



Approved: July 27, 2020

**CITY OF ARDEN HILLS, MINNESOTA
SPECIAL CITY COUNCIL WORK SESSION
JUNE 29, 2020
5:30 P.M. - ARDEN HILLS CITY COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL

Pursuant to due call and notice thereof, Mayor Grant called to order the Special City Council meeting at 5:30 p.m.

Note: On March 20th, the Mayor signed a determination allowing Councilmembers to participate in City Council meetings via telephone pursuant to State Statute 13D.021

Present via Telephone: Mayor David Grant; Councilmembers Brenda Holden, Fran Holmes, Dave McClung and Steve Scott

Absent: None

Also present: City Administrator Dave Perrault **via telephone:** Ramsey County Undersheriff Jeff Ramacher, Commander Phil Baebenroth

1. AGENDA ITEMS

A. Policing in the City of Arden Hills

Mayor Grant stated the Council would like to make sure they understand what is happening with policing in the city and discuss possible changes. He asked if the Sheriff's department had procedures to de-escalate situations or if it was left to the officer in the field based upon circumstances.

Undersheriff Ramacher said he is the Undersheriff of the Patrol Division for the Sheriff's department that serves seven contract cities including Arden Hills. His responsibility is to act as the "Chief of Police" for the contract cities and provide oversight to the Patrol operation.

Commander Baebenroth introduced himself Commander in the Public Safety Services Division. He has been with the Sheriff's Office for ten years.

Undersheriff Ramacher went on record to say the Sheriff's Office is sickened by the George Floyd incident and no members of the Department condone the behavior of the officers involved. The men and women of the Department work tirelessly day in and day out to gain public trust and

confidence. They believe the selection of deputies is paramount in preventing things like that from happening. They have a community outreach and recruitment team that recruits members into the Sheriff's office. They have a long history of diversity within the Sheriff's office. Many staff spend a significant amount of time working in the jail which gives them the opportunity to learn de-escalation techniques. He felt it was important for the public to recognize their department is different from a lot of others in that sense.

Undersheriff Ramacher continued by saying de-escalation is referenced in a number of their policies but doesn't have its own specific policy. But it is the backbone of their training.

Commander Baebenroth said de-escalation techniques are incorporated into almost every aspect of training. They conduct scenarios with a role player of a person in crisis and have the deputies respond to the situation to de-escalate it. Some of the past training includes suicidal persons where the deputy has to use verbal de-escalation skills, stressing care, compassion and empathy. It is also incorporated in the use of force training and they always try to de-escalate any situation. Some deputies participate in a 35 hour crisis intervention course and they help train the rest of the staff. They also stress things like using cover and concealment (keeping a physical structure in between you and the person you're interacting with) and the importance of maintaining distance, along with a normal speaking tone.

Undersheriff Ramacher noted that they are in the process of revising some of their policies to update language. The likely place for a de-escalation section will be within their use of force policy.

Mayor Grant felt if the de-escalation was a section of its own that would bring it to the forefront of a deputy's knowledge.

Undersheriff Ramacher responded that de-escalation has been engrained in their training for years, it's a matter of putting it into technical terms into one of their documents.

Mayor Grant asked if the City would have input or get a copy of the de-escalation policies.

Undersheriff Ramacher replied that he could show them the language prior to it being okayed by the Sheriff.

Councilmember Holmes said some departments are thinking about sending unarmed officers or social workers to certain situations that aren't violent. She wondered if their department had started considering situations where a fully armed officer doesn't go to a situation that could escalate because the officer has a weapon.

Undersheriff Ramacher said they haven't considered that but they have different units that are unarmed like Community Service Officers that work with the homeless. They utilize some of those approaches already but they do not have plans to change the way they operate in response to calls for service within the contract cities.

Undersheriff Ramacher noted they have a number of different types of personnel within the Sheriff's office. Reserve Deputies are volunteers, Community Affairs Officers are volunteers and

Community Service Officers that wear a similar uniform and drive a vehicle with Sheriff's Office markings. They are currently not exploring a major change in how they serve the community with regard to the call system.

