335).

CJI identified that DPD has not referred individuals to Immigration and Customs Enforcement (ICE) within the past five years. The body-worn camera footage review did not reveal any stop in which officers asked for identification from individuals to check on their citizenship status.

We also included questions about this topic during our four focus groups with BIPOC community members, which included individuals who identified as immigrant community members. These focus groups were hosted in partnership with the University of Minnesota Duluth's Office of Diversity and Inclusion and the American Indian Community Housing Organization (AICHO). CJI conducted an interview with leaders and members of the Twin Ports APIDA Collective (TPAC), a group that advocates for and raises awareness of the Asian Pacific Islander Desi American community in the Duluth-Superior region.

## Findings

**Finding 1: Nearly every component of a policy following best practices for engaging with immigrant and refugee community members is present within DPD policies.**

DPD's Immigration Violations policy (Policy 412) clearly states that all members of the Duluth Police Department "make personal and professional commitments to equal enforcement of the law and equal service to the public…regardless of national origin or immigration status."[82] DPD does not investigate federal immigration violations. Instead, the Department defers immigration enforcement responsibilities to federal immigration officers. DPD officers do not have the authority to arrest or detain individuals due to a violation of federal immigration law or pursuant to a detainer, hold request, or warrant from Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection. According to this policy, officers shall not request documentation of citizenship or inquire into immigration status unless the inquiry relates to legitimate law enforcement purposes unrelated to immigration enforcement. Furthermore, this policy outlines the protections provided to non-U.S. citizens who are crime victims and witnesses through the issuance of U and T visas by DPD personnel. Finally, per policy, DPD officers should direct any request for assistance by federal immigration officials to their supervisor. However, this policy fails to clearly define the procedures of communication and the circumstances under which DPD can assist federal authorities. It only states that DPD may provide "available

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[82] Duluth Police Department, *Policy 412 Immigration Violations* (Duluth, MN: 2022): 375, https://duluthmn.gov/media/15653/policy-manual.pdf.

support services" to federal authorities as needed.[83] Based on the sample of stops described in the "Body-worn Camera Footage Review" chapter of this report, we found no violations of DPD's policy with respect to interacting with immigrant and refugee community members.

The Limited English Proficiency Service policy outlines the ways by which DPD officers can overcome any language barriers encountered through interactions with individuals who have limited English proficiency. According to this policy, DPD uses various tools to identify an individual's primary language and provide communication services in a stop, arrest, interrogation, or property seizure. These tools include language identification cards sourced from the Census Bureau, telephonic interpreters, and translator applications available on the Department-issued cellphones. The Department can also rely on bilingual personnel or personnel from other city departments who have the requisite training or certification to serve as interpreters. When these resources are unavailable, the Department may reach out to responsible members of the community who have demonstrated competence in interpretation and translation.[84] Based on the sample of stops described in the "Body-worn Camera Footage Review" chapter of this report, we were not able to review how these policies are put into practice because there were no stops in the sample where language barriers were present.

***Finding 2: DPD requires trainings related to working with the immigrant or refugee populations.***
Best practices indicate that law enforcement agencies should require cultural competency training. DPD requires all personnel to receive Limited English Proficiency training in academy and periodic refresher trainings thereafter.[85] Officers also undergo a version of cultural competency training through the Implicit Bias, Community Diversity, and Cultural Differences training. This cultural competency training is implemented in academy and provided to officers every year during in-service training.[86] CJI did not have the opportunity to review the training curriculum to compare to best practices because training did not occur during the audit period and past curriculum was not provided to the audit team for review.

***Finding 3: DPD has a limited history of engagement and relationship building with immigrant or refugee populations in Duluth.***
CJI's conversations with individuals from immigrant and refugee communities indicated that there is very little engagement by DPD with immigrant communities in Duluth. TPAC has participated in the organization of various community events, including cultural celebrations and vigils to address the prevalence of anti-Asian hate crimes. DPD had little to no presence at these events, thereby limiting the Department's ability to build relationships and trust with the immigrant community in Duluth. Community members can recall the current DPD Chief of Police attending this year's Hmong New Year celebration, but they would like to see more of this type of

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[83] Duluth Police Department, *Policy 412 Immigration Violations* (Duluth, MN: 2022): 375, https://duluthmn.gov/media/15653/policy-manual.pdf.

[84] Duluth Police Department, *Policy 335: Limited English Proficiency Services* (Duluth, MN: 2022): 254, https://duluthmn.gov/media/15653/policy-manual.pdf.

[85] Duluth Police Department, *Policy 335: Limited English Proficiency Services* (Duluth, MN: 2022): 254, https://duluthmn.gov/media/15653/policy-manual.pdf.

[86] Duluth Police Department, *2023-2026 Recruitment and Retention Plan* (Duluth, MN: 2023), https://duluthmn.gov/media/14642/recruitment-plan-14.pdf.

engagement. CJI's review of DPD's publicly available reports found no mention of targeted outreach or engagement with community organizations that serve immigrant or refugee populations in Duluth.[87, 88, 89, 90]

One theme that arose during interviews and focus groups with immigrant and refugee community members involved a lack of enthusiasm for engagement with police because they did not want police to view their communities as a problem.

