

HEARING NINE

Community Engagement

May 28–June 18, 2020

The following summary is intended to provide an overview and highlights of the testimony and discussion during the hearings. For a full and detailed account of the hearings, please refer to the [Commission website](#) and the audio recordings and transcripts located there.

Civil Rights, Community Engagement, and Civilian Oversight, May 28, 2020

First Panelist: *Farhio Khalif, Founder and Executive Director, The Voice of East African Women and President, St. Paul NAACP*

Highlights:

- In 2013, I created a program in the Twin Cities called Mothers Against Youth Recruitment, partnered with the U.S. Attorney's Office, the FBI, and the Ramsey and Hennepin County Sheriff's departments, and police. I saw the mistrust the community has for law enforcement.
- In 2017, the Women for Peace project partnered with the Hennepin County Sheriff's Department for 12 months, holding meetings and workshops for hundreds of young men and women. Things have changed slowly. Law enforcement and the community can better see and understand each other.
- The first homeless shelter for Muslim East African women in Minnesota opened in 2017. When they face violence in the community—including normalized violence, female genital mutilation—they have nowhere to go, no one outside it they can trust. Women need to know they can go to court, advocate for their rights.
- How can we build trust between law enforcement and the African-American and African immigrant communities

Recommendations:

- Law enforcement needs to come to the table and speak to the community, especially to the young men and women. When we talk to each other and build trust, we can do a lot of things together in the community.
- To build partnerships with African-American communities, look for the women.
- Grantmaking and policies should look more at organizations, especially small organizations, run by Black women.

Second Panelist: *Susan Hutson, President, National Association of Civilian Oversight of Law Enforcement (NACOLE)*

Highlights:

- Oversight practitioners are responding to officer-involved shooting and in-custody deaths as they occur. They don't know if there will be a tipping point that leads to community unrest in these cases. Trust is built before these incidents, and the community and law enforcement have to do that trust-building work together.

- Civilian oversight alone is not sufficient to achieve legitimacy and trust in law enforcement. But without it, it is difficult or impossible for police in some communities to achieve or maintain public trust.
- NACOLE membership agencies are almost all required by enabling legislation to conduct public outreach about policing practices and accountability systems. They conduct know your rights and responsibilities trainings to inform the public about how to act during police encounters, where they are powerless: submit, make it through the experience, and then come talk to oversight agencies and initiate complaints.
- They also conduct activities to help promote trust in law enforcement. For example, during the COVID-19 pandemic, they have been in contact with community organizations concerned about community safety, safety of prisoners, and so on.
- Oversight agencies support anti-retaliation measures to enable police to speak up against inappropriate policing or ask for help in crises. In New Orleans, a past president of NACOLE initiated bystander training for police officers, to teach them how to intervene with fellow officers in situations like the killing of George Floyd. This program is now taught nationwide as EPIC: Ethical Policing Is Courageous.
- Oversight agencies mediate disputes between police and communities, help crime victims reach their detectives, make training and tactics recommendations based on best practices, and champion officer safety and wellness, because when officers don't feel safe, communities are not safe.
- Transparency is a core tenet of police oversight. Some oversight agencies publish data for police departments because they're unable or unwilling to do so. People will always find out about misconduct in the end; putting in context with other data and recommendations helps to build trust.

Recommendations:

- Oversight can help legitimize police actions by independently validating or not validating them and giving recommendations on how to make change.

Third Panelist: *Chief Amy Blasher, FBI Crimes Statistics Management Unit*

Highlights:

- In 1990, Congress passed the Hate Crime Statistic Act, and the FBI was tasked with collecting, publishing, and archiving data about hate crimes. Since then, thousands of law enforcement agencies have voluntarily submitted data to the FBI's Hate Crime Statistics Collection. Amendments have expanded the types of bias crimes covered by the act.
- Currently, the FBI Uniform Crime Reporting (UCR) program requires law enforcement agencies to report certain facts about each incident in their jurisdictions of hate crimes, defined as committed criminal offenses motivated in whole or in part by the offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. Legitimacy of UCR hate crime incidents are determined through law enforcement investigations and not through the findings of a coroner, court, jury, or prosecutor.

