

December 2023

Duluth Racial Bias Audit Closeout Memorandum

The Crime and Justice Institute

This memorandum represents the closing chapter of the Crime and Justice Institute's (CJI) assessment of the Duluth Police Department (DPD) and serves as a springboard by which members of the Duluth community and DPD may collaboratively prioritize and implement findings and considerations from the Duluth Racial Bias Audit.ⁱ After the publication of the Racial Bias Audit in August 2023, CJI facilitated discussions with members of DPD and the Duluth community regarding the process of planning and enacting sustainable change. This memorandum outlines the priority areas of the audit as agreed upon by community and Department members during those discussions. It also sets the stage for community members and DPD to collaboratively commit to and enact the steps required to address the identified priority areas and create sustainable change over the coming months and years. Further, the topics discussed here do not represent the only priorities that could be developed from the audit and are the first steps that the City of Duluth, Duluth Police Department, and members of the Duluth community have chosen to prioritize.

Areas of Focus for Implementation

As a result of the assessment process, CJI found that DPD has several strengths that show the Department's willingness and ability to engage in equitable policing as it protects and serves the Duluth community. However, our report also lists various ways DPD can improve its operations and communication with the public to ensure all public safety services are equitable and align with the expressed needs of the Duluth community. The successful execution of these improvements will be contingent upon the participation and collaboration of Department and Duluth community members.

In partnership with Racial Bias Audit Team (RBAT), CJI facilitated discussions with members of the Department and Duluth community that encouraged shared learning and enabled the prioritization of audit findings and considerations. Participants used a result-focused framework where an end-result or indicator of change was selected as the goal and key partners were identified to guide progress toward the desired result. Participants were encouraged to think about the collaboration and commitments necessary to successfully address each priority area. Below are the priorities identified within each of these sessions.

Priority Areas Identified by the Duluth Police Department

After the publication of the Racial Bias Audit, DPD established three working groups, comprising 17 Department members in total, to lead the Department in completing deliverables and goals related to report findings and considerations. These groups include a combination of representatives from various sections of the Department, including the Professional Standards Unit, command staff, training, patrol, and the analytical team. DPD also identified where external partnership would be required, such as collaboration with St. Louis County dispatch staff and the Duluth Citizen Review Board (DCRB).

During CJI's facilitated discussion with Department members, DPD leadership and working groups identified initial priority areas for the Department to address:

1. DPD's discretionary stops strategy and data collection

STOPS STRATEGY: The Audit found a lack of transparency and clarity in DPD's expectations of the purpose of pedestrian stops and the equitable use of different types of vehicle stops to foster public safety. While the department has built a robust data collection method for vehicle stops and is in the process of identifying the best methods for collecting reliable pedestrian stop data, DPD is not currently collecting sufficient data from pedestrian stops, searches and frisks, and use of force incidents. This limits the impact of accountability structures in place to ensure officers are following policy. Furthermore, it limits DPD's transparency with the public about its operations and interactions with the community.ⁱⁱ

2. Officer demeanor in public interactions

OFFICER DEMEANOR: The Audit found room for improvement in how DPD officers approach public interactions. An analysis uncovered officers introducing themselves in only 34 percent of stops, despite it being required by policy. Community members, especially Black, Indigenous, and people of color (BIPOC), expressed frustration with the lack of empathy they received from DPD officers. In vehicle and pedestrian stops, community members indicated they often feel like cases rather than people. Within these types of stops, BIPOC community members are more likely to experience a search as well as harsher penalties, which may impact an officer's demeanor when engaging with an individual.ⁱⁱⁱ

3. Community dissatisfaction with the complaints process (*this priority will require participation by external parties to address*).

DISSATISFACTION WITH COMPLAINTS PROCESS: Improving the visibility and transparency of the complaints process will require a collaborative effort between the RBAT, DPD, DCRB, and City leadership. DPD is committed to this improvement but believes the focus of this work should be driven by DCRB members with input and collaboration with other community members and community-based organizations. Planning the successful implementation of these goals will require deliberate conversations with multiple groups.

Priority Areas Identified by the Duluth Community

The participation of the community in the implementation process has been and will continue to be coordinated through the community members of the RBAT. RBAT members attended the community-only and combined community-DPD discussions to provide input and better understand the desires of the greater Duluth community. Twenty-four members of the community attended one or both of these discussions.