Community members described their experiences with police in other countries as militaristic authority figures and not focused on community engagement. This led many community members to describe a tendency to want to handle issues themselves rather than calling on police to get involved by reporting issues to the police. For example, incidents like a car break in, sexual harassment, or a hate crime may not always be reported by members of these communities due to cultural norms and experiences with police in other countries. In the past, DPD officers have organized public safety information sessions to encourage individuals to report what are deemed as "smaller crimes." Individuals involved in CJI's conversations reported those meetings to be incredibly useful for themselves and their neighbors, but they could not recall them occurring often.

## Considerations

***Consideration 1: Prioritize building partnerships with community organizations that work with immigrant communities in Duluth.***
While DPD's public reports list numerous community events and outreach, the relationship between the Department and the immigrant and refugee communities would benefit from deliberate, targeted DPD outreach to these community members. DPD could utilize the leadership of community organizations like the Twin Ports APIDA Collective to determine the best methods and opportunities for positive community engagement. This could improve understanding between officers and community members during interactions like vehicle stops or in reporting crimes and calls for service. Our findings suggest that DPD has participated in this kind of engagement in the past. It would benefit both the Department and the community if this work could be prioritized again.

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[87] Duluth Police Department. *2019 Annual Report* (Duluth, MN: City of Duluth Minnesota, 2020), https://duluthmn.gov/media/12462/2019-annual-report.pdf.

[88] Duluth Police Department. *2020 Annual Report* (Duluth, MN: City of Duluth Minnesota, 2021), https://duluthmn.gov/media/12721/2020-annual-report.pdf.

[89] Duluth Police Department. *2021 Annual Report* (Duluth, MN: City of Duluth Minnesota, 2022), https://duluthmn.gov/media/14015/2021-annual-report-25.pdf.

[90] Duluth Police Department, *2022 Annual Report* (Duluth, MN: City of Duluth Minnesota, 2023), https://duluthmn.gov/media/14839/2022-annual-report-7.pdf.

# Section III: Role of the Duluth Citizen Review Board

# Chapter 11: Duluth Citizen Review Board (DCRB)

This assessment objective asks CJI to evaluate the role and activities of the Duluth Citizen Review Board (DCRB) within the last five years and make recommendations on what can be done to improve the effectiveness of the Board. Specifically, CJI is tasked with determining how the DCRB can improve its visibility to the community, and thus its role in complaint intake, and its collaboration with the Duluth Police Department (DPD).

## Methodology

CJI approached this assessment by first evaluating the responsibilities of the DCRB in its advisory role to DPD, its recent accomplishments, and the extent to which the DCRB follows best practices for civilian review boards with similar scopes of power. CJI then assessed the effectiveness of the DCRB in its role of serving as an avenue for complaint intake and promoting transparency in DPD operations. To determine effectiveness, CJI examined (1) the awareness in the Duluth community of the existence and role of the DCRB; (2) DCRB's engagement with the Duluth community; (3) the willingness of DPD and DCRB members to collaborate and the groups' perceptions of each other; and (4) the level of satisfaction of individuals who have filed complaints with the DCRB or DPD.

CJI researched best practices of civilian review, advisory, and oversight boards, particularly those that have a similar scope of power as the DCRB, and assessed the alignment of DCRB activities to best practices by reviewing DCRB reports and meeting minutes from the last five years. We also conducted a focus group with DCRB members to better understand their perception of the DCRB's role and level of effectiveness. CJI interviewed DPD personnel who regularly interact with the DCRB and former members of the DCRB who were not able to attend the focus group.

CJI also conducted a review of DPD complaint data from the most recent two years that included complainant satisfaction data collected by DPD's complaint investigators once the investigation was complete. We also deployed a community-wide survey that received 1,353 responses from a diverse sample of Duluth residents that CJI considers to be representative of the city of Duluth.

## Findings

***Finding 1: The DCRB is a review-focused civilian oversight body, with some aspects of an auditor-focused oversight model.***

According to the Board's public reports and meeting minutes, the DCRB serves as a liaison between the residents of Duluth and the city's police department. The Board partners with DPD to make the complaint process more accessible and transparent while simultaneously assisting community members in navigating through the process. This partnership has resulted in the creation of new DPD policies and procedures for complaint intake and investigation.[91,92]

Based on the models of civilian oversight outlined by the National Association for Civilian Oversight of Law Enforcement (NACOLE) and the information gathered on the DCRB, CJI would classify the DCRB as a review-focused model, with some aspects of the auditor-focused (or monitor-focused) model. NACOLE outlines the functions of review-focused oversight bodies to include the following: conducting complaint intake; reviewing completed police investigations of externally generated complaints; making recommendations for further

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[91] Duluth Citizen Review Board, *2015 Annual Report of the Duluth Citizen Review Board* (Duluth, MN: City of Duluth Minnesota, 2016), https://duluthmn.gov/media/7581/2015-dcrb-annual-report.pdf.

