



**POLICE COMMUNITY ADVISORY
BOARD SPECIAL MEETING AGENDA**
Thursday, November 21, 2024
4:00 PM

The Purpose of the Grand Rapids Police Community Advisory Board (The Board) shall be to establish and enhance communication between Grand Rapids residents, Police Department and City Council. Together, the Advisory Board and Police Department will identify and focus on public safety issues and collaborate with community leaders, community organizations and stakeholders in developing solutions to multi-faceted community concerns. The Board provides recommendations to the Chief of Police and City Council as to how issues should be addressed.

CALL TO ORDER: Pursuant to due notice and call thereof, the Police Community Advisory Board will hold a regular meeting on Thursday, November 21, 2024, at 4:00 PM in City Hall Council Chambers at 420 North Pokegama Avenue, Grand Rapids.

ROLL CALL:

PUBLIC INPUT (if anyone wishes to address the Board): This is your opportunity to approach the Police Community Advisory Board and publicly comment and/or share a concern about your specific issue. We ask that you approach the podium and provide your name and address for the record. A timer will be set for 5 minutes of comment. We ask that members of the public not applaud, engage in conversation, or engage in other behavior through words or action that may disrupt the following proceedings of the board. This is not a dialog, debate, or back and forth with the board but if there is something that needs to be followed up on after the meeting, we and/or City staff will do so and report back to the Police Community Advisory Board if necessary.

SETTING THE AGENDA:

CORRESPONDENCE:

APPROVE MINUTES:

1. Approval of the Minutes of September 19, 2024.

BUSINESS:

2. Explanation of PCAB Secretary Roles/Duties
3. Juvenile Justice

- 4. Homeless Population and City Policies and Procedures pertaining to this.
- 5. Policy on being notified of community events
- 6. Upcoming Event:
 - Shop With a Hero

UPDATES:

Staffing Update

ANNOUNCEMENTS:

SET AGENDA FOR NEXT MEETING:

ADJOURN:

ATTEST:

MEETINGS AND ATTENDANCE

The Board shall meet at minimum, four times each year as determined by the chair. A regular meeting may be cancelled by the chair or a majority of the Board. Every Board member shall be required to attend at least 75% of all meetings each calendar year. Board members who are unable to meet the attendance requirements may be removed by a majority vote of the Board. Prior to a vote considering the potential removal of a member, the member shall be afforded an opportunity to explain his or her reason for non-attendance.

BOARD MEMBERS AND TERM EXPIRATION

Dan Butterfield	12/31/2026	Wendy Uzelac	12/31/2025
Stephen Connolly	12/31/2026	Cassey Casteel	12/31/2024
Tom Neustrom	12/31/2025	Nicolette Roberts	12/31/2024
Jessica Malmquist	12/31/2024		



CITY OF
GRAND RAPIDS
 IT'S IN MINNESOTA'S NATURE

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CALL TO ORDER: Pursuant to due notice and call thereof, the Police Community Advisory Board will hold a regular meeting on Thursday, Sept. 19, 2024 at 4:00 PM in City Hall Council Chambers at 420 North Pokegama Avenue, Grand Rapids.

First Chair Connolly called the meeting to order at 4:04 PM.

ROLL CALL:

PRESENT

Board Member Dan Butterfield
 Board Chair Stephen Connolly
 Board Member Tom Neustrom
 Board Member Cassey Casteel

ABSENT

Board Member Wendy Uzelac
 Board Member Nikki Roberts
 Board Member Jessica Malmquist

STAFF

Chief Andy Morgan

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Stephanie Lipsy - Grand Rapids

Spoke on behalf of a mother who had come to her with a concern about her child's behavior.

Stephanie shared concerns about the behaviors and how the situation was dealt with by the police.

Board members discussed issue.

Chief Morgan noted that this could be added to the agenda and he would address the topic in general, but would not be able to address this specific case.

