

Transcription
DPS & AG Working Group
Hearing on Prevention, Training, and Officer Wellness
2nd Session

- 1:30 [Ellison] All right folks. Oh there we go. There's a microphone. Well. We're going to ask folks to start coming coming back to the table. We still have a lot of work to do. It's it's right around 2: 20 and we need we have to get started with and complete our prevention and training panel.
- 2:00 [Ellison] But thanks everybody is everybody's second go. Very good. So Steve Wickelgren who is going to talk about the who is going to talk about CIT Officers Association supposed to work. Mr. Wickelgren, this floor is yours.
- 2:30 [Wickelgren] Thank you Attorney General Commissioner rest of the working group at pleasure to be here to provide hopefully some information and a little opinion here. I'm the clinical director for Minnesota CIT. A little background I was a Minneapolis police officer a sergeant who worked for about 27 years retired five years ago.
- 3:00 [Wickelgren] I am a licensed therapist at this point I've got a private practice in the Twin Cities where I serve mostly public safety folks for depression, anxiety, PTSD the those types of things as well as doing training throughout the state with CIT. So I I want to give a certain perspective here by the end where I'm going to combine those two jobs that I do.
- 3:30 [Wickelgren] For Minnesota CIT we've been in business a nonprofit since about 2006. For Minneapolis PD, I've been involved with our CIT program since its inception in 2001. I took over and started supervising 05. So I've got a bit of experience overseeing those programs.
- 4:00 [Wickelgren] CIT is a concept that brings in all stakeholders who might be involved in the lives of people who suffer from some type of mental health crisis. And I would like to emphasize that word crisis. I'm also in the mental health field. So when we start talking about CIT again it is a different animal when we start talking about a crisis situation. When we do our training what we do is we review...
- 4:30 [Wickelgren] the very common signs symptoms and behaviors of depression, anxiety, mania ,psychosis anxiety, disorders, the very basics of that. The officers who have learned how the human brain works they learn that and the basic forms so that they can incorporate some very general intervention techniques while they're dealing with folks in crisis.
- 5:00 [Wickelgren] So part of our curriculum is literally looking at the brain I mean not the structure but the function of the brain. And when we start talking about officers being trained, we have the same brain as everyone else in the community. There is illnesses there are issues. But basically it functions in the exact same way. And that again may be relevant here and while I hope.

- 5:30 [Wickelgren] Regarding CIT, it is seen as a best practices model by not just myself and others but organizations such as NAMI the National Alliance for the Mentally Ill, the American Association of Suicideology, the National Association of People of color against suicide Amnesty International, White House Conference on Mental Health, Department of Justice, the Department of Health and Human Services, and the John Jay College of Criminal Justice.
- 6:00 [Wickelgren] All these organizations say CIT is the best practice model for law enforcement as far as de-escalation and working with people who are in a mental health crisis. CIT programs across the country have tracked their success regularly. In Minneapolis we did it extremely informally. We didn't have the proper tools at least at the time I was there.
- 6:30 [Wickelgren] Agencies across the nation have shown that when they operate a CIT program. It reduces injuries number one to officers by approximately 50 percent and then injury injuries to the community members or the person in crisis vary in drops from 40 to 60 percent reduction in injuries. So incorporating these programs has been proven to reduce the use of force to reduce injuries on both ends of the spectrum.
- 7:00 [Wickelgren] And yes I am going to be biased here I am in favor of officers being injured less as well as the public. When we do our trainings it is quite often that officers at the end of the week long training will come up to me and they're thanking me for the training. One of the big reasons is they say this takes me back to why I went into law enforcement and it was to help.
- 7:30 [Wickelgren] People because what it teaches them is a slowdown. It looked at them as a person and it makes that human to human connection to where this starts to feel good. And I refer back to what Chief Goldstein reported about and I do true that believe this to be true is that are we asking officers to do too much. My opinion is absolutely.
- 8:00 [Wickelgren] And I'm not going to argue that we shouldn't do this but when we are expected to learn a lot of information like autism like schizophrenia like PTSD like personality disorders which is extremely complicated. The amount of training it would take for every officer to be informed and every just mental health issue much less much less medical issues and everything else.
- 8:30 [Wickelgren] I'm not sure how much time would be left to be out on the street working. So there is in many areas a basic coverage of this information. So part of what we do is again teach about the brain the function of the brain our ability to think to cognitively process what is going on.
- 9:00 [Wickelgren] In order to do that, we use an example such as test anxiety if anyone ever experience that, the problem is we start becoming nervous about doing well on our test. We go into the room and we do not do very well because we're worried. This is a very basic human

condition that I do not believe we can train out of police officers or anyone.

9:30

[Wickelgren] So in dealing with the public understanding how the brain works that someone is frightened, that someone is angry, that they are confused experiencing autistic symptoms and conditions. That is awesome to be able to understand that and then to specifically deal with that in the proper way that would be awesome to be able to do that accurately. I love the slide on these signs of aggression and also the signs of an autistic condition,

10:00

[Wickelgren] Which is it, it's one and or it's the other? The prevalence of violence with folks with autism the prevalence of violence with folks with mental illness is pretty much the same. It is the same whether you're mentally ill or not. We also teach that same kind of statistic people with mental illnesses are eleven times more likely to be a victim of violence and crime,

10:30

[Wickelgren] but they are no more violent than anyone else. The one thing we do share is that the entire field of psychology cannot predict when someone with mental illness will be violent. That is incredibly unpredictable. So when it comes to officer safety they get this information. We try to push that out there to slow down

11:00

[Wickelgren] That's one of the biggest pieces slow down and understand the human brain. I think it's really awesome that we sit here with full function of our frontal lobes being able to talk and not get too emotional at times although at times that occurs here and we can think through this process. But again I go back to that word crisis. Training is absolutely needed. Police officers need to learn to train in crisis conditions.

11:30

[Wickelgren] But here is one thing I know I've talked to at least one hundred officers and I've been involved in a shooting, in my practice and in my work all that nice confidential privileged communication so I can't speak specifically about anything, but I will say this that I have yet to talk to an officer who was involved in one of them and felt bad about how they behaved and

12:00

[Wickelgren] what that tells me is in that crisis situation there is a brain that is not thinking very well. There is extremely strong feelings going on usually fear and then training kicks in. Let's flip the coin over. What are they dealing with. Most likely someone else in crisis who is experiencing a very similar condition.

12:30

[Wickelgren] Someone who is very emotional, who is in that fight or flight brain, not thinking very clearly who wins this battle. Do we come together and now expect reasonable decisions made with how many different options as if it's a choice. I can't stress this enough. An officer in that position.

13:00

[Wickelgren] Now I'm saying I've seen some of the stories I've seen some of the videos myself and I will judge an officer at times and go. That's not cool. That's not good. But I have yet to see see one myself. Every officer I've talked to, I understand what they did and why and it's

it's unbelievable. Understanding how that brain works and what's functioning and what is not functioning.

13:30

[Wickelgren] So I'm going to wrap it up here but again when we start looking at training options we start looking at what to do about this. Please keep in mind the human condition of this human brain which under strong emotional conditions, we we don't operate very well not like we can sitting here in front of ...I'm kind of nervous so sometimes I'm not saying the right thing.

14:00

[Wickelgren] But know my point is we can think through things later. In the moment and unless you've been there please there's plenty of folks who have been through it even right behind me that strong emotional piece gets us to think in maybe in ways we wouldn't normally do so so.

[Ellison] Any questions for either one of our presenters to this panel?

14:30

[Darris] So it's not really a question it's just you know more clarification coming into this. You know I really wanted more information on my life CIT and things of this nature I really want to make that like a really strong recommendation. But you know I need I need more information coming from you about like CIT like what does that mean.. I just I just I need more information from you so I can understand better, OK what is CIT?

15:00

[Wickelgren] It's been around while I apologize. I'm so used to it. It's a huge part of my life and I'm assuming everyone knows so I apologize. CIT is a the 40 hour program developed in the late 80s out of Memphis Tennessee. It was brought to Minnesota in 2001 after a similar mental health tragedy in the 40 hour program officers and no other folks are taught the basics of mental illness conditions.

15:30

[Wickelgren] OK. They're not turned into clinicians which is why a co-responder model is a great idea to have a social worker or a mental health person with an officer. It's an awesome model other than I have yet, and I don't know Commissioner of St. Paul's doing it yet. I know they've got one of the programs, but getting a civilian social worker into a hot 911 call I don't think anyone's doing that yet.

16:00

[Wickelgren] Do you know if St. Paul? [Harrington] I know several corresponding models but as far as I know they're brought in after the exact place after it's stabilized.

[Wickelgren] Yes. And so again that training to police officers is crucial because the called responders come in after in a way after the crisis is done. And maybe my definition of a crisis is different because once everything's safe. Yes the person is still in a mental health crisis and then the determination of hospitalization or wherever we go.

16:30

[Wickelgren] So again that's the crisis piece I'm talking about. But they're also taught very specific de-escalation ideas. So if someone's very manic they just used as an example they're very ramped up talking fast thinking fast. Many programs all they preach is active listening which is a very good thing but active listening will get you nowhere with someone that's manic.

17:00 [Wickelgren] You can listen for 24 hours straight to someone who is very manic. So in order to accomplish something we target a de-escalation technique to a mental health condition. And the overall model is slow down, observe the behaviors, take a guess at what is what is going is what is going on. Try to implement that de-escalation and see if that does start to improve the situation.

17:30 [Wickelgren] And it's not always a calmness but as long as we're trying something we're ahead of the game. It's when the officer is back in the day like we used to rush in and take control before we answer or Ask any questions or do anything.

18:00 [Wickelgren] And that was the old school way is I come in. I'm in charge. You will do and say what I know we're not doing that anymore and yet we still have these crises.

[Harrington] To follow up. Here's a question for both groups approximately. Because I know you have hard numbers on this. How many departments have their entire departments trained under CIT and same under the care project that the Autism Society is running?

18:30 [Harrington} About how many departments are actually employed have actually moved into implementation?

[Ellie Wilson] so first of all my name is Ellie Wilson and I'm the executive director of the autism society. I am sorry I don't have a nametag. I don't have a succinct answer for that. What I will say is that since 2011 we have trained in the neighborhood of like in order of magnitude of dozens of departments.

19:00 [Ellie Wilson] I would argue that the nature of those trainings if I trained a group once in 2011 and that has not been revisited since that time, it's that the regularity and standardizing of that training that we see as a as the greater issue. But overall we have not trained enough departments

[Harrington] that that's helpful to know. Yeah.

19:30 [Wickelgren] And as far as the idea goes CIT goes. I'm going to take a guess and say as far as entire departments. Very very few small percentage. Minneapolis is now I believe St. Paul is fully trained and I would guess based on what I know maybe five or six other agencies in the entire state. I can tell you that roughly 30 to 35 percent of the officers in the state are trained and with such a large percentage of small agencies that doesn't cut it.

20:00 [Wickelgren] I was also going to share with you guys the recommendations that I would provide is influence with legislators whoever to continue funding through the post board of de-escalation training cultural awareness training bias training and the mental illness training like was done a couple of years back.

