



June 12, 2020

The Honorable Carlos Mariani
Chair, House Public Safety and Criminal Justice Reform Finance and Policy Division
381 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

RE: Minnesota Police Accountability Package Hearing

Dear Chair Mariani,

On behalf of the League of Minnesota Cities (LMC), a statewide association representing 833 of Minnesota's 853 cities, thank you for helping lead efforts to make meaningful reforms to laws governing peace officer conduct, training and oversight in Minnesota. The League appreciates the opportunities you have provided to comment on the ideas and bills that have been circulating.

The League recognizes the urgent need for changes that will strengthen the public's trust in peace officers and bolster collaboration between communities and law enforcement where it is lacking. Furthermore, the League has long sought reforms that would help more effectively discipline officers who violate policies and undermine the public's confidence in the criminal justice system.

I will be available at any time during the House Public Safety and Criminal Justice Reform Finance and Policy Division hearing on June 13, 2020, and will testify upon request; however, given time constraints and the added complexity of holding your hearing remotely, I am submitting this letter in lieu of signing up to testify.

The League appreciates the arbitration reform provisions in the "Reclaiming Community Oversight Act" to the extent they provide a new and better process for arbitrator selection in grievance proceedings involving police discipline matters. This concept is consistent with the League's legislative policy supporting a process allowing public employers to bypass mandatory arbitration required under the Minnesota Public Employment Labor Relations Act (MPELRA) where an employee is being terminated for gross misconduct. Reframing qualifications of arbitrators and how they are appointed in these matters is extremely important. However, this bill keeps the current arbitration process intact and does not address the significant problem of the near impossibility of vacating arbitration awards where the arbitrator reverses police chiefs and other local officials in their discipline decisions, with the arbitrator substituting his/her personal opinion of what constitutes just cause for termination. The current system allows for the all too frequent situation in which an arbitrator can undermine MPELRA's underlying policy of protecting "the

paramount right of the citizens of this state to keep inviolate the guarantees for their health, education, safety, and welfare” in favor of the misbehaving law enforcement employee.

We would ask for additional legislative directives to ensure that any new procedures for police discipline matters recognize that police officers, by the very nature of their positions, hold the trust and safety of the public in their hands and that cities (and their police chiefs) must be allowed to fulfill their affirmative duty to protect the public by enforcing rigorous accountability and transparency standards. Possible changes include a reduced burden of proof on the public employer in police misconduct cases and a new standard of review required of the arbitrator to uphold those discipline decisions which are entrusted to local officials ultimately responsible for protecting their communities. The League has several other specific ideas for further improvements and encourages additional reform of the current arbitration process set forth in MPELRA.

In addition to the arbitration provisions in the “Reclaiming Community Oversight Act,” the League has quickly reviewed other provisions contained in the three packages and respectfully submits the preliminary comments below. Note we are still assessing many of the provisions and may raise additional points as we circulate language and hear from member cities:

Reclaiming Community Oversight Act

- The League opposes making citizen oversight councils mandatory. The League supports allowing municipalities that want citizen oversight councils to implement them.
- The League does not oppose the proposed data practices modifications for peace officers. The League believes this data is already public.
- The League opposes eliminating the statute of limitations on alleged sexual abuse by a peace officer.
- The League opposes eliminating the statute of limitations on action to recover damages for a death caused by a peace officer.
- The League does not oppose prohibitions on “warrior training” and limitations on certain restraints.
- The League supports pre-service training in procedural justice.
- The League supports “duty to intercede” requirements.
- The League is concerned about the requirements contained in provisions in the “Guidelines on Positive Community Interactions” section. This would be particularly difficult to implement in small agencies.
- The League supports the funding provisions in the “Reclaiming Community Oversight Act.”

Reforming Police Accountability Act

- The League is continuing to review the provisions in the “Reforming Police Accountability Act” and does not have comments on this package at the present time.

Reimagining Public Safety Act

- The League supports provisions pertaining to critical incident stress management.
- The League supports the establishment of an Office of Community-Led Public Safety Coordination.
- The League has concerns about the local government cost implications of the critical incident review provisions.
- The League supports requiring training in crisis intervention, mental illness crisis response and autism. The League has been instrumental in deploying existing training in these areas.
- The League supports the funding provisions in the “Reimagining Public Safety Act.”

Thank you for considering these comments. The League of Minnesota Cities looks forward to partnering with you to advance meaningful reforms. I can be reached at 651-402-1185 or afinn@lmc.org.

Sincerely,

A handwritten signature in black ink that reads "Anne Finn". The signature is written in a cursive, flowing style.

Anne Finn
Assistant Intergovernmental Relations Director