Tom Sutherland, 2222 SW 3rd Ave, Grand Rapids, MN

Judith Lilja, 2729 Audrey Ln., Grand Rapids, MN

Spoke about situation and behavior of her child.

Questions were asked about police involvement and child's current condition and more discussion was had.

Tammy Hill, 32167 Gunn Park Dr. Grand Rapids, MN

Spoke about her concerns and what she has witnessed in regard to this child's behavior.

Discussion had.

Chief Morgan will meet with parents to discuss situation privately.

Matthew ?, 401 4th St. Crosby, MN

Spoke about his nephew and his concerns he has about his behaviors and the safety of the family.

SETTING THE AGENDA:

CORRESPONDENCE:

None.

APPROVE MINUTES:

1. Approve the Amended Minutes of May 16, 2024

Motion made by Board Member Butterfield, Seconded by Board Member Neustrom to approve the amended minutes of May 16, 2024. Voting Yea: Board Member Butterfield, Board Chair Connolly, Board Member Neustrom, Board Member Casteel

2. Approval of the Minutes of July 18, 2024

Motion made by Board Member Casteel, Seconded by Board Member Butterfield to approve the minutes of July 18, 2024. Voting Yea: Board Member Butterfield, Board Chair Connolly, Board Member Neustrom, Board Member Casteel

BUSINESS:

3. Traffic Complaint - Increased traffic on the Airport Road and by the L&M Project.

Board discussed safety issue due to semi trucks not being able to take sharp turn and amount of heavy traffic in the area near the south end of Airport Road and the new L&M project.

It was mentioned that some of this area is not in the city limits.

Chief Morgan spoke on the TZD and increase in patrol happening within the city.

4. PCAB Vacancies, including Board Secretary

Discussion about the open vacancies was had. The city clerk has the application open. Discussion was had about dropping the number of board members down to 7. There was discussion about the board secretary vacancy. Board member Casteel is interested and would like to know more about what the position does. It was decided that this will be an item on the agenda for the next meeting.

5. GRPD Staffing Levels

Chief Morgan talked about our current staff levels and the interviews that took place recently.

6. End of Summer Recap (Tall Timber Days, Fair, National Night Out, Safety Camp, River Fest)

Chief Andy gave an overview of all the summer events. They all went well and were uneventful from a police standpoint. It was asked if there were complaints during the fair. Other than parking and the usual raceway complaints, there weren't any. It was mentioned how the Police Reserves are relied upon and help out during these events. There are 9 Reserves and we we can have up to 15.

7. PepperBall

Chief Morgan talked about different levels of force, what we use now, and how pepperball works.

8. Political Signs Update

Chief Morgan gave an overview of where signs can and cannot be within the city limits and talked about the calls we've had.

Political Signs – Damaged/Stolen

This year – 6 incidents, all taking place in August and September. Some were documentation only. No one had cameras and there were no suspects.

UPDATES:

9. SRO Update

Chief Morgan explained there is only one SRO and it's been a busy year so far. Discussion had about the events that have happened this year so far, and if the school district would reconsider.

ANNOUNCEMENTS:

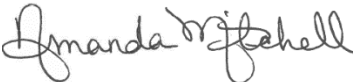
None

SET AGENDA FOR NEXT MEETING:

ADJOURN:

Meeting adjourned at 5:08 PM.

Respectfully Submitted,



Amanda Mitchell, Administrative Assistant

MEETINGS AND ATTENDANCE

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BOARD MEMBERS AND TERM EXPIRATION

Dan Butterfield	12/31/2026	Wendy Uzelac	12/31/2025
Stephen Connolly	12/31/2026	Cassey Casteel	12/31/2024
Pam Dowell	12/31/2026	Kerry Clausen	12/31/2025
Tom Neustrom	12/31/2025	Nicolette Roberts	12/31/2024
Jessica Malmquist	12/31/2024		



October 11, 2022

Greetings,

Local Law Enforcement in collaboration with Itasca County Health & Human Services would like to invite you to an informational panel at the Grand Rapids Fire Department on October 25, 2022 from 9-11am. Our hope is to provide community partners with education on the placement of Itasca County youth in residential settings. We intend to touch base on the following topics:

