

Minutes – Citizen Review Board Meeting of October 26th, 2021

In attendance: Sara Vaccarella (Chair), Danelle Dunphy (Vice Chair), Kevin Wu (Board Member), Eric Franklin (Board Member), Ken Kimber (Board Member), John Beyer (Board Member), Carl Crawford (Human Rights Officer), Laura Laaksonen (Human Rights Assistant), Blair Powless (Board Secretary), Mike Ceynowa (DPD Lieutenant/DCRB Police Liaison), Laura Marquardt (DPD Deputy Chief), Mike Tusken (DPD Police Chief), Gary Anderson (Duluth City Councilor), John Staine (Community Member)

Recording of meeting did not begin until the meeting was already in progress. These minutes reflect only the recorded part of the meeting.

I. Call to Order

II. Roll Call

III. Public Comments (pages 2-6)

IV. Police Liaison Report (pages 7-8)

V. Approval of Minutes (page 8)

VI. Executive Report (page 8)

VII. Committee Reports

a. Taskforce on Complaint Audit Process (page 9-14)

VIII. Other Business

a. Demographic disparity analysis – discussion for upcoming presentation of data on Nov. 4th at 5:30 pm (page 14)

b. Community Crisis Response update (page 14)

c. Racial Bias Audit update – RFP review and discussion IX. Community Correspondence (page 14-15)

X. Public Comments/Board Member Comments (page 15-16)

XI. Adjournment (page 16)

Public Comments

John Staine: I am attending tonight's meeting in order to get a follow up on the complaint that I had placed in July. I am wondering if there is any information that the board has gathered, or that the DPD has gathered since then. I know there has been some correspondence between the DPD and the NAACP regarding that incident, and I don't know if the NAACP has heard anything back. So, I am just looking to see if I can get some follow up or some follow through, because I haven't heard anything back. I'm not exactly sure how the process goes, but I just want to see if there is anything that either the board or the DPD can offer me at this point.

Chair Vaccarella: The board only knows what the police department has shared, and from that perspective it would be considered public record, so you wouldn't be identified as the complainant. Knowing that you are here, if there is any information that the police department would like to share, since you are asking for it in a public forum, I would expect that they would be able to provide you with some updates in this meeting.

John Staine: Ok, I'd be happy for that. Thank you.

Lt. Ceynowa: We have closed this complaint investigation. Our investigation showed that the officers didn't do anything wrong. However, the invitation has been left with you, I know Chief Tusken offered this as well as Sgt. Drozdowski, to come in and view that video anytime that you choose to. You can look at it closer and explain some things that you feel should have been done differently. I know that you have also had discussions with Chief Tusken on how we could improve that interaction in the future.

John Staine: I am curious about having that body cam footage sent to me. I know that the NAACP has requested that, and they have not received a response.

Lt. Ceynowa: I am not aware of the NAACP requesting a copy of that, but I do know that our data requests are considerably behind. We could supply you a copy, but it would have to be a redacted copy, because one of the parties involved in this is not you, so you are not subject to that person's data. However, if you wanted to view the footage here in person, I can play the entire thing for you without redacting because you are a data subject.

John Staine: May I receive a redacted copy?

Lt. Ceynowa: Yes.

(John Staine then shared his email address)

John Staine: Another question. I'm curious as to why there isn't any follow up with the person leaving the complaint. If I don't come to these meetings and ask these questions, then I don't know what is happening as a result of my complaint. It's already an intimidating situation, to be honest, and I don't like to have to do this.

Lt. Ceynowa: Typically, we do follow up with complainants, but because you had had a lunch meeting with Chief Tusken, along with phone calls with Sgt. Drozdowski, we thought that that was where this had ended. I think that's why we felt it had been explained to you already.

John Staine: I didn't speak with that sergeant. I don't know the sergeant you mentioned. I did meet with Chief Tusken, I assume on a more informal basis, and I didn't know that that was a formal thing that was put into the report. So, again, I am curious as to the process, and how a citizen gets more information or get involved with this ...

Lt. Ceynowa: So, typically we mail out a form letter if we are not able to get ahold of people in person and discuss it with them. We try to reach out to every complainant and let them know what had occurred with their case, and give them an opportunity to ask questions, and to let us know if they were satisfied with the outcome or not. I apologize, my assumption was that that occurred between you and Chief Tusken in this situation.

