

MINUTES – Duluth Citizen Review Board Meeting of November 23rd, 2021

In attendance: Sara Vaccarella (Chair), Danelle Dunphy (Vice Chair), Kevin Wu (Board Member), Eric Franklin (Board Member), Carl Crawford (Human Rights Officer), Laura Laaksonen (Human Rights Assistant), Blair Powless (Board Secretary), Mike Ceynowa (DPD Lieutenant/DCRB Police Liaison), Mike Tusken (DPD Police Chief)

Absent: Ken Kimber (Board Member), John Beyer (Board Member)

I. Call to Order

II. Roll Call

Roll and Voting Call Procedure

The Secretary will call out board member names during roll call and when any voting is conducted. Board members will then respond when their name is called.

III. Public Comments – via WebEx and submitted in writing

No public comment

IV. Police Liaison Report

- DPD is working on documenting complainant feedback on complaint resolution and process (how feedback was gathered [paper letter, Email, phone call, etc.], what the feedback was, and how the feedback was responded to.
- Will work on formalizing a letter that will be sent to all complainants
- Four new officers hired and will be sworn in in early January
- Q: Lots of open excessive use of force complaints. Are these new?
A: Open complaints are new. One may result in discipline, others most likely will not.
- Q: Complaint resolutions have lots of grammatical and punctuation errors, to the point that sentence meaning is unclear.
A: Resolution descriptions are taken from more detailed information and so errors occur. We will ask writers to be more conscientious about the transfer process.
- Q: One complaint in particular seemed odd in that serious behavior issues only resulted in 'coaching.'
A: DPD is working on these issues internally.

[BREAK IN RECORDING]

- Q: How has demographic make up of DPD changed with new hires
A: Two of the four new hires are female
- Descriptions of complaints and their resolution do not convey enough information for CRB members to understand what occurred.

V. Approval of Minutes

Minutes from 10/26/21 DCRB meeting approved unanimously

VI. Executive Report

No executive report

VII. Committee Reports

a. Taskforce on Complaint Audit Process

Subcommittee contacted the Minneapolis CRB. They sent us a copy of their Complaint Process Audit from 2016.

VIII. Other Business

a. Community Crisis Response update

Responder and program director positions hired. Some discussion with DPD and CORE Team about supplying some training for the crisis response program. Program will begin offering services on December 7th. Program is coming along well.

b. Racial Bias Audit update

Still writing the RFP and thinking about the scope of the audit. Cost will be a factor given how many things we would like the audit to do. Near a final draft. Not sure on timeline for release.

c. Discuss invitation of guest speakers for January meeting

- Planning to invite two individuals who participated in the process of forming the DCRB. Doug Bowen Bailey and Ricky Defoe to will be invited to speak, and Carl Crawford and John Beyer will speak as well.
- Board members agree to invite speakers and have presentation and discussion about the formation of the DCRB and what direction it can take in the future
- January meeting will be a consent agenda.

d. Follow up on complaint verbally taken at previous meeting (For the full list of follow up questions submitted to board see APPENDIX A on page 4)

- Q: Who called John Staines employer, why did they call and what did they say, and how many times were calls made by DPD or other city employees to John's employer regarding his confronting DPD police officers?
A: A lieutenant from the DPD called John's employer to let them know that one of the officers that John confronted thought that John's behavior was inappropriate.
- Q: Should a citizen expect that if they question or confront a police officer while they are working that the department will be contacting their employer?
A: Not necessarily, but if a citizen is working and behaving in a manner that is out of line the DPD might call the employer. This was not a situation where the employer should have been contacted. Not about the fact that someone confronted the police, but about how the person went about it.
- Q: How do we know that this might not occur again?
A: The call shouldn't have been made. By and large we do not call peoples employers. This is a one-off rather than a pattern in DPD behavior or policy. The caller
- Q: What protocols are in place to check whether a call needs to be made to an employer or not?
A: The call that was made to John's employer should have gone through higher administrative processes/people before a call was made. The DPD would have not made the call in hindsight.
- Q: Is there a process or policy in place to address this sort of thing in the future?
A: No, but this happens very sparingly.
- Q: If someone questions or confronts a police officer do they need to give their name to the police officer? Does someone have to give the police their name if an officer requests that?
A: No. A person does not have to give their name to a police officer ever. There might be consequences for that if someone is being arrested and refuses to give their name. Under that circumstance they may be held until they give their name. You do not have to speak to a police officer and you do not have to give them your name.
- Chief Mike Tusken suggests that, under the circumstances, he is willing to share the body cam footage of the incident with members of the DCRB in order to quell persistent rumors and/or misunderstandings. Would have to be only small groups of the board, could not be a quorum because then it would be a public meeting.

IX. Community Correspondence and Announcements

No correspondence or announcements

X. Public Comments via WebEx and Board Member Comments

No public comments or board member comments

XI. Adjournment

APPENDIX A

Requests and Questions for DCRB November 23rd Meeting – Blair Powless

Complaint Format Requests

- Inserting a key that describes complaint resolution terminology into the excel spreadsheet that lists complaint resolutions
- Stating whether complaint investigation results were communicated to complainant in written or verbal form, or both
- Listing the complainants' own words (verbatim, minus identifiers) as to why they were not satisfied with a complaint investigation result

Follow up on John Staine Complaint

- Who called John Staines employer, why did they call and what did they say, and how many times were calls made by DPD or other city employees to John's employer regarding his confronting DPD police officers?
- Should a citizen expect that if they question or confront a police officer while they are working that the department will be contacting their employer?
- If someone questions or confronts a police officer do they need to give their name to the police officer?
- When does someone need to give their name to a police officer? Whenever an officer asks for it, or only under certain circumstances?
- John said that the officer threatened to cite/arrest him for interfering with an arrest. Was John interfering with the arrest, and if not was the officer making a hollow threat in an attempt to intimidate and manipulate John?
- My understanding is that John is not satisfied with the outcome of his making a complaint, but is too disgusted and intimidated to engage the DPD directly any further. How can the CRB follow through on this for the citizen?
- What options does a citizen have when they are dissatisfied with the outcome of the investigation into their complaint?
- Could a citizen sign some sort of release of their data to the CRB?

Questions Regarding Citizen Interaction with the Police

- Should a citizen expect that if they question or confront a police officer while they are working that the department will be contacting their employer?
- If someone questions or confronts a police officer do they need to give their name to the police officer?

- When does someone need to give their name to a police officer? Whenever an officer asks for it, or only under certain circumstances?
- Why would an officer ask where someone was coming from and where they are going during a routine traffic stop, say for speeding or making an illegal turn?
- Does a citizen who is asked by an officer either where they have been or where they are going have to answer that question? If someone does not want to answer that question is that grounds for suspicion and therefore further interrogation?