[92] Duluth Citizen Review Board, *2015 Annual Report of the Duluth Citizen Review Board* (Duluth, MN: City of Duluth Minnesota, 2016), https://duluthmn.gov/media/7581/2015-dcrb-annual-report.pdf.

investigation to the police executive; hearing appeals; and gathering and reviewing public input. Conversely, the functions of auditor-focused oversight bodies include: auditing or monitoring the internal complaint investigations process; conducting evaluations of police policies, practices, and training; actively participating in open investigations, particularly in the intake process; and having robust public reporting. The powers of the DCRB encompass all functions found in the review-focused model in addition to some of the functions found in the auditor-focused model (i.e., evaluating policies and practices and auditing the internal complaint investigations process). While the description of the DCRB on the city's website is that it is an "advisory body to the Police Department and the City Council," the Board's functions most align with NACOLE's review-focused and auditor-focused models for civilian oversight entities.[93]

### *Finding 2: The DCRB adheres to best practices of review-focused advisory boards and operates within the parameters of Minnesota state law.*

In principle, the DCRB adheres to best practices of the review-focused model. The DCRB serves as an entry point for community complaints and guides community members through this process when requested. A review of DCRB meeting minutes from 2021 and 2022 confirms that the DCRB receives monthly debriefs on completed complaints investigations from DPD leadership. Therefore, the DCRB commits to its oversight responsibility of reviewing investigations. CJI's interview with DPD staff who are engaged with the DCRB indicated that the DCRB can make recommendations to DPD's chief for further investigation into complaints if the determined outcomes are not appropriate. However, DPD is not required to adhere to those recommendations, as outlined by Minnesota state law. The Minnesota Peace Officer's Discipline Procedure Act restricts the purview of any oversight body within the state to lie mainly in an advisory or review role. Specifically, civilian review boards in Minnesota are prohibited from making "a finding of fact or determination regarding a complaint against an officer or impose discipline on an officer." Civilian review boards in the state may only make non-binding "recommendations regarding the merits of a complaint." [94]

This limitation is frustrating to some DCRB members who feel the Board "has no teeth" in their ability to hold officers accountable and remedy any possible systemic problems in the Department. Some members feel that the DCRB is only able to effect change in the Department where DPD wants to change. For example, interviews with DPD staff and DCRB members confirmed that DPD has previously invited the DCRB to facilitate community input on DPD policies through public forums. This input, combined with DCRB's evaluation of the policies, helped to shape DPD's decisions in policymaking. Yet many in the DCRB feel this is not enough to advance accountability and strengthen the trust and communication between the city's police department and community members.

While the DCRB cannot independently investigate complaints, it has partnered with DPD to review closed cases when community members request follow-up. The Board also discusses the causes of complaints with DPD to assist the Department in implementing preventative solutions, such as improved policy enforcement.[95] The DCRB's past annual reports highlight DPD's integration of DCRB recommendations, including improved

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[93] "Duluth Citizen Review Board," City of Duluth Minnesota, last modified June 23, 2023 https://duluthmn.gov/boards-commissions/duluth-citizen-review-board/.

[94] Minn. Stat. Ann. § 626.89 (2022). https://www.revisor.mn.gov/statutes/cite/626.89

[95] Duluth Citizen Review Board, *2018-2020 Annual Report for Citizens Review Board* (Duluth, MN: City of Duluth Minnesota, 2021), personal communication.

transparency of the Department's hiring process and policy language for the use of protective gear.[96, 97] DPD invited the DCRB into these processes and the DCRB facilitated the inclusion of community input in formulating these recommendations. However, the DCRB has not published an annual report since 2021, thus impeding the Board's visibility to the public and general awareness of its recent achievements.

### Finding 3: DCRB's engagement with the community has rapidly declined since 2019, with many community members unaware of the Board's mission, role, and activities.

According to the Board's past reports, the DCRB creates space for community members to share concerns about DPD through their monthly meetings and community-wide forums.[98, 99, 100] Few community members show up to the DCRB's monthly meetings at City Hall. As one stakeholder put it, "no one that shows up to [DCRB meetings] is not personally affected by [the topics it addresses]." Thus, this opportunity for open dialogue between community members and the DCRB is not representative of Duluth's diverse community. The DCRB has hosted community forums for DPD to showcase certain policy changes, but these forums are also not well attended by the Duluth community.

The DCRB has created at least one resource for the community—the Know Your Rights and Responsibilities leaflet—to assist individuals in their interactions with the police.[101] Yet it is unclear how much of a resource the DCRB has been for the community. Some DCRB members believe the community has given up on the Board as an accountability measure. They argue that this is the reason the community does not show up at DCRB meetings; in the community's eyes, the DCRB "gets nothing done."

Results of the community-wide survey conducted by CJI indicate that awareness of the DCRB is split among respondents (n=1,054). Over half of respondents were aware of the DCRB (57 percent), yet a substantial portion were unaware of its existence (43 percent). Moreover, less than half of the 57 percent that were aware of the Board felt confident in their knowledge of the Board's mission and role. About half of the Duluth residents who responded to questions about the Board stated that they did not know enough about DCRB activities to determine whether the Board is meeting its mission (55 percent). The remaining respondents who knew about the Board's activities were split in their view of the Board's effectiveness.

### Finding 4: DCRB members fulfill their responsibilities through consistent engagement with DPD, despite the voluntary nature of the work.

DPD and the DCRB have collaborated on the development of DPD policies including those related to Department hiring, protective (or riot) gear, use of drones, and immigration. DPD stakeholders attribute this collaboration to the Department's willingness to engage with the advisory board and the board's commitment to this work,

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[96] Duluth Citizen Review Board, *Annual Report 2014* (Duluth, MN: City of Duluth Minnesota, 2015), https://duluthmn.gov/media/7580/2014-dcrb-annual-report.pdf.