- Cite and release
- Least restrictive placement settings
- Limitations for law enforcement on criminal charging abilities
- Limited placement options
- Facility responsibilities for youth while in placement
- Mandated reporter responsibilities

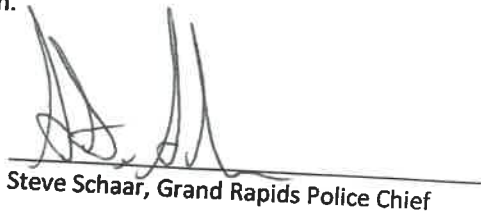
Our goal is to educate and promote successful collaboration for all area providers serving our youth. We truly feel that providing this information will allow for the best possible outcomes for the children and families in our community. There will be a question and answer portion at the end of our presentation as well as an opportunity for community partners to provide additional information to the panel.

Our panel will include Captain Andy Morgan and Captain Kevin Ott from the Grand Rapids Police Department, Investigator Mark Greiner from the Itasca County Sheriff's Office and Investigator Dawn Magnusen and Investigator Sam Tarbuck from Itasca County Child Protection.

We strongly encourage all to attend.



Becky Lauer, Family & Child Services Division Manager



Steve Schaar, Grand Rapids Police Chief

Vic Williams, Itasca County Sheriff

ITASCA COUNTY ATTORNEY

ITASCA COUNTY COURTHOUSE
123 NORTHEAST FOURTH STREET
GRAND RAPIDS, MINNESOTA 55744
PHONE: 218-327-2867
FAX: 218-327-0605

MEMO TO: Kevin Ott; Andy Morgan
Grand Rapids Police Department

All Itasca County Law Enforcement

FROM: John Kempe, Assistant County Attorney
Jake Fauchald, Assistant County Attorney

RE: Recent issues raised by Grand Rapids Police Department regarding juveniles
DATE: August 16, 2022

Officers Ott and Morgan,

The County Attorney's Office was made aware that you seek input and resources related to the Police Department's role with investigations/searches at occurring at area schools as well as the circumstances under which law enforcement should exercise a detention hold on juveniles who reside in area foster homes/treatment facilities. John Kempe and I met with both of you at the Grand Rapids Police Department on August 9, 2022 to further discuss these issues. During the meeting we discussed factors that justify a juvenile detention hold, the duty that foster homes have to enforce their own household rules/discipline, and the differing standards employed by the courts when scrutinizing in-school investigations conducted by school staff vs. law enforcement. You additionally proposed that we attempt to begin a dialogue between school officials, school-resource officers, and the county attorney's office so that all parties have a better understanding of their respective roles in the context of school disciplinary issues and criminal investigations occurring at the schools.

WHEN TO EXERCISE HOLD VERSUS WHEN TO CITE AND RELEASE

Being that Grand Rapids is home to multiple juvenile treatment facilities and foster care residencies, GRPD receive many calls for service when a juvenile at one of these facilities acts

out. For this reason, it is important to determine the extent to which law enforcement can/should take action in these situations. The applicable rules dictate that a juvenile *should not* be detained unless there are compelling reasons to do so.

FIRST: Law enforcement have “broad discretion” to release the juvenile before a detention hearing if less restrictive measures will be “adequate” to ensure public safety and the welfare of the child.¹

- The rules grant law enforcement the ability to “cite and release” juvenile suspects who are suspected of breaking the law.
- Because Minnesota law requires that a juvenile suspect must remain in the “least restrictive setting”, cite and release should always be the first consideration.²
- Foster care and treatment facilities should be reminded that because there is a presumption that the juvenile should remain released, that the facility itself may need to take appropriate action to isolate/discipline the juvenile to prevent further misbehavior.

