



Office of Governor Mark Dayton & Lt. Governor Tina Smith

Governor's Council on Law Enforcement and Community Relations

Submitted: September 29, 2017

Acknowledgements

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We would also like to thank community members who shared their feedback and insights via community listening sessions, community meetings and attendance of Council meetings.

Executive Summary

Across the nation, communities are negotiating issues of trust, mutual accountability and transparency between police and community. In recent years, segments of the public have been involved in national, state-wide, and local conversations - all stemming from widely publicized events that have included reports and videos of violent incidents between law enforcement and civilians. Minnesota formally entered that dialogue after experiencing its own incidents.

On November 15, 2015, Jamar Clark, a 24-year-old African-American man, was shot and killed by Minneapolis Police in Minneapolis, Minnesota. Clark and his friend were attending a friend's party when an altercation ensued and Clark was restrained and shot (accounts differ regarding exactly how this happened). No charges were filed against Mark Ringgenberg and Dustin Schwarze, the two officers involved in the shooting.

In July, 2016, 32-year-old Philando Castile, an African American man, was shot and killed by Jeronimo Yanez, a St. Anthony, Minnesota, police officer in Falcon Heights (on the Northern boundary of the MN State Fair Grounds). He, his girlfriend and her four-year-old daughter had been pulled over for a broken tail light; Castile told the officer that he had a firearm; while reaching for his license—as the officer requested—he was fatally shot.

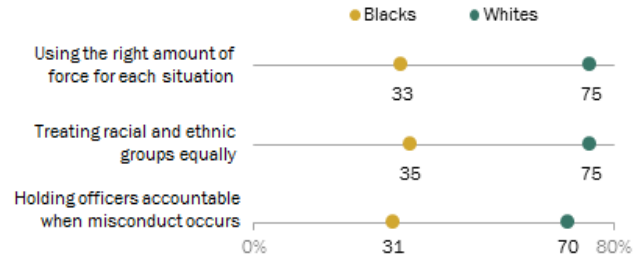
The shooting of Philando Castile proved to be pivotal in that it spurred the creation of the Governor's Council on Law Enforcement and Community Relations. Of this shooting, Governor Dayton said, "Would this have happened if those passengers, the driver were white? I don't think it would have."

These incidents (and others beyond Minnesota's borders) further eroded trust between community members and law enforcement, both in Minnesota and across the nation. Mutual trust between police and community members is a key tenet in maintaining public safety and ensuring effective policing, law enforcement and civilian stakeholders have a wide range of strongly held views on how to build trust.

A 2016 Pew Research study showed that one third of African Americans, compared with three quarters of whites, say police in their communities do an excellent or good job in using the appropriate force on suspects, treating all racial and ethnic minorities equally, and holding officers accountable when misconduct occurs.

Blacks are about half as likely as whites to have a positive view of the job their local police are doing

% saying the police in their community do an excellent or good job when it comes to ...

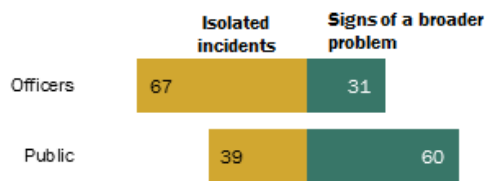


Note: Whites and blacks include only non-Hispanics.
 Source: Survey of U.S. adults conducted Aug. 16-Sept. 12, 2016.
 "The Racial Confidence Gap in Police Performance"

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Majority of police say fatal police-black encounters are isolated incidents; majority of the public says they point to a bigger problem

% saying the deaths of blacks during encounters with police in recent years are ...



Note: No answer category not shown.
 Source: Survey of law enforcement officers conducted May 19-Aug. 14, 2016; survey of U.S. adults conducted Aug. 16-Sept. 12, 2016.
 "Behind the Badge"

PEW RESEARCH CENTER

The same study offers glimpses into law enforcement perspectives. The poll indicated that law enforcement is almost twice as likely as the public to believe that fatal police-black encounters are isolated incidents.

Though the Pew study was national in its focus, a 2016 Star Tribune poll offered similar findings, including the following:

- Six in 10 black Minnesotans believe police are more likely to use deadly force against a black person than someone who is white. Among white Minnesotans, 28 percent felt that police were more likely to use deadly force against blacks.

- Ninety-one percent of Minnesotans had a favorable opinion of law enforcement agencies in the state. Virtually all white respondents had a positive view, while only 26 percent of black respondents had a favorable view of law enforcement.¹

Although the lack of trust between law enforcement and community members is sometimes perceived as a “metro issue,” demographic shifts indicate that communities of color (one of the groups at the forefront of this conversation) can be found in increasing numbers throughout the state. According to the State Demographic Center at the Minnesota Department of Administration, like the country as a whole, demographics will continue to shift in Minnesota.

- The Latino population is projected to rise rapidly, growing from an estimated 196,300 in 2005 to 324,400 in 2015 and 551,600 in 2035. All regions of the state are expected to see increases.
- Large gains are also projected for the black population. This group is projected to grow from 218,400 in 2005 to 454,400 in 2035. Rapid increases are anticipated for all regions, but the black population will remain concentrated in the Twin Cities area.²

Given the context, this report and recommendations is an attempt to achieve a shared vision with an accompanying resolution to this challenge. These recommendations are the advice of a varied group of individuals from law enforcement, trade groups, community, government, NGO’s, and associations (see Appendix A for a list of Council members). Organizations were identified by the Governor's Office and invited to participate. These organizations then nominated and approved members to represent the organizations.