[97] Duluth Citizen Review Board, *2018-2020 Annual Report for Citizens Review Board* (Duluth, MN: City of Duluth Minnesota, 2021), personal communication.

[98] Duluth Citizen Review Board, *Annual Report 2014* (Duluth, MN: City of Duluth Minnesota, 2015), https://duluthmn.gov/media/7580/2014-dcrb-annual-report.pdf.

[99] Duluth Citizen Review Board, *2015 Annual Report of the Duluth Citizen Review Board* (Duluth, MN: City of Duluth Minnesota, 2016), https://duluthmn.gov/media/7581/2015-dcrb-annual-report.pdf.

[100] Duluth Citizen Review Board, *2015 Annual Report of the Duluth Citizen Review Board* (Duluth, MN: City of Duluth Minnesota, 2016), https://duluthmn.gov/media/7581/2015-dcrb-annual-report.pdf.

[101] Duluth Citizen Review Board, *2015 Annual Report of the Duluth Citizen Review Board* (Duluth, MN: City of Duluth Minnesota, 2016), https://duluthmn.gov/media/7581/2015-dcrb-annual-report.pdf.

despite members' lack of compensation. The lack of compensation seems to have a notable impact on board members' ability to complete DCRB-related tasks that must be done outside of the monthly meetings, such as compiling and publicizing meeting minutes and annual reports. In fact, stakeholders noted in various conversations with CJI that other cities in Minnesota compensate their board members for this work, thus ensuring members are accountable to the expectations for time committed to the board's activities.

Each monthly DCRB meeting includes a report-out from a DPD representative on compliant investigations. DPD provides complaint case summaries and investigation outcomes to DCRB members and the public in cases that involve discipline, as required by Minnesota law.[102] DPD also provides summaries and outcomes for cases that are unfounded or do not require disposition, as a demonstration of the Department's commitment to transparency. The DCRB membership is able to ask questions about the complaints during these meetings and offers feedback to the DPD about specific cases.

***Finding 6: The impact of the DCRB as an oversight mechanism for DPD's complaints process is limited.***
The DCRB, as with other civilian review boards in Minnesota, has the power to dispute or make recommendations for complaint investigations outcomes. According to DPD, while the DCRB is known to inquire into the justification of an investigation outcome and has disputed outcomes in the past, there is no record of DPD changing a disposition because of the DCRB's input. DCRB members indicated that their work with DPD is not a true partnership in accountability due to this trend. However, the number of outcome decisions that have been disputed by the DCRB is too small for CJI to confirm the DCRB's current role as a limitation to their impact on how DPD investigates complaints.

According to DCRB and DPD members, few complaints of DPD officers come through the DCRB. DCRB members, former members, city officials, and DPD staff attribute this to a lack of knowledge throughout the community about this avenue of complaint intake. While DPD has a section for complaint intake on its website, there is no such form on the DCRB's webpage.

In the past year, the DCRB has developed a plan to audit DPD's complaint intake process. The goals of this audit are to ensure that: 1) complaints are being taken at all entry points (e.g., in-person at a DPD station, via a DPD employee, via internet, via telephone, and via USPS); 2) community members are not discouraged from filing complaints against DPD officers; and 3) each complaint is delivered to the responsible investigatory party within DPD.[103] While there are no updates on this audit in public meeting minutes, members of the Board confirmed with CJI that the DCRB is in the process of initiating this complaint intake audit with plans to complete it by summer 2023. DPD's participation in this audit will be an indication of the Department's continued willingness to collaborate with the DCRB.

***Finding 7: Many community members in Duluth are unaware of how to file a complaint through the DCRB or DPD. Among the 37 respondents who have filed complaints, none of the BIPOC complainants were satisfied with the experience.***
CJI assessed the community's satisfaction with the complaint process by reviewing notations from complaint investigators who began tracking satisfaction in 2022 and by analyzing responses on the community survey for

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[102] Minn. Stat. Ann. § 626.89 (2022), https://www.revisor.mn.gov/statutes/cite/626.89.

[103] Duluth Citizen Review Board, *February 2022 Minutes* (Duluth, MN: City of Duluth Minnesota, 2022), https://duluthmn.gov/media/WebSubscriptions/158/20220425-158-14008.pdf.

those that indicated they had filed a complaint between 2018 and 2022.[104] In this context, satisfaction with the complaints process refers to whether community members who have filed complaints felt like the process met their expectations and needs. We invited all individuals who had filed a complaint with DPD or the DCRB to participate in the community survey and submit their feedback on the complaints process.

Of the survey respondents who answered questions about the complaints process, 57 percent did not know how to file a complaint with DPD or the DCRB (n=1,057). Only 37 respondents had filed a complaint with either body between 2018 and 2023 (3.5 percent). The majority of these complaints were dissatisfied with the complaint filing experience and response (63 percent). Only 20 percent were satisfied with the investigation process. Only white (non-Hispanic or Latino) respondents or those who chose not to submit information about their race or ethnicity were satisfied with the complaints process. Respondents who were dissatisfied with the complaints process were representative across most races: 65 percent were white, 13 percent Black, nine percent Indigenous, four percent Native Hawaiian or other Pacific Islander, and nine percent whose race was not listed. Ten percent of respondents who were dissatisfied with the process identified as Hispanic or Latino ethnicity. Every Indigenous, Native Hawaiian or other Pacific Islander, and Hispanic or Latino complainant was dissatisfied with the process. Most Black complainants were dissatisfied with the process, with the remaining percentage being neither satisfied nor dissatisfied.

