

Duluth Racial Bias Audit: Questions and Answers

In August and September 2023, the Crime and Justice Institute held three public presentations on the findings and considerations of the Duluth Racial Bias Audit. In our continued efforts to conduct a comprehensive assessment, CJI has published on the Racial Bias Audit webpage questions posed during those presentations by the public and our responses.

Presentation to the Human Rights Commission (August 9, 2023)

Q: Were there any significant findings relative to the collaborative relationship between the Duluth Police Department (DPD) and other local institutions, like state patrol or St. Louis County?

A: The audit didn't direct CJI to look into this collaboration, but this is an important point. The implementation work of this audit can include how DPD's mission and goals overlap with those institutions.

Q: Will the county work toward this collaboration to address any miscommunications between dispatch and DPD?

A: Because St. Louis County is mentioned in the audit (Chapter 3), communicating the findings of the audit to the county and those working in dispatch is likely a priority of the City and DPD. Building a relationship between dispatchers and officers could be a helpful focus for the county and the Department.

Q: Knowing that DPD's use of force documentation isn't consistent (based on findings from Chapter 6), how accurate is DPD's data relative to vehicle and pedestrian stops (Chapter 8)?

A: Based on the findings we have, there are likely use of force incidents occurring during vehicle and pedestrian stops that aren't documented. CJI was required to work with the data available to us and present findings as able including the context of our limitations.

Q: In Finding 9 of Chapter 7 ("...community members are more likely than DPD staff to believe racism exists..."), does CJI provide a breakdown of demographic information for DPD members, as it does for community members?

A: No, the staff survey went out to roughly 175 staff members. The racial and ethnic diversity of staff members and respondents wasn't enough to be able to disaggregate the data and maintain anonymity of respondents.

Q: In findings regarding community members (Chapter 7), are there demographics regarding individuals' age?

A: The report summarizes the age distribution of respondents to the community survey. Respondents had a normal distribution across age, with the greatest number of respondents being 36-49 years old (32 percent), followed by the neighboring age groups of 26-35 years old and 50-64 years old (22 percent each). Fifteen percent of respondents were 65 years or older and eight percent of respondents were 18-25 years old. Despite targeted outreach to local high schools, none of the community survey respondents identified as 16 to 17 years old. We do not report the age demographics of individuals that were interviewed or that participated in focus groups.

Q: In the chapter on pedestrian stops (Chapter 8), there are two options for how pedestrian stops can be categorized in DPD's system. One option requires DPD officers to document demographic data and the other does not. Did CJI investigate whether DPD used those options in intentional ways to possibly avoid documenting certain data?

A: CJI learned about the difference in documentation when we were conducting the body-worn camera assessment (Chapter 9) later in the audit. This information wasn't presented in our initial data request relevant to vehicle and pedestrian stops. Our interviews and focus groups earlier in the audit didn't include questions on how officers decide between a subject stop and an "out-with" stop (the two categories). We were able to ask some leadership in the Department about how officers make that differentiation and describe in the report that out-with stops are officer-initiated pedestrian stops in which an officer begins an interaction with a person because the officer believes the person may need care or believes the person may be engaged in criminal activity whereas subject stops usually refer only to officer-initiated pedestrian stops where officers are stopping an individual because they believe they may be engaged in criminal activity.

Q: In findings relevant to the community survey (Chapter 7), CJI notes that there were no respondents who identified as being 16-17 years old. Currently, BIPOC individuals in Duluth are looking for more positive engagement opportunities with DPD, particularly for youth. But there is tension in the community as to whether School Resource Officers (SROs) create a positive or negative experience, particularly for BIPOC or other marginalized-identity individuals within our schools. Why wasn't there more research done on this topic, especially with the gap in young survey respondents?

A: The audit didn't direct CJI to evaluate the city's School Resource Officer (SRO) program. However, during our focus groups with DPD officers, CJI learned about the presence of recent contention on this issue. It is certainly an important topic and could be the focus of future conversations between DPD, the City, school board, school district leadership, young people in the community, and adult community members.

Q: In Finding 6 of Chapter 8 (“one officer, assigned to work exclusively on road safety initiatives and driving while intoxicated [DWI] enforcement, conducted 25% of all vehicle stops...”), was CJI able to track how much time the DWI officer spent in particular neighborhoods. What are the criteria DPD uses to determine in what regions DWI officers should focus and how they should spend their time in those neighborhoods?