The Council’s work is based upon the premise that police and community have the responsibility to create transparency and trust that will create collaborative engagement in the community. Though Council members may not speak with the same voice, this document represents their best efforts to identify compromise language and a shared viewpoint that leads toward greater trust and cooperation between law enforcement and the citizens of Minnesota. Given the difficult task put before them, and the shared desire to ensure mutual trust and accountability, the Council drafted a shared vision to inform their recommendations. This vision includes shared ways of thinking, feeling and doing:

Thinking...

Police and citizens are helping each other to keep the community safe.

¹ Lopez, Ricardo. Minnesotans' views on police force starkly divided along racial lines. Star Tribune. Jan. 2016.

² Population Notes. State Demographic Center at the Minnesota Department of Administration. January 2009.

Example statements:

We think more holistically about issues in our neighborhoods, social services + mental health + police act as a team to solve issues, police are viewed as approachable, compassionate, and strong helpers.

Feeling...

Mutual trust and respect between citizens and police.

Example statements:

Unified in our efforts to keep the community safe, citizens know police officers as community members first and police officers second, no anxiety when interacting with the police.

Doing...

Citizens and police officers work together to solve problems.

Example statements:

Each officer is engaged in the community (civic groups, youth sports, etc.), people of color are well represented in police departments, many police officers live in the neighborhoods they serve.

The Council understands that this is an ambitious vision; to that end, members have not proposed magic bullets or quick fixes. The intent is to focus on recommendations that offer long-term, value-added benefit for both the citizens of Minnesota and law enforcement.

Recommendations were divided into five categories: Criminal Justice and Social Justice Reform, Police Training, Law Enforcement Workplace and Policy Oversight/Diversity Recruitment and Retention, Community and Law Enforcement Health and Wellness, and Policy Development and Implementation.

Initial recommendations were also vetted by members of the community. While the Council included representatives from varied community-based organizations, collectively they understood their imperative to provide an opportunity for grassroots input. Research shows that authentic community engagement, in which community members play a “meaningful role” in discussions and decision making, provides numerous benefits, including greater community buy in, more creative and effective solutions, deeper trust, greater cohesion across community groups, and a reduction in disparities.³

³ PolicyLink: The Community Engagement Guide for Sustainable Communities:
http://www.policylink.org/sites/default/files/COMMUNITYENGAGEMENTGUIDE_LY_FINAL%20%281%29.pdf

To that end, four (4) Community Listening Sessions were held in geographic locations around the state. Participants were asked to reflect and comment on the first draft of Council recommendations and to provide additional insights about law enforcement and community relations. A summary of those recommendations can be found later in the report.

Following is a more detailed explanation of Council processes, suggested recommendations, and a plan for implementation.

Context for Council

The premise of the Council's work was modeled after the philosophical foundation underpinning the President's Task Force on 21st Century Policing. Per this Task Force's final report:

...to build trust between citizens and their peace officers so that all components of a community are treating one another fairly and justly and are invested in maintaining public safety in an atmosphere of mutual respect. Decades of research and practice tell us that the public cares as much about how police interact with them as they care about the outcomes that legal actions produce. People are more likely to obey the law when they believe those who are enforcing it have the right—the legitimate authority—to tell them what to do. Building trust and legitimacy, therefore, is not just a policing issue. It involves all components of the criminal justice system and is inextricably bound to bedrock issues affecting the community such as poverty, education, and public health.⁴

To create a framework that would facilitate trust, the Governor's Council was charged with independently reviewing quantitative and qualitative data and making policy recommendations to the governor and legislature that will lead to substantive changes and strengthen police and community relations. Additionally, these recommendations were implemented to protect law enforcement officers and members of communities, thereby improving trust in the criminal justice and law enforcement systems.

Process

Starting in November 2016, Council members participated in a series of 16 full Task Force meetings and many work group meetings; these meetings concluded in September of 2017. These meetings included several presentations, briefs, and plenary and group discussions among the Council members. Activities were designed to provide them with context and help inform their recommendations.

The process included the following:

- Sergeant Azzahya Williams, the State Patrol's Recruitment Coordinator, talked about current State Patrol diversity stats and efforts to increase the number of officers of color.

⁴ President's Task Force on 21st Century Policing. 2015. *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services.

- The Joint Community Police Partnership (JCPP) of Hennepin County Human Service and Public Health Department presented its efforts to (a) act as the bridge between the police and the community; (b) continue being embedded in the police departments as a Hennepin County employee; (c) facilitate/lead community meetings, and organize events and training for both police and the community; and (d) act as personal “ambassadors/eyes/ears” to and for community groups.
- A coalition of law enforcement groups—including Minnesota Chiefs, Minnesota Sheriffs, and the Peace Officer Standards and Training (POST) Board—presented information on Training and Capacity Building for Police Officers, including a briefing about HF346 (Cornish)/SF445 (Limmer), a bill that focuses on capacity building of police officers and enjoys a broad range of bipartisan support. Sponsored by the Minnesota Police and Peace Officers’ Association, the bill enhances dramatically the State’s financial commitment to police training through the Peace Officer Training Fund, which is administered by the POST Board.
- Former Minneapolis Police Department Chief Harteau presented the Department’s new guiding vision, as encapsulated in MPD 2.0. This is a series of initiatives that range from internal (creating an environment of accountability and fairness, boosting officer morale, continuous improvement through capacity building and performance measurement) to external (reaching out to communities of color through strategic communication and different events [sports, cultural, etc.], community policing, and so forth). These internal and external facets are founded on the principles of commitment, integrity and transparency.

Use of Work Groups

Council members were asked to self-select (based on interest and expertise) for participation in one of five Work Groups and draft recommendations in alignment with their areas of focus. Each Work Group was led by two co-chairs. Charges for each of the Work Groups are listed below.

Criminal Justice and Social Justice Reform Work Group

The Criminal Justice and Social Justice Reform Work Group was charged with taking a broad view of Minnesota’s criminal justice system and facilitating the advancement of positive community input into that system. This holistic and collaborative approach was intended to aid in system transformation of the criminal justice system, thereby helping to ensure the safety and well-being of both community and law enforcement.