Of the 31 complaint investigations completed in 2022, DPD's data indicates that 12 complainants were satisfied with the investigation outcome. Of the other half of complainants, eight individuals were unsatisfied and the remaining 11 complainants did not report their satisfaction level or have a definitive response. So far in 2023, over half (7 of 12) of complainants were not satisfied with their complaint investigation outcome. For both years, 43 percent of Black complainants report being dissatisfied with the outcome of the investigation.

## Considerations

***Consideration 1: Improve the visibility of the DCRB in the Duluth community by revitalizing its function as an advisory body to DPD and the City Council and purpose to foster trust and communication between the police department and members of the community.***
The DCRB may be ripe for a revitalization of their mission, vision, and function, which includes increasing the visibility of the Board as a robust resource for the DPD, city, and community members. The Board can work to set short-term and long-term priorities for how to foster trust and communication between DPD and members of the community. Some initial activities may be to begin posting meeting materials on the DCRB webpage, begin developing an annual report, and regularly present to the City Council on the activities of the Board. To increase visibility to the community, the Board could also work with the City Council to participate in city-held events and distribute press releases on DCRB activities.

***Consideration 2: Renew the DCRB's charter or bylaws to align with the Board's function as an advisory body to the DPD and the City Council and prioritize addressing dissatisfaction with the complaints process.***
NACOLE recommends that jurisdictions looking to implement or revise civilian oversight should prioritize the "best fit" for the body over the "best practices" of other bodies. Factors like the community's social, cultural, and political issues should be considered alongside the police department's history, traditions, and sub-cultural

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[104] In an effort to increase responses to the community survey among individuals who have filed complaints, contact information from complaints investigated from 2018 through 2022 was used to specifically reach out to complainants with a link to the community survey. This outreach was limited to complainants who provided contact information to the DPD when submitting their complaint.

characteristics.[105] These factors, in addition to any current statutory limitations of police accountability and transparency (such as the Minnesota Peace Officer's Discipline Procedure Act), should influence the goals of the civilian oversight body.[106] The DCRB's charter permits the Board to serve as an advisory body to the police department and City Council with the powers to receive complaints, review completed complaint investigations, and advise the DPD on policies and practices. The current city charter specifically prohibits the Board from investigating complaints.[107] However, considering the current relationship between the Board and DPD and ongoing audit efforts, the DCRB's charter and bylaws could go further to cement the Board's auditory powers of monitoring and, to an extent, observing and providing input into the complaint investigations process alongside DPD.

For an example of this, the City of Duluth could look to Minneapolis in its efforts to overhaul the city's current civilian oversight board. The new board, the Community Commission on Police Oversight (CCPO), will take on a mixture of functions from the investigation-focused and auditor-focused models. Specifically, CCPO members will partner with sworn officers to lead a joint review of complaints that may result in recommendations for discipline made to the Chief of Minneapolis Police Department.[108, 109] Saint Paul's Police Civilian Internal Affairs Review Commission (PCIARC) may also serve as a model of this collaborative practice. After investigating a complaint, the Saint Paul Police Department Internal Affairs Unit sends the completed investigation to the PCIARC, that then reviews the case and makes a non-binding recommendation to the Chief of Police. The PCIARC also offers complainants the opportunity to testify directly to the board about their case.[110]

As one of the DCRB's responsibilities is to host a public forum for hearing about complaints against the police department, the DCRB, DPD, and the city have a responsibility to identify ways to increase satisfaction with the complaints process so that community members are more likely to view this process as legitimate and impactful. The DCRB has already engaged with DPD to audit the complaints process. The Board and DPD can commit to collaborating about how to address any issues revealed by the complaints audit. The DCRB can then work with the City to best communicate to the public how those issues were resolved.

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[105] Joseph De Angelis, et al., *Civilian Oversight of Law Enforcement: Assessing the Evidence* (Indianapolis, IN: National Association for Civilian Oversight of Law Enforcement, 2016), https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727974/NACOLE_AccessingtheEvidence_Final.pdf?1481727974=.

[106] Darrel W. Stephens, *Civilian Oversight of the Police in Major Cities* (Washington, D.C.: Office of Community Oriented Policing Services, 2018), https://portal.cops.usdoj.gov/resourcecenter/ric/Publications/cops-w0861-pub.pdf.

[107] Duluth, Minn. Legislative Code § 2-75 (2023). https://library.municode.com/mn/duluth/codes/legislative_code?nodeId=Chapter%202%20-%20Administration.

[108] Danny Spewak, "Minneapolis prepares to roll out revamped police oversight system," *Kare 11,* February 1, 2023, https://www.kare11.com/article/news/local/minneapolis-prepares-to-roll-out-revamped-police-oversight-policies/89-dc3d304b-eed9-4eb3-b6dd-87a5e329278b.