20:30 [Wickelgren] I'm already talking with agencies who say yes that's ending here and another year or so. Are we going back to what we had. What's the question. And yet there's a false mandate and some of you know that financing issue as well as others. My recommendation is to continue

with this is not going to go anywhere. The second idea I have is we talked about behavior officers behavior.

21:00 [Wickelgren] the public's behavior that's the response between the two people that create these crises and these officer involved shooting. Maybe I'm old and I'm thinking of the 60s and 70s but I think it would be awesome to have some PSAs about encounters with law enforcement folks. What should it look like on both ends.

21:30 [Wickelgren] I'll tell you this officer is seeing that on TV with good reactions from a cool good looking actor like myself might model behavior for officers to do better on the street as well as better reactions from the public. So we don't get this strong emotional reaction when people quit thinking. A PSA of be one of my huge recommendations.

22:00 [Nelson] In response, Looking at how to train the whole state. I know one of the kind of push backs that we've heard has been a financial constraint. And last year last legislative session the Autism Society of Minnesota had introduced a piece of legislation and those asking for funding to train the entire state in the care model of training. The amount we were asking for was four hundred and twenty five thousand dollars. However if every officer that received that training use that training to not require an emergency medical response to a hospital one time, it would have saved the state 26 million dollars.

22:30 [Nelson] This bill was not approved by the Senate.

[Ellison] Could you talk a little bit about how society is received on the autism community side of the fence. I mean how do you guys experience it?

23:00 [Ellie Wilson] Thank you for asking in question because this is what I was hoping you would allow me to volunteer to the group as I listened to Steve's testimony. I hope that you all as part of your participation in this group are able to sense and hold dear to you as you move through this process that we are not asking for things that are as mutually exclusive as they sound. We're talking about more training. Steve is talking about the fallacy that training can be the thing that's accessible to a person in a crisis. That doesn't mean we're not talking about the same types of solutions.

23:30 [Ellie Wilson] And so when we talk about for instance the parts of CIT that resonate with us I don't like that disability isn't included in the list alongside mental illness. That particular part I feel as though we could evolve. I do really like the part about the training where we talk about the human experience of escalation and de-escalation and that that escalation happens not just in the civilians but in the officers as well.

24:00 [Ellie Wilson] The way that I would connect what sounds like disparate views on the matter between us and what Steve just said is that fear that he describes in the officer and thank you for acknowledging that that fear is real for officers while it's happening even in a crisis situation that could pose very specific dangers. I want to pose to you that the fear is

too high relative to what we know about disabled people or people with mental illnesses based on what we know about them.

- 24:30 [Ellie Wilson] I do think that training alongside the other integrated suggestions that we offer you will bring the fear down such that people can think more clearly. There are certain crises where there are clear dangers to people weapons and other things that I have no experience in and can't tell you how to respond to. But I can tell you that people start in a place where they are far too afraid of people with disabilities and mental illnesses and that is something that we can address through training which makes us members of the same team even when it sounds like we could be advocating for something that's different.
- 25:00 [Neslon] No one understands we're not something to be afraid of. Is anyone in this room right now afraid of me? I'm a person with autism but also far too many calls are being responded to with stereotypes and stigmas that are causing officers to meet someone like me already in a heightened experience of fear and that is what training can dispel
- 25:30 [Ellie Wilson] I want to call your attention that's also the testimony that the lovely family behind us gave before we came to set up here. We believe in addressing fear and that will take multiple responses that are integrated and there's lots of details to consider and resources to be spent carefully and judiciously. But we have to look at multiple models for that change.
- 25:50 [Ellison] So Mr Wickelgren could you talk about recognition? I mean if an officer approaches as a person and they don't know all they know is they got a call to show up here. What kind of training they get to figure out whether they're dealing with somebody who's in an autistic meltdown or or something else? How do they. What training they get to recognize what they're dealing with?
- 26:15 [Wickelgren] that's exactly what CIT covers. And that's why I use the word behavior the vitals app, which is good. And I would absolutely promote, many success stories with that so far. The downside of that might be that your phone goes off and you see someone is nearby with autism and then you have the negative connotation that there's gonna be a problem. That would be part of the training, and that is part of our training. Again they learned that a diagnosis doesn't mean anything. I sit here with a diagnosis I've been diagnosed with PTSD. And again does that make me anything. Hell no.
- 27:00 [Wickelgren] Nothing. What makes me who I am is my behavior. And that's what the officers are trained to respond to and also to differentiate the behavior between a severe autistic reaction and that act of violence that precipitated. And when they are close I don't care who you are. It is extremely difficult. This is not an easy thing where people run around with the label of PTSD or autism, clinicians
- 27:30 [Wickelgren] Dr. So-and-So is going to have a hard time and now I go back to training officers on a huge variety of issues. We'll have Dr. psychologist you ask them about their expertise. They're going to have an area. And when they say well what do you know about this part of all

that's not me I don't know about that. That's too much to be very broadly I know we can respond respond to training yeah

28:00 [Wickelgren] Don't get me wrong we can respond the training we do. We can do better. I just kind of cringe some time at the expectation of this perfection of knowing it and having. everything down and all of the expectations put on police. Good Lord. Why do you think I'm with a huge case load of PTSD folks it's huge and it's damaging them and it is breaking some of them.

28:30 [Wickelgren] And I don't know what the answer is. I really don't care. But we've got to do something.
[Ellie Wilson] Well can I actually make one comment to that before we take a question. I just I want to again encourage you not to uncouple what are the most dangerous cut like the most dangerous circumstances with typical interactions with civilians in their community. What happens in the cases of the folks that we are here to represent

29:00 [Ellie Wilson] is oftentimes things that start in a benign fashion escalate because of the cycle of trauma that's happening. So we can't just reserve our improvements for the strictly most dangerous circumstances because sometimes we create those circumstances in typical interactions.

29:22 [Nelson] There is a video that's often used in that in some of the autism trainings that we do. And a young man in a park and he's waving a piece of string in front of his face and a behavior that's commonly referred to in our community as stimming a police officer. His mom is a. You had fairly high support needs. But his mom was across the street like picking up something from the dry cleaners or something and a police officer approached him because his behavior looked unusual and said What are you doing? He answered the question. He said I'm stimming. He ended up being tackled to the ground and restrained by a police officer because he was afraid of that behavior because he didn't have the knowledge.

30:00 [Nelson] The young man did everything that was asked from him. What are you doing. I'm stimming.
[Ellison] we probably have time for one more question before we got to move to our next panel to catch on.

[Gottschalk] One of the questions I have is one of the things I think needs to be said is that law enforcement disproportionately interacts with people that have chemical dependency mental health whether that's because of a community not understanding the behavior or because of the officer not understanding behavior

30:30 [Gottschalk] I am thinking that de-escalation is an important topic to touch on because how that interaction goes is rooted in escalation and escalating and escalating behaviors. But also I would say a strong majority so I would say it's not reasonable to say that when you look at the deadly force and how we're probably going to be a greater number

of people that have either chemical mental health we're confronted with a number of complexities.

- 31:00 [Gottschalk] What level of training is the appropriate amount? Because obviously the police officers are called to because of a social response and trying to number one control the situation and care for everyone's safety. But that can't be an expert in immediately diagnosing I can look at a clinician how long it takes to diagnose what they're what they're looking at and how they're the best way to approach that is. Because your response to a person that may be high on drugs, that's different than the person that's suffering from schizophrenia is different than a person suffering from autism.
- 31:30 [Gottschalk] And I think that's one of the things that you mentioned. What is the right amount of training because otherwise our officers can't sit in the classroom 51 weeks a year and I think that's what we're trying to I'm trying to discern from all of the testimonies. What's the right amount of training but also at what point you can observe the whole situation where it needs to be to have the right professionals address it rather than trying to make a police officer these professionals
- 32:00 [Ellie Wilson] I am certainly not at all in contempt of the way you phrased what you just said when we gave our testimony we talked about the number of hours that we're talking about even CIT, training. You said 40 hours a 40 hour program. That's not 51 weeks a year. There's a lot of space in between those two things. And I know I want to clarify for the group.
- 32:30 [Gottschalk] Sorry, I just want to clarify that it was beyond your testimony. There is a whole of issues, but I want to say I value yours. But I don't want you to think it's all I was pointing out what will Steve had testified too. I want to be reminded of what our expectations of one person can be. So I appreciate getting what really good working with the greatest value in CIT.
- 32:50 [Wickelgren] My professional opinion, I used to be a use of force instructor. And those who have done this and understand the idea of muscle memory repetition. I'm a trainer the 40 hours the course is a training. What post has mandated right now the 16 hours is information that's gathered hopefully utilized. There is no real training component to that. It's awesome, all training is going to be useful but when you sit down I'm going to say training and one fourth of the time in our 40 hour class.
- 33:30 [Wickelgren] You're in the scenario you're watching a scenario that's repeated four out of the five days people walk out regularly here they're utilizing it sometimes on their way home. So I believe to get an impact that it's useful. I'm going to stand by the 40 hour course. We will continue to do a one day class or whatever because something's better than nothing.
- 34:00 [Wickelgren] But I don't think you'll ever switch my mind from going to 40 hours where you can say I've been trained. Otherwise people will go I'm informed.

- [Gottschalk] And that wasn't my intention. Yeah well I don't influence what you're saying I just want you to understand what we're trying to find out did the best trained people but also how we bring in the experts where we can really make even greater difference.
- 34:30 [Ellie Wilson] And your engagement in what you need from that training is exactly the kind of collaboration that makes that training more effective. We have no interest in training you to diagnose autism. That's not your job and we wouldn't impose that responsibility upon you. What we want to accomplish is about being able to recognize certain factors that we know are predictors or in conflict with other training that you would have received. We want to know what is most likely to be practical in your day to day work. And you know we want to focus on also looking at what different types of training can look like.
- 35:00 [Ellie Wilson] I frankly think that training is not the same as learning, training can be a part of learning. There is other learning that can happen with exposure to the community that isn't necessarily about learning about the facets of their diagnosis but about getting to a place where you no longer assume what that profile looks like because you've had that experience. What if officers were a part of hanging around in places where people with disabilities are served?
- 35:30 [Ellie Wilson] I mean this is part of what we're here to innovate [Harrington] to the point that you know one of the questions and I don't expect an answer now but it's something I'd love you to think about and maybe respond to later. Is there a lot of different kinds of training that police officers go through there's pre service training whether in college there's Academy training if you're one of the big four or five departments there's in-service training there's field training there's decision making training. And what strikes me is and I've been a trainer for most of my career too.
- 36:00 [Harrington] Is that the gold standard for Adult Learning is active learning rather than passive learning. But the majority of the training I've had around mental health issues has been simply cognitive information and it hasn't been integrated into. what I really think we should at least think about is how would you integrate this into best practices and training?
- 36:30 [Harrington] So what kind of training and education would you have in the post pre service curriculum for all the kids that are going to come through the cop program? They're going to make no mistake what education should they have. And how should that education be format. What should the training and skills look like. How much simulation time would you put them through in skills how would you integrate CIT and autism training into for example the shoot don't shoot scenarios that we use in the machine.
- 37:00 [Harrington] Do we have any occasions where when they walk into that booth to make that decision they can look at this and go Oh I see these are the triggers here and I would do this now rather than do something else. I don't know that we're doing that at this point so this is not a question it's an observation that I think it's a place where we can start

having a more substantive conversation about what training and learning looks like. And I appreciate the 40. I sent a bunch of people to do the 40.

