



CITY OF SAINT PAUL
Mayor Melvin Carter

390 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102

Telephone: 651-266-8510
Facsimile: 651-266-8521

July 23, 2020

The Honorable Lindsey O. Graham
Chairman
Committee on the Judiciary
United State Senate
Washington, D.C. 20510-6275

Dear Chairman Graham,

Thank you for the opportunity to testify at the Senate Committee on the Judiciary hearing entitled "Police Use of Force and Community Relations." Attached are responses to written questions from members.

Should you, or members of the Committee have any additional questions, please don't hesitate to contact me.

Thank you again for the opportunity to testify before the Senate Committee on the Judiciary.

Sincerely,

Melvin Carter
Mayor

Hearing on Police Use of Force and Community Relations
Questions for the Record
June 23, 2020
Questions from Senator Feinstein

1. In 2015, the President’s Task Force on 21st Century Policing released a comprehensive report on ways to promote effective crime reduction while building public trust. One of the Task Force’s recommendations was to encourage law enforcement agencies to create a diverse workforce with officers who reflect the communities they serve (Recommendation 1.8).

a. How can we more effectively create a law enforcement workforce that understands the community it is serving?

i. How can Congress specifically help in that endeavor?

Police officers who come from, know and love, and are directly invested in a community’s success possess the greatest potential to prevent crime, solve investigations, and promote feelings of safety. This is neither a new nor groundbreaking philosophy; indeed, this is the type of policing celebrated in classic tv programs like The Andy Griffith Show. This philosophy is evidenced in the 9 principles of policing established in 1829 by Sir Robert Peele, commonly known as “the Father of modern policing”:

“Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.”

And I have directly observed this truth through my father and his peer officers, who helped solve local problems in ways that were strictly limited to officers who knew our community as intimately as they did.

In departments across America, officers commonly live outside - some far outside - the community they serve. Relatively speaking, this phenomenon is a particularly new development that effectively upends the social contract between law enforcement and neighbors.

Guided by Chief Todd Axtell’s hiring philosophy - “Hire the person, train the cop” - the Saint Paul Police Department has made significant efforts to field a police department that reflects the community we serve. These efforts have proven fruitful, as our most recent class of police academy graduates was 77% diverse.

This work benefits greatly from local programs like our Law Enforcement Career Path Academy, which provides young adults ages 18 to 24 with support and training to prepare them to serve as officers, including the opportunity to serve for a year as AmeriCorps members within our Saint Paul department.

Our Saint Paul Police Explorer Program similarly provides youth ages 14–20 hands-on experience in law enforcement activities through a nationally recognized *Learning for Life* curricula, which includes one-on-one long-term mentoring from volunteer officers where participants build leadership skills and serve their community.

Finally, our Safe Summer Nights program brings neighbors and officers together over a meal and fun outdoor activities in our parks and recreation centers, helping children in our highest potential neighborhoods grow up knowing their officers.

These programs are often locally conceived and require a significant logistical and fundraising lift to sustain. They would benefit from increased guidance, establishment of national best practices and learning networks, and federal funding support, to normalize them locally, while expanding them nationally.

Finally, a child who grows up distrusting police officers will never aspire to be one. Community members must know that their officers are there to protect and serve all of us, and that those who betray our sacred trust will be held accountable for their actions. The Justice in Policing Act contains many critical elements toward resetting this relationship between communities and law enforcement; passing these proposals into law is likely the most significant thing Congress can do to help diversify our national pool of police officers.

b. What steps have you taken to better ensure a relationship of trust between your police officers and the people of St. Paul that could be applied on a national level?

Addressing the generations-old trauma that too many in our communities continue to face means addressing the systems, policies, and laws that continue to fail us. This starts with our police departments and addressing the very policies that have perpetuated a culture of policing that has led to the tragedies we've seen play out against our black and brown civilians at the hands of law enforcement.

In the first 100 days of our administration, I worked with Saint Paul Police Chief Todd Axtell to fully review and revise our department's use of force policy, through a 2-month public engagement process. We are likely one of the first law enforcement agencies to engage community members in a two-way dialogue to inform use of force policies.

