



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Work Session

November 16, 2022

CALL TO ORDER

The special meeting was called to order by Mayor Regan Gonzalez at 4:00 p.m. in the Bartholomew Room.

Council Members Present: Maria Regan Gonzalez, Mayor; Mary Supple; Simon Trautmann; Sean Hayford O'leary; and Ben Whalen

Staff Present: Katie Rodriguez, City Manager; Jay Henthorne, Public Safety Director/Police Chief, and Kari Sinning, City Clerk

Others Present: Bob Scales, CEO of Police Strategies LLC

ITEM #1	PRESENTATION FROM BOB SCALES, CEO OF POLICE STRATEGIES LLC, ON A DISPARITY ANALYSIS STUDY.
----------------	---

City Manager Rodriguez introduced the topic. She outlined how the city is using more data citywide to analyze police performance. She noted that Richfield is the only city, besides Duluth, to undertake such a study. This study looks at disparities in enforcement but is also a tool for us to learn more about how our police interact with our community. She also noted the report has positive findings, but also shows areas to better understand issues the community is sharing. She stated council has made equity part of the mission visions and value.

Chief Henthorne provided a high-level summary of the work Richfield Police Department (RPD) is doing on racial equity. He outlined the review process for use of force incidents and talked about the current tracking system in place and what he hopes the department will get from this tool. He talked about the general standards of the department and outlined the process to get to this point.

Bob Scales, CEO of Police Strategies, gave a summary of his background and goals of the analysis. He provided a summary of work the company has done. He has helped law enforcement agencies collect and analyze data. He discussed how he has been working on public safety and government data for many years including being involved in overseeing police reforms in Seattle due to a consent decree through the Department of Justice.

Mr. Scales discussed how some individuals try and evaluate racial bias using a population method. He discussed a case where a group of researchers look at mortality, for black and white patients, in hospital operations. The study found a 50 percent increase in mortality between white and black patients. This was based on population. When they looked deeper into the data, they found several different correlations. What they found was that the strongest correlation was the hospital's location. It was found that hospitals located in poorer communities have significantly higher mortality rates than those in wealthier areas. He talked about

how researchers need to look at a lot of different factors when trying to determine causation. He also discussed how this population method can lead to skewed data. He said there is a need for a more academic way to look at these figures. He talked about some of the new research that's being done at the Center for Evidence Based Policing and how some of this work is being used by the California Chiefs Association on their Racial and Identity Profiling Act data. He spoke of ways the data can be used and some of the shortcomings. He talked about how ultimately the city should use this information to make data-driven decisions and develop evidence based best practices to solve problems facing the community.

Council Member Hayford Oleary asked about officers' incentive to lie when reporting the race of an individual they have pulled over. Mr. Scales said that was one of the challenges, there are opportunities to play the system. He said another challenge is that this evaluation assumes the officers can see the race of the driver before they are stopped but, in many situations, that is not the case. He said a study of officers in Pleasanton, CA, said that 91% of the time they were unable to determine the race of the individual before the stop. He said this is a key data piece that should be known to understand the racial disparities, but really no agency is collecting this information.

Mr. Scales talked about another challenge with using population-based evaluation. He said this method gives everyone in the community the same likelihood of being pulled over. He talked about how this assumes that senior citizens and young children have the same likelihood of being pulled over as anyone else. He discussed how this is just not true and that it is better to evaluate based on arrests compared to calls for service and the suspect's description.

Council Member Whalen asked about what this assumption means in terms of who commits crimes in Richfield. He asked if, looking at the data displayed, it is correct to accept that 45% of crimes in Richfield are committed by black people. He is worried about the bias and racism that is behind this benchmark. He talked about how there may be bias behind why police are called.

Mr. Scales said he wanted council to understand there's no perfect benchmark. He talked about how other studies have tried to determine reliable benchmarks with little success. He again acknowledged this method is not perfect, he did push that this a better way than population to examine racial disparities and try to get at the underlying causes of those disparities. With this method, he argued there is a bit more opportunity if police are over enforcing against specific groups in the community.