[109] Jon Collins, "Minneapolis City Council approves new system of civilian police oversight," *MPR News,* December 14, 2022, https://www.mprnews.org/story/2022/12/14/mpls-city-council-approves-new-system-of-civilian-police-oversight.

[110] "PCIARC Complaint Review Process," City of Saint Paul Minnesota, last modified October 11, 2022. https://www.stpaul.gov/departments/human-rights-equal-economic-opportunity/police-civilian-internal-affairs-review/pciarc.

# Conclusion

The main priorities of this audit were to assess the Duluth Police Department's operations and relationships with community members through the lens of racial equity, provide the Department and the community information about strengths of the Department that support equitable policing, and provide information about any areas for improvement that can be focus areas as DPD and the community work together to enhance the quality of public safety services in Duluth.

The focus of the audit was largely on assessing the operations of the Department and the experiences of community members within the past five years. Importantly, a number of major events occurred during this timeframe that may have impacted the findings of the audit and should be considered when weighing the major takeaways. The global COVID-19 pandemic impacted the Department and the Duluth community most significantly from March 2020 through the summer of 2021. The Department changed the way they interacted with the community and each other, as the community adjusted to restrictions on gathering. This affected both the resources the Department had to engage with the community and the community's ability to engage with the Department. The murder of George Floyd by Minneapolis police occurred in May 2020. Community members in Duluth, as in communities around the world, participated in protests and called for change, increased their scrutiny of police, and put a spotlight on the relationship between BIPOC community members and the Department that was largely the motivation for the development of this audit. The Department has been experiencing a transitional period through the course of this audit as the current Chief of Police was appointed in September 2022. Faced with the effects of the described recent events, a staffing shortage, and many projects in motion that affect policy and operations, the Department is experiencing changes likely to impact many of the areas of focus within this audit. It is important to note this context when reviewing the major takeaways from this audit.

Overall, DPD adheres to best practices in many areas of their operations but could use fine tuning to achieve the intended impact of these practices. For example, DPD has made strides to increase recruitment and hiring, particularly with diverse candidates, requires bias and intercultural relations trainings, and improved its operational and data transparency. However, all these areas could benefit from clearer strategies, integration of training takeaways into day-to-day operations, and more interaction with the public about the work being done within the Department and how it functions.

DPD and the greater Duluth community must both make efforts to address stigmas that can perpetuate harm. Community and Department members can benefit from active participation in public safety meetings and community forums to better understand current public safety risks, DPD tactics to address crime, and how best to discern and report suspicious or criminal activity. Improved lines of communication between DPD leadership or DPD's Community Oriented Policing Unit and community stakeholders could improve understanding between the groups and help DPD continuously assess its operations and engagement with the community (e.g., responses to civil disturbances, community events, or data transparency initiatives). Both the community and DPD officers can make efforts to engage with each other more often in non-enforcement interactions to support building positive relationships and trust.

There is a sense among the community that a culture of racism exists within the Department, despite this audit finding only a small percentage of community members experience racist behavior directly. Findings of racial disparities in vehicle stops and stop outcomes point to underlying issues in Department operations that lead to the overrepresentation of BIPOC individuals in DPD enforcement interactions. While DPD can take operational steps to address this overrepresentation, increased lines of communication between the Department and
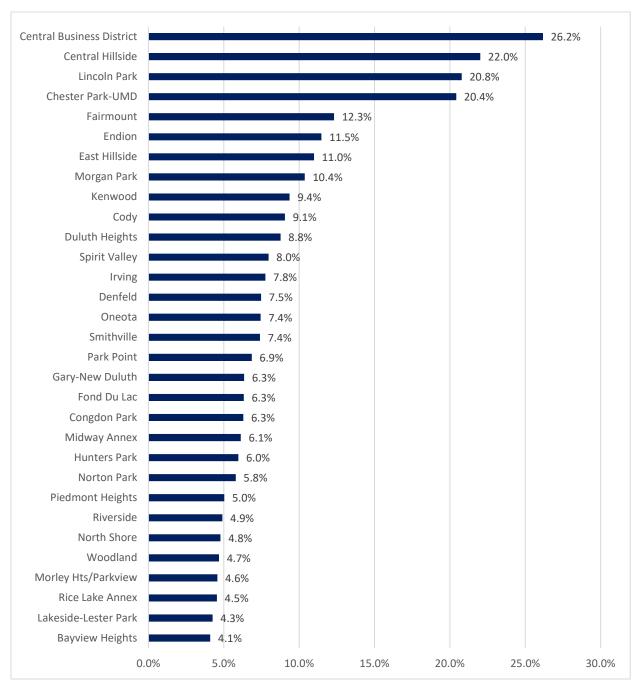
community will be necessary to determine If and when the community feels the effects of those operational changes.

Upon gaining an understanding of the findings and considerations within this report, the Department and Duluth community members will be prepared to move forward in planning the implementation of chosen considerations using a results-focused framework. This framework begins with choosing an end result or indicator of change through the collaborative development of priorities shared between the Department and the community. Once chosen, key partners or collaborators from both groups are identified to guide the changes needed to make progress toward the desired result. This work begins with looking at the end and working backward, step-by-step, to determine what resources and activities are needed to achieve a clearly defined, desired outcome. High-impact actions and strategies with specific timelines, deliverables, and responsible parties are key to achieving success. Overall, this process of implementation planning can create change in a sustainable way.