That adopted policy, announced in March 2018, establishes a duty to intervene, guides officers to use the minimum amount of force that is both "reasonable and necessary", and uniquely differentiates between officer response to resistance versus responses to aggression. We also took action last month to add clarifying language in our policy that specifically addresses no chokeholds and deadly force as a last resort to ensure there is no ambiguity.

After a disturbing sequence of accidental bites, Chief Axtell and I restricted canine officer deployment pending a year-long comprehensive audit. This audit resulted in three dozen policy and practice changes for the unit, including a shift to employing canine officers primarily as a locating aide for imminently violent or threatening situations, and limiting the number of times the dogs are ordered to apprehend or bite a suspect.

Chief Axtell also terminated 5 police officers who willfully failed to intervene to stop an assault in progress last year. A duty and obligation to intervene in this manner is a part of our department's professional standards. Two of the five terminations have been upheld in arbitration so far, with the remaining cases still pending.

These are the types of steps that we need to see across our country if we are serious about achieving lasting, and meaningful change in response to the calls for justice.

Hearing on Police Use of Force and Community Relations
Questions for the Record
June 23, 2020
Questions from Senator Leahy

1. You have advocated for expanding our public safety network beyond just a police force to include mental health support, drug rehabilitation, re-entry for incarcerated individuals, and more.

a. Why is it important to de-couple certain aspects of public safety from traditional police work?

Police work and our public safety investments have for far too long focused on treating the symptoms of crime through enforcement. Until we rethink how we create the conditions in our communities that lead to the conditions that create crime, no amount of traditional police work can solve all our challenges.

In Saint Paul, our research-based Community-First Public Safety framework uses a public health lens to not only treat the symptoms of our public safety challenges, but also the root causes of these challenges. Our investments include jobs & resources for youth focused on those youth who have interfaced with our justice system along with housing and mental health supports including connecting residents to safe, stable, and secure housing while connecting people in need to mental health supports and resources.

Most critically, we are engaging in a public health approach to violence prevention through our Community Ambassadors that work to connect youth to programs, services, and employment opportunities through outreach and engagement; and our Healing Streets and Cure Violence model which incorporates community-centered healing-based approaches for violence prevention, intervention, and healing.

This approach is supported by Maslow's Hierarchy of Needs, which argues that basic physiological needs like food, shelter, water and warmth exert a stronger influence on human motivation and behavior than our drive for safety and security.

b. What does the right balance of resources look like to you? Which investments are most important in developing a community-safety system to augment the work done by the police force? In the same vein, what sort of police force reforms would be required to achieve an optimal community-safety system?

Much like an ambulance-only response would be obviously insufficient to address our current COVID-19 pandemic, our country's traditional police-only responses - which focus on what happens after someone dials 911 - have unsurprisingly proven insufficient to cure the ongoing crises of crime and violence that have persisted for too long. Until we treat the symptoms that contribute to the conditions where people are more likely to commit a crime, we'll continue to struggle to improve public safety outcomes.

In Saint Paul, to support our residents' economic well-being, we've raised the minimum wage, built new housing supports, established an Office of Financial Empowerment, and launched a plan to start every child born in our city with \$50 in college savings.

Just as we seek to reshape our system at the local level through this broad array of investments to support safer outcomes, our actions must also include addressing the police union contracts which too often shield officers from being held accountable, and laws that at the state and federal level to ensure our systems deliver justice.

c. Have you had some success with striking this balance in Saint Paul? Are there any key lessons you have learned?

After an unusual and unacceptable increase in gun violence in 2019, we convened thousands of residents in Saint Paul to gather feedback on how we can better respond to our public safety needs. What we heard loud and clear were three themes that we've long heard from voices across our community:

- Our officers can't solve all of our problems alone; this should lead us to identify innovative new investments to complement their work.
- Many of the conditions that lead to crimes in our community start at home and at very young ages; this should lead us to invest in the mental, physical, and emotional security of our children and families.
- Gun violence as a public health crisis should lead us to intentionally expand our traditional public safety toolkit to include public health tools.

