

# MINUTES – Duluth Citizen Review Board Meeting of May 24th, 2022

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**Board members in attendance:** Sara Vaccarella (Chair), John Beyer, Blair Powless (Board Secretary), Dani Dunphy (Vice Chair), Eric Franklin, Kevin Wu

**City employees in attendance:** Laura Laaksonen (Human Rights Assistant), Lt. Steve Ring (DPD Liaison to the CRB), DPD Deputy Chief Laura Marquardt, Duluth City Councilor Gary Anderson

## I. Call to Order

Meeting called to order at 5:33 PM

## II. Public Comments

No public comment

## III. Approval of Minutes

Board Member Franklin makes a motion to approve minutes from the April meeting. Board Member Beyer seconds the motion. Board Member Wu abstains because he was not at the April meeting. All other board members vote to pass the motion. Motion passes.

## IV. Police Liaison Report

- Citizen attendee comments that copies of public data have not been made available to public attendees. Chair Vaccarella states that board is still adjusting to not meeting over WebEx, but will have printed copies of public documents available at future meetings.
- Secretary Powless states that five of the eight complaint resolution outlines did not describe (01) how attempts to contact the complainants regarding the result of the complaint investigation were conducted and the success or failure of those attempts, and (02) what the degree of satisfaction of the complainant was with the investigation outcome. At past meetings the DCRB had asked the DPD to have these aspects of the complaint process described in the complaint resolution outlines.
  - In some cases, the DPD become the complainant because they became aware of the complaint, but the complainant did not give their name. Therefore, contact with the complainant was not relevant or possible.
- Complaint #22C0-011 refers to a complaint that an officer did not supply a requested Public Standby.’ Secretary Powless asks, “What is a Public Standby and why did the officer not supply it?”
  - Lt. Ring replies that a Public Standby can be a variety of things, but is most often related to situations where a relationship has ended and one of the party’s is removing their belongings from what had been a shared home. An officer then ‘stands by’ to keep the peace as this process ensues.

- This complaint was made via social media, but the complainant did not want to make a formal complaint or be identified. The DPD did contact them to let them know that the complaint had been investigated, and they were satisfied with the outcome of the investigation into the complaint.
- This complaint resulted in coaching, but not discipline. Administration discussed the complaint with the officer involved as a corrective action by DPD administration.
- Secretary Powless states that in the future the complainant's response, which in this case was positive, could still be listed in the complaint resolution outline, and DPD representatives agreed.
- Deputy Chief Marquardt explained that typically complainants receive a letter from DPD briefly explaining the outcome of the complaint investigation, and that that is then followed by an attempt to reach the complainant by phone and to discern their level of satisfaction.
- Sometimes the complainant does not respond to phone calls or emails.
- Secretary Powless commented on the Compliments document stating that the compliments stating that officers were "patient and compassionate", "controlled the situation without resistance", "respectful of bystanders who were questioning the officers" were very positive and good to see.
- Board Member Beyer asked about a compliment that stated, "DPD saved my life." He asked if this was related to the use of Narcan by an officer, or something else.
  - Lt. Ring relied that he had no further context for the compliment, but was glad to see it submitted.
- Hiring Process Update:
  - Thirty-three applications for the position of police officer were received by the DPD
  - Three of those are lateral applications, meaning the applicant is currently working for another law enforcement agency
  - DCRB members are invited to participate in the interview process
  - The DPD is looking to hire twelve officers, although that number may grow.
  - About a third of the applicants are know to the DPD already, so the hope that those applicants will qualify for the open positions
  - New officers will start at the end of September
- Dealing with patrol officer shortage
  - DPD has expanded their community policing program and hope that the community policing program will be able to cover calls that do not require a licensed police officer in a squad car, thereby freeing up patrol officers to respond to more important calls.
  - The 911 call-in system now has an option for callers to submit information if they have a suspect in a crime, and this information can be directly conveyed to a desk officer who can then create a record of the report for patrol officers. This system then automatically sends an email to the caller, who is then later notified of the result of the investigation and the investigation case number via email. This also frees up patrol officers to respond to other calls.
  - Although the DPD is looking to hire twelve officers, they are currently down twenty-two officers, and will likely loose nine more. They have never in their history been down to this degree.
- Chair Vaccarella asked what the DPD is doing to support officer mental health and wellness during this time
  - DPD has mental health professionals outside of the police department available to them 24/7
  - Officers are required to meet with a mental health professional once a year