John Staine: Thank you for that. I appreciate the update. I will say that I am definitely not satisfied with the outcome of the investigation, and there are a handful of times, actually, in work where I have left complaints regarding how things were carried out (by the DPD), and I didn't hear any follow up from any of the incidents. The gun related incidents with the county situation, no follow up with any of those, and those were formal written complaints. I have heard no response from any of them, except for this one tonight where I had to be the one to get that follow up.

That is what I am saying, that it is tough when that transparency right there is lacking. Unlike most people, I do have options for direct communication with Chief Tusken, but most people typically do not. So, it seems to me that it should not be so tough in this process for the complainant to figure out the complaint process. I do want to say that I am definitely not satisfied.

I don't know if you (Lt. Ceynowa) are the one that has control of that whole process or of that ...

Lt. Ceynowa: I personally had a conversation with you about your gun incident, and I had a discussion with staff at your office. You were all up here at our building and we discussed that. I apologize, because I feel like we are not communicating effectively with you. I do feel like we have had several meetings with you to discuss the various issues that have occurred while you have been working in your current capacity, and to discuss better safety plans with the assessor's office.

John Staine: I do appreciate the update, but I am definitely, in this situation, not satisfied. Also, it seems that an officer was continuing to call my office and tell them that I interfered with that arrest on July 23rd, in order to try to get me fired from my job. So, I don't believe that that ended as it was told to me that it would. But I will yield with that. Thank you.

Vice Chair Dunphy: I have heard that from a lot of people too, that there is not a lot of follow up when a complaint has been filed. I know that in my situation as well, I actually read about it in the newspaper before I was notified of the outcome. So, I am wondering who monitors when communication is going out, and are we auditing that to make sure that things are happening the way they are supposed to?

Lt. Ceynowa: I believe that we do review this. We do have ongoing communications with people. As we go through this process we follow up with them with an interview and where their case goes. I don't know where to go with that, and I don't know which complaint you are referring to.

Vice Chair Dunphy: Well, when I filed a complaint having to do with my son, there wasn't any follow up with that. In fact, I had to call in when I read it in the newspaper that all charges had been dropped. When I came to a CRB meeting, that was my first CRB meeting, that was the first time that I had really

had a conversation with any one about my complaint. That is my personal observation about what happened with my complaint, and other people are saying virtually the same thing. So, I am wondering what we can do to shore that up so that people are getting follow up to their complaint if that is what they want, just to make sure that that is happening. I am not really convinced that that is happening in all of those instances.

Lt. Ceynowa: That is definitely something that we can work on shoring up.

Secretary Powless: I would like to mention for the record that John brought up his work being called. It seemed that he said that his work had been called more than once. I think that that is something that should come out in the resolution, whether or not that is an okay thing for the police department to do, because it feels like that sends a message that if you are at work don't intervene in a situation with a police officer where you think there is something wrong going on. I am not saying that that is a policy or anything, but it can certainly come across that way. I think that it needs to be clarified why somebody would be calling his work talking about a situation that he intervened in because he thought that it was wrong, as if he shouldn't be doing that because he was at work.

Lt. Ceynowa: That (calling John's work) was done by a different city administrator, other than myself. It wasn't done by the line-level officer.

Chief Mike Tusken: John and I went to lunch to talk about his complaint. One of the things that I did was to invite him to come and watch the video, and we could review that and discuss next steps. There wasn't follow up from John to me.

There was coaching that I did with the officers, just to understand the situation and the scenario better. So, there was certainly follow up on that. Maybe what failed was that I spent ninety minutes with John, but I did not follow that up with a letter. He does have access to me, and we do interact and communicate, so, to that extent I thought that was resolved. It is not common place of me to spend hours at a time with people who are complainants, there was a lot of access, a lot of conversation, and a lot of understanding about what happened.

Just so everyone is aware, this is not something that was short circuited, or blown off. It is just the opposite. I am a little bit surprised to hear that John feels that this has not been resolved, being that we communicated at length about options and moving forward, but sometimes when you deviate from process it leaves people feeling that they didn't have closure. There is limited information that I could provide him on what I did on my end as well, so my apologies, but I thought that was resolved.

Lt. Mike Ceynowa: Vice Chair Dunphy, in relation to your complaint, I do have a letter dated February 23rd, 2017 that we sent you with the disposition on your son's incident in our files.

Vice Chair Dunphy: ... and that was a little bit after I had to call in to find out what was going on.

Chief Mike Tusken: Vice Chair Dunphy, one of the things that I will say is that when I was the deputy chief of patrol and I had more influence over this process, every complainant got a letter, and one of the reasons that we quit doing that is that the letter begot more questions, because it's confusing when we deal with data practice.