- 37:30 [Harrington] I sent my entire department of transit through to pull them there but I don't know that that was enough. I get I get how many days they get on the streets. But what's the cost of not having them trained to the level that you really want them trained to.
- [Nelson] Can I respond to that. I think some of that is going to come from a cultural shift within the police departments themselves. There are a lot of forces that we're begging them to engage in this training or they're engaging in this training at the bare minimum because something horrible happened and they need to save face.
- 38:00 [Nelson] If we if the culture of the community if the police can make and start to understand the importance of this then we can start doing more. With the Autism Society, We don't have the resources to set up your scenario rooms and the shooter or don't shoot scenarios.
- 38:30 [Nelson] That's not something that's an for us to develop but when the departments are willing to come to the table with us and say we want to do better this is what we have found has been successful in the types of learning. How can we work together to gather to make this that sum we can improve that. Right now we can only create what we can create on our own until the departments are willing to work cooperatively and come to the table with us. I've seen the scenario room with the moving walls at the St. Paul training center. I want to train people in that. It's cool.
- 39:00 [Ellison] so we want to thank you all for excellent testimony and it's time now to move on to our next panel which would be a panel. C. Kevin Lutz. So just Captain please come forward. Thank you all very much.
- 39:30 [Changing Panelists]
- 40:00 [Changing Panelists]
- 40:30 [Harrington] So if you're ready to go go. Let's let us proceed sir.
- [Lutz] So I'm going to start with the story of Camden. Our police department. Kind of how we got to where we are today where we were not all that long ago. I think it's very relevant to the conversation. The questions that several of us at the end, training has been something that I've been a part of for about six years now within our agency. We've been doing stuff that we believe is ahead of its time. And I think I answer a lot of your questions as I go through if you have questions as I'm speaking please ask
- 41:00 [Lutz] 30 minutes 40 minutes. There's a core problem we talk about the topics I want to talk about all day. I'm just gonna bring up what I think is the most relevant. And if you have questions please ask. So when it comes to the city of Camden. It is 9 square miles were right across the bridge from Philadelphia about 80000 people and not all that long ago we had the distinction as the nation's most dangerous city. We've had as many as 67 murders in a year and that is 8 square miles,

- 41:30 [Lutz] and we've worked very hard in recent time to eliminate the crime that's going on. Our numbers have drastically decreased in recent years and I'll tell you kind of how we got to that point. So our Camden City Police Department we struggled with corruption. We struggled with accountability and we were completely state funded for pretty much the entire function of the police department all of our funding came from the state after years of dysfunction.
- 42:00 [Lutz] The department was abolished that happened in 2013. We formed the Camden County Police Department that took over police services in the city of Camden and about half of the officers that worked for the city at our peak we probably had 460. At the time of the transition we had about 400, and when we transitioned over we had 410 or so cops that transitioned to that county run police department that was under the leadership of Chief Thompson who was the chief of the city department then became chief of the county department.
- 42:30 [Lutz] And we had a really unique opportunity at that point to shape the culture of the agency. We brought over half the people that brought into a new line of thinking and then we were able to directly influence the people that we had coming into the agency in the way of thinking that we were looking to operate by. So that started at the police academy. We took over control of our county police academy.
- 43:00 [Lutz] I heard how you guys do it here in Minnesota. A little bit different. We have 13 or 14 county run academies where any municipal police officer can attend that academy in the state of New Jersey. So my first assignment is a newly promoted sergeant was being assigned at the academy and training the basic police recruits. So as I get into the 30 guiding principles on use of force and ICAT training and a couple of other programs that were utilizing within the department,
- 43:30 [Lutz] that shift in culture and that change in how we wanted our officers to police started at the academy and I can't I can't underscore that importance. It was poorly run leading up to that. The instructors were teaching outdated tactics. There was not much oversight as to what was being taught and how it was being taught. So we took over control of that academy and we were directly influencing our youngest officers at their most impressionable time.
- 44:00 [Lutz] So the Department transitions in 13 and the chief takes a stance that we're going to change the culture of the agency and we're going to do it through training. That started with the selection of the right people in the right places to get that done. Myself, a handful of other people who had been on the SWAT team homicide narcotics had had really experienced everything within the city and were going to garner the most respect from the cops.
- 44:30 [Lutz] But let the rank and file not only the recruits but the rank and file the chief made that commitment with five or six of us. It would have been very we would have been valuable anywhere in the police department. He made that commitment to training and we were able to deliver messages that otherwise might have been difficult for people to receive. They were hearing it from us and they were buying into it.

- 45:00 [Lutz] Another outside the box approach to this was the union getting the union involved with this shifting culture and I'm going to get into the specifics of the training program and the guiding principles but getting the union's buy in from the beginning getting the ACLU and others involved in what we were doing getting their feedback as we were unveiling these training programs so that we were gonna have not only buy in within the department from the rank and file but we would have that buy in from the community as well. Top down leadership has that it has to come from the chief. He had to stand behind and there has to be a commitment to training.
- 45:30 [Lutz] Training comes at a cost. We didn't do much training with the Camden City Police Department at all. I can count on one hand how many training classes I went to as a young cop. That has changed drastically and I'll get into some of the specifics as far as what we're doing. Chief Thompson was the president of the police executive research forum at the time so a lot of what PERF was doing. We were in essence the ones that were going to be like the first agency to carry out some of the things that they were doing
- 46:00 [Lutz] That started with the guiding principles on use of force. And there's 30 I'm going to touch on the ones that I think are the most relevant and the ones that we ultimately at the end of my speech here how we tied all this into our current use of force policy. Sanctity of human life. All right that's the core the baseline of everything we teach we say that from day one. Everything that we do is guided by the sanctity of human life.
- 46:30 [Lutz] We started a training program. I'm not going to get into great detail with it but it's called The Ethical protector program. We're teaching our cops to be protectors, self and others. We talk about us going home safe every roll call ends with everybody goes home safe. It's our job to protect people. Often we have to protect people from their selves. That was probably the most important thing that we could hammer home right from the beginning. Protection of self and other sanctity of human life.
- 47:00 [Lutz] That's the first guiding principle on use of force. Adopting training policies that we're going to aspire beyond Graham vs. Connor. All right. We consider that to be the floor of training the floor of what's acceptable. We were going to train to a higher standard. We were going to implement not only training but policies that supported that. Right. We wanted to aspire to get the A we considered Graham vs. Connor to be a passing grade.
- 47:30 [Lutz] We wanted to make sure that we were going beyond that in our training practices. That's a guiding principle I think is very important. Proportionality, proportionate response to what you're dealing with. Having the police academy to being the training at the academy. Consistent with what's being taught and what the agency values are. Rendering aid that's in our policy and I'm going to get to that in a few minutes. But we have a duty to render aid. When I first started and we responded to a gunshot victim or aggravated assault victim,

48:00 [Lutz] we we waited for the ambulance to get there. Now it's a standing order no matter what. We have a level one trauma facility in our city scoop and go. We get the the injured person into the car we get them to the trauma center that's in policy. And that's part of that that's shifting culture. Again it's called scoop and go. Adopting de-escalation formally in the policy.

48:30 [Lutz] We did that and I'll go through that when I go through the policy. But an under lying thing that we were always taught is that we rapidly wanted to resolve every situation. You're responding to a person in crisis you're responding to help somebody and you wanted to get that done as quickly as possible. We teach our officers to use time as a tactic. It slowed things down when it's feasible when it's possible, time is gonna give you the ability to communicate. It's gonna give you the ability to evaluate what you're dealing with. And more often than not you can reach that desired outcome

49:00 [Lutz] Critical decision making model. It is part of ICAT training which stands for integrating communication assessment and tactics. Another training program that I helped create with the police executive research forum. The critical decision making model and I go through each step, is just a formalized process that an officer can go through when they're dealing with any call for service not just a person in crisis is going to help you gather information and come to a desired outcome as a police administrator

49:30 [Lutz] now I understand the importance of that we're trying to shape desired outcomes. And when it comes to de-escalation it's more than just training. You know it's about a cultural shift in how we respond and how we handle things. We have created an early warning system that was first mandated by the attorney general but we went beyond that in that we put a significant amount of time and resources into real time corrective action.

50:00 [Lutz] We witnessed something on the street could be a minor infraction for tactics it could be a demeanor issue. It could be something that's being actively investigated by Internal Affairs. But we're turning that training around within 24 hours, bring the officer in our cops wear body worn camera. So we're watching the videos with them and it's all about corrective action. We don't want them to associate that training with discipline although our training unit is working hand-in-hand with Internal Affairs.

50:30 [Lutz] We're trying to address that situation so that it doesn't happen again. And we're doing that rather quickly. To answer a couple of the questions about simulator training. We we've made the investment and I don't know if anyone's heard of the virtual 360 simulator. It is probably the most realistic simulator training that you can put officers through. It's about the size of this area right here. It's complete wrap around screen very interactive. We have that in our building.

51:00 [Lutz] So it is rather expensive but in the back end of that is we're getting all of our officers trained in real time in situations that we can guide, if they're communicating well if they're going well you can control these

simulation so that there's a desired outcome. If they're not then there may be a force option. But one thing that I've learned over the years when it comes to training

- 51:30 [Lutz] you don't want them going into realistic training predisposed to this is de-escalation and I'm not going to use force. We're not saying that any of this is going to eliminate use of force. We want appropriate force and that comes with providing them with the training they need to be successful de-escalation communication self defense. Often self defenses and taught beyond the police academy unless they take it upon themselves to train an officer can't defend themselves they're going to be more likely to panic when they're facing pushback or they're facing some conflict.
- 52:00 [Lutz] So very important that's all things that we've interwoven into ICAT into the 30 guiding principles into basically everything that we do as an agency. Implementing a comprehensive agency training program for dealing with people with mental health issues and mental health problems. Talk about CIT the 30 guiding principles and ICAT is not meant to replace the CIT.
- 52:30 [Lutz] it's meant to work hand-in-hand with CIT and at its core, we want to make sure that when the officers are responding that they're at least they're not a medical or medical health professional but they're at least recognizing the behavior that's going to lend them to believe that that person is autistic that they're off their medication that they're high on narcotics that they're intoxicated whatever it may be. And a lot of our training is focused towards that. But again it's not meant to replace CIT
- 53:00 [Lutz] The 21 foot rule, antiquated it is a it is something that's kind of morphed beyond what I think it was initially intended to be. And we believe that it is it is very dangerous. If someone has an edge weapon inside of 21 feet no one's going to deny that. But this training will in conjunction with other things will teach the officers not to insert themselves into a scenario that otherwise didn't require their presence and now that Officer created Jeopardy forces an outcome that that none of us want to see
- 53:30 [Lutz] There is credence to someone that is holding a knife inside of 21 feet. But what we teach the officers is not to rush in. If you were to respond into this room for someone who is suffering from a mental health issue and they're standing in the corner with a knife in their hand why not go to the back crack that door open and communicate.
- 54:00 [Lutz] If he decides it comes towards you you simply shut the door. If we run up to that person gun drawn give them commands. They don't listen. They come towards you. That's officer created Jeopardy and that's something that that we're teaching them. It's OK to slow down. We don't want to insert ourselves into a situation that otherwise could have been peacefully resolved and then pir overzealousness or our response then force what is in fact a legal action we call lawful but awful.
- 54:30 [Lutz] So again that comes back to Graham vs. Connor. Drawing a line in the sand. There's a video in ICAT training that we show from San Diego with Mario Woods. I don't know if anyone has seen that video,

disturbing and we know that kind of debunks that drawing the line in the sand where you're giving a command to somebody they don't listen. They walk towards you and then you exercise deadly force or whatever type of force when you simply could have moved your feet. Not good they get into the inner workings of that.