Police Training Work Group

The Police Training Work Group was charged with recommending training that will help to ensure effective and equitable community policing. To that end, the intent was that their recommendations be (a) in alignment with evidenced best practices; (b) determined via a

participatory process in which the community has a voice; and (c) understood and supported by a diverse, inclusive, and broad base of community stakeholders.

Law Enforcement Workplace and Policy Oversight/Diversity Recruitment and Retention Work Group

The Workplace and Policy Oversight/Diversity Recruitment and Retention Work Group was charged with developing recommendations that will assist law enforcement agencies throughout Minnesota in identifying, attracting, and retaining officers from a racially and ethnically diverse pool of candidates. Recommendations were to include the collection of reliable data on the race and ethnicity of law enforcement candidates; the allocation of state funds toward the recruitment of officers from a diverse range of backgrounds; identifying and removing elements of bias from the law enforcement hiring process; and, encouraging agencies to increase contact between officers and the communities that they serve.

Community and Law Enforcement Health and Wellness Work Group

The Health and Wellness Work Group was charged with identifying actions to help create and foster an environment that encourages healthy relationships; this includes an emphasis on psychological and emotional health. It also involves encouraging strong relationships that are built on trust and mutual respect; both the community and the law enforcement agencies entrusted to serve them must be healthy. If the relationship is fractured, they must come together to heal!

Policy Development and Implementation Work Group

The Implementation Committee was tasked with generating ideas and strategies outlining how the recommendations can be implemented.

Community Input

To ensure broader community engagement, a total of four (4) community listening sessions were completed: two in Minneapolis, one in St. Paul, and one in Duluth. The goals of the sessions were to:

- Create awareness about the work of the Council;
- Inform community about the process undertaken;
- Share recommendations and ideas being discussed;
- Get input and feedback from the community.

Themes were summarized in individual reports, which were then distributed to Council members for their consideration. Key themes were identified and presented based on applicability to Work Groups:

Criminal Justice and Social Justice Reform Work Group

- Build trust by increasing transparency (body cameras, a data transparency act, and more open review processes).
- Add “ifs” to recommendations so “if” police fail to comply with the recommendations, there will be clear accountability measures.

Police Training

- Require officers to live in the communities in which they work.
- Those who do not live in areas where they have interactions with communities of color should be educated about overall diversity (race, gender, sexual orientation, ability, economic status, etc.). Learn about cultural awareness.

Law Enforcement Workplace and Policy Oversight/Diversity Recruitment and Retention

- Consider the role of police unions; they have way too much power and control, which will make implementation of recommendations very difficult. These unions could also prevent the chief of police from firing problematic officers.
- The culture within law enforcement needs to change. Police officers are currently afraid to “cross the blue line.” Consider a peer intervention movement that would allow officers to step in when they witnessed wrongdoing from other officers, without worrying about facing repercussions.

Community and Law Enforcement Health and Wellness

- Ensure that law enforcement is focused on potential mental health issues first before using force (too many people are afraid to call the police when they are facing mental health issues).
- When mistakes are made by law enforcement, it’s okay to acknowledge them. Ask for forgiveness of individuals and/or the community. Ask for help from the community; it’s okay to say, “I don’t know.”

Policy Development and Implementation

- Recommendations should explicitly include all communities (i.e. LGBTQ, Youth, and Immigrant).
- There must be an independent prosecutor who is completely separate from the BCA, state, or local agencies. This prosecutor should report directly to an independent board appointed by Governor’s office and made up of diverse community members.
- For these recommendations to be successful, systematic changes must occur from the top down. Full buy-in from all groups is needed; this should start within law enforcement (leadership) and work its way down.

- An on-going review board (inclusive of statewide community members) is needed to review progress of recommendations; the board should have authority to hold law enforcement accountable.
- Future community meetings should not be targeted just by region, but also by population (LGBTQ, Immigrant, Ethnicity, etc.).
- Community meetings should be held during times and locations that are accessible to as many people as possible (this may necessitate some weekend meetings).
- Notification of community meetings should be given out with as much advanced notice as possible. Proposed recommendations should be available at least 3 days in advance of meeting to give the community a chance to read them ahead of time.

The complete Community Listening Sessions report can be found in Appendix C.

Recommendations

These recommendations represent the Council’s best thinking about ways to strengthen trust and accountability between law enforcement and community members. To maintain the authenticity of each Work Group’s collective thinking, the recommendations are presented in each group’s respective “voice.” *With respect to implementation, it should also be noted that this document will not be given directly to the legislature for their approval.*

Criminal Justice and Social Justice Reform Work Group

Our recommendations assume that criminal and social justice reform can be advanced by building trust and communication between law enforcement agencies and communities of color and by hiring individuals with strong cultural competencies, strategic communication skills, and emotional intelligence; or they may involve providing opportunities for individuals to grow in these areas.

To that end, our recommendations include the following:

1. Conduct data collection, including racial/ethnic breakdown on the number of stops and civilians injured by law enforcement. This data can inform interactions between community members and law enforcement. It can be used to determine when corrective action needs to be taken with an officer; it can also raise awareness of where the issue lies in an interaction. It will also be important to track behavioral elements of the interaction;
2. Focus on including a special prosecutor in police investigations, as a partner to the county attorney, not a replacement;
3. In support of HF346/SF445, conduct cultural competence and implicit/explicit bias training for both police officers and community members. Law enforcement personnel must have education and knowledge of the cultures and traditions of communities of color whom they are responsible for policing; this is necessary to avoid unintentionally offending individuals of different backgrounds. This recommendation is congruent with

similar recommendations suggested by the Police Training Work Group (see below).
Note: HF346/SF445 funding is available for a limited time.