- They are looking at physical therapy as well as mental therapy (acupuncturists, massage therapists)
  - DPD also has a Peer Support system that is designed to help officers share emotional and mental health concerns, and to monitor and support each other's well being
  - If there is a critical incident that an officer is involved in DPD requires that that officer checks in with a mental health specialist
- Follow up on previous Complaint # 21CO-043 (See APPENDIX A)
    - This complaint was made by the complainant at the DCRB meeting on July 27th, 2021
    - This complaint was unique in that it was the first in person complaint lodged at a DCRB meeting
    - Members of the executive committee (Chair Vaccarella, Vice Chair Dunphy, Secretary Powless) were granted the opportunity to view the body cam footage from the incident by Chief Mike Tuskin
    - Board Member Beyer made a motion to table this discussion until the following meeting so that board members could have more time to review the document (APPENDIX A). Motion was seconded by Chair Vaccarella. Motion passed unanimously.

#### V. Committee Reports

- **Taskforce on Complaint Audit Process**
  - No movement on this at this time
- **Executive Committee Report**
  - No report from executive committee

#### VI. Other Business

- **Community Crisis Response (CCR)**
  - Secretary Powless stated that he is no longer connected to this project. He stated that it is his understanding that the Fire Chief is the city liaison for the project. He accepted a position with the organization that has been hired to implement the CCR and resigned after three weeks. He stated that in his opinion the organization was not committed to racial justice or justice for people from the LGBTQ+ community in their hiring processes.
  - Councilor Anderson stated that he would agree with much of what Secretary Powless said. He also confirmed that the Fire Chief is the city liaison for the project.
- **Racial Bias Audit update**
  - Racial Bias Audit Team (RBAT) has interviewed three candidate organizations that applied to conduct the audit. The RBAT will be meeting to make a decision on which organization to hire.
  - Chair Vaccarella asked if any of the organizations that applied were local.
    - i. No local organizations applied, but a member of one of the organizations is a Duluth local.

- **Follow up: thank you letter**
  - Secretary Powless suggested to write a draft of a thank you letter to Officer Adam Huot
  - He will bring a draft to the next meeting
  
- **Demographic Disparity Analysis Review (See Appendix B)**
  - Secretary Powless stated that the public forum in which this analysis was released was billed as being 'hosted' by the DCRB. He then stated that DCRB was not consulted on how the forum would be conducted, what information would be shared in the forum, and was not asked to speak or lead discussion at the forum.
  - Chair Vaccarella agreed and stated that in the past when DCRB has been asked to host an event they are introducing the topic and presenters, etc.
  - He also stated that LEAN Duluth stated that the DPD told city administration that there was no other organization that did this kind of analysis other than Police Strategies LLC, when in fact there are many organizations that offer these types of services. An RFP process should have been used to hire the organization to do the Demographic Disparity Analysis.
    - i. Deputy Chief Marquardt stated that the DPD does not have the resources to do an RFP for every purchase of services that they retain
    - ii. She stated that RFPs are generally done for project that will cost over \$50,000
  - It was then suggested that this exchange between Police Strategies LLC and LEAN Duluth should become a larger discussion, perhaps involving the DCRB, the DPD, the NAACP, and other interested local parties.
  - Deputy Chief Marquardt state that this was an option. She also stated that she would share a recording of a zoom meeting between LEAN Duluth and Police Strategies LLC with the DCRB.
  - She also stated that Bob Scales (CEO of Police Strategies LLC) would be willing to converse with any of the DCRB board members about his organizations analysis.
  - Vice Chair Dunphy asked why DPD chose not to use an RFP in this case given the controversial nature of the topic
    - i. Deputy Chief Marquardt stated that the methods are not controversial and that using population is not the right way to analyze the data in question
  - Board Member Beyer asked if there are local experts that could look at this report and evaluate the methods. This is something that the board will look into.
  
- **Roberts Rules Discussion**
  - Human Rights Assistant Laaksonen stated that she had asked the city legal department about this and that they cautioned against using a consensus mode being that the DCRB accepts complaints and one person should not be able to hold up the business of the board. That was their legal advice, but they did not flat-out say that consensus could not be used.
  - Human Rights Assistant Laaksonen clarified that the board is interested in using consensus to run the general business of the meeting, but would use Roberts' Rules to resolve contentious issues

- Board Member Franklin stated that he would like a clear statement and outline from the city legal department regarding creating a hybrid of Roberts' Rules and a consensus model.