- 55:00 [Lutz] I'll explain it a little further when I get into ICAT training. But we have a very a video that we think is very successful from our own agency where a knife wielding person leaves a store. He is high on PSP. He's waving the knife around and our cops let him walk down the street for about 10 to 15 minutes. Eventually the knife slips out of his hand. They deploy a taser, a peaceful outcome. Ten years ago he shot on sight. When our cops respond.
- 55:30 [Lutz] So those are tangible results to the training and the shifting culture. Scenario based training. Most important thing PowerPoint has its purpose. When we're you when I get into ICAT training. There is about a day of classroom training but a lot of that involves videos feedback from the officers and interaction. But most importantly scenario based training either through simulation or actors, vitally important because I can tell you that the officers that work for me are experiencing crisis on a daily basis.
- 56:00 [Lutz] They're dealing with people high on drugs off their medication they're doing it every single day. If you don't experience that in real life or you don't train in it, to expect a different outcome when you're faced with that, is it doesn't make sense to me. So you have to train. You have to experience it. And trust me if our cops can do it in the city of Camden it can be done anywhere. Right.
- 56:30 [Lutz] And I experienced both sides of it on how we used the police and the way we used to police was the expectation we didn't know any better. Now we do. Cameras have changed a lot of that. We're gonna be held accountable for what we do. We're gonna use those cameras to our advantage through training and through sound policy and sound training. Again we can shape the outcomes that we're looking for. I talked about ICAT as far as
- 57:00 [Lutz] and again ICAT stands for integrating communications assessment and tactics not meant to replace CIT, It's meant to work hand-in-hand with it. When this was created it was initially created to deal with the deadly force encounters where you're dealing with the person who's unarmed, armed, with a knife with a bat with a blunt object. The concepts of ICAT would certainly apply to the response to a person with a gun.
- 57:30 [Lutz] But once you're dealing with someone who is armed with a handgun in conflict that that really changes the response is a very difficult situation. There's cover and things of that nature kind of can't be utilized in the event that that firearm is discharged. So dealing with a person armed with a firearm that's aggressive in nature is is a very difficult situation to deal with. Again this training is relevant to the response to that call, which we get daily in Camden for a person under the gun where they're often not armed.

- 58:00 [Lutz] This is meant to deal with those you know roughly a thousand a year police involved. We're looking at about four to five hundred directly that we think ICAT can deal with. Challenges conventional thinking things such as we don't have all day we don't use words like retreating we use tactical repositioning. It's OK to move your feet. It's OK to back up. It's OK to get behind cover. We want our officers to stay in a winnable situation.
- 58:30 [Lutz] We know again, Officer created Jeopardy is something that we hammer home. We want them to stay in that winnable situation. We want them to put themselves in a position where time is being utilized as a tactic. Unless that threat is imminent and often we have confuse the two. We take noncompliance as if as an immediate threat or it could be drug induced it could be a lack of medication.
- 59:00 [Lutz] So not automatically taking noncompliance with an imminent threat. All right let that give. Put yourself in a situation where you're behind cover your communicating contact and cover where the additional officers that are responding to the scene. Everybody has a role and that there's you're gathering all the information that you possibly can as you're responding. The critical decision making model it is like this,
- 59:30 [Lutz] I'll talk through it. It's ever changing it's not a a stair step process where you're gonna do this and then you're gonna respond like this. It's it's ever changing. At the at its core ethics values proportionality sanctity of life. At the top you're going to collect information then you're going to assess the situation and the threats you're going to consider your agency policy and procedure you're going to identify if you're going to identify options and determine the best course of action.

1:00:00 [Lutz] Options and determine the best course of action. You're going to take action and then you're going to reassess the situation. Show a video during the training where an officer is involved in it in a shooting. He engages with a person on the side of the road. They're having casual conversation. He goes to pat them down. The individual pulls a knife out comes towards him. He fires one round. It's him center mass backs up begins to give commands and we look at that as a proportionate response to an imminent threat at that time.

1:00:30 [Lutz] And when the officer was interviewed after that shooting related incident and the gentleman that he that he discharges weapons towards he survived. He said I knew I hit him. I knew he was he was gonna be slower than me and I knew I could back up and use time to to help that unfold. Ultimately, a Taser was deployed. The guy was taken into custody. He was taken in for treatment. He survived that incident, but I think that's an example of a proportionate use and a proportionate application of force of a situation that didn't first start out as a an imminent threat.

1:01:00 [Lutz] It was a casual conversation that escalated but the officer's actions were appropriate. Scenario based training and self-defense. I covered that very very important that some level of self-defense training is taught ongoing. I I have applied martial arts my entire life, was in the Marine Corps wrestled for the Marine Corps wrestling team.

1:01:30 [Lutz] It's something that I'm very passionate about and that I've translated down to the rank and file. I can tell you that the person that taught self-defense at the academy before I took over it was exactly the opposite of what anyone in this room would want training the basic police recruits. He was the person with the tap out shorts and the wrap around sunglasses and yeah it's exactly the opposite of what we would want our officers to be doing

1:02:00 [Lutz] so that program has to be in lockstep with policy procedure. I tell the recruits from day one there's certain things that I have to teach you. I'm going to teach you how to put your hands on somebody if and when it's necessary. Get them on the ground and at a minimum hold them there. The training time is limited at the academy there's only so much that you can teach them. They have to be comfortable with that basic hands on application and we have a lot of tools now. These tools are great. The Taser is a great tool but it has become almost the go to the go to tool for our officers in the field.

1:02:30 [Lutz] Gotta have a plan B. if that doesn't work. What's next. Are you getting it out just to show a spark display and try and gain voluntary compliance. What are you gonna do if it fails. All things that we covered through training. Most importantly those are the things that you're doing in your scenario based training. Our used to force policy, the 30 guiding principles in ICAT the policy encompasses all of that.

1:03:00 [Lutz] We are going to go through the six key principles of the of the policy, but we created this in conjunction with Barry Friedman the NYU policing project amongst others. We had input from a lot of different people and I can tell you that the first version of this when it came to us

from NYU after we had had discussion, it wasn't practical and I think what we what we came up with here is something that could be a model for for anybody across the country.

1:03:30

[Lutz] Our officers when they read this, It's exactly what they've been doing for years not a shock to anybody but to other people that might not be operating the same way that we operate in the city. The people that haven't received the same training that our officers have gotten, some of this could seem like something that wouldn't be attainable. Wouldn't you wouldn't be able to to utilize in the field.

1:04:00

[Lutz] Core principle number one officers may use force only to accomplish specific law enforcement objectives. Core Principle two, whenever feasible officers should attempt to de-escalate confrontations with the goal of resolving encounters without force. Officers may only use force that is objectively reasonable necessary and as a last resort. Core principle three, officers must use only the amount of force that is proportionate to the circumstances.

1:04:30

[Lutz] Core principle number four, deadly force is only authorized as a last resort and only in strict accordance with this directive. Core principle number five officers must promptly provide and request medical aid. That in and of itself formalized in the policy that we have had police involved shootings where our officers were justified in their actions. We had a recent one about two years ago now. I'm not going to get into detail but I will say that the officer's actions saved the lives of many people

1:05:00

[Lutz] at the time that he discharge his weapon. He immediately went into that protector mindset shot the individual he neutralized the threat. There were multiple children and other people in this residence and he holstered his weapon and began to render aid and got this individual to the hospital. So that is a huge shift in culture in how our officers would have typically responded in that type of situation. Not all that long ago

1:05:30

[Lutz] And core principle number six employees have a duty to stop and report uses of force that violate any applicable law of this directive. Most attorney general guidelines I know are as encompass a few things have been said here but a few of the other things are above and beyond that and we think it's been very effective. I am gonna go through a couple of the core principles and just some of the verbiage that we incorporated core principle number one officers may use of force only to accomplish a specific law enforcement objective.

1:06:00

[Lutz] Officers may not use or threaten to use force for the following reasons. And I find this one to be probably the most important to resolve a situation more quickly. We want our officers slowing down and taking as much time as they need to resolve this situation without utilizing force. That takes an entire day and that drains manpower from that specific area. They are taught to let that unfold for however long it takes again time is it time is a tactic.

1:06:30

[Lutz] We are not to threaten or use force to prevent a person from resisting or fleeing in the future or to force compliance with an officer's request. Again that gets back to. We give a command. They don't listen.

Often that translates to fear panic that you're going to associate that as an immediate threat. We train them to backup when feasible get behind cover continue that communication.

1:07:00

[Lutz] Core principle Number two whenever feasible officers should attempt to de-escalate confrontations with the goal of resolving encounters without force. Officers may only use force that is objectively reasonable and necessary and as a last resort. Officers will use de-escalation and force mitigation tactics and techniques whenever safe and feasible to do so. Officers will receive substantial training and the critical decision making model as well as when and how to appropriately use de-escalation and force mitigation including but not limited to tactical communication tactical positioning and using time as a tactic.

1:07:30

[Lutz] So that's formalized in the policy. Core principle three, officers must use only the amount of force that is proportionate to the circumstances. Proportionality it's a guiding principle. It's all throughout ICAT, a proportionate response to what you're dealing with.

1:08:00

[Lutz] Consistent with training some of the factors that officers should consider when determining how much force to use include and I'm going to just a couple of the highlighted ones, whether further de-escalation techniques are feasible, and the mental or physical disability medical condition and other physical or medical characteristics of the individual, and whether there are exigent emergency circumstances. As the situation changes officers must re-evaluate the circumstances to continue to respond proportionately.

1:08:30

[Lutz] Over the course of an encounter the circumstances and threats an officer faces may change. Consistent with training and the critical decision making process while using force officers must continually assess the effectiveness proportionality and necessity of their actions in their response. anybody have any questions about anything I have said so far. Do you want to wait till the end. Going through a lot of information. Yes sir.

[Ellison] I love element that I like to hear. I like many of the things that he's saying.

1:09:00

[Ellison] Yes. I really do. How were the how are the how are the officers accepting this training? I mean I could kind of see how you know I could kind of see how if you tell somebody, hey look just because the person doesn't tell you to do what you told them to do, that doesn't mean you're going to walk up and get them in a headlock immediately. That's been I've seen that happen, and I can just I'm just wondering how does it work when you tell them that's not how we're going to do things in the future. Is it working?