The implementation planning process will occur in stages through facilitated discussions and information collection to encourage shared learning and commitments from both the DPD and community members. The stages of the process are as follows: a session with community members, a session with the DPD, and finally a combined session with community members and the DPD. Once the planning process is complete, the enactment of the plans will lie jointly in the hands of the Department and the community, including the key partners chosen to guide the specific changes and the greater members of both groups who can hold these partners accountable.

# Appendix

**Figure A1: BIPOC Residential Population by Neighborhood**

| Neighborhood | BIPOC % |
|---|---|
| Central Business District | 26.2% |
| Central Hillside | 22.0% |
| Lincoln Park | 20.8% |
| Chester Park-UMD | 20.4% |
| Fairmount | 12.3% |
| Endion | 11.5% |
| East Hillside | 11.0% |
| Morgan Park | 10.4% |
| Kenwood | 9.4% |
| Cody | 9.1% |
| Duluth Heights | 8.8% |
| Spirit Valley | 8.0% |
| Irving | 7.8% |
| Denfeld | 7.5% |
| Oneota | 7.4% |
| Smithville | 7.4% |
| Park Point | 6.9% |
| Gary-New Duluth | 6.3% |
| Fond Du Lac | 6.3% |
| Congdon Park | 6.3% |
| Midway Annex | 6.1% |
| Hunters Park | 6.0% |
| Norton Park | 5.8% |
| Piedmont Heights | 5.0% |
| Riverside | 4.9% |
| North Shore | 4.8% |
| Woodland | 4.7% |
| Morley Hts/Parkview | 4.6% |
| Rice Lake Annex | 4.5% |
| Lakeside-Lester Park | 4.3% |
| Bayview Heights | 4.1% |

Source: U.S. Census Bureau 2020 Census estimates
**Notes**: Neighborhood boundaries and Census information by census tract were obtained from the City of Duluth's Open Data Commons (https://data-duluthmn.opendata.arcgis.com/datasets/neighborhoods-duluth/explore?location=46.765312%2C-92.111411%2C11.72). For Census tracts that span multiple neighborhoods, population estimates were apportioned based on geographic share within each neighborhood. BIPOC represents residents that identify on the Census as Black, Indigenous, Native Hawaiian, Asian, "other" race, or Latino.

**Table A2: Duluth Police Department vehicle stops by neighborhood, 2022.**

| Neighborhood | Total Vehicle Stops (%) | Moving Violations (%) | Equipment Violations (%) | Suspicious Activity (%) |
|---|---|---|---|---|
| Bayview Heights | 6 (0.1%) | 2 (0.1%) | 3 (0.1%) | 1 (1.0%) |
| Central Business District | 674 (11.6%) | 386 (10.8%) | 277 (12.9%) | 11 (11.0%) |
| Central Hillside | 724 (12.5%) | 365 (10.2%) | 341 (15.9%) | 18 (18.0%) |
| Chester Park-UMD | 279 (4.8%) | 218 (6.1%) | 61 (2.8%) | 0 (0.0%) |
| Cody | 86 (1.5%) | 37 (1.0%) | 48 (2.2%) | 1 (1.0%) |
| Congdon Park | 99 (1.7%) | 73 (2.0%) | 25 (1.2%) | 1 (1.0%) |
| Denfeld | 303 (5.2%) | 133 (3.7%) | 166 (7.7%) | 4 (4.0%) |
| Duluth Heights | 494 (8.5%) | 317 (8.9%) | 168 (7.8%) | 9 (9.0%) |
| East Hillside | 778 (13.4%) | 514 (14.4%) | 249 (11.6%) | 15 (15.0%) |
| Endion | 476 (8.2%) | 363 (10.2%) | 109 (5.1%) | 4 (4.0%) |
| Fairmount | 115 (2.0%) | 59 (1.7%) | 55 (2.6%) | 1 (1.0%) |
| Fond Du Lac | 10 (0.2%) | 8 (0.2%) | 2 (0.1%) | 0 (0.0%) |
| Gary-New Duluth | 56 (1.0%) | 33 (0.9%) | 23 (1.1%) | 0 (0.0%) |
| Hunters Park | 33 (0.6%) | 24 (0.7%) | 8 (0.4%) | 1 (1.0%) |
| Irving | 55 (0.9%) | 26 (0.7%) | 29 (1.4%) | 0 (0.0%) |
| Kenwood | 234 (4.0%) | 183 (5.1%) | 49 (2.3%) | 2 (2.0%) |
| Lakeside-Lester Park | 73 (1.3%) | 59 (1.7%) | 12 (0.6%) | 2 (2.0%) |
| Lincoln Park | 760 (13.1%) | 435 (12.2%) | 310 (14.5%) | 15 (15.0%) |
| Midway Annex | 0 (0.0%) | 0 (0.0%) | 0 (0.0%) | 0 (0.0%) |
| Morgan Park | 19 (0.3%) | 10 (0.3%) | 9 (0.4%) | 0 (0.0%) |
| Morley Hts/Parkview | 11 (0.2%) | 7 (0.2%) | 4 (0.2%) | 0 (0.0%) |
| North Shore | 14 (0.2%) | 12 (0.3%) | 1 (0.0%) | 1 (1.0%) |
| Norton Park | 92 (1.6%) | 60 (1.7%) | 31 (1.4%) | 1 (1.0%) |
| Oneota | 42 (0.7%) | 24 (0.7%) | 17 (0.8%) | 1 (1.0%) |
| Park Point | 42 (0.7%) | 31 (0.9%) | 8 (0.4%) | 3 (3.0%) |
| Piedmont Heights | 40 (0.7%) | 24 (0.7%) | 14 (0.7%) | 2 (2.0%) |
| Riverside | 59 (1.0%) | 37 (1.0%) | 22 (1.0%) | 0 (0.0%) |
| Smithville | 75 (1.3%) | 43 (1.2%) | 32 (1.5%) | 0 (0.0%) |
| Spirit Valley | 148 (2.5%) | 74 (2.1%) | 68 (3.2%) | 6 (6.0%) |
| Woodland | 15 (0.3%) | 13 (0.4%) | 1 (0.0%) | 1 (1.0%) |
| Total | 5,812 (100.0%) | 3,570 (100.0%) | 2,142 (100.0%) | 100 (100.0%) |