When since Lt. Ceynowa took over he liked to personally talk to people first and foremost to answer those questions. It's a little bit more personal, but at the same time you lose that record of sending

letter. Maybe the answer is that we do both. We continue to send letters reiterating that the letter is just a follow up on the conversation that was had, and then list some numbers that people can call if they have more questions.

If you have complaints that we haven't followed up on, I would say that our pattern and practice is to do follow up on all complaints and if we are missing somebody it's because we could not connect, but it is not for a lack of effort on our end.

Vice Chair Dunphy: I can see that doing a phone call and a letter would be best, but getting back to people, before things are written up in the paper about those events is probably a really good plan as well.

Chief Mike Tusken: I agree, and Vice Chair Dunphy, you have to realize that they are separate systems. Charges that are dismissed and come out in the paper, that is done before we are done with our administrative investigation. We don't always know what the courts are going to do. I don't know what the article that you are referring to that was in the paper, if it was a disposition, but I am not aware of how that all transpired.

John Staine: Chief Tusken and I did meet up. I don't understand the process. Lt. Ceynowa had said that there was another officer who called me and spoke with me, and I don't recognize that name. I don't understand the full process, and how if there is an informal sit-down, how does that boil down to a formal process, again, especially when someone is calling my office more than once, basically to spread a lie, just to put it how it is. Then no follow up being done, not as far as how that was dealt with. When we had spoke over lunch Chief Tusken said that there was a brief conversation that he had had with the officers, but that there would be more follow up with that.

I will also say, regarding the NAACP reaching out for a copy of the body cam footage, honestly, I did not want to go in there and rewatch something that I know occurred. What I have shared with other people, and what I shared with Chief Tusken, what I said happened is basically how it happened.

Also, the NAACP has reached out for the footage and has had no response. On October 16th they had sent the initial email, and as of September 13th they had not heard anything back. Again, as far as if anything was resolved through satisfaction on my end, no there was not anything resolved through satisfaction on my end. We did have a conversation, a great conversation, where we briefly touched on the complaint, but most of the conversation was not focused on the complaint.

The biggest thing, which Secretary Powless had mentioned, is that the officer calling my work is essentially saying that what I did, nobody should be doing, and nobody should be doing that at all.

If there is any closure on this, then I don't fully understand the closure or understand the process. That is where there is definitely a disconnect. That was true in my previous interactions as well, where there was no closure, there was no letter sent out. I got police reports because I had requested the police reports. Just like Vice Chair Dunphy was saying, it is falling on us to do instead of the people who have the data, and who have the resources to do it.

I am not one to dig up old stuff. I'm not that person. I wanted to see if I leave a complaint here with the citizen review board, does the citizen review board even get a follow up? Has the citizen review board even heard what happened with this, or is tonight the first time the review board has heard that one of

the first times that a person did a complaint during a meeting, did they ever get a follow up for that? Is that setting a standard for what is going to happen in the future? If someone id to do this again, does the citizen review board even get a follow up, are they even able to know what is actually going on?

That right there blurs for me what should be a transparent process as a whole. Since I am doing this in a public space it is public data, and I think that all of us should be able to have that follow up and at least know what is going on, especially if that is where I am leaving the complaint: amongst the citizens.

Chief Mike Tusken: I think we can chalk this up to my not dotting my i's and my crossing t's. When we met and I offered to share the video I thought I might hear back from you. I took action that I could, and under Minnesota data practices it is limited what I can tell you about what happened.

That said, it didn't go without action on my end. Where I failed was I should have followed up with a letter or a phone call or even a text to you and said, "Hey, here's what happened" to the greatest extent that I can. Part of the reason that we go full circle is that we issue letters that are fairly cryptic because of Minnesota data practices that cause, oftentimes, more questions than answers. That is just the nature of data practice law.

Part of the reason that we have conversations is so that we can say. "We did deal with it, and there is limited information that we can share. Here is what our process was." I think it is a best practice that we go back to at least mailing letter so that people have a contact if they have more questions.

That is how I think this probably got to the point it did, and I apologize. I should know better than anyone, and perhaps because of familiarity with you John, I did not follow the protocols that I normally would have. So, my apologies.

John Staine: I appreciate it. Thank you. I am just not sure of the process, and if there is someone else, even though you are the Chief of Police, who should be reaching out to me, and what the process is for the complaint to get back to the citizen review board.