While our Community-First Public Safety Plan addresses these with a wide array of supplemental strategies to support the work of our police officers, we know that just as changing our culture of policing will require us to address the systems, policies, and laws that have failed too many for far too long, so too will interrupting the cycles of violence we've been stuck in for generations require time, and continuing to adapt to the changing needs of our community.

While the case for a more comprehensive approach to public safety is well-established, the efficacy of these new investments at proactively improving public safety outcomes is yet to be established. As with any critical function, we are committed to tracking and evaluating our progress, and to adapting our models according to learned experience. We would benefit greatly from federal leadership to support funding, evaluation, and information sharing among a broader national network of communities endeavoring this transformational work.

2. Some have argued that pattern or practice investigations, and resulting consent decrees, increase instances of police misconduct and violence.

a. Do you agree with these arguments? Are you aware of any evidence indicating that pattern or practice investigations and consent decrees increase instances of violence?

While my administration has neither direct experience with consent decrees or pattern or practice investigations, I believe they are a critical tool in expanding our lens beyond individual officers and events to the underlying culture of policing across our country. Research has shown that these types of investigations have been shown to improve safety outcomes, except when they are preceded by a "viral" deadly force incident. Notably, according to a 2020 Working Paper by the National Bureau of Economic Research, "The leading theory for why some investigations have led to an increase in crimes is a striking decrease in the quantity of police activity – which is evident in all cities we were able to collect data."

Ironically, the notion that sworn peace officers in a community that has just experienced a viral, deadly incident would decrease their quantity of police activity in response to a probe designed to reduce violent encounters may be the most striking indicator yet that a complete cultural and systemic review of those jurisdictions is needed.

3. You have advocated for ending qualified immunity for law enforcement officers, stating that the doctrine shields officers from accountability.

a. Do you believe that opening channels for redress against law enforcement officers in a court of law will decrease instances of police misconduct?

Police officers at times face challenging, high-stakes situations which no person would hope to encounter. It is reasonable to extend grace for honest mistakes made by well-intended officers in good faith, as qualified immunity was originally intended to do. However, the concept has been distorted beyond recognition by legal precedents that leverage qualified immunity to cover officers for hostile acts of violence and negligence.

By redeveloping a common-sense way to extend some level of grace, while holding officers accountable in those instances where they fail us stands to reshape the very culture of policing that led to the behavior of the officers responsible for the killing of George Floyd.

b. Why is it important for Congress to enact a federal law ending, or at least scaling back, qualified immunity rather than allowing local jurisdictions to repeal or alter the doctrine piecemeal?

This moment in our nation's history requires that we take bold action in response to the calls for justice from communities across our nation and ensure the law enforcement professionals sworn to protect us are held to the same standards of accountability. Ending qualified immunity at the federal level is vital to ensuring communities across the country know that when officers fail us, that they'll be held accountable.

**Hearing on Police Use of Force and Community Relations
Questions for the Record
June 23, 2020
Questions from Senator Klobuchar**

1. In your response to Chairman Graham about the reforms you have made at the Saint Paul Police Department, you said that “we are not done correcting this culture” and that reform “requires us to approach these issues at a national level, not just department by department.”

a. Can you elaborate on the issues that you believe need to be addressed at a national level, and how the Justice in Policing Act will advance that effort?

The JUSTICE IN POLICING ACT OF 2020 takes action at a national level toward addressing the many core issues that have for too long contributed to the culture of policing that led to the killing of George Floyd, and too many other black and brown people across our nation.

The Act will help establish a national standard of policing to address brutality, help end racial profiling, and eliminate qualified immunity. It also requires the collection of data on misconduct to ensure we can track those officers who fail to uphold the standards they are accountable to. It takes the clear and distinct action of banning chokeholds and no-knock warrants at the federal level while investing in community-policing programs and alternatives for safety beyond policing.

Ultimately, one fundamental truth about all relationships is that the process of building trust is never complete. Particularly in light of America's documented and long-standing history of a culture of violence and intimidation by law enforcement, transforming the perspectives of neighbors and officers alike will take significant efforts sustained over a significant period of time, before a new underlying culture can effectively be claimed.