In these sessions, community members identified three priority areas they would like to see addressed:

1. DPD's vehicle stop racial and ethnic disparity

VEHICLE STOP DISPARITY: The Audit found statistically significant racial and ethnic disparities in vehicle stops, with BIPOC drivers comprising a larger portion of vehicle stops than their share of the population and being more likely than white drivers to be stopped for equipment violations or suspicious activity. While the majority of vehicle stop encounters result in warnings, BIPOC drivers are more likely to receive citations or be arrested during the stop as compared to white drivers. In addition, the majority of vehicle stops were found to occur in four neighborhoods: Central Business District, Central Hillside, East Hillside, and Lincoln

Park.^{iv} These findings are significant, but require additional data to identify the major factors that are contributing to the disparity before concluding that officer bias is the only driver of vehicle stop disparities. The community attributed these disparities to a failure in Department policy, DPD's lack of strategy in communicating the purpose of vehicle stops to officers, and DPD's failure to successfully integrate bias trainings into Department practices.

2. Officer demeanor in public interactions

OFFICER DEMEANOR: Community members emphasized the need for improvement in DPD officers' demeanor during interactions with the community. Specifically, community members reiterated the need for officers to approach all interactions with empathy and patience as a means of de-escalation. Efforts to build rapport with members of the public in all interactions would assist the Department in increasing mutual trust and building relationships across the Duluth community. Community members attribute a lack of mental health support for officers as a substantial cause of negative demeanor during interactions. Individuals also acknowledge how officers are stretched thin in their work, with officers likely having little time to mentally reset after each call or debrief every interaction with a co-worker or supervisor.

3. Redefining public safety for DPD and St. Louis County dispatch

REDEFINING PUBLIC SAFETY: One topic not explicitly addressed in the Racial Bias Audit but raised by the community was how DPD and the community define public safety, or in other words, community safety. Community and Department members expressed that public safety is dependent on every member of the community (including elected officials, public health officials, business owners, and more). Defining public safety is challenging, given the variability of what public safety means to individuals and groups within a community. The definition of public safety impacts how police spend their time, what they prioritize in their response, and how they address various members of the community. This also impacts how St. Louis County dispatch staff direct calls for service to the police and other first responders. Community members raised questions about 911 dispatchers' ability to provide sufficient information to officers, as this information sets the foundation for DPD's response, as well as dispatchers' ability to divert calls to other city services when appropriate. Gaps in dispatch staff training were addressed in CJI's assessment, specifically as they relate to identifying racially motivated fabrications or exaggerations in calls for service.^v

DPD and Community Collaborative Commitments

These discussions enabled members of the Duluth Police Department and community to prioritize the areas of the audit to address first and commit to taking the steps required to enact sustainable change. This sharing of commitments and accountability is key to achieving success. Listed below are the commitments made by Department and community members thus far.

STOPS STRATEGY & DISPARITY: DPD has committed to strengthening its strategy and procedures for vehicle and pedestrian stops. The Department is currently in the process of developing a stops policy and has received input from a select group of community leaders. This new policy is set to be implemented within the Department in 2024.

The policy framework was presented to the community for feedback during the combined community-DPD implementation discussion. Participants weighed the core principles the stops policy should cover, aspects of the policy that should be clearly defined, and guidelines or expectations currently missing from the framework. Core principles proposed included statements about bias-free policing and power dynamics, procedural justice,

constitutional stops and their purpose, and the objective of public safety. Notably, most participants in the discussion believed that the term “public safety” should be defined within the policy, in addition to actions related to stops such as search, frisk, and pat down. According to participants, aspects missing from the policy include the measurement of adherence to policy and how officers will be trained on the policy. The DPD working group that has committed to addressing this issue includes DPD’s Deputy Chief of Patrol, Deputy Chief of Investigations, Professional Standards Lieutenant, Use of Force Coordinator, Police Records & Technology Manager, Public Information Officer, DPD analyst, and Patrol representation.

OFFICER DEMEANOR: Community and Department members advocated for a person-centered approach to police-community interactions, where all individuals involved make efforts to acknowledge the implicit biases tied to background or uniform and make adjustments to communicate with mutual respect and care. This communication should not be rushed, with officers prioritizing time to introduce themselves and provide their reason for a stop or interaction. The community must also utilize resources like the DCRB to share complaints or commendations that will allow DPD to address poor behavior and encourage positive behavior in officers.