1:09:30

[Lutz] Again we were in a very unique situation in our department where our officers, everything I'm talking about nothing to them is going to be shocking or jarring or anything that they would disagree with. Maybe some, but the body worn cameras have changed the game. Currently they have to. You're gonna be held accountable for your actions. But we use the cameras in a way that...

1:10:00 [Lutz] we've gotten to a point where training is a positive encounter with them they understand it. We have that simulator in our basement that they're coming in. If there's a use of force where they could have done something differently. Within 24 hours we're bring them in we're watching the body more camera footage with them and we're putting them through a simulation that is similar to that and they're watching it. They're saying you know what you're right and they're hearing that from me they're hearing of you. I'm Ralph Gordon got guys that have the credibility to deliver that message.

1:10:30 [Lutz] Training wasn't always that way the people in the Camden City Police Department who conducted our training. It was check the box whatever the attorney general mandated. We took a couple of written test and you did it because you had to. They're responding to it well. It's the reality of where we are today.

[Ellison] Well one more question. Language I mean. I mean just to be perfectly candid, I've seen well more than one time where you know the officers really didn't touch anybody in a bad way.

1:11:00 [Ellison] But it's like hey get the F off my corner and you know and I'm just like dude you didn't have to do that. You didn't have to say that. And these young guys who got nothing but their pride to protect are not going to react well you talk to them that way. And I just wonder how do you deal with like even issues of language demeanor issues?

1:11:30 [Lutz] They're coming in and we're gonna watch the video and we're gonna conduct that training the same that we would you know once if a criminal act was committed and it was an unlawful use of force which we haven't had in some time. Again it's messaging. It's how it's being delivered. And we're starting at the Academy Levels and nothing that they're hearing isn't what we've been delivering to them since day one. I didn't go through these numbers but I'll read them off to you excessive force complaints since the formation of the police department.

1:12:00 [Lutz] 2014 we had 65, 2015 44, 2016 31, 2017 16, 2018 3, and year to date 1.. In a very very challenged city. They're doing it the right way. We're supporting them. And the reality is there's no other way to do it. It has to be done this way and they're getting the work done.

1:12:30 [Lutz] Crime stats have plummeted. I mean we had crime stats that rivaled third world countries ten years ago. Now we're at a fraction of that. So those numbers are all down while doing things the right way.

[Harrington] So to speak to the diversity of Camden in terms of the population you're policing in the department.?

[Lutz] The population of the city is not more than 95 percent minority black and Hispanic.

1:13:00 [Lutz] A little bit of Asian-American in one section of the city and probably 1 to 2 percent white. The department itself is I would I don't have the numbers directly in front of me but I would more than 50 percent white. So that is a barrier that we have to deal with. We're a civil service department and now we're drawing off lists to hire that is countywide. So it's not just city residents where our previous department

everybody that came onto that police department was signing on to work in Camden City.

1:13:30

[Lutz] Now we're a county police department that draws off a county list that is pulling people from all over and we have the same issues with retention and hiring that many other people have because many of the people coming in had no intention of working in Camden to begin with. They're getting the training they're going to a suburban town and they're making more money. I mean that's the reality. But we have had a core group of a couple hundred that stayed the course and you know we've accomplished a lot in a relatively short period of time.

1:14:00

[Copple] As follow up for sure to get you to think about writing recommendations, when you're reviewing the tapes what do you to positively reward someone for doing something right?

[Lutz] So we have life saving awards that we give out at our awards ceremonies. We are. So we have we call it track.

1:14:30

[Lutz] So my current assignment now was recently promoted is crime statistics strategic deployment. We are showing videos, we're bringing the officers into our weekly command staff meeting and it could just be a positive interaction with someone on a street corner, a woman on her on her porch. We're bringing them in we're showing that video in front of the entire command staff as an example of what we're looking for and what we want them to do. So they understand.

1:15:00

[Lutz] It I'm not going to sit here and say that what we require of the officers isn't difficult but I can tell you that we give them the training that they need to be successful. We're not just it's not lip service saying you need to go out and do it this way. We're giving them everything that they need to be successful. That's at a cost. The machine that's in the basement is quite expensive. Pulling people off the street it's expensive man hours matter.

1:15:30

[Lutz] But making that that training as impactful as possible and again trying to make the corrective action as positive as possible and ways of doing that documentation things that we can do behind the scenes that the officer doesn't even need to be aware of, as long as they were receptive to the training session itself it's gonna have them leaving there feeling positive as opposed to getting a write up handed to them that they're signing for after that remedial training session. Ig that makes them

1:16:00

[Harrington] What is your body cam policy in terms of how long it is on? Is it just on calls?

[Lutz] they have to activate any call for service any potential interaction where police know where you're gonna have to do something. It needs to go on and then when we're going into a residence, if if they ask you to shut it off then we'll shut it off. And a lot of that policy that's not my purview.

[Harrington] more curious is the interaction with the lady on the front porch wouldn't get can't get in most of my departments because it's

1:16:30 [Harrington] unless they got set there on and call for service it would get kicked on. Otherwise it's just a straight up interaction. She waves at you as you're walking by. You wouldn't get capture yourself.

[Lutz] We we almost have like an inverted patrol model. We don't have patrol anymore we have a neighborhood response team. And about 80 percent of our officers are proactively policing in the areas that we predict crime to happen. So 80 percent of the patrol cops are in our most vulnerable areas engaging people.

1:17:00 Those interactions, the drug dealers and we have a way of capturing that that has freed them up from paperwork where they're videoing everything. If it's not pertinent or it wasn't a compelling stop then they're just capturing that on video. Then we have civilians that go back watch all of those videos with facial we use facial recognition to identify people for Intel and things like that. But our model is all about being in the areas that we believe crime's going to happen

1:17:30 and having interactions positive with the woman on her on her on her on her step as well as the drug dealers on the corner.

[Ellison] Are you results replicable or is this just sort of a good story from Camden

[Lutz] I think it it takes time.

[Ellison] Are there other jurisdictions who employed similar techniques with similar outcomes.

[Lutz] I think our outcomes are tangible because of how bad things were.

1:18:00 [Lutz] Right. We had a turnaround in five or six years that I mean it's it's almost unbelievable. There are other police departments were we I train people all over the state. I train ICAT all over the country that are doing this but they aren't interacting with the level of conflict that our guys are dealing with so we have tangible results I can show 30 videos in the last month where our guys are using de-escalation.

1:18:30 [Lutz] Could have used force and didn't. We're seeing that. I think other officers other chiefs are coming on board with this but they don't have the volume of calls for service or things like that or they don't have the personnel to conduct the training at the level that we're doing it. So we're offering our services we're allowing other people to use the machine. Other departments come in and use that simulator and we're trying

1:19:00 [Lutz] You know another important aspect to this is that video that I talked about with the guy waving the knife we have about 10 different agencies that operate in the city of Camden. We've worked with all of them to make sure that they're on the same playing field as we are and they're responding to things the same way that we are. Because there were officers at that time and this was four or five years ago our officers had to hold back other agencies that were that wanted to run up and you know interject themselves into that scenario and I guarantee you it would've gone a different way. So training with your surrounding towns and jurisdictions.

1:19:30 [Lutz] Very important
[Rubin] I'm going to have the topic of using the body cams for training purposes. I'm guessing when you started implementing this policy and you started watching I'm guessing you probably came across probably even some body body camera footage of people violating policy. Yes and did you have to cut people slack? Did you have a policy that nowhere as long as you're using it for training you're not going to be disciplined for what we see here.

1:20:00 [Rubin] How did you handle that transition.
[Lutz] If if they committed a violation then they were gonna be disciplined but we've implemented a process that has made that much more palatable. If they had a demeanor complaint that came in and then we watched the video and a use terse language and what they did was inappropriate we're gonna bring them in and their interaction with us is going to be positive

1:20:30 [Lutz] we're going to watch are going to be like listen you know you should have done this this and this why did you do that. We're going to talk through it and the documentation on the back end of that as long as it's a minor violation. We're handling in a way that makes that interaction they're like You know what you're right. That's not going to happen again as opposed to bringing them in and you know slapping the performance notice down and just disappointed. That makes sense.

1:21:00 [Rubin] So the support of their union too?
[Lutz] my union president teaches the critical decision making model. So yes that that is something that he's he's a good friend of mine. I knew that he was on board when we were looking to implement change but that has made any pushback. Yet the union president teaching it so. And our use of force policy. Full backing of our ACLU which you get the full backing of the ACLU and your union on something., you're probably going down going down the right path. So it's it's going over pretty well.

1:21:30 [Peters] Kevin once it's it seems like the simulator is a big part of your corrective action steps. You said it twice it was expensive. How much was it and who paid for it.
[Lutz] We paid for it. We leased it again. I'm going to give a roundabout number. It's about fifty thousand dollars a year on a lease and you know it's it's expensive.
[Peters] Would you say it's money well spent

1:22:00 [Lutz] Well spent and we just got that. So we were utilizing the U.S. Marshals had the simulator and they were allowing us to travel an hour up use it whenever we want it wasn't very time. It was very time consuming. The chief as Chief Thompson was on his way out last month. This was something we had in the works and the simulator just got implemented about a month ago where we're now using that in real time we're out on the street. I was riding around the other night watch something I didn't like called the training sergeant. We had the kid inside the simulator inside of an hour

1:22:30 working through that same simulation with the desired outcome we were looking for. We would do that through actors and through other things. Previous to that

[Peters] have you gotten any requests yet from other departments or guys around you.

[Lutz] Yes I think it just went on the news the other day. So yeah we've had quite a few inquiries.

[Park] So when you're working with the officers. Actually there was some resistance at first correct. This seems like a huge culture change from what I know of law enforcement in general.

1:23:00 [Park] So during that time did individuals or personality types bubbled to the surface. Well it's just not going to work. And maybe they moved on to somewhere else. Is this training model is such that even the most resistant were able to be kind of brought along to buy into this new way of thinking.

1:23:30 [Lutz] I would say that there has been people through the years who have not bought in and feel that and gone to other agencies which is fine by us. I'm sorry I kind of lost my train of thought. What was the first part of your question.

[Park] Well it's more that I'm wondering is it just kind of approach that your take can make even the most resistant buy in and only the few outliers are the ones who are leaving

[Lutz] that's accurate. I would say that we're touching the new officers to all those now three to five year cops.

1:24:00 [Lutz] They understand it they understand technology, not resistant at all. I would say the most resistant are the that 10 year veteran the one that's been around a little while did things a certain way. Those are probably your most resistant and then your older officers. They love it. This is what they do. They don't want to get into physical altercations they want to talk. They want to use their experience. So I would say the hardest people to affect are probably that 10 to 15 year vet.

1:24:30 [Lutz] The older guys everywhere I've gone no problems whatsoever

[Rubin] one last question. Could you use your method without body cameras. Or is it a critical component of what you're doing.

[Lutz] I think it's a critical component when it comes to accountability and I think we've found a way to use them in a way that it's beneficial to everybody. I wouldn't have that video to watch to train to correct.