2. **You have called for investing in housing, education, and public health as ways to promote safer communities, and have said that your approach to public safety “centers around reducing the number of times we have to call 911 in the first place.”**

- a. **How can services for mental illness, substance use disorders, and homelessness support people in need while also enabling law enforcement to focus on violent crime? How can federal policymakers support states and local governments in these efforts?**

Our police officers cannot solve all of our public safety challenges alone. They are often called on to not only respond to crimes but to serve as social workers, grief counselors or chemical and mental health counselors when they respond to a 911 call. However, no amount of law enforcement and crime response can bring security to a community languishing in poverty; truly making neighborhoods safer will require expansion of our toolkit to deploy the resources and supports that support the basic physiological needs.

This belief is supported by Maslow’s Hierarchy of Needs, which argues that basic physiological needs like food, shelter, water and warmth exert a stronger influence on human motivation and behavior than our drive for safety and security.

In Saint Paul, as a part of our community-first public safety framework, we’ve developed a mental health co-responder model to ensure that when our officers are called on to respond to a person in crisis, that we can offer the mental health and chemical health expertise and capacity while helping to connect community members in crisis to stabilization and supports. Federal policymakers can support these efforts through investments that support local communities in making these investments.

Hearing on Police Use of Force and Community Relations
Questions for the Record
June 23, 2020

Questions from Senator Coons

1. **You are trying to address police reform in the context of a pandemic. If the federal government does not provide relief to state and local governments in our next COVID-19 package, how will that impact public safety?**

Alongside the COVID-19 public health crisis is the economic crisis that too many in Saint Paul and communities across our nation continue to face. We are seeing record unemployment, exacerbated impacts of poverty and homelessness, small businesses across many sectors struggling to make ends meet, and local governments facing unanticipated expenses in response to COVID-19 while preparing for significant deficits due to decreases in revenue sources due to the economic downturn. In Saint Paul, we anticipate a potential 5-10% decrease in general fund revenues, which could result in up to a \$34 million deficit for the current budget year.

State and local governments need federal government support to ensure that we can continue to protect our communities’ public health, safety, and economic vitality. During a time when conditions we face put more strain on our community, and only further the circumstances that can contribute to crime - community members lacking opportunities to access good-paying jobs, stable housing, and feeling disenfranchised - federal relief is vital to not only protecting our public health, and our economy, but also our public safety.

- 2. I understand that Saint Paul has been a part of a project through the National League of Cities that assesses its use of local fines and fees. Through this project and your other experiences, what has Saint Paul learned about the impact of fines and fees on disadvantaged communities and their effectiveness as a public policy tool?**

Fines and fees put a price tag on justice. Courts impose fines as a punishment for minor traffic and municipal code violations, misdemeanors and felonies, then further tax people with fees, surcharges, and costs used to fund the justice system and other government services. Those who cannot pay immediately face additional fees, license suspensions, loss of voting rights, and even arrest.

Millions of Americans get trapped in the justice system simply because they can't afford to pay their way out. Stuck in a cycle of punishment and poverty, people lose jobs, homes, and even their children. We have learned that women – particularly women of color – bear the brunt of the costs of the justice system. This is usually due to the over-policing and disproportionate prosecution of young men of color, which leads to women posting bail, shouldering the costs of commissary and phone calls, and serving as single-parent breadwinners for their families.

- 3. A recent article in the UCLA Criminal Justice Law Review entitled “Reforming Monetary Sanctions, Reducing Police Violence” argues that reforming fines and fees enforcement practices can reduce instances of police violence by, among other things, reducing interactions between police and civilians that have the potential to become dangerous.**

- a. Do you agree with this proposition?**

Yes. As one high-profile example, Philando Castile was a 32-year old black man who was shot and killed by a police officer in Falcon Heights, Minnesota on July 6, 2016 in a Saint Paul suburb. Mr. Castile had been stopped 46 times before his fatal encounter with law enforcement, almost exclusively for minor violations, and half of the tickets he was issued were dismissed. But Mr. Castile still owed over \$6,000 in fines and fees, and his driver's license had been suspended for nonpayment multiple times. On his 47th stop, he was killed.