Police Training Work Group

Any recommendations for training mandates require both appropriate funding and a reasonable timeline for implementation. Training more than 10,700 officers, in any topic, within a restricted timeframe requires flexibility in the educational methods used. Additionally, such an effort would necessitate engaging many providers. Given that the needs of communities across Minnesota are quite varied, our committee chooses to recommend broadly defined training topic areas.

To that end, our group recommendations are as follows:

1. Promote and implement conflict management and mediation, including things like de-escalation strategies;
2. Promote and establish a framework for mental health and crisis response, including such topics as crisis intervention training (CIT), suicide prevention, and major mental disorders;
3. Employ Fair & Impartial Policing, which addresses “implicit” or “unconscious” bias, as well as explicit bias;
4. Support HF346/SF445 Training and Capacity Building for Police Officers, investing resources to improve police training in the areas identified in the bill. Continued discussion is needed to define cultural competence and implicit/explicit bias training and what that encompasses. *Note: HF346/SF445 funding is available for a limited time.*

Broad learning objectives and subsequent “training courses” can be created from these broad categories; agencies can send officers to these trainings.

Workplace and Policy Oversight/Diversity Recruitment and Retention Work Group

Our recommendations include the following:

1. Where problems exist in the relationship between police departments and the communities that they serve, making the departments more racially and ethnically diverse will not serve as a cure-all for those problems. However, there is a general consensus that we should strive to make our police departments more diverse, including the administrative leadership level. There should be a renewed commitment to having law enforcement agencies reflect the racial and ethnic diversity of the State of Minnesota.

Addressing this issue begins with measuring and understanding the scope of the issue. We recommend collecting data as early as possible in the recruitment process. This data would be reported to the POST Board or other designated state agency and would be disseminated widely to law enforcement decision makers, and would be made available to the public.

2. Provide a police training bill that allocates funds to reimburse local departments that operate “pathway to policing” programs to recruit people from underrepresented or nontraditional educational backgrounds—including but not limited to people of color, Native Americans, and women—into law enforcement. The Law Enforcement Training Opportunity (LETO) model, through which a candidate has his/her skills training paid for and has a position waiting for him/her after he/she becomes proficient in the knowledge/skills presented, is a valuable tool for diversity recruitment and should be expanded beyond the State Patrol. Community Service Officer (CSO) programs could also be expanded and modified to serve this purpose, particularly for smaller departments.

While additional state funding is welcome, such training and hiring preferably would be funded in part from existing departmental budgets. There is understandable concern about “unfunded mandates.”

3. Because of the cost of recruitment, larger law enforcement agencies currently have an advantage in locating and attracting candidates from diverse backgrounds. In order to support those efforts while also leveling the playing field, we recommend the creation and funding of a statewide recruitment team that would market our state around the country to those seeking careers in law enforcement. This would include candidates from Historically Black Colleges and Universities (HCBUs) and other out-of-state institutions, as well as candidates from Native American and other communities of color.

Funds should also be allocated to enable local police departments to pay for job postings on social media and make public service announcements (PSAs) on radio stations, newspapers, websites, and other media that target minority communities.

Where appropriate, these postings and PSAs could be translated into other languages to recruit speakers of languages other than English. To counter the negative public perception of law enforcement, these recruitment efforts should focus on changing that narrative—showing that police work is about public service and is a welcoming career option for people of color and Native Americans.

4. Some members of the Council have expressed concern that law enforcement candidates are being disqualified for reasons that disproportionately affect minority candidates, such as a bad credit history or a years-old arrest for driving under the influence (DUI). In conducting a thorough background check focused on the character of a candidate (which is necessarily time-consuming and expensive), agencies should recognize that these “bumps in the road” do not necessarily reflect poorly on the candidate’s character or honesty—for example, a bad credit history could result from the cost of a medical setback and indeed could reflect *positively* on the character of a candidate. These changes can and should be implemented without lowering hiring standards.

Because of the subjective nature of hiring decisions and the tradition of local control, ongoing public debate is required to determine whether there should be a uniform set of requirements or disqualifiers that would apply state-wide to all police departments (especially very small departments). Further consideration must be given to finding ways to make the hiring process fair, remove systemic barriers, and overcome implicit bias as an obstacle to diversification. One option, which has already been implemented in some areas, would be to adopt a system to review the oral and written test questions that are used during the hiring process for implicit bias; another would be to include members of the surrounding community in the screening of candidates.

5. The relationship between law enforcement and the communities they serve may improve if some of the contacts between new officers and those communities take place in non-emergency, non-confrontational situations. We recommend encouraging police departments to have new officers spend at least 20 hours of on-duty time at a local social services agency (e.g., helping at a homeless shelter or food pantry) before completing their 12-month probationary period. (We recognize that some agencies already do this. Moreover, given a truly character-based hiring process, one would expect that many new officers would already be engaged in important volunteer activities.) Where feasible, police departments should consider maintaining similar requirements for non-probationary officers on an ongoing basis.

These departments should also show an ongoing commitment to prioritizing open communication with all the communities that they serve—particularly marginalized communities—by, for example, holding regular public meetings in those areas and requiring officers to attend those meetings. This open communication should include efforts to educate the public in how officers are recruited, trained, and evaluated.

Finally, financial incentive programs such as tax relief, low-interest mortgages, and

student debt relief, should be considered—and preferably funded at least in part by the State—to strongly encourage police officers to reside in or near the communities in which they work.

6. The curricula at the Minnesota Chiefs of Police Leadership Academy and other supervisor training programs should be reviewed periodically to ensure that they instill cultural proficiency and inclusive values in law enforcement chiefs and supervisors. Having law enforcement agency heads and their direct reports be among the first enrollees in cultural proficiency and inclusion programs would assist those supervisors in modeling appropriate behavior and would facilitate discussions of counter-racism and inclusion if and when those issues arise within a department.