1:25:00 [Lutz] I can remember things in my mind that I did but I'm sure if I had a body camera and I got to watch how things unfolded 15 years ago there was probably plenty of training opportunities that I could have benefited from. Now we have the ability to see that. With that being said the body cam doesn't capture everything. It's capturing a narrow view of an interaction a lot of our city is under surveillance under cameras of some sort that we have access to.

1:25:30 [Lutz] Those are going to paint often paint a much different picture than just that simple body camera itself. So that's education of the public so

that you know the people in the general public believe that that is going to capture absolutely everything and that's not always the case. So education of the people in the city and our community groups things like that. We try to explain those types of things for them so that they they understand and we're very transparent with all our videos as they as they come out to ask questions.

1:26:00 [Harrington] two last questions and we are going make the pivot to the next topic.

[Kappelhoff] just a couple of quick questions. Your interactions are training interactions with the public. It sounds like what that's based on our principles of procedural justice and fairness is that we really got that information.

1:26:30 [Lutz] Yes. So when we created ICAT there was about that was 2016 the Chuck Wexler brought together about 65 people from across the country

[Lutz] and we looked at all best practices so procedural justice the CDM came from Scotland. I mean there there's we had outreach from people all across the world. they don't carry guns so they don't deal with gun violence like we like we do but they deal with intoxicated people they deal with people with bats and knives on a daily basis and they don't have a gun to go to. That's a topic a whole other thing.

1:27:00 [Lutz] There were a lot of lessons to be learned from police Scotland on how they police do I can speak about but that's where that all had influence on this training and how it was how it was created. All free all available on their website with very specific scenario based training how to how to do it. We can do a lot of our stuff in the simulator now but if you don't have that means what the act is to do triggers how to walk through that scenario. It's all very easily digestible

1:27:30 [Kappelhoff] your policy also uses the word necessary in uses a force that's pretty unique in the country I know Californians recently adopted what you must have been one of the first police departments have adopted. We use the Graham v. Connor standard and this is in addition to that

[Lutz] and we're gonna train them to that higher standard. We're going to hold them to it. That again not a not a big issue within our own police department but I'm sure others that haven't gone through what we've gone through might view that otherwise.

1:28:00 [Lutz] But I think it's it's on the right track.

[Kappelhoff] And then your data on uses of force in Fatal Encounters. Do you keep that information and do you share that with the public

[Lutz] as far as police involved shootings?

[Kappelhoff] and any other uses of force are you transparent in that way?

[Lutz] We're transparent with that and we're also the attorney general in New Jersey put together a series of guidelines for early warning. So a lot of that information as far as triggering events for officers

1:28:30 [Lutz] We're transparent with that and we're also the attorney general in New Jersey put together a series of guidelines for early warning. So a lot of that information as far as triggering events for officers that are putting them into an early warning system more transparent with that as well.

[Kappelhoff] And New Jersey is unique right. The attorney general actually is the police force to report to the attorney.

[Lutz] He's the chief law enforcement officer in the state.

[Ellison] I am just to say I do not have the authority and but but the but the attorney general is appointed by the governor. And is has a very critical law enforcement role. It is supervisory in nature

1:29:00 [Lutz] Yes he does and he worked the previous A.G. as well as the current worked hand in hand with a lot of what we do with Chief Thompson. So again a lot of what we were doing was what was directly coming out of AG's office as well.

[Ellison] And if you all want to give me that kind of authority I'm going to ask you. *inaudible*

1:29:30 [Darris] Thank you for coming out here. Off line, I'm have a little bit more conversation with you as we continue to contemplate things, here in Minnesota. I want to commend the Camden police department. I've actually had an opportunity to view that particular video that you're referencing I'm viewed it dozens of times and I've shown it dozens of times. And I would say that this particular video in many places in our state that person would be dead. He would have been dead half way through that altercation.

1:30:00 [Darris] There was even a couple of times where the individual kind of kind of lazily ushered the knife back and forth. But you know I was able to witness the use of force policy that you all implemented in actions. And it was just remarkable. Everybody went home safe including that individual.

1:30:30 [Darris] I had a question just what the judge asked one of my questions. But the other question that I had and they kind of related to what is part...and that's about kind of like the union buy in. I thought that I had read and I might be mistaken but I thought that I had read that all of the officers even though the ones that were currently on duty had to agree in order to remain on the force to adopt the use of force policy.

1:31:00 [Lutz] if the chief of police puts out a use of force policy they're going to abide by it.

[Darris] I thought that I read that that they were all

[Lutz] everybody has to sign for the document. But when we rolled this out a few months ago prior to myself, deputy chief, and another captain went to every single roll call went through it line by line and made sure they were crystal clear there were any questions we were there to clarify it. But to answer your question they wouldn't really have an option.

1:31:30 [Darris] I didn't mean the use of force. I meant the sanctity of life. That's what I was talking about.

[Lutz] That's part. That that is I put out documents on an ongoing. So on top of the training that they get I'll send out refreshers and reminders about different things expectations things they've been taught. Just throw out little nuggets for the sergeants to throw out and to roll calls that they're signing for on their document management system.

1:32:00 [Lutz] And it's just the ongoing reinforcement of their training. We're not going to just deliver ICAT training and never revisit it. We're going to deliver it and we're going to refresh on it every year. And I didn't get to that part in the policy but we're going to you know we formalize that we're going to deliver this training every single year to the cops. Now we're holding ourselves to that standard to make sure that we deliver it to them. And it just becomes an everyday part of what they do. It's not a. All right. We went to simulator training and that's the only training you get for the rest of your career which is often what many departments do.

1:32:30 [Lutz] We're going to have that commitment to training ongoing forever. So we put it in policy.

[Harrington] So thank you very much. It's been wonderful. And many of us have more questions. I've seen the ICAT training done a bunch of the training and brought some of this up to some of my departments so I had not heard about your simulator though and I've got a simulator envy right now.

1:33:00 [Lutz]. That number you that the fifty thousand a year. Right. If that eliminates one, terrible use of force that would have cost the city a million dollars that it paid for itself ten times over. So I think that was the thought process behind it.

[Harrington] Thank you very much.

1:33:30 [Harrington] We've asked Superintendent Evans to do some opening comments and then the last presentation he really didn't have a chance to answer any questions so we're really we brought him back primarily so that folks can ask questions so generous of opening comments and then be available for questions. Well the next half an hour and thereabouts is kind of what we've got scheduled.

1:34:00 [Evans] Co-chairs and members of the committee, thank you for having me back again. My name is Drew Evans, the superintendent at the Minnesota Bureau of Criminal Apprehension and I would just echo I I think we mentioned this in the last presentation about the ICAT and the belief we have as the Bureau of Criminal Apprehension in that process and what they've done. We've actually had them here doing training the trainer trainings across the state of Minnesota with perf and several other trainers here. It really is a program to your question is a replicable. I absolutely believe it is or we would have brought the training here to Minnesota and we believe it really can have an impact if as he said agencies really take the principles to heart and really create a culture within their organization.

1:34:30 [Evans] of doing them day in day out in what that does. So you can. We do have a new commissioner doesn't know this. We have a simulator at the BCA. Not at that level but will he'll be jealous of. There's more as we go forward with that from there. I do want to highlight just a couple of

things that maybe I didn't get a chance to in the last year to reiterate as we go through and how challenging some of these investigations really can be in some of the things that we've been doing as an agency.

- 1:35:00 [Evans] really to address and hear some of the concerns that have been expressed both today throughout this and through the work that we've been doing. Some of the things we've been doing to examine our own internal processes. The Association of State Criminal Investigative agencies which is the Association of all the BCA is the United States. 49 of the 50 states have a state police agency primarily responsible for criminal investigations. We have a use of force investigation committee.
- 1:35:30 [Evans] For the past four or five years that group has been working diligently on these issues as those agencies have determined. We conduct approximately 80 85 percent of all officer involved shooting investigations in the United States from those member agencies. So we've been working with the COPS Office when some of that work was being done IACP or others along the way thinking through some of these challenging issues. The IACP, I sit on the police investigative operations committee as well which is a committee of the IACP that looks at some of these issues and has been working on them as well.
- 1:36:00 [Evans] The BCA this summer spent time traveling across a number of our counterparts in the United States to really understand from a boots on the ground perspective how are they conducting these criminal investigations, both as the investigative piece and how the prosecutors integrate into that process really from the beginning learn from them to ensure we're following both best practices for the state of Minnesota and look for areas of potential improvement. One of those that is an idea that right that I don't know how else to bring it up slowly well here that I learned about in Georgia that this group may want to think about
- 1:36:30 [Evans] And again this would really be up to prosecutors and other pieces in the process as well beyond just the investigation is Georgia's implemented a two tier grand jury process. They have a process now in there where they have a grand jury that they consider a civil grand jury that has a public transcript, but it's impaneled simply to look at whether or not a use of force was justified or unjustified and they were calling it a grand jury. But I think of it much more like an inquest or an inquiry into the initial phases and then
- 1:37:00 [Evans] if that grand jury were to find that there was an unjustified it goes back to the prosecutor who as the traditional tools that they would have in any investigation, whether to be a criminal grand jury charge helped by charges at that time or take a different path at that time. In the state of Georgia that transcript is then public from that the jurors are still protected as my understanding and more work would need to be examined for this. But they feel that that process has been a different way of looking at this to ensure some level of transparency
- 1:37:30 [Evans] while still having the public involved in these decisions in terms of the actual investigation. So I just bring it up as an interesting approach that I saw as we did that work across the country. We do it also as well this morning and one of the items was talked about about releasing information and we will release and we continue to release all

information and these investigations once it's closed. I think maybe I may have misspoke or the information and get I'm quite correct.

- 1:38:00 [Evans] We are regularly now feeding pieces of our investigation to prosecutors as the case is going. That's being done to help review, speed the review process by the prosecutor and also to create greater integration with the prosecutor's office so that as the investigation is occurring, if they have follow up that they'd like to see to make sure that that's occurring, we don't wait till the entire case file is presented for review. So we try to create some more efficiencies in that.
- 1:38:30 [Evans] We're referring to is that the case file in any public data at the conclusion of investigation will be put out to the public. Our perspective at the BCA when it comes to video from an officer involved shooting continues to be that the public absolutely has a right to see that video. Our perspective is our goal is is to protect the integrity of the investigation and that video should be released from us as the investigative agency once his file is closed and that means that the case is concluded reviewed by a prosecutor and then the outcome has been adjudicated through the legal process at that point in time.
- 1:39:00 [Evans] We don't have a position on local agencies releasing video if they believe they should under the confines of the Minnesota data practices Act which provides very specific instances in which that data can be released. I do want to say to the victim's family members or family members here that we are working on a number of things to try to help. I've heard loud and clear from families when they are saying that they don't feel that they feel supported in that process that there isn't services available to them that the information is not free flowing throughout the investigation.
- 1:39:30 [Evans] And we currently have add our human resources right now. We'll be hiring a Community and Family Services position within the BCA to really help guide that process so we'll be working more directly with families from the very beginning of these situations through the legal process to ensure they have information access to services that we can make sure that we're helping guide families along the way to make sure that their needs are heard understood and met as we go through that process or we're in the process of filling that.
- 1:40:00 [Evans] We've also started to move forward with, and we'll we're do this with families permissions, is that once a case file is closed to more readily locate that information, it'll be posted on the BCA Web site with a link to the file so the public and others can do access that information. A continue to hear the calls for transparency in everything we do in the law enforcement investigation piece as documented as public information when it's closed and we'll make that information available in even a more readily easily accessible way which we're moving forward on right now.
- 1:40:30 [Evans] One of the ideas that you heard today as well from Mr. Damond is talking about an NTSB review process for this panel's consideration there are processes like that in place already in Minnesota. Infant child mortality review board at the state level and many local levels do you know what I'd consider a Social Autopsy of what actually occurred in

situations where a child died while we had our involvement in our child social services in Minnesota.