Council Member Whalen said he didn't necessarily agree with this analysis and asked about how the executive summary of the report states there were no identifiable disparities in the study, but the individual tables show there are differences when it comes to enforcement. Mr. Scales said the findings of the report does not suggest that there is systemic bias by the RPD. Mr. Scales acknowledged that the study does not show if there are individual officers engaged in racial profiling. He also said the study does not show that, without a shadow of doubt, there is no racial profiling going. What the report did identify were areas the department and the community should focus their attention. He talked about some of the underlying causes of criminality and how communities could make an impact with their work.

Council Member Supple asked if, based on the data presented, there are things the community can do to decrease disparities. Mr. Scales said the report is to provide the RPD and council better information to make impactful decisions and identify areas of focus. Mr. Scales talked about a specific program he worked on in Seattle around driving with a suspended license. He said there were huge racial disparities in enforcement. He noted that once they had real data, they were able to implement a successful program and dramatically reduce racial disparities in the community.

Council Member Hayford Oleary asked about what information is required when a crime report comes in. He provided an example of a time when a resident would call in and ask what information would appear on the police report. Chief Henthorne went over how dispatch processes a call for service. Mr. Scales talked

about the new FBI system that will be replacing the Uniform Crime Reports and how it will help track more data to better help evaluate demographic information on crime victims and reported crime suspects.

Council Member Hayford Oleary asked if there were reported states for traffic stops the city could compare data with. Mr. Scales said that for a lot of these lower level stops the race and preferred gender are not known and that causes several challenges to provide a good benchmark to enable a meaningful analysis of the disparities. Council Member Hayford Oleary talked about the challenges he sees with this study's process if there is no information on these more frequent stops. Mr. Scales said he agreed with these limitations but that there would need to a massive study to get this baseline data.

Chief Henthorne noted the challenging issue and spoke of how some traffic stops, like DWIs, will have this information documented, but other interactions like speeding, both with warnings and tickets issued, do not have this information included. He said that one of the recommendations from this report RPD is planning to implement with the new software is to begin tracking this data for all interactions.

Council Member Whalen wanted to express his appreciation for the consultant and staff acknowledging there are disparities in enforcement. He understands this work session was to discuss a specific set of data, not to direct the council on resolving those disparities. He said some community members felt like that was what this meeting was going to be about. He recognized the first conversation around these disparities in a couple of years and believes the community is interested in the fuller picture. He appreciated the tone and the comments from City Manager Rodriguez and Chief Henthorne along with their commitment to work on these issues. He did feel like the executive summary of the report does not reflect these findings. He acknowledged the data is a specific subset of a broader problem and that regardless of beliefs about solutions, the city is still committed to reducing those racial disparities, knowing that they are much larger than just whether individual officers are racially profiling.

Council Member Trautmann thanked the law enforcement community. He asked if the information in the report findings were different than other communities. Mr. Scales said the findings were similar to what he has seen in other jurisdictions. Council Member Trautmann said he was specifically talking about not finding systemic bias in our community. He wanted to know if that was what he normally found or if that was just Richfield. He asked Mr. Scales if any of his reports have found instances of bias. Mr. Scales said that he has never found concrete examples of bias in any of his studies. He again discussed the many other factors that drive these findings. He stated it is not to say there aren't disparities across the system, but these findings are not what he would expect to see if there was systemic bias and profiling happening in Richfield. Council Member Trautmann discussed how injustice exists within many systems and looking at any part of society, be it housing, health care, income, etc., one will find injustice.

Council Member Hayford Oleary said it was hard to trust the study when it always comes to the same conclusion, regardless of which city was studied. Mr. Scales said the numbers do show disparities, but they are larger society driven issues, not from the police enforcement side. Council Member Hayford Oleary talked more about his discomfort with this method. He said he is particularly challenged by some of these assumptions made when there is no data on race and traffic stops. Mr. Scales said he agreed with these shortcomings, but he is only able to use the data available to him. He talked about how collecting better data is one of the main recommendations in a lot of his reports. Council Member Hayford Oleary agreed there was a need for better data.

Council Member Hayford Oleary talked about the findings on page 18 of disparity analysis and asked about how Mr. Scales was able to reach his conclusion on low discretion stops. Mr. Scales said that when there are measured racial disparities with both the population and benchmark evaluation process there's strong evidence there's a systemic problem of bias in the department. Mr. Scales stated that if there were systemic bias happening, the disparities would be seen across all levels of stops, not just one portion. He talked about ways that to narrow down the evaluation by the type of incident involved.