Department leadership aims to improve oversight of how Department members engage with the community. DPD has committed to reviewing the policies that guide officer demeanor in public interactions and the supervisory review systems by which officers are held accountable for their behavior. DPD also plans to reinforce the need for improved communication with community members during interactions and shared humanity for individuals stopped. Discussion participants believed that officers should be sufficiently trained on the expectations for, and practices leading to quality demeanor. Participants also urged DPD to strengthen the supervisory systems that enable continuous review of interactions (such as through body-worn camera footage), feedback, and coaching. The DPD working group that has committed to addressing the issue of officer demeanor includes DPD’s Deputy Chief of Patrol, Police Records & Technology Manager, Community Oriented Policing Unit Officers, Mental Health Unit (CORE) Officers, and Patrol representation.

REDEFINING PUBLIC SAFETY: The Department and community must continue to collaboratively define public safety, or community safety. Examples of a safe community provided during the combined implementation session include: an absence of fear and violence; equity in access to basic needs and community resources; elimination of repeat victimization; and the shared recognition of humanity among all people. DPD’s focus on deflection demonstrates their devotion of resources to enhancing public safety, including youth diversion efforts, participation in specialty courts (i.e., Mental Health Court, Veterans Court, and Drug Court), DPD’s Substance Use Response Team (SURT), and the department’s co-response mental health team (CORE). The community strongly believes there is a need for an improved coordinated response from all stakeholders responsible for public safety within the city, as a means of sharing the responsibility currently held by DPD. This would require increased cooperation between first responders like Emergency Medical Services (EMS), the Duluth Fire Department, the Duluth Community Crisis Response team, public health providers, and many other organizations providing resources to the community. This may require elected officials to prioritize and expand some of these services, such as the crisis response team, substance abuse recovery services, and access to housing. It also may require increased 911 diversion so that dispatchers can request other city services and public health organizations to respond to a greater number of calls for service.

Implementation of Commitments

For all priority areas of focus and other focus areas as discovered through the implementation process, RBAT has committed to working in cooperation with the Department to develop a collaborative, shared implementation plan to support the continuation of this collaborative work between the Department and community. RBAT

members have appointed a Racial Bias Audit Implementation Coordinator (RBAIC) to serve as a community point person for managing the implementation process with DPD. This Coordinator will work in collaboration with DPD's implementation coordinator/s to facilitate the engagement of all stakeholders—including DPD, community members, local organizations, Duluth Police Union, and City commissions and boards—in the implementation of identified priority areas over the next year.

The responsibilities of the RBAIC include:

1. Identifying RBAT members and establishing a working group with guidelines and expectations for participation. The RBAIC will function as the Chair of the RBAT working group.
2. Working with RBAT members to develop strategies for the implementation of considerations outlined in the Audit report using fair and reasonable, egalitarian, and transparent decision-making processes.
3. Documenting monthly progress reports that provide a summary of activities for the public to review.
4. Designing a work plan in collaboration with all partners that identifies focus areas for implementation, details activities necessary to achieve stated goals, and establishes a timeline for the implementation process.

Further details on the implementation plan and the RBAIC position will be made public on DPD's Racial Bias Audit webpage when more information is available.^{vi} Ideally the RBAIC position will be funded in order to support accountability for the necessary time and resources needed to maintain a robust implementation process.

CJI facilitated a final meeting with RBAT and DPD to discuss next steps and the following commitments were made:

- DPD and RBAT will work with community-based organizations to plan quarterly community meetings at different locations in the City of Duluth to foster collaboration and trust between the Department and members of the public. The first meeting will be held the first quarter of 2024.
- The RBAIC will be focused on assembling the membership for RBAT and reaching out to community organizations from December 2023 through the first quarter of 2024.
- The RBAT will meet in early February as a kickoff for this implementation phase of their membership.
- DPD, the RBAIC, and RBAT will work together to develop regular communication channels moving forward. DPD committed to sharing progress towards implementing priority areas described above.

Recommendations for Successful Implementation

Through these implementation discussions, the Duluth community and Department began the first two steps in successful implementation for one priority area, officer demeanor: **(1)** articulating why change is needed, and **(2)** designing action items and how to monitor rollout. The Department and community, with the assistance of RBAT, must continue this process by completing the final two steps for each priority area: **(3)** preparing people for change and **(4)** preparing the external environment. Once these steps are addressed through a collaborative effort, a timeline for the change process can be created and shared with the greater Duluth community.

Altogether, this work produces an implementation plan that the Department and community members may follow over the coming months and years.

(Note: Italicized bullet points represent feedback provided by Department and community members during the combined implementation session.)