- 1:41:00 [Evans] Certainly that's something you could look at to really examine are there areas for improvement as a profession that we could have an examination after one of these incidents occurs or other other things that we can look at generally across the board with those as well. The other piece that I do want and I'm happy to report because it's been talked about a little bit here not specifically as the FBI use of force reporting. I've got an update this week Minnesota is actually one of the highest reporting states in the country.
- 1:41:30 [Evans] The BCA collects all use of force information on behalf of the FBI which they have a new FBI use of force reporting tool for incidents resulting in substantial bodily harm or death. We've decided to collect that centrally in Minnesota at the BCA to make it easier for law enforcement to report that information and we have over 70 percent participation rate in the state right now which is really good. We want to push that up and above really to 100 percent across the state so that we can really understand as a profession as a society when our police are using force that results in substantially bodily harm and death.
- 1:42:00 [Evans] And then we can compare that to the rest of United States once 80 percent of all law enforcement in the United States is reporting it's a requirement of the FBI. So it's part of why we want to see everybody reporting into that system. With that as we've kind of noted before I'm happy to talk about anything else. We have certainly create a much tighter integration with our prosecutors as I think that the county attorneys alluded to in the last presentation.
- 1:42:30 [Evans] That we're working with them really from the very get go on these investigations to ensure that we're meeting their needs so that they can have a case that is really as complete as possible. We'll always have some follow up in any criminal investigation which often occurs. But to make sure that we're doing that so we get through these cases in an expeditious but thorough and complete way so they can make those decisions that they need to make across the board. And with that I think those are just kind of the comments I wanted to wrap up with a few other things.
- 1:43:00 [Evans] Oh the last thing I did want to talk about is part of going through this. The investigators that we have I did a quick survey of our investigators at the BCA on average, the BCA investigators of 20 years of experience. You talked a lot about education. We believe in education at the BCA. Over 30 percent of our agents have master's degrees in this profession and we're really looking for those people that are going to come in with critical thinking skills to look at all cases in a really objective fashion.
- 1:43:30 [Evans] And that's something we have been working with them on training talking about on a regular basis to ensure we're really keeping that wide open mind as we're conducting our criminal investigations across the board, not just officer involved shootings

[Ellison] this just may be a little duplicative but indulge me. Look it was in the press quite a lot after the Noor case that there were issues and I guess I want to just ask you what have you learned What changes have you made so that we can say with a clear conscience and a straight face to the public.

1:44:00

[Ellison] that there's no way the BCA is cooking an investigation just to advantage a person they might deem as a brother officer.

[Evans] The first is my absolute expectation of all the agents that work at the BCA is that they don't cook the books for anybody regardless of who they are if that's a police officer a public official whoever it is they take an oath and a duty to uphold the law and objectively investigate any case that's given to

1:44:30

[Evans] them and that's our expectation of them. From that case I think we've learned a lot in terms of ensuring that we have that tight integration with the prosecutor from the very get go. From these investigations I still think that we're talking through some of those pieces along the way from there. There are some things that came up in that case that I certainly have a different perspective on in terms of what exactly occurred in those in terms of some of the pieces that were there. But that being said I think that our organization is a learning organization that continues to grow

1:45:00

[Evans] and our agents do an excellent job They're highly professional they take anytime they are criticized or accused of covering for a police officer that's been done often that they really take that to heart. And they take it to heart in the instance that they believe very strongly in doing the right thing. And if they are at somebody that's not doing the right thing, they don't have a place in our organization period because that's the expectation that we have as an organization for them. And day in day out they really show that that's that's what they want to do.

1:45:30

[Evans] I do think there's some other things along the way that we've done with that. We've had a implemented a fairly robust audit process when those cases are presented to the prosecutor so that we're reviewing everything that's been done to make sure that all the T's are crossed and all the I's are dotted. I think it would be a misnomer to say that you know any organization that I would come forward to you and say it's perfect and doesn't have room to improve every day. We've done things like gone much more in-depth in terms of the investigation that we've done in the past.

1:46:00

[Evans] That doesn't mean those cases weren't investigated, but we want to make sure that every rock that needs to be overturned is overturned in these investigations and really so that the prosecutor can be assured that we've looked at everything they need to to make that sound decision in those cases.

[Ellison] one of the first sessions we had for it was on Officer wellness I believe in Officer wellness because I think anybody who's serving the public needs to be fully ready to do that. And we need to be mindful in doing that.

1:46:30 [Ellison] but it did spark some questions from some folks who came forward like what about us. I don't know if this is a fair question to ask you but see what you can do with it. When somebody's family has a loved one that they have lost an officer involved case are they eligible to get services from crime victim reparations are they not? That might not be in your ballpark but I do think that it raises the question for me what about what about them. What kind of help can they get

1:47:00 [Harrington] They would be eligible in the if they were charged if the officer was charged OK. Typically there isn't in the state statute on crime victim reparations. It says that you're not eligible if you were committing a crime at the time that the injury took place. So typically when the crime reparations board which reports through me through the Office of Justice Programs, they look at the case to see if there was a crime committed and then they try and pass that to some extent.

1:47:30 [Harrington] So we but as an officer involved shooting typically it would depend on whether there was a charge or offense that they would have been subject to.
[Ellison] So in any case even if the officer is charged it probably isn't until that happens. So for a while they're just.
[Harrington] Pretty much yeah there is probably there is some policemen emergency support from the county that sometimes comes in. Part of what we've asked do it to do with getting this family liaison

1:48:00 [Harrington] is to try to help us help that family negotiate or sort of walk their way through this because we hear from a lot of the families that they have. What do you do about you know what do you do about the funeral. How do you plan the funeral when the body may or may not be released until after the coroner has made that decision and made those determinations. What can you do and what you can't do. So what we're hoping is having the family liaison will help we'll give someone that can help them walk through this process.

1:48:30 [Harrington] We recognize that you know whether it's a mom or you know or a relative or you know are just the nearest next of kin. They're all in the middle of the drama too.
So one question I do have which is one of the challenges that I discovered when I got here, with 87 different county attorneys is there is there a guideline for what the county attorneys want to see from the BCA or from anybody who is doing these investigations there?

1:49:00 Is there a blueprint that we should be following that would be universal across all these 87 counties.
[Evans] No there is not. It has a discussion I've had with the County Attorneys Association board I think with 87 different people the diversity of thought makes that challenging. But it's something we would absolutely welcome at the BCA because clearly just for pragmatic reasons we can't do things 87 different ways. We need to really be operating from a standardized protocol that doesn't mean we won't meet specific needs of different prosecutors across the state.

1:49:30 We're used to doing that. But a standardized protocol would be very beneficial to us.

[Peters] This is a question around resources. Obviously these investigations we want make sure are done accurately timely not rushed. Obviously the BCA has also seen an increase over the last year or two years. At what point do you say we can't we can't investigate this one?

1:50:00 [Peters] We don't have the resources and now what controls do you have in place if you're going to work with another sheriff's department. The reason why I asked to is just the recent Richfield and Edina case, Hennepin County Sheriff's Office was asked to take that was that because the BCA couldn't or was that a city decision?

[Evans] that was still a city decision there there's some cities in Hennepin County that still utilize the sheriff's office for those investigations which is normal in that situation.

1:50:30 [Evans] I do think it's in terms of resources it's certainly becoming taxing. And what I will tell you you've heard a lot of talk about body cams and video. That's really what's taxing us in many respects. It hadn't Hennepin County for example of Mr. Freeman's office. They may have three hundred videos and one case that we need to watch real time and so we know the BCA still has a very large investigations division if you think of it from that perspective. But I'm regularly I was just visiting an office in Marshall this week, and my Marshall narcotics agent was watching body cam video from a St.

1:51:00 [Evans] Paul case and writing reports as to what he observed. So it's really been something that has taxed us in many respects and and that in particular besides the actual volume is what's driving a lot of that.

[Peters] Just a quick follow up question then is there consistency among agencies on how these are investigated?

[Evans] You know I can't speak for the other sheriff's offices I know we're in contact with them and we have and we'll certainly provide them any background we may have on this

1:51:30 [Evans] but we've been in contact with really the two other sheriff's offices that may do some of these investigations.

[Kappelhoff] Superintendent Evans a couple of questions about your investigations. So as a force investigation and certainly failed uses of force are incredibly complex investigations that require a lot of resources and training, statutes complex as well. One of them based on my experience almost two decades of investigating these cases is that the DOJ has a specialized unit a special unit right.

1:52:00 [Kappelhoff] I really like your comment about having the investigators work hand-in-hand with the prosecutors. That's the model that I use. Do you have a specialized unit of agents handles specifically uses of force?

[Evans] So my agents that handle these are our homicide investigators that are stationed across the state. They they are the ones that conduct these investigations

1:52:30 [Evans] so they have specialized training and they experience obviously in doing death and homicide investigations. They also all spend a three month intensive training program with the medical examiner's office in Ramsey County where they learn about death investigation, wound interpretation violent, death investigation etc. with them as well. In addition to the work and the training and on the job training that we provide within the BCA

[Kappelhoff] That's homicide that's not actually used for a different type of crime unlike robbery or car theft.

1:53:00 [Kappelhoff] Is there any thought with having you train with the FBI maybe at the FBI Academy on specific uses of force because that requires a specialized type of training.

[Evans] You know we haven't had a discussion. I'll tell you we've worked with the FBI closely on these cases. I don't think that from the process that we've followed that there'd be anything overly unique as to what we're processing in terms of these actual investigations. Certainly we've worked with them carefully from there.

1:53:30 [Evans] We do recognize and I'm glad you pointed out because it's often said that this is just another homicide investigation and it isn't. It's an officer involved shooting investigation and that is what we're doing with it comes to those cases and so those agents are the same agents that are conducting those cases across the state. So it's our homicide section that does them but they are conducting these it's only a certain set of agencies that's leading these investigations.

[Kappelhoff] To follow up, do you take any effort to ensure those agents assigned to a use of force investigation don't have any relationships with the jurisdiction you are working in...

1:54:00 [Kappelhoff] because using homicide agents from the community, they may know some of the officers.

[Evans] So we do in the sense that if they have a personal relationship with the individuals they don't want to stay with the agency for example it's going to be hard to not have anybody doing work with say a Minneapolis police department. But we do tell you know we work through that if somebody has a personal relationship those agents will not be involved in that investigation.