A: Below provides a breakdown of the neighborhoods within which the officer paid through the DWI enforcement grant conducted vehicle stops in 2022. CJI was not made aware of whether the Department has a stated criteria for how or where this officer spends their time.

Neighborhood	Frequency	Percent of stops
East Hillside	339	23.61%
Endion	302	21.03%
Central Business District	232	16.16%
Chester Park-UMD	193	13.44%
Central Hillside	87	6.06%
Duluth Heights	73	5.08%
Kenwood	58	4.04%
Lincoln Park	47	3.27%
Congdon Park	29	2.02%
Spirit Valley	27	1.88%
Denfeld	18	1.25%
Cody	6	0.42%
Hunters Park	6	0.42%
Oneota	6	0.42%
Fairmount	3	0.21%
Irving	3	0.21%
Lakeside-Lester Park	3	0.21%
Woodland	2	0.14%
Morley Hts/Parkview	1	0.07%
Park Point	1	0.07%
Total	1,436	100%

Q: From the video review footage (Chapter 9), could CJI see if officers approached individuals in the community with inquisitiveness and questions, or if they approached individuals with orders? An officer’s tone could set a foundation for how a situation plays out.

A: In our review of body-worn camera footage, CJI evaluated officers’ demeanor and adherence to procedural justice practices. We found that officers generally demonstrate good demeanor and procedural justice principles. However, we also observed that many officers failed to introduce themselves at the onset of a stop, and instead opened the interaction by posing questions to the stopped individual about the reason for the stop. As we state in both Chapter 9 and Chapter 7 of the audit, this lack of rapport building has negatively impacted how individuals, particularly BIPOC individuals, perceive DPD officers.

Q: From the video review footage (Chapter 9) of frisks and pat downs, could CJI determine whether officers had already made a decision about arrest prior to the pat down?

A: The focus of the body-worn camera review was to determine whether there was potential bias found in the way officers conducted themselves during the encounter. There were three arrests where individuals were taken into custody associated with the stops CJI reviewed. One arrest involved a DWI offense, one involved a pedestrian known to police that had an arrest warrant, and one involved an individual police attempted to stop who fled but was later found. In all cases, individuals were searched after the arrest decision was made.

Q: For vehicle equipment stops (Chapter 8), in some communities, officers can give individuals a token for where they can get repairs. Can some of the funds be put into resources for officers to tell individuals where repairs can be done?

A: In the considerations of Chapter 8, we cite Ramsey County's recent success with reducing non-public-safety traffic stops and thus racial disparities within vehicle stops, including vehicle equipment violations. This is particularly notable for DPD, since CJI found stops for equipment violations to be the second most common type of vehicle stop and a leading driver in the racial disparity of vehicle stops. The possibility of Duluth and St. Louis County adopting a similar policy change could be a focus of implementation sessions between DPD, the City, and the community.

Presentation to the Duluth Citizen Review Board (August 23, 2023)

Q: The demographics of the community survey respondents were as follows: 69% white, 8% Black, 7% Indigenous, 3% Hispanic or Latino, 2% Asian, and 1% Native Hawaiian or other Pacific Islander. Why were the majority of community survey respondents white? What was CJI's engagement with the Black and Indigenous community to get members of those demographics to respond?

A: The overrepresentation of white respondents to the community survey is, in part, a reflection of the demographics of the City of Duluth: 89 percent of the city population identifies as white, 3 percent as Black, 2 percent as Indigenous, 3 percent as Hispanic or Latino, 2 percent as Asian, and <0.1 percent as Native Hawaiian or other Pacific Islander, according to 2022 Census data. The high representation of white individuals in Duluth increased the likelihood of survey respondents identifying as white. CJI anticipated the challenge of obtaining a representative sample of the Duluth population through the community survey. To overcome this challenge, CJI conducted individualized outreach to 70 community leaders and organizations that serve the BIPOC community in Duluth. As a result, we were able to receive a demographic sample that has a greater representation of the BIPOC community in Duluth, compared to the population.

Q: The DCRB bylaws state that members are required to develop and receive training on policing and privacy data, but this training is nowhere to be found. What training has the DCRB been through and is the training manual public? The bylaws also require record keeping and publishing of DCRB meetings, but since there are no meeting minutes available for most of 2023. What has changed in record keeping to cause this?

A: *Paraphrased response from members of the DCRB:* Members of the DCRB have been advocating for change to the website. Most minutes are stuck in the approval process or upload process, the latter of which is controlled

by the city. The gap is in part due to the faults in previous attempts to audio record the meetings and publish those transcripts. The DCRB has drafted an annual report for 2021-22 that provides answers to many of the questions the community may have about us. This report is currently in review and should be published soon. DCRB members would be happy to dive further into this question about training at the September DCRB meeting.