SECOND: The applicable rules recognize a handful of factors that law enforcement must identify before taking a juvenile into custody.³

- A juvenile can be detained if it is determined that:
 - They will endanger themselves or others;
 - They will not appear for a court hearing;
 - They will not remain in care or control of foster care/facility;
 - Their health or welfare is in immediate danger.
- Additional factors that weigh in favor of detention include:
 - Juvenile is being charged with arson, assault, criminal sexual assault, or prostitution;
 - Juvenile is accused of a “presumptive commit” felony or a felony involving use of a firearm;
 - Juvenile already has other pending felony charges;
 - Juvenile has prior delinquency adjudications and has received out-of-home placement as a result;
 - Juvenile has a history of failing to appear or is a fugitive from another jurisdiction.

¹ Minn. R. Juv. Del. P. 5.03 subd. 3

² Minn. Stat. §260B.181 subd. 2

³ Minn. R. Juv. Del. P. 5.03 subd. 1, subd. 2

- EVEN IF MULTIPLE FACTORS ARE PRESENT, LAW ENFORCEMENT STILL HAVE DISCRETION TO CITE AND RELEASE (if appropriate under the totality of circumstances)⁴
 - If an officer believes that the foster home or treatment facility has the ability to adequately address the underlying concerns regarding a particular juvenile, the juvenile should remain released even over the objection of the foster home/treatment facility.

THIRD: Focus on the immediate allegations when deciding whether to detain and charge.

- When considering whether to detain and/or request charges against a particular juvenile, focus on the alleged conduct at hand, not prior unreported incidents of “bad behavior”.
 - Foster care residencies and treatment facilities often cite to past unreported incidents regarding a juvenile when trying to justify a charging decision or the removal of the juvenile from the facility.
 - As with any criminal investigation, law enforcement should primarily focus and base their decisions on the immediate allegations rather than past, unproven incidents of misconduct.

FOURTH: Other considerations.

- If there is a disagreement between law enforcement and a foster care residence or a treatment facility regarding a particular juvenile individual, consider getting the social worker in charge of the juvenile’s placement involved.
 - If a social worker is involved, they are primarily responsible for the ongoing placement of the juvenile.
 - In other cases, a parent or guardian may have placed the child there, in which case the parent/guardian could be contacted
 - If the foster care residence or treatment facility says that they do not want a particular juvenile to reside there in the future, that issue should be dealt with between the facility and the social worker/parent/guardian.

⁴ Minn. R. Juv. Del. P. 5.03 subd. 3

- Law enforcement has the authority to detain a juvenile but must do so on an individualized basis, taking into consideration the factors above and choosing the least restrictive placement.

INVESTIGATIONS AND SEARCHES AT SCHOOL

GRPD explains that law enforcement, particularly school resource officers, have been asked by area schools to take an increasingly active role in student disciplinary matters. We were told that that school officials have gone so far as to request that law enforcement essentially fill-in during the temporary absence of an assistant principal to address disciplinary concerns that might arise within the school. It is important for law enforcement and school officials alike to know that Minnesota law draws a distinct line between the standards applicable when school officials conduct an investigation at school versus when law enforcement get involved.

Because the law favors and even empowers schools to conduct investigations and searches “in-house”, law enforcement should carefully consider whether their intervention is truly beneficial, or even necessary.⁵

FIRST: School officials, including teachers, need only “reasonable suspicion” to search and interview students at the school whereas law enforcement must demonstrate the higher standard of “probable cause” to take the same actions.⁶

- Minnesota law creates a relaxed standard for school officials related to the level of suspicion necessary before they can interview and search students at the school.
- To properly utilize this law, school officials should be encouraged to gather as much information as they can on the front-end before law enforcement get involved.
- The preliminary information communicated to law enforcement by school officials can be used to support a finding that probable cause to suspect that a crime has been committed exists.