## **VII. Announcements and Community Correspondence**

- It has been two-years since the murder of George Floyd, events will be happening int the Twin Cities this weekend

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

- Betty Green (citizen) it was unfortunate that there was no involvement of the DCRB and other citizen organizations in the Demographic Disparity Analysis
- John Ramos with the Duluth Monitor stated that he is disturbed to hear the board discuss Roberts' Rules as archaic. He said that his understanding is that although Roberts' Rules can be complicated that it was designed to ensure that all voices are heard. He said that the process was developed in response to Robert seeing meetings run in a way that suppressed dissent. He did agree that the board is not using Roberts' Rules currently, and that he did respect the desire to have meetings be more free flowing.
  - Chair Vaccarella stated that the role of the DCRB is often suppressed by the City and the DPD.

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

- Is the city's position on SROs in the Duluth Public Schools that the DPD is not in control of whether or not DPD officers are in the schools, and that the school board is?
  - Yes.
- Would removing SROs from the Duluth Public Schools free up officers to fill in the gaps given the current deficit of officers on the DPD?
  - Yes. It would free up four officers.

## **X. Adjournment**

## APPENDIX A

### PUBLIC STATEMENT BY THE DULUTH CITIZENS REVIEW BOARD REGARDING CIVILIAN REVIEW BOARD CASE 21CO-043

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Documentation of the complaint submitted that initiated this case can be found in the Duluth Citizens Review Board (DCRB) minutes from the DCRB meeting of July 27th, 2021. Those minutes are available at the following web address:

<https://duluthmn.gov/media/WebSubscriptions/158/20210908-158-13245.pdf>

A follow up visit to the DCRB by the complainant can be found in the DCRB minutes of October 26th, 2021. Those minutes are available at the following web address:

<https://duluthmn.gov/media/WebSubscriptions/158/20211206-158-13520.pdf>

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After discussing the complaint with both the complainant and members of the Duluth Police Department (DPD) administration, we have come to the conclusion that the complainant's complaint was valid. We believe that the complainant was responsibly exercising their rights as a citizen and was mistreated by the officers in question. We thank the complainant for their bravery in bringing their experience to our attention, and for their commitment to justice for the citizens of Duluth.

It is our conclusion that the officers involved (01) denied the complainant their right to public information, (02) intimidated and harassed the complainant, and (03) were generally unprofessional in the performance of their duties. We believe that these offenses perpetrated against the complainant are not only offenses against their person, but are also offenses against all of the citizens of Duluth.

Our positions on key aspects of the case are as follows:

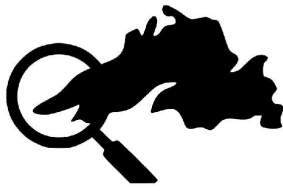
1. The officers denied the complainant their rights as a citizen and were unnecessarily rude to the complainant
  - **The complainant was denied their right to ask questions by the officers:** When the complainant questioned the two officers they were immediately told that it was "None of their business", but the complainant did have a legal right to ask questions and to expect answers to those questions, or explanations as to why their questions could not legally be answered.
  - **The complainant was spoken to in a rude and hostile manner:** Both officers were very calm with the individual they were arresting, but immediately used hostile words and tones with the complainant. The arrest had already proceeded smoothly, and there was no reason for the complainant to be responded to in such a hostile manner.

2. The officers unnecessarily intimidated and harassed the complainant:
  - **The complainant was told that they were interfering with an arrest when they were not:** The complainant approached the officers after they had handcuffed the arrestee and put that individual in the back of a police vehicle. One of the officers then told the complainant that he was “interfering with an arrest.” The complainant was not interfering with the arrest, and the officer’s statement that the complainant was interfering with an arrest can be construed as a form of intimidation.
  - **The complainant did not need to give his name:** One of the officers asked the complainant their name. The complainant gestured to the badge which they were wearing that displayed their first and last name. The complainant refused to give their middle name, and when the complainant walked away from the officers, one of the officers pursued them and pressed the complainant to give their middle name. The complainant did not need to give their name to the officers, and so the officers conduct can be construed as a form of harassment.
  - **No one from the police department should have called the complainants work supervisor:** One of the police officers’ supervisors called the complainants employer to complain about the complainant’s behavior. The complainant had done nothing wrong and so the DPD contacting the complainant’s supervisor was unnecessary, and can also be construed as a form of harassment.

