

# MINUTES – Duluth Citizen Review Board Meeting of January 25th, 2022

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**In attendance:** Sara Vaccarella (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), Gary Anderson (City Council Member), Mike Tusken (DPD Chief of Police), Mike Ceynowa (DPD Lieutenant/DCRB Police Liaison)

**Guests:** Doug Bowen-Bailey, Sheryl Boman

**Absent:** Sara Vaccarella (Chair), Kevin Wu (Board Member), Ken Kimber (Board Member)

## I. Call to Order

## II. Roll Call

## III. Public Comments – via WebEx and submitted in writing

No public comment

## IV. Approval of Minutes

Minutes not completed. Motion to table minutes until next meeting made and seconded. Motion passes unanimously.

## V. Police Liaison Report

- One new complaint involving a neighbor dispute. Still in process.
- 69 complaints received last year. Some are still in investigation process and so are not public yet.
- Definitions of terminology used in complaint resolution descriptions are located at the top of the excel spread sheet outlining complaint resolutions that board members receive

## VI. Executive Report

No executive report

## VII. Committee Reports

### a. Taskforce on Complaint Audit Process

- We need one point person on CRB to lead this project and to report back to board members on its progress. Point person to be determined at next meeting.
- Audit process outline still in draft form
- Concern about the ability to fill out online form using a cellphone
- This will be discussed again at next meeting

## VIII. Other Business

### b. Discussion of the formation and history of the Duluth Citizen Review Board with some original members

Discussion Questions:

- Who are you and how were you involved in the formation of the DCRB?
  - Why was the DCRB formed? What inspired founders?
  - Why is current DCRB different from what was originally intended?
  - Where can it go? How do you think it could look in the future and how do you think it can move in that direction?
- Organizing started in the Duluth Native community after the [death of David Croud in 2005](#)
  - Changes were made to original plan by the Duluth City Council
  - Notes from an interview with Ricky Defoe where he answered the discussion questions were read into the record at this point. (See APPENDIX A)
  - Retired police officers on the board were helpful in their perspective on police policy, and they were often some of the most critical of police actions. Their perspectives were helpful in doing the work of the DCRB.
  - Original plan was to have an independent auditor review all complaints and that this auditor would work through the DCRB
  - Surveys of public perception of police performance is often high, but most survey respondents are white and middle class. Work of building relationships and trust needs to happen in marginalized communities regardless of perceptions of majority community.
  - Police who were involved in formation of DCRB wanted to create more opportunities for transparency. They were often frustrated by the limitations on their ability to share information about complaint investigations with the public. They wanted the CRB to be a vehicle where they could share more information about complaints with the public, and an opportunity for the public to offer suggestions on how to improve investigative processes.
  - Formation process was unique in that local organizers and police department began this process on their own. Usually, Department of Justice mandates that a municipality start a CRB based on poor community/police relationships.

- There should be a discussion about how the DCRB can change in order to promote more transparency and understanding between community and police department (better information, more transparency, more access, more ability to make recommendations).
- The four documents to consult regarding making changes to the current DCRB are (01) Minnesota Police Officers Discipline and Procedures Act, in particular subdivision 17 which was added just after the DCRB was formed, (02) Comprehensive Law Enforcement Data in Minnesota 13.82, (03) the Duluth Police Department labor contract, (04) the DCRB city ordinance.
- Can we make changes to DCRB based on what is currently available to us legally or do we need to focus on changing state law?
- White supremacy aka the predominance of White culture in all American institutions needs to be kept in mind as discussions are undertaken. Many times, BIPOC individuals are brought into White institutions without consideration for adjusting those institutions to be inclusive and welcoming.
- The police department needs to be critical of and working to improve its culture, rather than outside influences always being made responsible for educating and pressuring the police department

#### Councilor Anderson Response

- The predominance of White cultural norms is important to keep in mind. Naming this aspect of our culture and keeping it in the forefront of our deliberations is important in order to combat its influence
- City ordinance and state law have shaped the current DCRB. If we feel we are limited by the laws let's change the laws.

#### DCRB Board Members Responses

- Hearing from founders and former DCRB members has been invigorating and has given us a greater sense of purpose in our work. We sometimes feel that we are not making a difference or doing enough.
  - Former DCRB member commented that they see the DCRBs role as advising and pressuring DPD command staff and as supporting them. DCRB can take positions on issue that command staff cannot legally or politically take that can help command staff move some initiatives forward.
- We are making a difference by having these conversations. Many communities do not have the opportunity for community and police to meet and discuss. These conversations and relationships are valuable and do make a difference.
- Whether or not former or current police officers should be on the board and whether or not the police should even be in attendance at these meetings is a tough question.
  - On the one hand many former police officers who have been and are on the board have brought useful perspective and been serious and important allies, but
  - A strictly citizen-led board would have a different tone and a different analysis. The power dynamics of citizen/police relationships can hinder and dilute a pure citizen analysis.

- We are doing good things as a board, but we can and need to do more.
- We are kidding ourselves if we feel that we have made real progress in how BIPOC communities, in particular African Heritage communities, feel about law enforcement.
- BIPOC people are uncomfortable in government buildings and around the police in general. Whatever we have accomplished with the DCRB, we still have not changed that.
- When no one is looking the police still behave the same toward BIPOC people as they did twenty years ago.
- It is not only BIPOC people who have criminal records who are fearful of the police. Many BIPOC people are fearful of the police.