1:54:30 [Evans] There are times depending on if it's a person that for example that has a relationship with a number of them we may send a team in from a different area of the state that wouldn't have that relationship.

[Kappelhoff] Do you think there'd be any value having sort of a team of specialized agent to respond on use of force incidents where there have that specialized training seem to have that expertise they can actually conduct that investigation throughout the state.

1:55:00 [Evans] So we've had that discussion internally. It's certainly something we're open to having a discussion about and something that could work and that would be a a group of people. Now you know in Minnesota as we said there's only about 20 of them a year or so figuring out the staffing and what that would look like is something that would need to be

discussed. But as we've said and if I haven't been clear enough here, the BCA is certainly very open minded when it comes to officer involved shooting investigations process improvements different ways to look at these I in terms of that. There was a time period where the BCA had a conflict of interest.

- 1:55:30 [Evans] The actual unit wasn't focusing on use of force investigations at the time, but they were doing all the corruption and peace officers accused that they were outside. So we've we've done that in the past with that. It's certainly an area that we could explore as well as to whether or not they would specialize in just use of force investigations.
- [Rubin] I think going back to course your commissioner Harrington your question about standard protocol the 87 county attorneys and I want to make sure people understand and even that Drew's this response here.
- 1:56:00 [Rubin] County attorneys we do not investigate and it would be unethical for us to direct an investigation. And what we do is we rely upon the investigative protocol of bureau criminal apprehension. And speaking for St. Louis County at least for 40 years with an extremely high level of confidence in how they do it. And we know their protocol. If there's something different we would like to see in the investigation then we contact the agent who has been assigned to the case.
- 1:56:30 [Rubin] Could you follow up on this or what do you know. Sure absolutely. Check that out or we'll see so we. Don't let anybody think that they're coming into the 87 separate countries would have a protocol on how these cases should be investigated. We might have internal or we could have a standard protocol but what we do with them when we get them, but not how they're investigated. We have high expectations that they're going to be done the best possible way that we can right now.
- 1:57:00 [Harrington] I mean maybe I misspoke. But what in my conversations with some of the metro area county attorneys they had an expectation of being involved from the earliest possible instance. And then when I've talked to other county attorneys they said no no we don't want to talk to you until the case is completely done. And then you wrap it up and you send it to us in total. And so for us for the BCA then it's like so which.
- 1:57:30 [Harrington] How do I know which which which one you are. So are you a group that doesn't want to be involved in having a lead investigator or lead prosecutor who's working with the BCA throughout the investigation. Or so it would be helpful to get a better sense of what the county attorneys really do want and then what are the pros and cons of the different approaches because we know there are different county attorney's.
- 1:58:00 [Harrington] I've had that happen in the last month that one who said absolutely not. We won't just wait you out when the file gets to us that's when we'll have we'll start talking about it. OK. Well we'll do that.
- [Rubin] Sure. And the response to that if there is not a consistent policy. We're probably one of the counties where we do have a person designated that's the contact person from the beginning. And I like that, I can't say if my 86 other brothers and sisters would all agree

1:58:30 [Harrington] that but I'm still trying to work through what the other with the other 80 or so would like to see down

[Evans] just thank you for your comments just as a follow up to that night I would. Thank you for clarifying that because I would agree and I've been with some of the other Maricopa County for example is really talking about a broad framework so that we're all on the same page for what that process will look like as opposed to dictating you know the minutia of the investigation.

[Darris] I have a series of questions actually.

1:59:00 [Darris] So the BCA is typically called in to investigate after after an officer involved shooting. for what reason would you say?

[Evans] it's at at the request of the local agency. So they're the ones making the determination and they're contacting us to investigate the incident and to thoroughly investigate so the prosecutor can make a decision as to whether or not that use of force was justified

[Darris]so that the department is in investigating an incident involving one of his officers. Right.

1:59:30 [Evans] That's correct. Yeah.

[Darris] And so I heard the judge ask you who conducts the investigations. And you said back to him that it was the homicide unit at the BCA in their particular region the BCA agents that handle homicides are the ones that would then begin investigations with the with this incident. Right.

[Evans] That's right.

2:00:00 [Darris] So if this was just a homicide that happened in you know somewhere where those officers or those detectives in that local department investigate just a regular homicide that occurred somewhere in a city, not an officer involved shooting, but just a homicide they would be working with the investigators and the department to solve that homicide. Right

[Evans] yeah. They would be in those situations.

2:00:30 [Evans] So I think that's alluding to the question is that you know they would, but if they have a relationship you know the officer involved shooting side then you create walls and in that situation so that they're not investigating people they're working with on a regular basis.

[Darris] No I get that I get that I'm I'm actually you know going in a direction because I want to try to echo some of the that the community feels with regards to you know whether or not that still rises to the level of conflict. And so if if the homicide unit within BCA, yes the same homicide unit that investigates homicide,

2:01:00 [Darris] and it also investigates other critical and serious incidents with that same local police department those same local detectives, you know clearly that would still rise to a level of some type of conflict that would make the community have a little less trust. And so when I hear the judge ask Is it possible, would it make more sense to have a specialized unit that aren't interlaced with the local police department

2:01:30 [Darris] You know that could rapidly respond even if it's via helicopter could rapidly respond to an incident that would lessen. Would you agree that that would lessen incidents because they're going to have to continue to work with with those detectives and with those officers in homicides and other serious incidents even after that officer involved shooting investigation correct.

2:02:00 [Evans] Yes. So you know, I agree with all of this and this is one of the things that would be you know probably part of your deliberations and discussions you'll have is what that looks like. So there's more than one way to do that. You can have a specialized unit that smaller than the homicide agents are still doing this day in day out. I'll also say you know that when we see the FBI as individuals doing this they do but they're the same agents we're working with every day. I know the ones that we've worked with that are involved in this. They don't just work these cases they're doing so in these same homicide agents are all *inaudible*

2:02:30 [Evans] Yeah but they're specialists right. Yes so they are. But the local agents are still the ones working with every day that they're doing child abuse cases other cases that we're regularly working with them from there. So when we look at the site and again I agree with the concept that I think it would help eliminate some of that close connection if you had a unit that that's all they did and then you'd have to look at a staffing. I will say these same homicide agents are the ones that are doing conflict investigations regularly arresting police officers and public officials across this state Year in year out.

2:03:00 [Evans] And they do have a high level of integrity. But I also when you're saying talking about the perceptions and concerns of the community that's exactly why I think we should have this conversation determine is there a better path.

[Darris] And then I guess the final course of questions that I will have is just in terms of how BCA is interfacing and interacting with family members during the course of the investigation, especially on the front end of the investigation. As I'm sure you've heard a lot of the angst that's come from various family members and other community members just in terms of those relations.

2:03:30 [Darris] It concerns me that the BCA is only recently getting ready to hire this family liaison when it appears as though you know there has been a pretty large outcry of we're not you know feeling the connection points. We're not being contacted, you know our calls aren't being answered.

2:04:00 Because again I want to continue to talk about how community is viewing BCA investigations and how BCA at least from a communal perspective is interfacing back with community.

[Evans] So it's an excellent question. The we have regular ongoing contact with families and all of our investigations and we do that whatever. Part of the reason we're hiring this position as we hear here is that it's one way to look at it from a concerned perspective.

2:04:30 We look at is there a better path forward. That regular contact was occurring it's with police officers that are investigating cases day in day

out moving on to others and we're looking at it from perspective is there a way to do better with somebody that specializes in this type of work working with families that are experiencing trauma and the challenges that come along with this to help coordinate those services and do better than we can. Because I've heard the same thing you have and I hear that angst and I hear that anxiety and that's exactly what we're trying to do to set a path forward that will be better for everyone.

2:05:00 [Copple] Can I follow up on that question. In the with the addition of this liason on have you considered as you mentioned earlier on looking at sort of the NTSB in some departments you sit and review of involving community and process as well.

[Evans] Yeah I throw it out for an idea it's certainly something that the BCA as we've said and I think it's important that wouldn't be a process led by us by any means. There would be a group of professionals community members others outside because as we've said our job is to investigate at the BCA.

2:05:30 [Evans] It is the prosecutor's job to make a determination as to whether or not that force was justified. So I think that would be something for all of you to think about and consider if that process makes sense.

[Harrington] any other questions thank you so much. Thanks. All right.

[Ellison] Are there any affected families who've come in this afternoon. We want to thank the affected families who have come again

2:06:00 [Ellison] but we do have a 15 minute slot for any families who have joined us recently. So there aren't any and now it's time for us to start our Open Forum conversation

[Harrington] OK then let's roll up we'll open up an open forum. Having had the experience of the first session we've asked folks to keep their comments to two minutes.

2:06:30 [Harrington] In the absence of anyone that wants to come forward at this time I want to thank everybody for coming today. I want you to thank you for the testimonials that we heard today. I know some of them were wrenching for you because the ones that you're suffering from are still very open.

2:07:00 [Harrington] I appreciate all of the technical expertise that was brought today. And I can promise you that more information from the ICAT and CIT and others will be being sent out to the working group that will be posted on our Web site so that the information that we have will be available to the public as we continue our deliberations.

[Ellison] Let me just say in closing thank you to my co-chair Commissioner Harrington. Just remind everybody that this is a Minnesota process.

2:07:30 [Ellison] There are some people on the working committee but it is not only our views that are going to prevail in this process in fact that is the testimony we get through that table that is so critical and through the Web site. So we want to encourage people to continue to participate. And again thank you to everybody who came to testify. This is a process which I believe and I believe I could speak for John as well.

2:08:00 [Ellison] We hoped that we'll we'll have a safer Minnesota for everyone when we're successful. And by the way once we come up with our recommendations that's sort of just the end of the beginning. If we're going to make them policy, we're going to need everybody all over again. So there is some thinking that's going to have to go into how we persuade our legislators and other folks to make sure that these great ideas actually become real.

2:08:30 [Ellison] So with that I see a hand..

2:09:00 {Toshira Galloway} *mostly inaudible. Not near the microphone. Question is mainly about resources for families. It was mentioned that resources are only available to families if the officer is charged, which she mentions is only a few cases. So families are not getting resources.*

2:09:30 [Toshira Galloway] the proof is in the pudding. If the BCA was doing what they were supposed to be doing, then there would not have been what happened last time. If there was thorough investigations, there would not be as many angry people in the community. I want to thank you guys on behalf of our families. We would love to be in these meetings. We are the people affected the most. So thank you guys so much, we are very grateful.

2:10:00 [Harrington] Miss Galloway. I will. I will get the job description for the family liaison posted on our site. I do not know that calls for it off the top of my head.

2:10:30 [Harrington] But I know we have looked at our officers Justice Program which has crime victims staff that works with crime victims and we've also looked at some of the work that the counties do in terms of victim victim witness relations staff there to try and create this position. And so we'll have that posted though so you can see what it is. And we hope that we will get some great applicants who will be able to help us make that linkage between the investigation and supporting the families that have lost their loved ones.

[Ellison] and all of us want to thank you as well.

2:11:00 [Ellison] So any announcements we're going to make. Okay. Well with that we let him take a motion to adjourn. All right. Here we go.