Councilmember Holmes mentioned the police department in Duluth has started using social workers in non-violent situations.

Councilmember Scott asked if they could discuss specific policies to interact with an individual that can't speak English.

Undersheriff Ramacher replied that they have an array of diversity, (department wide about 30%), so when scenarios happen someone is typically summoned to the scene that can speak the language. Deputies are also trained in non-verbal cues and intervention techniques. More and more deputies are being trained to recognize individuals with challenges such as autism.

Councilmember Holden said through the years there have been issues with neighbors fighting and in most instances a Community Service Officer was brought along to work things out. She wondered if that was still happening.

Undersheriff Ramacher said they do have a community section that includes crime prevention, community affairs, chaplains, and some volunteers. After many calls for service to situations like Councilmember Holden described they often get handled by a crime prevention officer. But it would be handled on a case by case basis.

Mayor Grant asked for a description of the Ramsey County policy on the use of choke holds where less than lethal force could be used.

Undersheriff Ramacher replied that the current policy doesn't specifically address chokeholds or strangleholds but through the course of training it has always been taught that any type of chokehold or stranglehold must have deadly force criteria. For example, if someone is wrestling an officer for a gun there could be an appropriate use of a chokehold because there is deadly force criteria. They are in the process of adding the following to their policy: "Deputies shall not use chokeholds, strangleholds or any other tactic that restricts oxygen or blood flow to the head or neck unless in a death force situation".

Commander Baebenroth added that the current policy talks about restraint techniques. In training they use restraint techniques that do not impair respiration and discuss the dangers of positional asphyxia to ensure deputies are aware that people can die if they're not allowed to breathe adequately.

Mayor Grant asked how the new policy would be put into the current manual.

Undersheriff Ramacher said it would be put into the Use of Force policy, which is very comprehensive and is currently 14 pages long.

Mayor Grant asked if they could share a copy of the policy manual with the City.

Undersheriff Ramacher said he would check with the Sheriff to see if it could be shared with the Council but it probably wouldn't be shared with the public.

Mayor Grant suggested it be shared with the City Administrator and Councilmembers could read it if they wished.

Mayor Grant asked if they could describe the types of force in their continuum and what can be used to respond to specific types of resistance.

Commander Baebenroth responded they use a reasonable control options matrix with the ultimate objective of every law enforcement encounter to avoid or minimize injury. The policy relies on the Fourth Amendment ruling about objective reasonableness. They factor in the totality of all the circumstances and the range of options that a deputy may have to use in the intense split-second decisions. Any situation is constantly re-evaluated and they respond as the situation changes. Some of the factors used to determine what is reasonable force are immediacy and severity of the threat to the deputies and others, conduct of the individual as perceived by the deputy at the time, age, size, strength, injuries, level of fatigue, number of deputies and subjects on the scene, if the suspect is under the influence of drugs or alcohol, mental capacity, if weapons are involved, if backup is available, and seriousness of the offense.

Mayor Grant wondered how large the force continuum chapter was in the manual.

Commander Baebenroth said there are 85 pages that he presents to deputies at their initial hire.

Councilmember Holden mentioned there is possible legislation regarding chokeholds and asked how they would respond to it.

Undersheriff Ramacher said the wording he read earlier would be put into their policy very soon, regardless of whether the legislature deals with it or not.

Mayor Grant asked if there were policies that permit officers to intervene to stop excessive use of force and what would the repercussions be if an officer should do that.

Undersheriff Ramacher stated their policy says that any deputy present and observing another deputy use force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede and prevent the use of force. The deputy who observes the use of force that exceeds the force permitted by law should report their observations to their supervisor. It is the expectation that staff does that. He has confidence that would happen in the Ramsey County Sheriff's Office.

Councilmember Holmes asked if they could give an example of when a sheriff's deputy did intervene in a situation where one officer was exceeding the force and another officer de-escalated that.

Undersheriff Ramacher replied that over the years he could give many examples where a deputy was becoming agitated and other deputies have stepped in. The expectation is that when deputies

are on scene and observe a co-worker that might have a fuse getting a little short, they step in and take over. That is part of the de-escalation they train for.

