

Minnesota Working Group on Police-Involved Deadly Force Encounters
Public Hearing 4
Monday, Jan. 6, 2020
9:00 a.m. to 6:30 p.m.
North Hennepin Community College, Brooklyn Park, MN

The Minnesota Working Group on Police-Involved Deadly Force Encounters was organized by co-chairs Minnesota Attorney General Keith Ellison and Commissioner of Public Safety John Harrington to explore strategies to address growing public concern about the loss of life during deadly force encounters in Minnesota. The working group will provide a framework for stakeholders statewide to have a voice in developing recommendations that may include policy, procedure, legislation, programming and training.

The goal is to identify meaningful actions that can be taken to reduce loss of life and improve police and community relationships, safety and wellbeing. Members of the working group are a cross-section of law enforcement and diverse community representatives, including families impacted by deadly-force encounters. The working group will hold four public hearings, including public comment and a series of community listening sessions, and they shall accept testimony or information submitted online from the public through the MN DPS website at: <https://dps.mn.gov/divisions/co/working-group/Pages/default.aspx>. The working group will produce a report in February 2020 with recommendations to address prevention, policy and law, training, investigations and accountability, community healing, and officer wellness.

On Monday, Jan. 6, 2020, the Working Group on Police-Involved Deadly Force Encounters, co-chaired by Minnesota Attorney General Keith Ellison and Commissioner of Public Safety John Harrington, hosted the fourth public hearing, which focused on community healing; mental health; prosecution; arbitration; resources for local jurisdictions and communities; and testimony from affected law enforcement families, families affected by police-involved deadly-force encounters, and the public in Brooklyn Park at the North Hennepin Community College Prevention.

The working group convened at 9:00 a.m. with testimony from Priscilla Fairbanks, a mother who lost her only son in a police-involved deadly force encounter in 2019. She shared the heartbreaking loss and the confusion over why deadly force was required when he was already on the ground being held by a police dog. She made several recommendations to address officer training, recruitment, hiring, monitoring and firing protocols.

The first panel focused on community healing, with testimony provided by Renee Burneau with the Anishinaabe Knowledge Institute; Mark Anderson (pre-recorded) and LeMoine LaPointe with the Barbara Schneider Foundation; Dr. Joi Lewis with Joi Unlimited; and Shaundelle Darris with Hersiliency. Burneau provided an overview of the historical trauma experienced by indigenous people and efforts to restore the path of life where the mind and heart work together through recovering their language, culture and spiritual foundation. Mark Anderson and LeMoine LaPointe provided an overview of efforts to indigenize the Crisis Intervention Team (CIT) model through a four-phase community engagement process that involves the entire community in the process of four dialogue sessions focused on Discover, Dream, Design, and Deliver as a way to deeply address underlying community priorities and solutions. Dr. Lewis (pre-recorded) addressed the need to focus on and fund the infrastructure to build the capacity for community healing in the face of trauma, including police-involved deadly force encounters, through meditation, mindfulness, emotional

liberation and conscious movement. Darris described her efforts to improve community healing by establishing Hersiliency, a program to address mental health and wellness for communities of color and provide cultural sensitivity trainings to dismantle racial inequities. Each of the speakers made specific recommendations to address community healing.

The second panel focused on resources for local jurisdictions and communities, with presentations by Anthony Smith, Executive Director of Cities United; Booker Hodges, the President of the MN chapter of the National Organization of Black Law Enforcement Executives (NOBLE); and Chief William Blair Anderson, City of St. Cloud, MN. Smith shared the background behind the creation of Cities United to address the needs of African American boys and young men and reduce the violence that impacts them. He explained that former Minneapolis Mayor Betsy Hodges worked with Cities United to develop a tool for mayors and cities to use to better respond to police-involved deadly force encounters and in-custody deaths. Smith shared the key lessons from their publication, "A Strategic Resource for Mayors on Police-Involved Shootings and In-Custody Deaths." The NOBLE presentation focused on "The Law and Your Community," a national one-hour course to educate high school students and their parents on citizenship, law literacy and law enforcement engagement. Hodges and Anderson also shared how New Jersey has created an adapted version for a statewide curriculum that is being disseminated through the schools to reach all youth and is making efforts to develop a middle school model without a driving component.