Lt. Ceynowa: So, this case as it came in, we look at it, we triage it, we look at it through my office. Between myself and my supervisor. If we determine that this is not going to be a discipline type case for our officers, and maybe it is going to be coaching, it is sent back to the crew lieutenant for follow up. They are responsible to get ahold of you at that point. It looks like they failed to do that in this case. They reached out to your supervisor. Typically, they would call you back, in a situation like this one. In a situation where it is going to involve discipline, which for our department is a written reprimand or above, that then stays with my office through the course of the investigation process.

John Staine: That makes sense. That is what I was looking for. I wasn't sure who the point person was.

Lt. Ceynowa: And you are correct, there is an excel spreadsheet with a very, very cursory snapshot, and then there is a larger synopsis that is also difficult to discern because of data practice. I can't just come out and say who was involved. It's usually officer, and it's usually very gender pronoun neutral.

John Staine: Okay. Thank you. I appreciate your time.

Chair Vaccarella: I am still taking in and processing a lot of that discussion, and I have questions. John, I might reach out to you if that's okay?

John Staine: Yes. Please do.

Police Liaison Report

Lt. Ceynowa: Any questions on either the spreadsheet, the complaint summaries, nowhere we are currently at for crime statistics for the year, or on the compliment section?

Chair Vaccarella: I have a question more out of curiosity, I don't know what you can share. One of the complaints is that an officer was wearing offensive clothing at work. Is that meaning that it was offensive as far as a policy that the police department has, or was somebody offended by what the officer was wearing?

Lt. Ceynowa: It was in violation of policy at work, and my guess is that a staff member was offended.

Deputy Chief Marquardt: This was a civilian employee, not an officer. I just want the board to be aware of that.

Secretary Powless: I have a few questions. In the document 'CRB Stats' it says that the reactive are up quite a bit and the proactive are down quite a bit compared to other years. I am wondering if you have any insight as to why that is.

Chief Mike Tusken: Post George Floyd there has been a dramatic decrease in proactive activity beginning with stops of all kinds. Officers are less apt to take action in cases where they are concerned about "Is it worth it for me to engage?" There is no question. That is not just something that is happening in our city, it is happening across the nation.

Chiefs of police are aware of that and are having conversations about "How do we reinvent policing, and how do we inspire people to do the work that they are sworn to do?" It is a real concern. Cops are looking at it and saying, "If I engage in this and things go badly, what is going to happen to me?" That is part of it. Reactive calls for service during the pandemic, we changed a lot of ways that we responded so that we did not have contact with others, and they did not have contact with us to the extent we could. A lot of telephone calls and online reporting, and there were a lot less people out and about.

Once vaccinations came and people got back to normal behaviors, we saw bars open again, and bars account for a lot of calls for service, business opened up and people were out more, and so people were reporting more things to police, so naturally we then saw those things go up. I think in the pandemic were about mid-eighty thousand calls for service. Our high is a hundred-and-ten thousand.

(Audio breaks up) and we do want our officers to do meaningful work. Things may never go back to the way they were, because everyone stopped, paused, and reexamined the question, "What do we need to be engaged in, and what should we not be engaged in?", and I think that that may be a trend for some years to come, or perhaps it may be sustained and ongoing.

Secretary Powless. Thank you. I have one more question. The CRB case resolution descriptions, it was the second one, and interestingly enough I think this connects to the conversation that was just had with John Staine. AT the very end of that second case resolution description, it states that "It is unknown if the crew supervisor called the complainant back to determine their level of satisfaction." I am wondering if that case is actually still in process until it is known whether or not they did? Obviously somebody should be following up.

Lt. Ceynowa: You are absolutely right. I will follow up on that one to see if they were contacted. I received this document the same time did you all did, because I just got back from vacation. We continue to update these right up to the day before.

Secretary Powless: Okay. It was a report of someone thinking that they heard shots at 11:00 PM on the Fourth of July, so it doesn't seem like that big of a deal, but it just seemed odd that it said "We don't know if there was contact made or not." Other than that, it seemed that people were content with the way that their complaints were resolved.

In the compliments, the one about how the officer dealt with the individual whose father had just died, that was really good to see. The drunk driver one as well, in particular the person who left the compliment made the point of saying that they thought the drive was Native American and that they thought that the officers were being very patient and respectful with the individual. They also mentioned that that was inspirational for them considering some of the things that have gone on recently, not necessarily in Duluth, around policing and race. They felt really positive about that, and that was good to see as well.