ARTICULATING 'THE WHY': The Department and community should agree upon and communicate a vision for change for each priority area that benefits both DPD staff and community members, especially BIPOC individuals, and consider the following:

- Determine what policing will look like in the future if implementation of the response to the priority area is successful.
 - **Officer Demeanor:** *A person-centered approach is utilized where all individuals involved make efforts to acknowledge the implicit biases tied to background or uniform and make adjustments to communicate with mutual respect and care. All individuals feel a sense of improved public safety.*
- Identify which policies, processes, and practices align with this vision and which fall short. Discern the change or intervention necessary to enhance alignment.
 - **Officer Demeanor:** *DPD's crisis intervention training reinforces the need for effective communication and de-escalation techniques in public interactions. DPD is reviewing all policies that guide officer demeanor and the supervisory review systems by which officers are held accountable for their behavior.*
- Select avenues by which the vision for change can be communicated to the greater community. Designate the individuals responsible for this communication.
 - **Officer Demeanor:** *Each interaction between the police and community will serve as an opportunity to practice quality demeanor.*

DESIGNING ACTION ITEMS AND HOW TO MONITOR ROLLOUT: Any change or intervention should be designed with community and DPD staff input, sufficiently resourced, and set up for ongoing monitoring and improvement. Consider the following:

- Determine how stakeholders (i.e., DPD staff, community members, external parties) will be engaged in the implementation of each change or intervention.
 - **Officer Demeanor:** *DPD and the community can collaboratively evaluate this practice through public meetings and complaint and commendation forms available through DPD and the DCRB.*
- Identify resources needed by the Department, City, and/or community to support or enable these changes.
 - **Officer Demeanor:** *DPD will potentially need to amend policies and training, establish systems that enable random sampling and review of body-worn camera footage, and continuously review complaints with the DCRB.*
- Determine how the implementation of these changes may be measured and tracked. Designate the systems, tools, and/or individuals needed to monitor these measures.
 - **Officer Demeanor:** *Further discussion needed.*
- Select the measures that can be shared with stakeholders during the implementation process and the avenues by which they will be communicated.
 - **Officer Demeanor:** *Further discussion needed.*
- Identify the means and frequency by which stakeholder feedback will be solicited, reviewed, and addressed. Determine how the results of this feedback will be communicated to stakeholders.
 - **Officer Demeanor:** *Further discussion needed.*

PREPARING PEOPLE FOR CHANGE: All individuals involved in and impacted by a change or intervention should be prepared in advance. Considerations should be made for Department culture and readiness for change, DPD staff and community expectations, and required training and support. Consider the following:

- Assess readiness for change within the Department and community. If barriers to change exist, determine how to engage all external stakeholders in the problem-solving process.
- Identify and communicate expectations for change to DPD leadership, DPD supervisors, DPD staff, and the greater community. Determine and invest in the training or support required for stakeholders to meet these expectations.
- Establish systems to incentivize participation and commitment to the change process.

PREPARING THE EXTERNAL ENVIRONMENT: Engagement and buy-in from city and state leaders, police stakeholders, and the public are necessary for sustained success. Consider the following:

- Discern how requirements for and progress of a change or intervention will be communicated to external Department stakeholders (i.e., the police union), City stakeholders (i.e., city councilors and commissioners), and community stakeholders (i.e., local organizations and advocacy groups).
- Create space for collaboration, problem-solving, and reconciliation among stakeholders throughout the implementation process.

ⁱ The Crime and Justice Institute, *Duluth Racial Bias Audit: Final Report on Findings and Considerations* (Boston, MA: Community Resources for Justice, 2023), <https://duluthmn.gov/media/15713/duluth-racial-bias-audit-report-2023.pdf>.

ⁱⁱ Racial Bias Audit findings and considerations relevant to this priority area can be found in Chapter 4 – Gathering and Interpreting Data, Chapter 6 – Use of Force Documentation and Investigation, and Chapter 8 – Vehicle and Pedestrian Stops.

ⁱⁱⁱ Racial Bias Audit findings and considerations relevant to this priority area can be found in Chapter 7 – BIPOC Community Relations, Chapter 8 – Vehicle and Pedestrian Stops, and Chapter 9 – Body-worn Camera Footage Review.

^{iv} Racial Bias Audit findings and considerations relevant to this priority area can be found in Chapter 8 – Vehicle and Pedestrian Stops.

^v Racial Bias Audit findings and considerations relevant to this priority area can be found in Chapter 4 – Responding to and Investigating Suspicious Activity.

^{vi} “Racial Bias Audit,” Duluth Police Department, <https://duluthmn.gov/police/public-reports-and-transparency/racial-bias-audit/>.