Community and Law Enforcement Health and Wellness Work Group

1. Health and wellness is broad. The focus should be on both community and officer wellness and developing a strategic plan to mitigate the immediate and lingering effects of a critical incident. Don't wait until after it happens; have the plan in place in advance. We suggest the following:
 - A. Health and Wellness
 - 1) Community
 - a) Identify leaders in the community who have the desire to work with law enforcement to restore fractured relationships and build strong partnerships that are based on trust and mutual respect.
 - b) These community leaders can help reach out to members of the community who are vested in the areas of church, schools, clinics, social services, and so forth, who are willing to be a part of the solution. The community leaders can help rally the community members, identify appropriate venues to meet, help develop agendas, and serve as moderators.
 - c) The community leaders can also help identify individuals best suited to help the citizens when they are hurting and struggling to find answers. Community members must have a safe environment to share stories and feelings; deepen their understanding of the impact of the critical incident or ongoing conflict has on their emotions, relationships, and the well-being of the community. The goal is to get to a place of healing where the community and law enforcement can come together to work through the issues.
 - 2) Law Enforcement
 - a) Every officer who enters the profession will experience stress, whether it is the accumulative effects of working in a challenging profession or the result of dealing with a critical incident. As a result, there must be a strong system in place that focuses on maintaining the officer's health and wellness. These strategies should include:

- i. Law enforcement executives committed to keeping their staff healthy and whole by creating a culture within the organization that focuses on physical, emotional, and psychological wellness. A strong component to attaining that goal is providing education and awareness on the challenges the officers will face and the strategies they can use to overcome those challenges.
- ii. Peer-counseling programs led by a licensed psychologist with experience working with law enforcement professionals.
- iii. Striving to develop a culture that supports accessing such services as Critical Incident Stress Management (CISM) debriefings and Employee Assistance Programs (EAP).
- iv. Potential adoption of a program like “Check-Up for the Neck Up.” These programs focus on providing confidential counseling services for stress related mental health issues that may affect work performance; providing training to promote the psychological and emotional health of department personnel; responding to critical incidents; conducting periodic ride-alongs with officers; and providing any other services mutually agreed upon.

These strategies must be embedded in the agencies’ policies and procedures.

2. Community members and law enforcement agencies must create opportunities to meet on a regular basis. These meetings can be used to discuss issues and concerns, along with differing views and perspectives on what is occurring in the neighborhoods. The goal is to bridge the divide and create strong partnerships. These open lines of communication and avenues for interaction must be in place before the critical incident(s) occurs. Related recommendations include:

- A. Hire officers that are committed to keeping the community safe through enforcement and relationship building. This practice must be sustained throughout an officer’s career. They must be held accountable by their peers, by their supervisors, and by the community they serve.
 - 1) Encourage emphasis on emotional intelligence.
 - 2) Building community relations must be a part of an officer’s evaluation process and must be used as a performance measurement.
 - 3) An officer who is being considered for a promotion or specialty position must have a true understanding of the need for and a work history that demonstrates the desire to build strong, lasting relationships that are based on trust and mutual respect.
- B. Employ best practices of community-based policing.

- 1) Many successful programs already exist. Departments should research and deploy the initiatives that meet the needs of the community. Invite citizens to be a part of developing the community-policing strategies.
 - 2) Prioritize youth engagement.
 - 3) Recognize and reward examples of good community policing. Invite the community members to be a part of the celebration.
3. Transparency is a vital component to building strong, trusting relationships. When issues arise, law enforcement agencies must take an honest look at themselves, admit mistakes, make the appropriate corrections, and apologize to the community. Likewise, as fractured relationships mend, and trust is earned, law enforcement agencies must be given the opportunity to complete their investigations before judgement is made.

There have been occasions when the communities affected by police misconduct have reacted negatively to actions taken by the police agency regarding accountability and discipline. Part of the dismay may be a result of not understanding the process. Law enforcement agencies should meet with the various communities to discuss the elements of an investigation:

- 1) How does a person file a complaint?
 - 2) What is required of the agency receiving the complaint?
 - 3) What happens once the complaint is filed?
 - 4) Does the person filing the complaint have to give a statement?
 - 5) What are the officer's rights (policy and procedure, Officer Bill of Rights, progressive discipline, etc.)?
 - 6) What is the difference between a civil investigation and a criminal investigation?
 - 7) What is a Tennessean Warning, and when is it used?
 - 8) What is a Garrity Warning, and when is it used?
 - 9) What is binding arbitration, and what happens once an arbitrator makes a ruling?
 - 10) What role do the police unions and federations have in the investigation?
 - 11) What information can be released (i.e., public versus private data)?
 - 12) Any other questions people may have.
4. When the community experiences trauma, the officers and community members must come together to identify the root causes. Together they can develop the strategies to identify the problems and then work together to resolve them. As the relationship between the community and law enforcement officers begins to grow, officers must always remember the oath they took— "to protect and serve"—while community members express concern for the health and well-being of the officers and recognize them as critical members of the community.

Policy Development and Implementation Work Group

This group developed criteria and strategies to define, develop and implement the Council's recommendations (see Implementation below).

Implementation

Ultimately, the implementation of these recommendations will require action at various levels of government: from the state legislature to local police departments. Some policy changes will require legislative action or state funding, others may be done through local decision-making using existing resources.

