



Minnesota

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Dear Chair Nelson and Members of the State Government Finance Division,

Right now, some Minnesotans are finally confronting a reality which many Black, Indigenous, and People of Color in this State have known their entire lives—our systems of policing are intrinsically rooted in racism and discrimination, dressed in the rhetoric of protecting the public while being expressed through state-sanctioned violence. For BIPOC Minnesotans, the consequences have been tragic, traumatic, and fatal. George Floyd, and many other victims of police violence, should still be alive.

The American Civil Liberties Union of Minnesota supports efforts to end police violence and advance the civil rights and liberties of Minnesotans by reducing criminalization of communities, promoting transparency and accountability of law enforcement, and reducing racial disparities.

Independent prosecutorial authority in cases involving peace officer wrongdoing is an important part of promoting peace officer accountability. We support the movement in HF54 towards such prosecutorial independence. However, we believe independence should be strengthened beyond the current bill language by 1) creating an independent branch or office within the Attorney General's office that is solely responsible for prosecutions of peace officers, or 2) creating a wholly independent office for prosecutions of peace officers.

We also believe accountability would be enhanced by expanding the prosecutorial authority of the Attorney General or other independent office to cases alleging offenses by peace officers that did not result in death. The importance of an independent prosecutor does not diminish with decreased severity of offenses; in fact, independent review of "minor" offenses could lead to earlier identification of officer behavior patterns, and could increase community confidence in the system.

In the alternative, we urge deletion of the provision that allows the Attorney General to request county attorney appearance, and instead add a provision allowing county attorneys to initiate prosecution if the Attorney General does not do so within a set amount of time. Allowing the Attorney General to essentially return a case to the county attorney at his or her discretion defeats the principle of an independent prosecutorial authority. However, by the same token, county attorneys should not be barred from initiating prosecution if the Attorney General does not act. We believe an automatic trigger for allowing county attorney action is more in line with the underlying principle of this proposal.

Systemic racism and discrimination are thoroughly intertwined with policing and criminal justice—HF 54 takes a step in the right direction, but barely scratches the surface of reimagining these systems and confronting and addressing the harms they have inflicted. The ACLU-MN is deeply committed to working with legislators and stakeholders to make sure Minnesota continues building on this and other initial steps being proposed.

Respectfully,

Julia Decker
Policy Director
ACLU-MN