Q: When and where is the next presentation of the Racial Bias Audit report?

A: The final presentation of findings was held at the Family Freedom Center on September 7, 2023. After that, CJI will host implementation planning sessions to assist the community and DPD determine what consideration they'd like to address first and outline next steps. Those session dates will be announced when they are scheduled.

Q: How does DPD feel about these findings?

A: *Paraphrased response from Chief Ceynowa:* DPD believes it's important for the community to have a space like these community presentations to give input on the report with DPD taking up room. DPD has made several verbal commitments to the RBAT as part of the implementation process. We're committed to working with the community on this. The community will see continued updates on DPD's racial bias audit webpage.¹ DPD has also drafted a cover letter about our perspective that can be found at the beginning of the racial bias audit report.

Presentation to the Family Freedom Center (September 7, 2023)

Q: The community survey for this audit had predominantly white respondents. Can future surveys focus on only surveying BIPOC community members?

A: The overrepresentation of white respondents to the community survey is, in part, a reflection of the demographics of the City of Duluth, with 89 percent of the city's population identifying as white. In our analysis of survey results, CJI was able to disaggregate the data to examine both total responses and responses solely from BIPOC individuals. In Chapter 7 of the report, we often list responses from BIPOC community members, white community members, and total survey participants to portray the differences in experiences/interactions with the police. CJI does not plan to conduct more surveys as we close out our work on this audit but encourage the community and those focused on implementation of priorities identified by the implementation planning process to identify ways to ensure BIPOC community member voices are well-represented.

Q: How can we improve trust between the community and the police?

A: In the chapter on BIPOC community relations (Chapter 7), CJI offers three considerations for DPD as pathways to building mutual trust with the community: (1) build a community engagement strategy in partnership with

¹ <https://duluthmn.gov/police/public-reports-and-transparency/racial-bias-audit/>

local neighborhood communities to ensure the Department’s actions match the expectations for how community members expect officers to engage; (2) provide officers and community members with pathways for non-enforcement interactions; and (3) create a communications strategy that more intentionally engages with community organizations prior to wider public initiatives.

Q: How do officers and community members define “suspicious activity?” How do officers know that suspicious activity is happening?

A: Calls for suspicious activity are wide ranging, indicating that the public’s interpretation of the term varies. CJI found that DPD officers exercise caution in their response to these calls (Chapter 3), following up with the reporting party to clarify details and approaching a subject if the officer has established their own reasonable suspicion of criminal activity. While DPD currently has no protocol in place to specifically evaluate potentially racially motivated reporting in these calls, officers must establish, as required by the Constitution, reasonable and articulable suspicion or probable cause before engaging with subjects of such calls and when officers self-initiate stops for suspicious activity.

Q: What is the racial and ethnic makeup of the DPD?

A: In their 2023 Recruitment and Retention Plan,² DPD lists the demographics of Department members as of 2022. According to this report, 92.5 percent of the Department identifies as white, 3 percent as Black or African American, 2 percent as Native American, 1.5 percent as Asian, and 1 percent as Hispanic or Latino. In Chapter 1 of our report, CJI lists numerous considerations to aid the Department in recruiting and hiring diverse candidates.

Q: Does DPD detail in policy how officers should conduct themselves during vehicle stops and deescalate those situations? Is there a written protocol they follow during vehicle stops and how do they track compliance?

A: DPD Policy 435 “Traffic Stops” provides officers guidance and protocols for how officers are expected to conduct vehicle stops.³ The policy details expectations for low or unknown risk stops and high risk/felony stops. DPD does not have a written policy for how they track compliance with vehicle stop protocols.

Q: Are there racial/ethnic disparities in use of force?

A: The audit did not direct CJI to examine DPD’s use of force or any potential disparities within those actions. Instead, CJI was directed to examine DPD’s use of force documentation and Department-led investigations into incidents of force (Chapter 6). As a result, we cannot say whether there is a presence of racial disparities in the Department’s use of force. However, we did determine clarity is needed for when officers are required to

² <https://duluthmn.gov/media/14642/recruitment-plan-14.pdf>

³ <https://duluthmn.gov/media/15653/policy-manual.pdf>

document force, particularly for lower levels of physical force. An analysis of the Department's use of force and the demographics of individuals involved could be a future focus for the Department or City.