#### Chief Tusken Response

- All officers should be taking every opportunity to build relationships in our communities
- Every decision that DPD command staff makes is with it in mind that they will have to account for those decisions to this board
- This board holds the police to account more so than any other entity or individual in the city
- Legislative changes and labor contracts led to paring down of the shape of the DCRB from what was originally intended
- All complaints are taken seriously and the investigative process is always intensive and comprehensive

#### **c. Follow-up discussion on building trust between police and the community**

##### Chief Tusken's Presentation

- Chief Tusken outlines all steps taken by the DPD regarding the employment of Adam Huot from the time of Officer Huot's abuse of power incident on May 20, 2017 to the time of his being officially put back on patrol duty on December 7, 2021.
- Chief Tusken makes the point that he did everything in his power to fire Adam Huot, but was overruled in subsequent legal appeals and proceedings.
- Chief Tusken states that he believes that Adam Huot has been remorseful and understands why his behavior was wrong.
- Chief Tusken believes that Adam Huot is ready to be back on patrol and can now be trusted to fairly and equitably use the powers granted him in his position as a police officer.

##### Board Member Responses

- Our understanding is that Adam Huot had six substantiated use of force incidents and a false arrest prior to the May 20, 2017 incident
- These incidents were not mild infractions, they involved force and were violations of people's civil rights, and I am nervous that he is on the street again
- The department was disingenuous in their response to questioning last month about the position of Office Huot within the department. It was stated that he was on desk duty

while it must have been known that he was about to be put back on patrol duty. I have lost trust in the DPD as a result of this.

- Chief Tusken has stated that Adam Huot is remorseful, but he has made no attempt to apologize to his victims or to the community at large
- Adam Huot should be reaching out to the BIPOC community to make amends

(Chief Tusken reiterates that he did his best to fire Adam Huot but did not prevail in that effort)

- The department had the opportunity to create trust with the community around its decision to put Officer Huot back on patrol duty but did not take that opportunity.
- Instead the department was either (01) hoping the reappointment of Officer Huot to patrol duty would go unnoticed, or (02) didn't consider it necessary and/or worth their time to engage the Duluth BIPOC communities and the DCRB and the Human Rights Office about this.
- This is an issue of respect. BIPOC communities needed the DPD to consider us and take the time and effort to engage us about this, but the department did not do that. This says to us that the department does not care about us.
- BIPOC community members will be wary of calling the police with it in mind that Officer Huot may respond to their call
- Officer Huot proving to DPD admin that he is capable of being trusted to be on patrol again is not the same as him proving that to Duluth BIPOC communities. Officer Huot has a lot of work to do to regain the trust of the BIPOC communities in Duluth.

(Chief Tusken reiterates that he was forced to accept Adam Huot as an employee, and states that he has worked with Officer Huot to make him aware of the expectations of him, and to coach him on how to do his job well.)

- Officer Huot is invited to come to a DCRB meeting
- The way that the DPD dealt with (or didn't deal with) Officer Huot's reappointment to patrol duty has been a betrayal of the trust of the DCRB

**d. Community Crisis Response**

Board Member Powless shares that he has been hired as the Community Coordinator for the Crisis Response program. He will be developing relationships with the community around the Community Crisis Response program and seeing that it is truly serving the community.

**e. Racial Bias Audit**

Deputy Chief Marquardt and Board Members Powless are reaching out to organizations that have conducted racial bias audits to see if they can offer us any advice on our RFP. RFP will need to be approved by Chief Tusken and the Racial Bias Audit Team. Hope to have RFP completed soon.

#### **IX. Additional Public Comments via Webex**

- Appreciative of history of DCRB discussion, and hopeful that current DCRB can make changes to the DCRB to move it closer to the original intentions
- Is DPD lowest paid department in the state?
  - Chief Tusken responds that DPD is lowest paid police department in state that represents cities with populations of 50,000 or more
- All city workers, including police, will get a 3% raise?
  - Chief Tusken responds that there is a tentative agreement, but nothing certain

#### **X. Community Correspondence and Announcements**

None

#### **XI. Board Member Questions and Comments**

None

#### **XII. Adjournment**

## APPENDIX A

### Notes from Interview with Ricky Defoe

Interview conducted on January 25th, 2022

Notes taken by Blair Powless

#### Why DCRB started?

Croud death. That was start of activism. Anthony Ladue asked Ricky to help. Indigenous Commission meet and went from there.

Dog ripped open Native woman's stomach. African American woman punched repeatedly by police in Superior.

#### Process

Five years to get done.

Eileen Luna hired to do audit of police department. Specialist out of the University of Tucson. Her recommendations were dropped one by one.

Police union was invited to be a part of the development process, but never responded and then said they were never invited. Police kept denying board models presented.

African American and Native community caved to PD and Union. Everyone thought I didn't like them, but it wasn't like that. I just didn't like what some people were doing.

City Councilor Sharla Gardner and Chief Ramsey made deals behind closed door.

Didn't want DCRB in its proposed form. Didn't want PD on DCRB. Thought that current model would lead to DCRB serving police agenda.

Current DCRB not a community analysis.

Other points:

- Talked to former DPD officers and they said they retired because of racism
- Those who want change within the police department are silenced
- Luna feedback said 25-35% of feedback said police wanted oversight

#### Where can it go

Rebuild not tweak.

No police current or former on board.

Investigatory powers and say in discipline.

Get beyond personalities and get to culture of the DPD.

### **Police Culture**

Law enforcement is a white institution

Three parts of US paradigm

Dominion over all things (Christian perspective)

Hierarchy of life: white over black, man over woman, etc.

Male transcendent god

PD needs to look at its values

### **What happened to make DCRB what it is now?**

Activists get worn down over time, volunteering and doing activists work along with full-time jobs

We are our own worst enemy. Many of our people subconsciously operate out of a white racial frame of thinking.