The Governor's Council recommendation for improving police community relations are just the beginning, not the end. This is an ever-evolving process as society changes and expectations evolve. It is the implementation of recommendations that determines whether goals are achieved. To that end, we have identified stakeholders that have a significant role in implementation, including:

- Minnesota Legislature
- Minnesota Board of Peace Officers Standards and Training (POST Board)
- Minnesota Court System
- Minnesota Department of Human Rights
- Minnesota Department of Public Safety
- Minnesota Law Enforcement Agencies
- Minnesota Communities
- Minnesota Social Service Agencies

Appendices

- Appendix A: Council Members
- Appendix B: Executive Order 17-01
- Appendix C: Community Listening Sessions Report

Appendix A

Table 1: Governor’s Council on Law Enforcement and Community Relations Council Members

Co -Chairs	Representative Organization
Judge Pamela Alexander	Hennepin County Juvenile Court
Chief Scott Johnson	Grand Rapids Police Department
Voting Members	Representative Organization
Dennis Flaherty	MN Police and Peace Officers
Chief William Blair Anderson	MN Chiefs of Police Association
Jim Franklin	MN Sheriffs' Association
Bob Hawkins	MN Department of Public Safety
Anthony Hines	National Black Police Officers Association
W.C. Jordan; Yusef Mgeni	National Association for the Advancement of Colored People (State of MN)
Luz Maria Frias	Minneapolis YWCA
Pastor Billy G. Russell	Black Ministerial Alliance
Jaylani Hussein	Council on American-Islamic Relations (CAIR-MN)
Brian Herron	ISAIAH
Danny Givens	Black Lives Matter
Tony Palumbo	MN County Attorneys Association
Dontae Holland	MN Youth Council
Nathan Gove	MN Board of Peace Officer Standards and Training (POST)
Roger M. Smith, Sr.	Tribal Nations
Ex-Officio Members	Representative Organization
James Burroughs	Office of Governor Mark Dayton and Lt. Governor Tina Smith
Comm. Ramona Dohman	MN Department of Public Safety
Comm. Kevin Lindsey	MN Department of Human Rights
Irma Burns	Family of Jamar Clark
Clarence Castile	Family of Philando Castile
Bo Thao-Urabe	Coalition of Asian American Leaders
Sarah Clyne	Minnesota Council of Nonprofits
Dave Unmacht	League of Minnesota Cities
Trista Harris	MN Council on Foundations
Senator Bill Ingebrigtsen	Majority Party in the MN Senate
Senator Jim Carlson	Minority Party in the MN Senate
Rep. Rena Moran	Majority Party in the MN House of Representatives
Rep. Tony Cornish	Minority Party in the MN House of Representatives
Billy G. Russell (President)	National Baptist Convention
Ann Mulholland	MN Community Foundation
Commissioner Toni Carter	Association of MN Counties
Isaac Kaufman	Law Enforcement Labor Services of MN

STATE OF MINNESOTA
EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Executive Order 16-09

**Establishing the Governor's Council on Law Enforcement
and Community Relations**

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, in the last year, Minnesota has seen tragic events related to the use of deadly force by law enforcement officers and has recognized the need to address the interactions of law enforcement and members of diverse communities;

Whereas, these tragic events led to local and national protests concerning police and community relations, social justice, criminal justice reform, and other issues regarding trust and oversight of the law enforcement organizations;

Whereas, the tragic deaths of police officers in Dallas, Texas, Baton Rouge, Louisiana, and Palm Springs, California, and the deaths of other law enforcement officers throughout the United States have further aggravated these issues; and

Whereas, all Minnesotans have a stake in building trust and cooperation between law enforcement agencies and the communities they serve, thereby creating a safer and more harmonious Minnesota.

Now, Therefore, I hereby order that:


1. The Governor's Council on Law Enforcement and Community Relations (the Council) be established to independently review quantitative and qualitative data and make policy recommendations to the Governor and Legislature that will lead to substantive changes and strengthen police and community relations. Additionally, these recommendations should protect law enforcement officers and members of communities, thereby improving trust in the criminal justice and law enforcement systems.
2. Fourth District Judge Pamela G. Alexander, and Grand Rapids Police Chief, Scott Johnson shall serve as non-voting Co-Chairs of the Council.

3. The Council shall also include the following voting members:
 - a. One representative from Minnesota Police and Peace Officers Association;
 - b. One representative from the Minnesota Board of Peace Officer Standards and Training (POST);
 - c. One representative from Minnesota Chiefs of Police Association;
 - d. One representative from the Minnesota Sheriffs' Association;
 - e. One representative from Minnesota Department of Public Safety;
 - f. One representative from National Black, Latino, Asian, and Somali Police Officers Associations;
 - g. One representative from National Association for the Advancement of Colored People (State of Minnesota);
 - h. One representative from Minnesota Tribal Nations;
 - i. One representative from Latino LEAD;
 - j. One representative from the Black Ministerial Alliance;
 - k. One representative from the Council on American-Islamic Relations;
 - l. One representative from ISALAH;
 - m. One representative from Black Lives Matter;
 - n. One representative from Minnesota County Attorneys Association; and
 - o. One representative from Minnesota Youth Council.
4. The Council shall also include the following 17 ex-officio members:
 - a. One representative from the Minnesota Department of Public Safety;
 - b. One representative from Office of Gov. Mark Dayton and Lt. Governor Tina Smith;
 - c. One representative from Minnesota Department of Human Rights;
 - d. One representative from the family of Jamar Clark;
 - e. One representative from the family of Philando Castile;
 - f. One Member of the Majority Party in the Minnesota Senate;
 - g. One Member of the Minority Party in the Minnesota Senate;
 - h. One Member of the Majority Party in the Minnesota House of Representatives;
 - i. One Member of the Minority Party in the Minnesota House of Representatives;
 - j. One representative from the National Baptist Convention (Minnesota);
 - k. One representative from the Coalition of Asian American Leaders;
 - l. One representatives from the Minnesota Council of Non-Profits;
 - m. One representative from the League of Minnesota Cities;
 - n. One representative from Minnesota Community Foundation;
 - o. One representative from Minnesota Council on Foundations;
 - p. One representative from Association of Minnesota Counties; and
 - q. One representative from Law Enforcement Labor Services of Minnesota.
5. The Council may choose to form the following Work Groups, which could address some of the proposals and recommendations submitted:
 - a. Criminal Justice and Social Justice Reform Work Group;
 - b. Police Training Work Group;
 - c. Law Enforcement Workplace and Policy Oversight and Diversity Recruitment and Retention Work Group;
 - d. Community and Law Enforcement Health and Wellness Group;
 - e. Policy Development and Implementation Work Group; and
 - f. Other Work Groups, as the Co-Chairs shall authorize.