Q: Did the audit specifically look at documentation for interactions that occur at the CHUM?

A: The audit did not examine DPD interactions with community members at specific organizations or businesses. However, we did assess Department stop activity by neighborhood to determine if there were disparate vehicle or pedestrian stops in specific areas of the city (Chapter 8). CJI found that over half of vehicle and pedestrian stops occur in four neighborhoods: Central Business District, Central Hillside, East Hillside, and Lincoln Park. Representatives from DPD and members of the community may choose to discuss why the majority of Department stops occur in these areas during upcoming implementation planning sessions.

Q: Who initiated the audit? What is an RFP?

A: This racial bias audit is a result of a multi-year partnership between representatives of DPD, various community groups, and city leadership. These community and city representatives include: City of Duluth Commission on Disabilities; Duluth Citizen Review Board; Duluth Community Safety Initiative; Duluth Human Rights Commission, NQT2SLGBIA Commission; and the Duluth branch of the NAACP. These community members partnered with members of DPD to form the Racial Bias Audit Team (RBAT) to guide and direct this audit. In April 2022, the City of Duluth in partnership with RBAT released a request for proposals (RFP) for professional services to conduct the racial bias audit. CJI submitted our proposal for how to conduct the 11-part audit and was selected by RBAT and approved by the City Council in September 2022. CJI worked closely with RBAT throughout this last year, conducting monthly meeting and providing monthly progress updates that can be found on DPD's racial bias audit webpage.⁴ RBAT continues to lead this audit and will serve as an important stakeholder for the implementation of various audit considerations.

Q: From the body-worn camera review, why were stops unnecessarily longer for BIPOC subjects than white subjects? Were these stops reviewed chosen at random?

A: CJI drew a random and statistically significant sample of stops from each stop category among stops conducted in September and October of 2022. In our report (Chapter 9), we discuss various reasons why stops may be longer than expected, finding that five percent of stops with white community members and 22 percent of stops with BIPOC community members took longer than expected. However, no clear pattern of reason was identified in the stops reviewed that took longer than expected. CJI recommends DPD establish a supervisory review process by which supervisors regularly assess body-worn camera footage for various factors, including whether officer interactions are free of bias-based policing.

Q: Does this report show that there is racial bias at DPD?

A: Overall, the audit found that DPD adheres to best practices in many areas of their operations but may fail to achieve the intended impact of these practices. In particular, CJI found a presence of racial disparities in vehicle stops and stop outcomes that point to underlying issues in Department operations, which may lead to the

⁴ <https://duluthmn.gov/police/public-reports-and-transparency/racial-bias-audit/>

overrepresentation of BIPOC individuals in DPD enforcement interactions. While CJI could not attribute these disparities to individual officer bias, these patterns of enforcement may contribute to the community's sense that a culture of racism exists within the Department. The audit lists numerous considerations for DPD and the City to address these disparate impacts, which can be the topic of discussion in the upcoming implementation planning sessions.

Q: What are the action steps moving forward? What does implementation planning mean?

A: The implementation planning phase of this project will consist of meetings with the community, DPD, and community + DPD to determine which aspects of the audit should be prioritized and how they may be implemented. CJI will walk through an adapted, results-based accountability approach with members of DPD and the community to identify the outcomes that participants want to see and benchmarks that can serve as measures to quantify the achievement of an intended result. The goal of these sessions is to outline a clear summary of the process and next steps for starting implementation.

Q: Does the Human Rights Commission have involvement with the implementation planning process?

A: While the Human Rights Commission is not hosting an implementation session, as it hosted a presentation of the racial bias audit findings, the Commission is represented on the Racial Bias Audit Team. As the Racial Bias Audit Team is leading the implementation planning process, members of the Human Rights Commission will be involved.

Q: Are more surveys planned to track improvement on implementation goals?

A: CJI's contract with the City of Duluth does not include additional surveys. However, RBAT and City leadership may consider conducting a follow-up community survey and follow-up Department survey at appropriate intervals as the implementation phase of the project proceeds.

Q: What neighborhoods are represented in the web-based community survey described in the audit?

A: In our community survey, we asked respondents to choose a Duluth neighborhood that they live in or in which they spend most of their time. CJI listed Duluth's 31 neighborhoods for respondents to choose from. In our analysis of results, we found that the neighborhoods of Central Hillside, Lincoln Park, Lakeside-Lester Park, and East Hillside had the highest percentage of survey respondents (Chapter 7). Yet each of the 31 neighborhoods was represented by at least one survey participant.