

LOCATION: *Building for Women – Basement Conference Room*  
 MEMBERS Present:

	David Baker	x	Katherine Eagle	x	Renee Van Nett
	Patricia Behning Oakes		Gabriel Green	X	Bob Grytdahl - Staff
x	Doug Bowen-Bailey	X	Blair Powless		

**Absent with Notice:** David Baker, Gabriel Green, Patty Behning Oakes

**Liaisons to DPD:** Lt. Jeff Kazel

*Guests:* Dr. Bob Powless, Linda Powless, Brian Jones, Ryan Morris, Teresa Nelson

**Call to Order:** **President Van Nett** called meeting to order at 5:09 pm.

**Welcome – Introductions were made.**

**Approval of Minutes**

*Motion to accept the minutes of 5/28/13; Eagle/Bowen-Bailey, Passed.*

**Training from Teresa Nelson, Legal Director of Minnesota ACLU**

We invited Ms. Nelson to share the ACLU’s perspective on issues related to community-police relations and civilian oversight. She started off by sharing that this is legal information, but not legal advice. She shared information in 4 categories:

- **Know Your Rights:** the ACLU does trainings for citizens to understand their rights and responsibilities during interactions with the police. Much of what she shared is included on a the pamphlet“*What to do if you are stopped by the Police, Immigration Agents, or the FBI*”. Copies of this can be found at (<http://www.aclu.org/drug-law-reform-immigrants-rights-racial-justice/know-your-rights-what-do-if-you> )

Some points she stressed:

There is no law that you have to identify yourself unless you are driving or carrying a weapon. Anything hanging from rear view mirror is an invitation to be stopped. Scope of a stop has to be related to what the reason for the stop was. Scope can be expanded if there is a reason to do so. Can ask for consent if they don’t have probable cause. ACLU’s recommendation is not to consent to an expanded search because that is a waiving of your rights under the 4<sup>th</sup> amendment.

Treatment of passengers: precedent in the case *State vs. Fort* A driver was pulled over and arrested, but no reasonable suspicion that passenger had committed a crime. While transporting passenger, a police officer did a mini-interrogation of passenger; Supreme court of Minnesota ruled that it was improper for investigation to be expanded to passenger.

Many court rulings use the terms *reasonable* suspicion and *probable cause*. Both have similar meanings, but reasonable suspicion is a lower standard than probable cause of demonstrating articulable criminal activity.

**Recommendation for Citizens:** Get through the situation by cooperating with the police and then complain about it after the fact. Try to remember as much as possible and write it down as soon as you are able. The ACLU encourages written complaints.

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- **Community Forum:** Challenge can be in recruiting the people to attend. Need to do outreach to the community, particularly to communities that have opinions about police conduct – both positive and negative. Some examples:
  - Battered women’s groups
  - Minority communities

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- Groups serving people with mental health or chemical dependency issues
- College students
- Language minorities (New immigrants – Deaf community)
- Invite someone who has filed a complaint – one that was sustained and one that was not; to explain the process and give opinions of the experience

Forum needs to be accessible – geographically, transportation, linguistically, child care, for schedules – so holding a variety of forums at different times can be good.

Can be a challenge to balance the need to encourage people to file complaints & to ensure that you are protecting the rights of public employees; Data practice act prohibits disclosing details about complaints about personnel;

Need to Address Barriers to filing complaints including:

- *Fear of reprisal:* Statute about Filing False Complaints about a police officer may deter some people
- *Officials Making Public Statements Prior to Investigation:* People hesitant to file complaint in part if officials come out and make statements supporting officer before investigation

*Free Speech Concerns:* Community forums considered “limited public forums.” Created by government for limited purposes. Restrictions on speech in that limited forum need to be reasonable – and not restrict viewpoints. Can restrict personal insults, but not criticism of a public official. Can make recommendations that people not be named, and that they be saved for the complaint itself, but not able to prohibit it.

- **Receiving Complaints:** important to have multiple ways to receive complaints that help to eliminate barriers. Also to do outreach to communities to explain to people the process of filing complaints;

*Re: Data Privacy:* It’s the ACLU Perspective that the MN Data Practices Act as a barrier for CRB receiving specific information. It may be restricted because of the Ordinance, but not because the Data Practices Act. In later discussion, we talked about the need to get legal advice on this matter from the City Attorney’s office because they serve as our attorney.

- **Hot Topics:** *Chambers v. Penny Cook*; Excessive use of force – caused *diminimus injury* i.e. a small amount of injury that doesn’t necessarily have to be permanent. Can still make a claim of the violation of the 4<sup>th</sup> Amendment for excessive force; But officers were entitled to “qualified immunity” for June 6, 2011. After June 6, an officer doesn’t have “qualified immunity.”

*Mental health crises* should be seen as a health issue, rather than a law enforcement issue. People experience mental health concerns become the victims of excessive force.

*Militarization of Police:* Looking more like an occupying army rather than peace officers – concern about that influence from federal government and homeland security. Can be an impediment to community relations.