6. The Council shall have the following duties:
 - a. Advise the Governor, Legislators, and other policy makers and stakeholders about the immediate actions, which can be taken in Minnesota to create and restore trust between communities and their law enforcement agencies, so that all community members are invested in maintaining public safety in an atmosphere of mutual respect;
 - b. Focus on law enforcement – community relations through a lens of procedural and social justice that may impact areas, including, but not limited to: sentencing reform; prosecutorial discretion; law enforcement workforce; law enforcement recruiting and retention; law enforcement training; and community health and wellness;
 - c. Identify, publish, and promote information about the implementation of the best practices in community and law enforcement relations; and also facilitate information sharing among local, state, and federal departments and jurisdictions;
 - d. Identify, publish, and promote information about the resources needed for statewide access to training and officer safety;
 - e. Identify, publish, and promote information about how communities and law enforcement agencies can positively engage each other; and
 - f. Design and implement specific policy proposals and actions that can be taken by the executive and legislative branches of state government to enhance law enforcement and community safety.
7. The Council shall submit its Preliminary Policy Recommendations Report to the Governor, the Legislature, and the public by February 15, 2017. The Council shall provide all stakeholders with opportunities to give feedback prior to the Final Report's due date. The Council's Final Report shall be due by June 30, 2017.

This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State, and shall remain in effect until rescinded by proper authority or until it expires in accordance with Minnesota Statute, section 4.035, subdivision 3.

In Testimony Whereof, I have set my hand on this 12th day of October, 2016.



Mark Dayton
 Governor

Filed According to Law:



Steve Simon
 Secretary of State



STATE OF MINNESOTA
EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Executive Order 17-01

Amending Executive Order 16-09: Establishing the Governor's Council on Law Enforcement and Community Relations

I, **Mark Dayton, Governor of the State of Minnesota**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, Executive Order 16-09 was issued on October 12, 2016, providing for the establishment of the Governor's Council on Law Enforcement and Community Relations; and

Whereas, it is necessary to amend Executive Order 16-09 to extend the deadline of the Preliminary Policy Recommendations Report.

Now, Therefore, I hereby order that:

1. Paragraph 7 be amended to read as follows:
 7. The Council shall submit its Preliminary Policy Recommendations Report to the Governor, Legislature, and the public by March 17, 2017. The Council shall provide all stakeholders with opportunities to give feedback prior to the Final Report's due date. The Council's Final Report shall be due June 30, 2017.

This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State, and shall remain in effect until rescinded by proper authority or until it expires in accordance with Minnesota Statute, section 4.035, subdivision 3.

In Testimony Whereof, I have set my hand on this 6th day of February, 2017.

Handwritten signature of Mark Dayton in black ink.

Mark Dayton
Governor

Filed According to Law:

Handwritten signature of Steve Simon in blue ink.

Steve Simon
Secretary of State



**STATE OF MINNESOTA
EXECUTIVE DEPARTMENT**



**MARK DAYTON
GOVERNOR**

Executive Order 17-04

Amending Executive Order 17-01: Establishing the Governor's Council on Law Enforcement and Community Relations

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, Executive Order 16-09 was issued on October 12, 2016, providing for the establishment of the Governor's Council on Law Enforcement and Community Relations;

Whereas, Executive Order 17-01 was issued on February 6, 2017, to amend Executive Order 16-09 to extend the deadline of the Preliminary Policy Recommendations Report; and

Whereas, it is necessary to amend Executive Order 17-01 to extend the deadline of the Final Report.

Now, Therefore, I hereby order that:

1. Paragraph 7 be amended to read as follows:

7. The Council shall submit its Preliminary Policy Recommendations Report to the Governor, Legislature, and the public by March 17, 2017. The Council shall provide all stakeholders with opportunities to give feedback prior to the Final Report's due date. The Council's Final Report shall be due September 29, 2017.

This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State, and shall remain in effect until rescinded by proper authority or until it expires in accordance with Minnesota Statutes, section 4.035, subdivision 3.

In Testimony Whereof, I have set my hand on this 26th day of June, 2017.


Mark Dayton
Governor

Governor’s Council on Law Enforcement and Community Relations

COMMUNITY LISTENING SESSION FINAL REPORT

PURPOSE of Listening Sessions

Involving the community and collaborating with its members are cornerstones of efforts to improve relationships between law enforcement and community.

In recent years, community engagement and mobilization have been essential tools to addressing the challenges that exist in communities, predominantly in under-represented communities due to race, education, or economic status.

One of the goals of this Council is to engage the community as much as possible to build trust, enlist innovative ideas, create better communication, and improve the overall recommendations it has drafted. Community engagement is a process and will require on-going communication between all stakeholders.

OBJECTIVES of Engaging Community

- ▶ Create awareness about the Council and its work.
- ▶ Inform community about the process undertaken.
- ▶ Share recommendations and ideas being discussed.
- ▶ Get input and feedback from the community on proposed recommendations.

PROCESS of Engaging Community

The Council began holding Listening Sessions in May 2017. Since, the Council was established in response to police shootings that occurred in the metro area, it was decided that most of the listening sessions should take place in the metro area. The Council held a total of four (4) community listening sessions throughout the summer.