Approval of Minutes

Board Member Beyer made a motion to approve the minutes from the August 24th, 2021 DCRB meeting.

Board Member Kimber seconded the motion.

Chair Vaccarella: Any thoughts, concerns, or discussion before we vote to approve the minutes?

Board Member Beyer: Those were probably the best. Most thorough minutes I have ever seen.

Chair Vaccarella: Was that a transcript? I was not prepared for the length of the minutes, or the level of detail of the minutes. Was that a result of it being recorded?

Secretary Powless: Yes. I did basically transcribe the recording of the meeting, so it is a result of having the recording available. The reason I am doing this is that, to me, if I were a citizen wanting to know what happened in a meeting, having to request a recording and then listen to a whole recording, would be a much more cumbersome process than finding almost exactly what happened in our meeting right there on our webpage.

I also like to be able to find exactly what was said for my own sake, sometimes it is hard to remember everything that was said.

(All members present voted to approve the minutes. The motion carried.)

Executive Report

No executive report

Committee Reports

Task Force on Complaint Audit Process - Update

Board Member Beyer: I sent out the DPD Internal Investigations Policy, and on page 10 of it it gives us a great roadmap for doing what I believe is the type of audit that we were talking about doing. Which is insuring that, if a complaint is filed, either electronically or via the phone, or approaching an officer in person, or showing up at one of our substations, that information is getting to the admin lieutenant in a timely fashion so that they can start the process.

So, the document that was sent out is just a roadmap for how to do that. Again, this audit would be ensuring that, if someone does make a complaint, it is being received by the proper person inside of the DPD, and then that person can verify that they received it. This offers us a roadmap to follow as start this audit, but we wanted to start there with a discussion and see what everybody thinks.

Board Member Wu: I like the document that Board Member Beyer shared, especially on page ten. I have two things to mention, first is more of a technical issue. In audit procedure it mentions civilian review board 'CRB.' CRB stands for civilian review board or citizen review board, or are they different?

Chair Vaccarella: They are used interchangeably.

Board Member Wu: Also, going back to the purpose of the audit, this leads me back to what was happening just now, when John Staine talked about his complaint and the follow through process. I kept hearing his mentioning the process and that it felt a little bit intimidating. Honestly, anytime someone files a complaint it takes some courage, right? At the same time this process is quite complicated, and you don't expect anybody to understand all of the ins and outs of it. So, for the purpose of the audit, I would like it to provide an independent explanation of the Duluth Police Department complaint intake process.

I feel like Chief Tusken and the DPD do a lot of work and are very busy people, but it sounds to me like what is lacking is that we didn't close the loop explicitly. That is something that I think the audit can focus on, answering the question "Do we explicitly close every case?" Make sure to follow up and tie up any loose ends.

Another thing for a public service department is the duty to serve the citizen and to serve the community, to make sure that they feel comfortable coming to us to provide the best quality of service, rather than their feeling like it is too complicated and not easy to follow through with. I don't know where this fits into the document we have been provided, but in terms of the complaint process this is something that need to be addressed.

Chair Vaccarella: Yes. I think t at this point now, Board Member Beyer and Board Member Kimber will come up with some ideas of who we might engage to move forward with this audit process, or is that something that you had hoped to discuss as a group before you come forward with a proposal on how to put this into action?

Board Member Beyer: We put this out for discussion at this point, but this certainly gives us a roadmap for how to do the audit. One way that we could do it is to have each of us agree to find different people

who are going to, through different venues, file a complaint with the police department. They could say “Here’s my name, here’s my phone number, and I want to file a complaint with the police department.” Then we can make sure that that information got to where it was supposed to get.

I don’t know what the best way for us to do this is, it is a little more cumbersome via zoom, but to have that discussion and to start actually working that process. We can get members of the community that we all know to be a part of that, and to make a phone call or go up to an officer and make a complaint. We would have a procedure in place that when that reaches the administrative lieutenant that they reach out to someone on the board who is going to know that that was a test. We would then let them know that it was just a test and that they did not need to follow up on it.

Chair Vaccarella: Yes. If we each were to solicit someone we would get very different people, which I think is wonderful. I wonder if we could then have Board Member Beyer and Board member Kimber know who all of these people are, by name. That way the task force could keep the board updated as to who received follow through and who did not.

Board Member Beyer: In my mind what we want these volunteers to do is say, “I want to make a complaint. Here’s my name and here’s my phone number.” In other words, they don’t have to craft a story or an incident that has happened, they just need to say, “I want to talk to somebody about an interaction that I had with the Duluth Police Department. Here’s my name and number. Can somebody call me?”