*Racial & Ethnic Profiling:* Race is being used as a factor to determine who to stop, not necessarily the only factor. Often the result of unconscious biases. According to recent ACLU study, Black people 7.81 times more likely to be arrested for marijuana possession than white people despite equal usage rates. Have one of the highest racial disparity rates for incarceration in the entire nation. The cause of that disparity is multi-faceted.

Crime rate is about the same as in the late 1960s. Statistics coming from the BCA for 2010 and 1968. Note that crime rate and rate of incarceration are different measures.

- **Future Support:** Teresa expressed willingness to provide consultation to the DCRB if needed – recognizing the limits of their capacity due to staffing. They also could offer *Know Your Rights* training for citizens. Resources are listed at: <http://aclu-mn.org/>

**Public Comment:** None

**Mission Statement:** Discussed final revisions on mission statement. The initial proposal from last month was:

*It is the mission of the Duluth Citizen Review Board (CRB) to promote positive relationships, trust, and communication with our Police Department and community.*

*Motion: Switch the order of police department and community and change CRB to DCRB and pass the mission statement. Powless/Bowen-Bailey. Passed.*

So, the adopted mission statement reads as follows:

*It is the mission of the Duluth Citizen Review Board (DCRB) to promote positive relationships, trust, and communication with our community and Police Department.*

### **Discussion of Statement for Public Comment period**

We discussed the values have a final draft for consideration. Please look it over and bring any suggestions for changes to the July meeting. The draft is intended to cover Public Comment that happens during our business meetings, and would have something that would be printed and then a shorter statement to be read.

Additionally consideration would need to be given for Public Forums.

### **DRCB Public Comment – FINAL DRAFT – 062513 TO BE PRINTED**

“The aim of argument, or of discussion, should not be victory, but progress.”- Joseph Joubert

Welcome. The Duluth Citizen Review Board is glad you are here and welcomes your perspective. There is a 5-minute time limit for your statement and then an opportunity for board to be in conversation with you.

As you speak, please keep in mind:

- The public comment period is not designed for filing a formal complaint. The board can assist you with that process if you want support.
- The DCRB is designed to build trust and improve communication between our community and Police Department. We place a high value on open and respectful communication. We will not all agree with each perspective; however, we will strive to learn from each other and have concerns respectfully heard and fairly addressed.
- Please do not use the names of citizens or police officers to ensure privacy and fairness for all people connected to incidents you may describe.
- We recognize that there is a broader history and context to the relationship between community and police. Please focus your comments on situations and suggestions related to Duluth and within recent history.
- The board is open to suggestions for how we can help our community and police department to better understand each other and live and work together peacefully.

Thank you for taking the time to share your perspective with this board.

### **TO BE READ:**

This is the time in our meeting for public comment. We have a written document with more information, but we just want to note a few things. There is a 5-minute time limit for your statement and then an opportunity for board to be in conversation with you. This is not designed as a time to file a formal complaint. If you wish to do so, we can assist you in that process. When speaking, we ask you to remember our values of building trust and improving communication with our police and community. Please do not use the names of citizens or police officers when describing any events to ensure privacy and fairness for all involved. Also, focus your comments on Duluth's recent history. Finally, we are open to your suggestions for how the DCRB can better do this work. Thank you for being here and sharing your perspectives.

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## COMMITTEE REPORTS

**Report from Public Relations Committee:** None

**Report from the Strategic Planning Committee:** None

**Correspondence:** No correspondence.

**Report from DPD liaisons:** Training room scheduled for July 23<sup>rd</sup>. Training re: traffic stops. In the future, FATS simulator that is a training for use of force; Also might have this topic in a community forum; Investigation farmed out to BCA so that there isn't a conflict of interest. If you have questions about the incidents that happen in the community, feel free to call Jeff or Robin to ask for more complete understanding around incidents. We need to figure out how to have that dialogue occur. Blair will follow up with Jeff re: incident that happened in June.

**Update on City emails:** We will get a single city e-mail managed by City staff. Bob will manage the email and also share information with the Board.

**Public Comment:** None.

**Items for Orientation Handbook:** Items previously on the list were Ordinance, Description of Training, This month, discussed having Mission Statement, Values Statement for Public Comment period, Complaint Acceptance process. Nothing more added to the list at this point.

**Protocol for Receiving Complaints:** Will address this next time.

**Announcements:** Community Action Duluth having open house on Wednesday, June 26 from 4-6 pm. Community Action Duluth is also hosting a Big View meeting on Thursday, June 27 that is talking about schools. 5:30 dinner; 6:00 forum starts. Both events are held at the former Lincoln Park school at 2424 West 5th Street.

**Motion to Adjourn at 7:32 pm.**

**Next meeting Tuesday, July 23 at 5 pm – Duluth Police Headquarters.** 5 pm will be a social time to allow for board members to have more informal interaction with community members attending. Business meeting will begin at 5:15 pm.