Mayor Regan Gonzalez said she wanted to have a deeper conversation with the council. She said that equity is the area she works in and understands the challenges faced with the data currently available. She noted the adage “garbage in, garbage out”. She asked what the vision is for the community and talked about how this work is a piece of that conversation. She noted public changes that could be made to address contributing factors to inequities in community but there's also things that can be done internally to make sure the city is doing everything it can to make sure that it is not perpetuating inequities. She talked about her experience working on equity issues in the healthcare system. She talked about the impact good data has in addressing issues. She recognized the answer is not black and white when it comes to dealing with inequities.

Council Member Trautmann said he thought arguing over the methodology is maybe not the best use of time. He recognized there are many ways to benchmark or evaluate programs. He wanted to know if there were items identified in this study that should be looked at to focus actions. He didn't want to wait another two years to collect data before the work begins.

Mayor Regan Gonzalez called a break at 5:28 p.m.

Mayor Regan Gonzalez called the meeting back in session at 5:39 p.m.

Mr. Scales presented two videos and a podcast about racial bias, policing, data analysis and population-based evaluation. He then talked about how these conversations related to his work and how some prior community meetings in Duluth went when the report was presented to the community.

Mayor Regan Gonzalez asked if the council would like to have a discussion around goals. Council Member Supple believed there should be time for council to discuss. Council Member Whalen seconded that motion and wanted to hear about action steps. He also wanted to hear from Chief Henthorne on the disparities, what is being seen in the daily work and what can be done to help. He said all involved want safer, more crime free communities.

Mr. Scales presented the Richfield data. He talked about what to expect using risk adjusted benchmarks, including detailing what the data would look like if there were systemic racism in the department. He talked about how there were areas where they saw increased numbers but did not see that increase at every level if there was bias. He talked about the disparities he did find in the report. He said black individuals are 3.6 times more likely to be reported as a crime suspect in Richfield based on their population. He also noted that Native Americans are 50% more likely than their population to be reported in criminal behavior. He then went over the methodology in how he determined these rates. Mr. Scales also noted Native Americans are 20% more likely to be arrested based on their percentage of reported crimes, but blacks are 10% less likely to be arrested based on their share of reported crimes. He talked about some of the limitations of this evaluation.

Mr. Scales talked about disparities between genders in use of force; males are much more likely than female arrestees to resist, threaten, or flee from the police. He said there was also an increase in number of juveniles in terms of use of force. He again acknowledged this is a trend that was already known. Young men tend to be more likely to have increased interactions with police. He also noted the increase may be because the schools no longer have resource officers. Now, if the police respond to an incident at a school, the incident is already elevated. Mayor Regan Gonzalez asked what year this study covered. Mr. Scales said the data set goes back to 2018. Chief Henthorne said they stopped the school resource officer program two years ago. He said the RPD is seeing an increase in serious felonies involving juveniles, particularly around guns and auto-theft. Council Member Whalen asked if this is what officers were experiencing in their daily work. Chief Henthorne said when officers encounter those juveniles, more use of force is needed, particularly with the higher-level crimes like weapons possession and vehicle theft.

Council Member Whalen acknowledged the nature of policing in that 95% of their interactions are with 5% of the population but wanted to know if Chief Henthorne had any ideas about why 45% of the RPD interactions were with black community members, who make up only 12% of our population. Chief Henthorne said most of the RPD interactions are in response to reported crimes. He said the data shows that black individuals are more likely to be reported suspects in Richfield. Council Member Whalen wanted to understand how to reduce the trends being seeing in this data. He recognized there are many factors such as poverty, mental health and not having housing that feed into these issues. Chief Henthorne said some of the work the RPD is already doing around mental health is helping with some of these disparities. He also spoke of the shocking data point that was found from this study in that non-Richfield residents make up around 75% of arrests. He feels like this trend has to do with the current climate over the past two years with COVID and the economy. He talked about how RPD is seeing more petty crimes like theft and simple robbery. Council Member Whalen was surprised that 3/4 of our arrests are non-Richfield residents. He said he would be curious to unpack why this is the case and Chief Henthorne agreed. Mr. Scales said that many communities that have large retail centers like Target or Walmart, typically see these trends.