We’re not asking the police department to investigate something that didn’t happen, they have better things to do with their time than that. We just want to make sure that the complainants information gets to Lieutenant Ceynowa’s office. I am open to other discussions, and certainly Board Member Kimber and I could meet with Lieutenant Ceynowa to craft this a little bit more. The details of how to do it are in the document I provided, but the fine details aren’t really here. I am open to thoughts and comments on that.

Vice Chair Dunphy: I just think it is very different to just walk up to a police officer and say, “Hey I have something that I want to talk about and I need someone to call me” versus “I have a complaint that I want to file.” Because I think you would get a very different reaction, depending on how you word that. In the past I worked for the county jail, and I have some people that I still run into now and then, and I’d actually like to have one of them go in and try to make a complaint. They are well known to the Duluth police officers. If I were going to do that I would probably need a letter from the DPD saying that they weren’t going to be prosecuted for filing a false complaint.

Board Member Beyer: Got it. Again, those are some of the details that I think we can flesh out. If we need to come up with the exact verbiage then we can do that, but we need to have multiple people do this and hopefully their complaints get to the right spot. If one is dropped, the police department can go back into their system and find how out it got missed.

I think you are right Vice Chair Dunphy that language is important, so we probably want some coaching on what to say, but we aren’t asking people to come up with a fictitious story. In my mind, if I was doing this and the officer asked me what this was all about I would just say “I would prefer to talk to someone else about this.” But you are right, we should craft some language, and Board Member Kimber and I can work with the police department, and certainly any feedback from any of you would be welcome.

Vice Chair Dunphy: I think that when you are dealing with marginalized groups of people versus people who have been more privileged you to walk up to a police officer and even think that they can talk to them is going to be a very different scenario. So, I think we are going to have to be very careful, because I really do want marginalized people to be able to test this system because I believe that in the past they have been treated differently than say and ex-police officer or a lawyer. They are probably going to need more assurances and more of a scenario to say. They will be concerned that if they are making a false complaint that they might end up back in jail. So, I think we need to be very mindful of those things.

Chair Vaccarella: I think that the process of complaints from start to finish needs to be audited. This complaint audit only seems to be looking at whether or not the persons information is getting transferred to the right people. It looks to be more about initiating a complaint than about having the complaint processed and resolved.

Board Member Beyer: Yes, I think this audit would be looking at the front door, making sure that the right person gets the information. When it comes to investigating follow up or outcome, that is something that would be difficult to do with a fictitious complaint because we don't want or expect the department to investigate something that actually didn't happen. I think that what we can do is do this and make sure that the information is getting there, but then maybe work with the police department, Lt. Ceynowa, the Chief and others to make sure that as part of our follow ups we are getting that information that a phone conversation was had, that a follow up letter was sent out, so that we are seeing as part of our review process that indeed that a complainant had been contacted via phone or letter.

You are right, all of the best intentions of doing the investigation doesn't amount to a hill of beans if the person who made the complaint isn't getting some feedback on what is actually happening. I think that we can do it two ways; the one way is do this to do an audit on the front door, but also to ask the police department to do a better job of documenting fir us the phone calls, follow up, and letters that are being sent out to close that door.

Lt. Ceynowa: I will just provide a bit of historical perspective for all of you. This auditing policy was created five years ago with the then citizens review board. This was the audit that they had requested. A lot has changed in five years in policing, and in accountability of policing. If you look around the country, there aren't a lot of them right now, but some departments, like St. Paul, have a police auditor. That auditor is a separate entity that does do a full audit of all complaints to make sure that everything was done how it was done. I think that how they get around data practice laws is that that person is employed by the city.

Part of our issue with some of this stuff is that, without having someone employed through a separate entity like the city attorney's office or somewhere else do that sort of auditing, we would have a difficult time releasing some of this data as the statutes are currently written between the Police Officer Bill of Rights, the contract, other city ordinances, and other state statutes around data.

Chair Vaccarella: Thanks Lt. Ceynowa. I'll just take this opportunity to let the rest of the board know that the executive committee did meet to look into how other CRBs work, so that is something that we are looking into. We will continue to meet on a regular basis, and we will report back to the board on what we find.

Secretary Powless: Based off of what Vice Chair Dunphy was proposing, I think that we should have people of color and people who appear to be homeless submitting some of these test complaints. The document, the way I read it, states that people are just calling in on the phone, and I think that there ought to be people going up to officers and to employees who aren't officers as well, because it is my understanding that complaints can be made to anyone who is a member of the department.