When jurisdictions rely on fines and fees to raise revenue, police departments are incentivized to issue citations and make arrests. Even more problematic, this type of over-policing that involves issuing citations and making arrests takes place in communities of color at disproportionate rates. The US Department of Justice found that “racial disparities in traffic stops are large, ubiquitous across the nation, and troubling.”

In a study published last year of 93 million traffic stops across 21 state patrol agencies and 29 municipal police departments, the Stanford University Opening Policing Project concluded that Black people are twenty percent more likely to get pulled over than white drivers. Once stopped, Black and Latinx drivers are more likely to get ticketed, searched and arrested. The Stanford study found that when stopped for speeding, Black drivers were 20% more likely to get a ticket than white drivers, and Latinx drivers were 30% more likely to get a ticket than white drivers.

- b. Is Saint Paul considering reforms to its fines and fees practices as part of police reform? Please explain how, if so.**

Yes. As mentioned above, the City of Saint Paul is part of the Cities Addressing Fines and Fees Equitably (CAFFE) through the National League of Cities. As part of this work, we have analyzed the debt trap created by our towing and impound lot system. We are in the midst of driving reforms to our towing and impound lots as a result and should have these reforms activated by the end of 2020.

Additionally, the City of Saint Paul was selected as one of ten network members for the Cities and Counties for Fines and Fees Justice, a partnership with PolicyLink, Fines and Fee Justice Center, and the Financial Justice Project out of San Francisco Treasurer Cisneros Office. In this work, the City is exploring fines and fees reform connected to misdemeanors and gross misdemeanors, particularly around fines/fees issued as part of continuance for dismissal and diversion programs. We will begin a community engagement process in 2020 and have reforms activated in 2021.

c. Are there other ways, aside from fines and fees, that localities should consider to reduce potentially dangerous interactions without compromising public safety?

Yes. Localities should consider whether the criminal justice system is the appropriate way to address a variety of problems that it is ill-equipped to manage such as mental illness, substance abuse disorders, and homelessness. Decriminalizing conduct that could be better addressed through social services would help defuse potentially dangerous interactions between law enforcement and community members while increasing public safety.

4. Is there support that localities like Saint Paul could use from states or the federal government that would help it reform its fines and fees enforcement policies?

Financial incentives from the state or federal government would help cities transition from an over-reliance on fines and fees to more progressive taxation policies. In addition, the Department of Justice could provide financial support for pilot programs across the country and develop best practices that help localities provide appropriate community-based responses and resources to the social welfare need of their community.

5. Has Saint Paul assessed the impact that suspensions of driver's licenses for unpaid fines and fees may have on disadvantaged communities and their effectiveness as a public policy tool?

Yes. In Minnesota, driver's license suspension is authorized on the state level. Like 41 other states, Minnesota still suspends for both failure to pay and failure to appear on unpaid fines and fees. In the State of Minnesota, over 80,000 driver's licenses are currently suspended.

In 2009, the state created a diversion program, which Saint Paul participates in, to provide drivers with suspended licenses a path to reinstatement through financial education, a payment plan and provisional license to stem the tide of mounting fines and fees. Data from the program showed that on average, participants have received six to seven traffic citations and owe about \$1,700 in fines before entering the program. Their average income is \$11.50 an hour, meaning the average participant owes nearly a month's of their gross income.

Even with programs, such as the driving diversion program, the disproportionate impact on those living in lower economic circumstances is prevalent. As a matter of public policy, a debt-based driver's license suspension is a counterproductive policy measure. It creates significant financial hardships on the individual, family, and communities where the suspensions occur. When people lose their licenses they often continue to drive out of necessity, but also must do so without auto insurance. When a person loses their license, they lose their insurance coverage; once their license is reinstated, they are required to pay exorbitant premiums they cannot afford. This creates a system of uninsured drivers on the road, spiraling into broader scale impacts on cities and states as a whole.