⁵ See *New Jersey v. T.L.O.*, 105 S. Ct. 733 (1985); *Carson v. Cook*, 810 F.2d 188 (8th Cir. 1987)

⁶ See *Thomas v. Barze, Mills, and City of Minneapolis*, 57 F. Supp.3d 1040 (D. Minn. 2014)

- Searches by law enforcement requiring probable cause could include looking through a student's backpack, notebooks, binder or locker, or accessing the contents of a student's cell phone or school-issued laptop

SECOND: Minnesota courts have increasingly applied the more stringent probable cause standard when both law enforcement and school officials are present during searches and investigations at school.

- Minnesota appellate court decisions indicate that they are more likely to find that probable cause must first be established if law enforcement are going to get involved in a search or interview.⁷
 - In the context of an interview of a student, a law enforcement officer's mere presence can trigger the application of the probable cause standard, even if school officials do most of the questioning.
 - In the context of a search, the assistance of law enforcement in any way could also trigger the application of the probable cause standard.
- Any evidence gathered during the search or interview of a student which involves the active participation of law enforcement could be deemed INADMISSABLE if probable cause is not first established.

THIRD: When law enforcement do get involved in the interview of a student suspected of committing a crime, a rights advisory (*Miranda*) should be given and the interview should be recorded.

- Because the courts are increasingly likely to differentiate encounters between school officials and students from encounters between law enforcement and students at school, it is necessary for law enforcement to treat these encounters in ways that are similar to adult custodial interrogations.
 - Interviews conducted solely by a school resource officer in a closed office is highly likely to be construed as a "custodial interrogation", thus implicating additional protections for the student
 - Interviews conducted by school officials in open areas, with a school resource officer merely observing, are not as likely to implicate additional protections for the student

⁷ See *In re Welfare of T.J.C.*, 662 N.W.2d 175 (Minn. Ct. App. 2003); *In re Welfare of G.S.P.*, 610 N.W.2d 651 (Minn. Ct. App. 2000)

- Interviews of students which are either conducted entirely by law enforcement AND interviews in which law enforcement is present and interjects questions should be audio recorded and the student should be informed of his/her right to have their parent present during the interview
- Law enforcement must exercise discretion in determining when a particular encounter with a student may produce evidence related to a possible crime
 - If it is anticipated that such evidence may arise, be prepared to properly document the encounter and collect the relevant evidence for use in court proceedings.
 - In any circumstance, a student's statement is much more likely to be admissible for court-related purposes if an advisory is given and the statement is recorded

s/Jake Fauchald

s/John Kempe

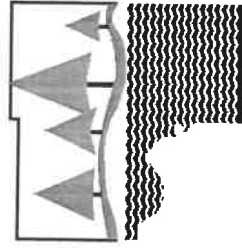
cc: Matti Adam, County Attorney

Mike Haig, Chief Assistant County Attorney

Juvenile Out of Home Providers

Grand Rapids Police Captain Andy Morgan & Captain Kevin Ott
ICSO Investigator Mark Greiner & Matt Bothma

Child Protection Investigator Samantha Tarbuck & Dawn Magnusen



Purpose of Presentation

- Better understanding of LE's decision making
 - Parents / Guardians
 - Out of Home Service Providers
 - Schools
 - Hospitals
 - Better educate LE on existing case law
- Open lines of communication between all community partners

Topics of Interest

- Police Action in regards to a Juvenile CFS
- Juvenile Holds placed by Police
- Juvenile Transports
- Practice of “Cite and Release”
- “Least Restrictive” Placement
- Mandated Reporting

History

- **Approached Itasca County Attorney Matti Adam**
 - Met with assigned Assistant County Attorneys John Kempe and Jake Fauchald
 - County Attorney's Office issued an August 16, 2022 Memo addressing and providing case law citations regarding topics
 - MN Rules of Juvenile Delinquency Procedure 5.03
 - Laws MN 260B
 - Case Law
- **Identified and Approached Partners with common Interest**
 - Itasca County Social Services
 - Itasca County Sheriff Department Investigators
- **Identified Appropriate Area Providers**