The third panel was anchored by Michael Freeman, Hennepin County Attorney and John Choi, Ramsey County Attorney. Freeman shared an updated protocol his office is developing to address officer use of force. He provided a copy of the current draft of the policy and reiterated his support for the original nine suggestions he made during Hearing 1, and he provided an update on additional key learnings since then. His staff provided a detailed review of areas they think need more attention with specific recommendations. During Q&A, both Freeman and Choi responded to questions about how to improve the transparency and openness of the prosecution of police-involved deadly force cases while protecting the due-process rights of officers. Both agreed that they would be willing to explore creating a Special Prosecutor Unit within the Attorney General's Office to handle these cases statewide to ensure objectivity and the level of expertise needed to effectively prosecute such cases. Testimony also identified that for Hennepin County, 100 percent of the 15 cases since 2015 have had incomplete training and personnel records. This needs to be addressed through better local agency protocols.

The fourth panel addressed mental health and autism with presentations by Richard Flaten and Mike Vandervort of the Metro Crisis Incident Stress Management Team (CISM); Sue Abderholden, executive director of the National Alliance for Mental Illness-MN (NAMI); and Noah McCourt, autism advocate. The Metro CISM Team presented an overview of officer mental health best practices, including peer support teams. They recommended the legislature adopt privacy protection legislation for peer support conversations so that peer supporters cannot be called to provide evidence in court cases related to protected conversations. They also recommended the review and adoption of the 22 recommendations in the Law Enforcement Mental Health and Wellness Report to Congress. Abderholden provided testimony addressing the areas of concern and recommendations of NAMI to improve services and interventions with people experiencing mental health episodes. NAMI would prefer officers to be trained in CIT but not to assume that means they can provide mental health clinical services. NAMI recommends including mental health professionals as part of the response team, and would prefer that mental health episodes be responded to by a mental health team rather than officers. McCourt provided an overview on the impact of the Americans with Disabilities Act (ADA) on police-community interactions. He

recommended further exploration of the voluntary Vitals App that can alert law enforcement officers if a person has provided information about their mental health status to improve informed interactions.

The fifth panel focused on the testimony from two affected law enforcement families to present the reality that a police-involved deadly force encounter has repercussions on officers, their families and their agencies. The first speaker was a mental health professional whose husband is a police officer who shot and injured a suspect to prevent himself from being seriously injured during an altercation. She spoke to the impact on the entire family, the process he went through during the investigation, and the services that were provided to the family. The second presenter addressed a different scenario where a loved one who was an officer was killed in the line of duty during an execution-type attack by two teens. She described the ongoing impact over many years on her family and his. Both made recommendations, including: the need for mental health assessments for officers on an annual basis; mandated therapy after all critical incidents; training for families and officers to recognize signs of PTSD, depression and suicide; a checklist for what officers and their families really need after a critical incident; support services with a liaison for officers and their families; and legislative funding to enhance police training budgets to do the mental health training.

The sixth panel focused on the issue of arbitration and how it affects the ability of law enforcement agencies to fire unsatisfactory officers. James Michels of Rice, Michels and Walther, LLP and Isaac Kaufman of Law Enforcement Labor Services addressed the current system for how and why arbitration for public employees works. Kaufman shared research on the 67 law enforcement arbitration cases since 2006: 55 percent were found in favor of the law enforcement agency. The concern for law enforcement executives is that they are sometimes prohibited by arbitration rulings from firing an officer they feel is unfit or unsafe for duty, thus increasing a potential risk for bad outcomes with the community.

The final session was reserved for public testimony and that of affected families. Chuck Turchik, a community member, spoke about a number of issues, including the need to have more solid data about the nature of the problem before the working group can accurately address the causes, including how many cases, all the demographics and data around the cases, context of the incidents, etc. He emphasized that the follow-up for implementation will be as important as the recommendations for change.

The testimony of affected families was provided by Toshira Galloway, Ashley Quinones and Chara Blanch. Recommendations included extending the statute of limitations in filing wrongful death cases from three to six years in situations of police-involved deadly force; establishing a State Inspector General with the authority to open any cases involving police-involved deadly force encounters with no statute of limitations; establish a State Special Prosecutor's Office to handle police-involved deadly force encounters; and put control of the POST Board into the hands of community representatives to ensure community oversight of police standards and training.

The hearing was closed by the co-chairs. All proceedings were live-streamed, recorded on video, and posted to the working group website posted below. Materials provided by the presenters are also available at <https://dps.mn.gov/divisions/co/working-group/Pages/resources.aspx>.