I also think that it is important that it be scripted somehow, because of someone just says "I want to talk with someone about something," that really could be anything. While if someone says, "I have a complaint that I want to make against a police officer," that is something that is very sensitive right now, and hopefully it wouldn't inspire someone to neglect the request. So, I do think that it should be scripted, at least some key terms, for the individuals as they are going into it.

I also think that what Board Member Wu brought up is really important. The process of the complaints, how the complaints are walked through the system from beginning to end. I agree that we shouldn't have a fake complaint and have the department investigating a fake complaint, but I do think that we could audit the written process that the police department has from the time they come in to the time they are considered completed.

The last thing is that, and I realize that we will need to think about this and that there are data practice issues, what if were to somehow contact people who have made complaints over the last year or two years and the someone contacts them and asks, if they are willing to share, "How did you feel about the process? What things were positive to you and what things were negative to you?" We could then develop a list that would help us to improve the complaint process for the future.

Sara Vaccarella: I felt like there was something like that in the RFP that you are working on, and it will be interesting to see how all of that works together. Maybe the information that we get from the complaint audit can help whoever will be doing this racial bias audit.

Board Member Wu: It seems to me that what you are suggesting is a sort of customer satisfaction survey. I know that in your job as police officers you have no way to make everybody happy, it depends on what people are doing, but it is important to close the loop: yes we have handled this case, you have been called, we listened to you, we processed it, we dealt with it.

Lt. Ceynowa: Secretary Powless, to your original point, the original intent of this audit was that it would come in from all entry points. The web, in-persons, civilian and sworn staff. Because our expectation in that policy, it's pretty clear up towards the top, is that irregardless of your position within the police department, at a minimum you will get a person's name and phone number or email address, or a way that they want to be contacted, and get that back to my office.

Vice Chair Dunphy: People can make an anonymous complaint to, can't they?

Lt. Ceynowa: Yes.

Vice Chair Dunphy: Okay. So, if they were to say, "Hey, I really don't want you to have my name, but here is an email address that you can send some information to," that would supposedly get through the system as well?

Lt. Ceynowa: Yes. We often get complaints where there is no follow up back to the person who made the complaint, because we don't know who the person is, other than they told us that this event occurred and that they want it looked into. And then we have done that.

Chair Vaccarella: Is there anything else that anyone wants to add? I know that we are at the early stages of doing the audit, but this is a really good start.

Board Member Kimber: Board Member Beyer, it sounds like you and I should sit down with Lt. Ceynowa and have a conversation with him. Just to go over and flesh out some details, and then come back to the board at that point.

Board Member Beyer: I agree.

Vice Chair Dunphy: If we are going to do an audit, I want us to do it as many ways as possible and see if the complaints get where they are supposed to go.

Chair Vaccarella: Could you also put in the audit, "In how timely of a fashion is the complaint process handled"? Are people getting a response, and how long does the response usually take?

Board Member Beyer: That brings up another point, which is how far does this go? Does the department want Lt. Ceynowa or some other person to actually call this person back, and then at that point that person tells whoever called that person back that this was just a test, or is our test designed just to make sure that the information gets to Lt. Ceynowa and then stops there? I hear people saying two different things. I could be wrong about that, but I just want to be clear so we all have the same expectation.

Vice Chair Dunphy: I'm torn, because I want to have it both ways. I don't want Lt. Ceynowa to have to do busy work, but how else are we going to know that it got to where it needed to without our alerting everybody that this is happening.

Chair Vaccarella: Didn't we talk about this in the last meeting, that if you know you are being watched you are going to do things differently? I would prefer that the call is made, but I would leave that to Board Member Beyer and Board Member Kimber on how to proceed.

Chief Mike Tusken: I would prefer that the call is made, and that we don't know who it is, and that it shows up in the report after we make contact that it was an audit, and that will create a record of how many audits we do annually. I think it is in our best interest to not be involved at all. We shouldn't know until we make the call and they let us know, "Hey, this is just an audit." You could even assign an identifying number, but that's the easiest way and the most transparent way for us to do this.

Lt. Ceynowa: Yes. We could add another category into our database's complaint list.

Chief Mike Tusken: Yes. Then we would have a running record of not only the number of audits we do annually, but dates times, if we failed or passed, and the failing of the audit would also be a complaint, because we would be following up on those also. That would be the most transparent way that I think we could do this.