- Law enforcement agencies are not required by law to report bias or other crime statistics to the UCR program; quality data and reliable statistics depend on the voluntary contributions of agencies.
- The FBI does not analyze or interpret the data it collects, but serves as a national data repository and publishes its information yearly on the fbi.gov website.
- Currently the UCR program is conducting end-of-year verification and validation of the 2029 hate crime data, which is set to be released in November. Preliminary 2019 data shows an overall increase in single bias incidents of 10.2%. All bias categories increased, with the largest increases in gender identity and religion.
- The UCR program is transitioning the nation's law enforcement agencies to the National Incident Based Reporting System, or NIBRS; all UCR contributors should be submitting via NIBRS by January 1, 2021. NIBRS will allow law enforcement agencies to collect hate crime data through the regular reporting system without filling out a separate report. In addition, it provides a common platform for data sharing that will facilitate task forces and partnerships.
- The FBI has tried to encourage agencies to participate in hate crime statistics collection—for example, by conducting training sessions—but reporting is voluntary and there is no participation incentive.

Question-and-Answer Session, May 28, 2020

Q: [Gordon Ramsay for President Hutson]: Could you talk about NACOLE, and whether you make recommendations on the best types of review board, or for agencies initiating review boards?

A: [Hutson]: We help communities put together oversight and make recommendations for that. We work with them based on their needs—some communities want commissions or boards, some want auditors or monitors. Our report coming out from the COPS Office talks about best practices for community oversight and how to pick the best type for your community. It's not one size fits all.

Q: [Chairman Keith for Miss Khalif and President Hutson]: Could you articulate a specific example of tactics to engage the community?

A: [Hutson]: We do surveys, listening sessions at community events. Oversight in New Orleans was created largely because of what happened during Hurricane Katrina, and one of the first things they did there was go to listening sessions with the DOJ, hearing testimony from community members. They take complaints, or just listen if people don't want to file complaints. They have focus groups, public meetings to air grievances, once a retaliation summit with community members and police officers. During the pandemic they have been engaged in Zoom meetings and conference calls with community groups, email, social media, etc.

A: [Khalif]: Trust is very difficult when communities experience events like the killing of George Floyd by a Minneapolis police officer. Most African Americans and African immigrants already distrust law enforcement, have seen what happened to Philando Castile, or Jamar Clark, or many other African Americans around the country. Addressing this urgent need should be the commission's priority, and the commission should understand that the women are the best source of information about community needs, expectations, ideas, and opportunities. Mothers Against Youth Recruitment was able to successfully form a partnership with mothers and women who would not have trusted a man coming into the community.

Last September when there was a spike in gun violence in Saint Paul, the local NAACP chapter organized community engagement with law enforcement, inviting the police chief, the Ramsey County Sheriff, the Department of Public Safety commissioner, and the Governor's office. More than 700 community members were in the room. Partnership means not only attending meetings but giving community members a voice, a chance to come forward. The Commission should look to build this partnership immediately because the trust is not there right now.

Q: [David Rausch for President Hutson]: Are there examples of civilian oversight being embraced prior to a controversy?

A: [Hutson]: Yes, but off the top of my head I cannot give you a number of agencies. Sometimes it is the result of an incident, but not of an officer-involved shooting or in-custody death. There's a small town near Baton Rouge, 16 police officers that formed an oversight board because the community was upset about homicides the police were unable to solve. A group in Ann Arundel County, MD is doing the same thing because of controversy over the police reaction to a homicide investigation.

Q: [Vice-Chair Sullivan with a follow-up]: When those types of community engagements occur, are they more or less effective? Whether they happen because of an incident, or just because the community is interested in pursuing engagement?

A: [Hutson]: Some oversight agencies have had to go through changes, just like all parts of the criminal justice system do. There are some that have been proactive. Our report is looking at effective practices.

Q: [Vice-Chair Sullivan for Miss Khalif]: You talked about eradicating female genital mutilation—could you give some more specific instructions? This year we've put out some money for victim services, and DHS has a program that operates at airports.

A: [Khalif]: I am a lifelong advocate against female genital mutilation. I do community forums where I invite the imams, law enforcement, doctors, and community leaders. Sometimes it's called "summer cutting"—when school is closed, there are still families that will send girls home for a couple of months and back. We need to educate doctors and law enforcement to understand that this is serious. It's illegal in the U.S., but it's not enforced, and when it's not enforced people can escape the process. It's not religious, it's cultural, and we have to condemn this practice. If people take a little girl away to go through this, they need to be prosecuted when they come back—even have the consequence of losing their children. But once parents get awareness, they don't have to go to jail or lose their children—they can stop practicing this horrific ritual. I am advocating for March 8 to become Female Genital Mutilation Awareness Day.

Q: [James Smallwood for President Hutson]: In your curriculum, what level of engagement do you recommend oversight agencies have with the representative bodies of their police departments, like the Fraternal Order of Police or Police Officer Associations?

A: [Hutson]: It's about what the community wants. Police officers are part of the community and we encourage them to be at the table. We talk to representative groups—for example, in New Orleans, there are three and we invited them all to the table and two took us up on it. Our mediation program is truly community created.