County Attorney Memo

- “it is important to determine the extend to which law enforcement can / should take action” when responding to calls for service involving a juvenile
- “ ... applicable rules dictate that a juvenile **should not** be detained unless there are compelling reasons to do so.”
- Memo then goes on to a four-part matrix identifying issues and priorities that LE should consider when navigating appropriate LE action

FIRST

- Law enforcement have “broad discretion” to release the juvenile before a detention hearing if less restrictive measures will be “adequate” to ensure public safety and the welfare of the child. (MN Rule 5.03 subd. 3)
 - The rules grant LE the ability to “cite and release” juvenile violators
 - Because MN law requires that a juvenile suspect remain in the “least restrictive setting”, cite and release **should always be the first consideration.**
 - MN 260B.181 subd. 2
 - Out of Home providers should be reminded that because there is a **presumption** that the juvenile should remain released, that the household / facility itself may need to take appropriate action to isolate / discipline the juvenile to prevent further misbehavior.

SECOND

- The applicable rules recognize a handful of factors that LE must identify before taking a juvenile into custody (MN Rule 5.03 subd 1, subd 2)
 - A juvenile can be detained if it is determined that
 - Danger to themselves or others
 - Will not appear for court hearing
 - Will not remain in the care or control
 - Health or welfare in immediate danger

SECOND continued

- Additional factors that weigh in favor of detention
 - Charged with arson, assault, criminal sexual assault or prostitution
 - Accused of a “presumptive commit” felony or a felony involving a firearm
 - Already has pending felony charges
 - Prior delinquency adjudications and is placed out-of-home already
 - History of failing to appear

• EVEN IF MULTIPLE FACTORS ARE PRESENT, LE STILL HAVE DISCRETION TO CITE AND RELEASE (if appropriate under the totality of circumstances) MN Rule 5.03 subd. 3

SECOND continued

- **EVEN IF MULTIPLE FACTORS ARE PRESENT, LE STILL HAVE DISCRETION TO CITE AND RELEASE (if appropriate under the totality of circumstances) MN Rule 5.03 subd. 3**
 - If an officer believes that the caregiver has the ability to adequately address the underlying concerns regarding a particular juvenile, the juvenile should remain release even over the objection of the caregiver / foster home / treatment facility.

THIRD

- Focus on the immediate allegations when deciding whether to detain and charge
 - Past unreported events should be recognized as uninvestigated and unproven
 - “Spreigl Evidence”

FOURTH

- If there is disagreement between LE and the out-of-home care provider regarding a particular juvenile individual, consider getting the assigned social worker involved
 - Identify placing authority
 - Parent / guardian is placement authority, they are primarily responsible for the ongoing placement of the juvenile
 - Social worker is involved, they are primarily responsible for the ongoing placement of the juvenile

Limited Availability of Placement

- Social Services has an inability to place children in a residential setting independently
- There is a difference between a shelter facility and a residential facility
- The following are ways in which a social services agency can assist in placing a youth at a residential setting:
 - Voluntary placement agreements
 - Court orders through a delinquency file not a CHIPS action
 - Recommendation from a 35-day evaluation
 - QRTP process

Mandated Reporting

- Mandated reporters are professionals who work with children and families and are in key positions to help protect children from harm. Minnesota law requires professionals and their delegates who work with children to make a child protection report if they know of or have reason to believe a child:
 - Is being neglected or abused, or
 - Was neglected or abused in the preceding three years
 - Mandated reporters include professionals and delegates in the following fields: Healthcare, Mental health, Social Services, Child care, Education, Law enforcement, Guardians ad litem, Clergy, Probation and correction services
 - If anyone suspects that a child is being abused or neglected, they cannot shift that responsibility to a supervisor, or to someone else in an office, school, clinic or licensed facility. They alone are required to make a report to the responsible social service agency
 - Anyone who is required to report known or suspected abuse or neglect and fails to do so is guilty of a misdemeanor
 - The inconvenience of reporting is offset by a simple fact: The action taken may save the life and spirit of a child and provide a family needed support.