Vice Chair Dunphy: I also think that, when you guys have the conversation with DPD, that you should ask what the capacity they have for audits is.

Lt. Ceynowa: One thing that we would like to do once you all have decided how and when to start this process, is to have the opportunity to review this policy with all of our staff through turn out trainings. This was supposed to start about five years ago, and while we reiterate this policy constantly with them, we want to make it crystal clear, and then from there do sporadic auditing. Under CALEA we will be having to revisit this policy annually as things change and evolve.

Other Business

Demographic disparity analysis – discussion for upcoming presentation of data on Nov. 4th at 5:30 pm

Chair Vaccarella: Is this the police department's presentation?

Human Rights Officer Crawford: Actually, at this time we are going to table that, and we are going to look at when we are able to produce that information and have a press conference.

Chair Vaccarella: I'm just wondering if that is what this item was referring to.

Human Rights Officer Crawford: Yes.

Chair Vaccarella: So, what is going to be presented on November 4th, is there still going to be something?

Human Rights Officer Crawford: Not at this time.

Community Crisis Response update

Secretary Powless: My understanding is that a home has been found for the Community Crisis Response here in Duluth. Hopefully it will be up and running by the beginning 2022, and things are moving in a very promising direction.

Racial Bias Audit update – RFP review and discussion

Deputy Chief Marquardt: The RFP that was sent out to all of you folks is the collective draft work that the Racial Bias Audit Team has put together so far regarding a racial bias audit of the DPD. The RFP goes through the different things that the committee would like in an audit. The purpose for you folks to review and look at it would be for you to provide any feedback, input, thoughts, and it doesn't have to be just at this meeting. You could certainly email Secretary Powless, or Vice Chair Dunphy, or myself with thoughts or input, or things that you think we should be considering that we have not.

Chair Vaccarella: I think it's great. I am interested in section eight where it talks about assessing the CRBs role, and what is going to be expected of us in the process, so I am hoping that at some point someone can speak more about that. A question that I have is whoever will be assigned the project will be assessing the use of personality evaluations. I am wondering if the department currently has a

psychologist that they consult with regarding what testing should be used in the hiring process. So, police psychologists or someone who is trained in the use of personality assessments? I would assume that whoever takes on the auditing process would have some experience in that field, or the expectation that they would be consulting with a police psychologist in the process.

Deputy Chief Marquardt: In our hiring process, everyone who has been hired, after they have been hired, goes through a psychological evaluation by a firm that we contract with. One of their main purposes and focuses is to do psychological evaluations for law enforcement agencies in our region. They are based out of Chicago.

The concept of a personality test or evaluation prior to hiring as part of the hiring process, we don't do that. Our current process is that we do an interview process. We've used different processes for our hiring over the years, and it has changed and morphed based on our needs.

Chair Vaccarella: I think I can be more clear in what I am asking. Regardless of the stage at which the evaluation is done, is it the psychologist that makes the decisions on what tests are being used, or is it the police department directing what evaluation methods they are expecting to be used?

Deputy Chief Marquardt: The psychological firm is the one that is the decision maker for the tests that are utilized in the evaluation. We hire them because they know the best practices and they are experts in their field. They determine what they need to do to make that assessment.

Chair Vaccarella: That is exactly what I was looking for. Thank you.

Vice Chair Dunphy: Are they not using that initial test anymore, when people are applying for positions within the DPD?

Deputy Chief Marquardt: We are not using a written type of test currently.

Secretary Powless: If you have any comments for us please feel free to email Vice Chair Dunphy, Deputy Chief Marquardt, or myself. We have been getting lots of good feedback from of the commissions.

Community Correspondence

Human Rights Officer Crawford: We have no community correspondence.

Public Comments/Board Member Comments

Secretary Powless: Will the minutes from our meetings be posted with the city council agendas in the future?

Human Rights Assistant Laaksonen: Yes.

Board Member Beyer: Are we any closer to being able to meet in person?

Human Rights Officer Crawford: At this time, no. I have not heard anything to the contrary.

Chair Vaccarella: What is the current position of Officer Hewitt?

Deputy Chief Marquardt: Officer Hewitt is an investigator in our business crimes unit.

Vice Chair Dunphy: Is that a promotion?

Deputy Chief Marquardt: No. Investigator is the same as an officer. Promotions happen at sergeant.

Adjournment

Board Member Beyer made a motion to adjourn. Secretary Powless seconded the motion.

All members present voted to approve adjourning the meeting, and the motion carried.