**Note**: This table excludes 46 vehicle stops conducted in 2022 that did not fit within neighborhood boundaries when mapped using ArcGIS (0.8% of all vehicle stops in 2022). Neighborhood boundaries and Census information by census tract were obtained from the City of Duluth's Open Data Commons (https://data-duluthmn.opendata.arcgis.com/datasets/neighborhoods-duluth/explore?location=46.765312%2C-92.111411%2C11.72).

**Table A3: Duluth Police Department pedestrian stops by neighborhood, 2022.**

| Neighborhood | Total Pedestrian Stops (%) | Subject Stops (%) | "Out-With" Stops (%) |
|---|---|---|---|
| Bayview Heights | 5 (0.3%) | 0 (0.0%) | 5 (0.3%) |
| Central Business District | 538 (29.6%) | 60 (42.0%) | 478 (28.5%) |
| Central Hillside | 292 (16.1%) | 20 (14.0%) | 272 (16.2%) |
| Chester Park-UMD | 13 (0.7%) | 1 (0.7%) | 12 (0.7%) |
| Cody | 45 (2.5% | 0 (0.0%) | 45 (2.7%) |
| Congdon Park | 22 (1.2%) | 1 (0.7%) | 21 (1.3%) |
| Denfeld | 73 (4.0%) | 7 (4.9%) | 66 (3.9%) |
| Duluth Heights | 111 (6.1%) | 8 (5.6%) | 103 (6.1%) |
| East Hillside | 166 (9.1%) | 12 (8.4%) | 154 (9.2%) |
| Endion | 38 (2.1%) | 0 (0.0%) | 38 (2.3%) |
| Fairmount | 7 (0.4%) | 0 (0.0%) | 7 (0.4%) |
| Fond Du Lac | 7 (0.4%) | 0 (0.0%) | 7 (0.4%) |
| Gary-New Duluth | 17 (0.9%) | 0 (0.0%) | 17 (1.0%) |
| Hunters Park | 1 (0.1%) | 0 (0.0%) | 1 (0.1%) |
| Irving | 39 (2.1%) | 2 (1.4%) | 37 (2.2%) |
| Kenwood | 22 (1.2%) | 4 (2.8%) | 18 (1.1%) |
| Lakeside-Lester Park | 23 (1.3%) | 0 (0.0%) | 23 (1.4%) |
| Lincoln Park | 257 (14.1%) | 21 (14.7%) | 236 (14.1%) |
| Midway Annex | 2 (0.1%) | 0 (0.0%) | 2 (0.1%) |
| Morgan Park | 12 (0.7%) | 0 (0.0%) | 12 (0.7%) |
| Morley Hts/Parkview | 4 (0.2%) | 0 (0.0%) | 4 (0.2%) |
| North Shore | 7 (0.4%) | 0 (0.0%) | 7 (0.4%) |
| Norton Park | 6 (0.3%) | 0 (0.0%) | 6 (0.4%) |
| Oneota | 13 (0.7%) | 1 (0.7%) | 12 (0.7%) |
| Park Point | 13 (0.7%) | 0 (0.0%) | 13 (0.8%) |
| Piedmont Heights | 12 (0.7%) | 1 (0.7%) | 11 (0.7%) |
| Riverside | 8 (0.4%) | 0 (0.0%) | 8 (0.5%) |
| Smithville | 21 (1.2%) | 1 (0.7%) | 20 (1.2%) |
| Spirit Valley | 36 (2.0%) | 3 (2.1%) | 33 (2.0%) |
| Woodland | 8 (0.4%) | 1 (0.7%) | 7 (0.4%) |
| Total | 1,818 (100.0%) | 143 (100.0%) | 1,675 (100.0%) |

**Note**: This table excludes 16 pedestrian stops conducted in 2022 that did not fit within neighborhood boundaries when mapped using ArcGIS. Neighborhood boundaries and Census information by census tract were obtained from the City of Duluth's Open Data Commons (https://data-duluthmn.opendata.arcgis.com/datasets/neighborhoods-duluth/explore?location=46.765312%2C-92.111411%2C11.72).