We believe that these offenses against the complainant are offenses against all of the citizens of Duluth. We consider the above outlined offenses to be offenses against all of the citizens of Duluth with the following positions on the rights of Duluth citizens in mind:

1. All citizens of Duluth have the right to question the police and expect answers to questions when those answers are public information by law
2. No citizen of Duluth should expect that their questioning the police will lead to the police demanding that they give their name
3. No citizen of Duluth should expect that their questioning the police will lead to the police attempting to contact their employer
4. No citizen of Duluth is required by law to give their name to the police, even if they are under arrest
5. Every citizen of Duluth should expect to be treated and spoken to in a professional and respectful manner by Duluth police officers

THIS STATEMENT WAS APPROVED BY THE MEMBERS OF THE DCRB AT THEIR MONTHLY MEETING ON MAY 24TH, 2022.



LEAN Duluth

## Experts question the ethics and credibility of “Demographic Disparity Analysis - Duluth Police Department” by Police Strategies LLC

FOR IMMEDIATE RELEASE

May 4, 2022

Contact: [leanduluth@gmail.com](mailto:leanduluth@gmail.com)

On March 30th, 2022, the Duluth Police Department (DPD) held a [presentation](#) in which Bob Scales, CEO of [Police Strategies LLC](#), presented findings from his [172 page “Demographic Disparity Analysis.”](#) Police Strategies performed the analysis in response to data showing racial disparities in Duluth policing that LEAN Duluth released.

Following Mr. Scales’s presentation, the LEAN team has reviewed the report and contacted field experts to verify its findings and methodologies. **In this research, LEAN uncovered significant concerns about the ethics and credibility of Police Strategies’s data methodologies.**

LEAN Duluth has prepared a [report](#) to share key takeaways from Police Strategies’s analysis, provide an academic perspective on Mr. Scales’s methodologies, and fill in background information regarding Mr. Scales’s career as a prosecutor and reputation amongst professional criminologists. LEAN’s key findings include:

- **Research from experts in the field does not align with Police Strategies’s critique and rejection of population benchmarking** as a method of analyzing data. Police Strategies’s alternative methodology, activity based benchmarking, does not appear to be used elsewhere in the field, **is not a peer-reviewed methodology**, and has a number of potential flaws and areas of concern.
- Police Strategies has written similar reports in other cities, drawing criticism from data experts in those communities due to the organization’s faulty methodologies.
- The two directors of Police Strategies, Bob Scales and Mike Sanford, **do not have any academic background in statistics.** Mr. Scales, a longtime prosecutor, and Mr. Stanford, a Chief of Police for multiple Washington state departments, both have lifelong careers of representing law enforcement.
- According to Duluth Branch NAACP President Classie Dudley, **“Nobody from Duluth Police Department or the City collaborated with the NAACP** in any way regarding this study. There was no input from our community yet we were named several times throughout the release of the report.”
- **The Request for Proposals (RFP), a process that announces a project, describes it, and solicits bids from qualified contractors, was bypassed** because -- according to the



City of Duluth -- there were no other competitors that do comparable work to Police Strategies. In reality, there are many organizations and private consultants currently working in police accountability and reform processes. Thus, questions remain about how Police Strategies was able to land the \$10,000 contract without further oversight.

LEAN Duluth's [full report can be found on our website](#).

In his opening statement at the presentation on March 30th, Police Chief Mike Tusken made clear his commitment to do better when acknowledging the presence of systemic racism in policing. LEAN Duluth encourages the city to properly respond to this data, acknowledge its faults, and promise to find a more appropriate contractor for [the upcoming racial bias audit for which the city recently released an RFP](#).

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01. Experts question the credibility of "Demographic Disparity Analysis - Duluth Police Department" by Police Strategies LLC

<https://www.leanduluth.org/demographic-disparity-analysis>

02. Demographic Disparity Analysis Duluth Police Department

<https://duluthmn.gov/media/12830/demographic-disparity-report-police-strategies-llc.pdf>