- 2 – Minneapolis (Augsburg College and Minneapolis Urban League)
- 1 – St. Paul (Wellstone Community Center)
- 1 – Duluth (Community Action Duluth)

- Attendance: On average, approximately 40 people attend each session. These sessions were diverse in gender, race, members of immigrant communities, representatives from community organizations, those directly impacted by incidents with law enforcement, and members of law enforcement. Several Council members attended these sessions.
- *Length*: Each session lasted an average of 2.5 hours.
- Process:
 - Each meeting was scheduled to begin at 5:30 p.m. with a full meal and time to meet & greet each other.
 - When necessary, interpreter services and child care were provided.
 - A representative from the Governor’s office opened the session by welcoming members of the community and briefly explained the purpose of the Council and listening sessions.
 - Meetings were facilitated by two independent consultants who shared the purpose of the meeting, outcomes expected of the meeting, process of the meeting, expectations from everyone, and ground rules to ensure a clear understanding by all participants.
 - Participants were given time to review recommendations if they had not done so prior to meeting.
 - Facilitators opened the discussion by asking three broad questions:
 - What are your thoughts regarding these recommendations?
 - What else is missing?
 - How would these recommendations fit into your immediate community?

COMMON THEMES (by work group)

Throughout these sessions, many people shared their opinion, agreement, dislikes, or skepticism regarding the proposed recommendations, the following were identified as the most common themes throughout all the sessions.

1. WORKPLACE AND POLICY OVERSIGHT/DIVERSITY RECRUITMENT AND RETENTION WORK GROUP

- a. Police unions have way too much power and control to which will make implementation of recommendations very difficult. These unions could also prevent the Chief of Police from firing problematic officers.

- b. Culture within law enforcement needs to change. *It is currently a culture in which police officers are afraid to “cross the blue line.”* Peer intervention movement that would allow officers to step in when they witnessed wrongdoing from other officers, without worrying about facing repercussions.

2. CRIMINAL JUSTICE AND SOCIAL JUSTICE REFORM WORK GROUP

- a. Increasing transparency is one way by which trust could be increased (body cameras, a data transparency act, and more open review processes).
- b. Recommendations should add “ifs” so “if” police fail to comply with the recommendations, there will be clear accountability measures.

3. POLICE TRAINING WORK GROUP

- a. Requiring officers to live in the communities in which they work.
- b. Those who do not live in areas where they have interactions with communities of color should be educated about overall diversity (race, gender, sexual orientation, ability, economic status, etc.). Learn about cultural awareness.

4. COMMUNITY AND LAW ENFORCEMENT HEALTH AND WELLNESS WORK GROUP

- a. Ensure law enforcement focused on potential mental health issues first before using force (too many people are afraid to call the police when they are facing mental health issues).
- b. Transparency – when mistakes are made by law enforcement, it’s okay to acknowledge. Ask for forgiveness of individuals and/or community. Ask for help from community - okay to say “I don’t know.”

5. POLICY DEVELOPMENT AND IMPLEMENTATION WORK GROUP

- a. Explicit **inclusion of all communities** (i.e. LGBTQ, Youth, and Immigrant).
- b. Must be able to have an **independent prosecutor** completely independent from the BCA, state, or local agencies. This prosecutor should report directly to an independent board appointed by Governor’s office and made up of diverse community members.
- c. **Systematic changes** need to occur from the top down in order for these recommendations to be successful. Full buy in from all groups; needs to start within law enforcement (leadership) and work its way down.

Additional Suggestions/Comments

Community members from the listening session in Duluth brought up additional feedback that had not been shared by others in the metro area. The Minnesota Board of Peace Officer Standards and Training (POST) lacks in both racial and community diversity. Its purpose and authority is also unclear. According to its website, the POST Board is made up of 15 members; 9 law enforcement members; 2 community members, 3 higher education members, and 1 elected official. Its purpose: license and train law enforcement officers. The Duluth community felt that if the Board is to decide licensing and training of law enforcement, it must have additional non-law enforcement voices at the table.

Final recommendations should be released to public in advance before they are finalized by Governor and Legislature.

On-going review board (inclusive of statewide community members) to review progress of recommendations and with authority to hold law enforcement accountable.

LESSONS LEARNED for Future Listening Sessions

- Future community meetings should be also targeted not just by region, but also by population (LGBT, Immigrant, Ethnicity, etc.).
- Community meetings need to be held during times and locations that are accessible to as many people as possible and may need to include some weekends (besides the first meeting, all other meetings were held in the evening to allow more people to attend).
- Notification of community meetings should be given out with as much advanced notice as possible. Proposed recommendations should be available at least 3 days in advance of meeting to give community a chance to read ahead of time.
- Recommendations need to be translated into other primary languages to ensure non-English speaking community members can participate (recommendations were translated into Spanish).
- Establish a way for community to share input and thoughts if unable to attend meetings.
- Local law enforcement and elected officials should be invited to community meetings.
- Meeting evaluation at end of each meeting.

CONCLUSION

Community felt these recommendations were too broad and lack specifics of accountability - *recommendations were “decent” but “beat around the bush”*. There was a lot of mentioning of implicit bias but there is also a lot of explicit bias.

If the belief is that this input is valuable, community feels they need to play a bigger role in how these recommendations are shaped, implemented, and followed through.

Concerns about data collection; no specific metrics mentioned, public release dates, how they would be released? Who is keeping track of data?

Community has asked that final recommendations be released to public in advance before they are finalized and approved by Governor and Legislature.

Overall, the community is very skeptical of any of these recommendations being implemented. Some noted that they were the same recommendations that have been brought forward for many years. “What would be different this time?”