Councilmember Holden asked if there were repercussions for officers that report excessive force.

Undersheriff Ramacher didn't feel it exists in the Sheriff's department. He said size of the department makes a difference, and the deputies have worked with a diverse group of people in the jail so he felt their skill set is above and beyond other departments. He felt times where a person gets under an officer's skin doesn't happen as often at the Sheriff's department because of their previous experience.

Mayor Grant asked if there were a circumstance that an officer would shoot at a moving vehicle.

Undersheriff Ramacher replied there is and there have been a couple of scenarios that occurred. It is extremely rare, but there is a place for it if the deputy is in fear of great bodily harm. He could recall two incidences in the last 24 years.

Mayor Grant asked for comment about exhausting all reasonable means before resorting to deadly force.

Commander Baebenroth said that is what they train, to use reasonable means and a wide variety of options to choose from in any given situation. The policy mirrors the state statute, but they consider it to be a last resort. They will evaluate the situation and hopefully only have to use their words to get out of a situation using the minimum force necessary.

Mayor Grant asked what the requirements are once an officer unholsters a firearm before discharging the firearm.

Undersheriff Ramacher responded that when feasible, and if doing so wouldn't increase the danger to the deputy or others, they should issue a verbal warning before using deadly force. But there is a lot of gray in that depending on the situation. Deputies are trained to use verbal commands.

Councilmember Holmes asked what the policy is prior to entering a person's home.

Undersheriff Ramacher replied that he couldn't envision a policy that could cover every scenario. Most of the time they will announce their presence because it's safer for the officer and the others involved. But there is also "tactical consideration" depending on the call, it might not be reasonable to announce their presence. They do want officers to identify themselves if it doesn't make the situation more dangerous.

Councilmember Holmes asked if they would burst into a home without announcing themselves and without a search warrant.

Undersheriff Ramacher said it would probably be poor judgement to do that.

Mayor Grant asked the number of times they are in people's homes when they have a warrant.

Undersheriff Ramacher responded that responding to a 911 call wouldn't involve a warrant, but other times they may have an arrest warrant. He said it is fairly rare to not announce themselves unless it would be more dangerous to the officer or there were tactical considerations. He felt about 90% of the time they announced themselves.

Mayor Grant said there's been talk about reporting use of force and if deadly force is used that a database be created in order to look back on situations and trends. Does the Ramsey County Sheriff's Office keep any statistics on use of force by an officer?

Undersheriff Ramacher said there is a policy that says any use of force should be documented promptly, completely and accurately in an appropriate report depending on the nature of the instance. The Deputy should articulate the factors perceived and why they believed the force was reasonable under the circumstance. They have a robust records management system purchased in 2015 that allows them to regularly document specific types of use of force. Beginning in 2021 all police departments will be federally mandated use the National Incident Based Recording System (NIBRS). They were one of the first 8 agencies in Minnesota to go to that system, and they've been using it for almost two years. He noted that use of force in the Sheriff's Department is fairly rare, as are complaints.

Mayor Grant said he can attest that reports are lengthy and detailed. He asked if they could run a report by a particular level of force and also by officer.

Undersheriff Ramacher indicated he would have to speak to the commander in charge of records management to see if they can search by officer. But types of force can be reported.

Mayor Grant asked if they could get back with the answer to reports by officer.

Councilmember Holden asked how they know if they have an officer that has been reprimanded for excessive force.

Undersheriff Ramacher explained there were two different things they were talking about, one was if they received a complaint on an officer for unreasonable use of force – that would go through internal affairs with an investigation conducted. Officers use force in various ways every day, whether it's an escort hold to walk to a squad car, handcuffing, displaying a taser etc. When reading reports and evaluating calls they review what is appropriate, along with body cam footage. When an officer is using reasonable force appropriately there's no reason to hold that against them and make a list of that happening. When it crosses into being unreasonable, things change. They have an inspector that is tasked with reviewing every use of force and making an official determination on whether that use of force was reasonable or not. That has been done informally for years but they wanted to be more accountable.