Mr. Scales presented on the use of force data. He discussed how there is higher than expected rates of use of force with juveniles but discussed how this is most likely connected to the crimes discussed earlier in the presentation. Chief Henthorne talked about the use of force trends seen by RPD and how command staff deals with a use of force incident. Council Member Supple wanted to know if it would be useful to track when officers could have used force but did not. Chief Henthorne said that is something they would like to track in the future. Mr. Scales said this data would be very helpful for this conversation.

Mayor Regan Gonzalez wanted to take the next part of the meeting to focus more on the conversation with council, police, and community. She thanked Mr. Scales for the report and opened the meeting for discussion.

Council Member Trautmann asked what all this means if the data is lacking. He wanted to give Mr. Scales some time to explain what we can do with this information. Mr. Scales thanked the council for the opportunity to respond. He stated the city can start addressing issues identified and continue to pull better data as time goes on as these are the first steps in a larger discussion.

Council Member Hayford Oleary said he was concerned about various items included in the report. He does not feel comfortable changing the report. He would like to have more studies done to make sure the city has all the best available data to make informed decisions.

Chief Henthorne thanked the mayor and council for this discussion. He said the RPD has already started working on many of the recommendations outlined in the report. He discussed some of the technology changes that are coming online soon and how this will help up better track this data. He said it's been a big project to move the historic data into a file for use later. He also talked about how staff is completely starting over regarding data tracking with a new system. He wanted to be sure that the information they gather moving forward is reliable. He said this has been a lot of work for a small staff and that they are continuing to push forward with this work. City Manager Rodriguez also talked about the significant budget invested in these changes has been. The RPD has been looking everywhere for funds to help make these upgrades and the city needs to be sure these items are budgeted for to move forward with this work.

Council Member Hayford Oleary asked Chief Henthorne about consent searches and if they have additional info on these stops. Chief Henthorne said we do not do these types of searches in Minnesota as all stops need reasonable suspicion. Council Member Whalen asked if this new software will be better able to track the traffic stops. Chief Henthorne said this information would now be required in the new reports. Council Member Trautmann thanked everyone for the discussion and believed in the work we are doing.

Council Member Whalen said there were a few additional items he would like to look at in the future. The first item was the percentage of arrests compared to conviction. He felt like this number would be able to tell if enforcement is justified. He also wanted to know more about the work the social workers are doing. He would love to see actual numbers for their impacts. How many people helped and what type of people. He talked about some of the legislative priorities for the city and how Chief Henthorne have been working on some of these items at the state level. Chief Henthorne provided some comments on the impact the department’s social worker is having in the community. Mr. Scales talked about the prosecution data and how it is a challenging way to determine if a stop was correct. He went over many of the factors that may impact a prosecutor’s choice to proceed with a case.

Mayor Regan Gonzalez talked about her hope for this work and the collective goal for the community and council in the future. She understands this is a first step in a broader conversation. She acknowledged these issues permeate most of society and has persisted for hundreds of years. She understands there is a lot of work to come.

Council Member Whalen said he was a little surprised to see that there was no council direction sought today but now understands this means the conversation and work will continue. He asked about next steps. Chief Henthorne talked about how this work is historic and that RPD has never look inward like this before. He said they will continue to work on these challenges and will continue to look at ways to improve. Council Member Whalen wanted to continue the conversation and didn’t want to wait 2 years for new data. He stated he wanted actions to start now and to have check in with council and the community throughout this process.

Chief Henthorne said he appreciated the comments. He said he needs to caution the council about what they may see and one of the challenges is that if the police are called, they need to respond. Based on the data this may keep pushing these disparities. He said these are the first steps in many meetings.

Mayor Regan Gonzalez thanked all involved in this discussion.

ADJOURNMENT

The work session was adjourned by unanimous consent at 7:03 p.m.

Date Approved: January 10, 2023



Chris Swanson, Management Analyst



Mary Supple
Mayor



Katie Rodriguez
City Manager