Councilmember McClung asked what is the policy of when the officers have to have their body camera activated.

Undersheriff Ramacher replied that when they are dispatched to a call they are required to activate their camera. Typically, when they get a call and get into their squad car they are required to activate the body camera and the in-car camera system. When they trip the switch to turn on their red lights and siren the camera system recording automatically starts.

Councilmember McClung asked for a description of deputy compliance with activating the cameras.

Undersheriff Ramacher explained the body cameras were a welcome piece of equipment to deputies. It's a tool that shows the public that they are out there doing the right thing. They want to be accountable to the citizens. They had a very short learning curve for officers getting used to turning them on. It is very rare that someone forgets to turn the camera on, but when that happens it is typically because they are thrust into a situation and didn't have a chance to turn it on.

Councilmember McClung noted that until recently Minneapolis' policy would allow an officer to review body camera footage prior to writing a report. He wondered what the procedure is for the Sheriff's Department.

Undersheriff Ramacher said they do allow deputies to review body camera footage prior to writing a report. They haven't looked at changing that but the majority of the time they don't review it. A longer incident may be looked at to refresh their memory. The Minnesota Police Officers Association is a proponent of allowing officers to review body camera footage. He personally felt it was reasonable.

Councilmember Scott wondered if any schools within the contract cities had asked to remove the school resource officer.

Undersheriff Ramacher replied not as of yet and they don't anticipate it happening. They have seven school resource officers within the contract cities serving Mounds View School District and the 916 School District. He is hopeful the relationships will continue.

Councilmember Scott noted that he felt it was important for the communities for the Sheriff's Department to take an interest in talking on a one to one basis with the residents.

Councilmember McClung said in his day to day work he works closely with law enforcement and knows there are a lot of good officers out there and he appreciates those that are protecting us. He said he was sorry that when there is a bad apple it hurts all of them. His interaction with law enforcement has been positive and he thought the things they said make sense, but if he had different experiences with law enforcement he might not be as forgiving and as quick to trust. He thought they have an excellent crop of deputies but like it or not, those doing good each day are having their reputation sullied. He wondered what more they can do to try to bring trust back to some other members of the community.

Undersheriff Ramacher thanked Councilmember McClung for his comments. He said they have done a lot of work but have more to do. He felt no one anticipated where we are with regard to what has happened in Minnesota and the nation. All they can do is continue to try to gain the public's trust by doing the right thing – treating people with kindness and respect, going into the

community to teach people about law enforcement and how they do their job, community engagement. They have a strong community outreach program to communities of color and continue to work in that realm to do better.

Councilmember Holmes asked if the union contract says it can't be revealed to the public if an officer was reprimanded or leaves the department, and the officer can get a job with another department without anyone knowing what happened.

Undersheriff Ramacher said they have three distinct groups within the Sheriff's office represented by Law Enforcement Labor Services (LELS): Deputies, Sergeants and Commanders. Within Minnesota state law there is a statute called the Peace Officers Discipline Procedures Act, commonly known as the Peace Officers Bill of Rights. It governs the rights that a peace officer has with regard to facing discipline. Also, all of the unions belong to the Legal Defense Fund that provides legal counsel if they are accused of a criminal offense or involved in a disciplinary proceeding.

Undersheriff Ramacher continued by saying the State of Minnesota leads the nation on oversight of police officers. The Minnesota Police Officers Standards and Training was one of the first licensing authorities in the nation, and within each department there are internal affairs procedures.

Councilmember Holmes asked if they disclose if an officer that leaves the department has been fired or disciplined to other public safety departments so the hiring department will know that individual has been involved in some type of problem.

Undersheriff Ramacher said they don't voluntarily disclose that because that is one of the things covered by law in the Discipline Procedures Act, but Minnesota requires that each agency does a background investigation and they will reach out to the last employer. Most of the time the information is conveyed to the new department. It's rare that someone can retain a job in the field if they've been convicted of a crime or the subject of major discipline.

Councilmember Holmes wondered if it were more of a legislative issue than a union one.

Undersheriff Ramacher agreed that it was because the police officer rights are governed by law.

Councilmember Holden asked for more information about minority training in the past.

Undersheriff Ramacher stated that upwards of 31% of staff in the Sheriff's office are persons of color, so they have a long history of diversity within the office to be reflective of the community. Bill Finney has been in law enforcement for 40+ years and the relationships he has built along with the diverse work force helps them become stronger in that area. They've had a number of people of different ethnicities that have been doing work with minority groups for many years.

Mayor Grant again requested a copy of the Sheriff's manual be given to the City, noted they will be highlighting a section regarding de-escalation and add a paragraph regarding chokeholds and lethal force. He also asked to know if they can report by officer with their current system.

Mayor Grant stated the situation with George Floyd was tragic and wrong and the wrong four individuals got involved in the situation. He felt the Council understands the need for policing but it will be important for Ramsey County to interact with the community to regain trust, especially with minorities. He encouraged them to find other avenues for proactive policing. He asked if they had met with other cities in Ramsey County regarding these issues.

Undersheriff Ramacher replied that the Sheriff has regular contact with the St. Paul Police Chief, he personally belongs to the Ramsey County Chiefs of Police Association and this will be a major topic of discussion. They met with Shoreview a couple of weeks ago and have requests from other cities to meet with them and there will likely be a larger community forum type meeting in the future.

Mayor Grant thanked Undersheriff Ramacher and Commander Baebenroth for taking the time to educate the Council on their policies.

City Administrator Perrault noted that a subsequent meeting will be held with some of the people that helped organize the march between Shoreview and Arden Hills and said they are looking at a time frame for that in mid-late July. There will also potentially be a community meeting with the Ramsey County Sheriff's office.

Mayor Grant explained the organizers of the march would like some time to address the Council at a work session, and Administrator Perrault is working to set that up. His understanding is that they want to express their feelings as minority members of the public and the challenges they see themselves facing so the Council can have that point of reference as they make decisions. He didn't get the impression they wanted to ask questions regarding particular policing matters. Rather than approaching the Council at a regular meeting as part of public comments they would like to discuss their issues at a work session.

Councilmember Holmes wondered if there would be a meeting for residents to discuss policing questions.

Mayor Grant responded that perhaps staff should draft a response back to the residents that have emailed with questions regarding the Sheriff's Department.

Councilmember Holden noted that she had requested that the City Administrator contact the people that had emailed to let them know this was a topic at tonight's meeting.

City Administrator Perrault replied that he had notified everyone that had sent a question or made a comment to the City about the meeting, along with how to dial in to listen.

Mayor Grant said he thought it would be appropriate to send a written summary to those same people in case they weren't able to attend, staff was directed to do so.

Councilmember McClung said this is an important topic and there is broader interest than just those that have emailed. He felt in the longer term it would be important to have community involvement in a meeting down the road.

Mayor Grant suggested they invite the Ramsey County Sheriff to address the Council at a regular meeting in July or August that would potentially draw more people to listen, even though it would be virtual.

Councilmember McClung said he would like to see an opportunity for more interaction between residents and the command staff of the Sheriff's Department.

Mayor Grant thought perhaps they could have a meeting with other contract cities at a large venue and invite the public.

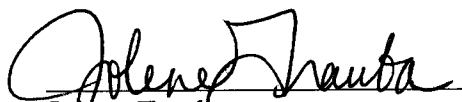
Councilmember Holden said she'd like to hear from the organizers of the march first before they plan another meeting. She wasn't sure what issues they would discuss at a second meeting with the Sheriff's Department that wasn't covered tonight.

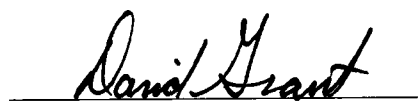
Mayor Grant asked staff to see if they could schedule the march organizers to come to the July work session.

ADJOURN

MOTION: Councilmember Holden moved and Councilmember Holmes seconded a motion to adjourn. A roll call vote was taken. The motion carried unanimously (5-0).

Mayor Grant adjourned the Special City Council meeting at 7:36 p.m.


Jolene Trauba
Deputy Clerk


David Grant
Mayor