



MINNESOTA TEAMSTERS PUBLIC & LAW ENFORCEMENT EMPLOYEES' UNION, LOCAL NO. 320, STATE OF MINNESOTA



AFFILIATED WITH
International Brotherhood of Teamsters

Brian Aldes
Secretary-Treasurer

Sami Gabriel
President

Curt Swenson
Vice President

Erik Skoog
Recording Secretary

Jill Nitke
Trustee

Brett Ohnstad
Trustee

Sara Parcels
Trustee

January 4, 2022

Representative Jamie Becker-Finn
Chair, House Judiciary Finance and Civil Law Committee
559 Rev. Dr. Martin Luther King Jr. Blvd.
St Paul, MN 55155
651-296-7153
Email: rep.jamie.becker-finn@house.mn

C: Members of the House Judiciary Finance and Civil Law Committee

Dear Representative Becker-Finn,

Teamsters Local 320 is submitting the preliminary results from a comprehensive survey we implemented in November 2021. The survey was conducted online through direct distribution to Minnesota Assistant Public Defenders and their Support Staff. Additionally, we used targeted ads over social media to solicit participation from Minnesota Board of Public Defense employees and other stakeholders inside the state's criminal justice system.

In total, 266 MNBOPD employees, indigent clients, County Attorney employees, and Judicial Branch employees have completed the survey. Of the MNBOPD employees who responded, 92 are frontline public defenders, 73 are support staff, and 5 are supervisors/management. We believe the initial findings highlighted below provide interested stakeholders with an unprecedented look inside Minnesota's criminal justice system.

The survey remains open and the digital ads are running through the month of January 2022. When the survey has been completed we shall share the final results with you and the members of the House Judiciary Finance and Civil Law Committee.

Please let us know if you have any questions,

Sincerely,
TEAMSTERS LOCAL 320

Brian Aldes
Secretary-Treasurer
baldes@teamsterslocal320.org
612-378-8728

Gus Froemke
Communications and Legislative Director
gfroemke@teamsterslocal320.org
612-378-8732

BA,GF/ss,opeiu#12
scs/MNPudDefend/BeckerFinnJ01042022

3001 University Avenue S.E.
Suite 500
Minneapolis, Minnesota 55414

United To Protect
www.teamsterslocal320.org



Phone (612) 378-8700
Fax (612) 331-8948
Toll Free (800) 637-5430

MINNESOTA BOARD OF PUBLIC DEFENSE INVESTIGATION INITIAL SURVEY FINDINGS

Teamsters Local 320, which represents over 700 frontline MNBOPD employees, is concerned that Board Members and Leadership have abdicated their constitutional and statutory responsibility to protect all indigent criminal defendants' right to meaningful and adequate legal representation and are failing to meet recommended their own best practices for quality representation.

KEY TAKEAWAYS

- 86% of MNBOPD attorneys and support staff strongly agree or agree that MNBOPD leadership's failure to adequately support frontline staff and meet the MNBOPD own recommended best practices for quality representation has led to extraordinarily high caseloads, which consistently prevents frontline staff from being able to provide quality criminal defense services.
- 72% of MNBOPD frontline support staff report that MNBOPD leadership and managers have created working conditions that make it hard or impossible to provide quality services to indigent clients and to support the work of staff attorneys.
- 71% of MNBOPD attorneys report that MNBOPD leadership and managers have created working conditions that make it hard or impossible to meet ethical standards under the State of Minnesota's Rules of Professional Conduct.

CONSTITUTIONAL AND STATUTORY DEFICIENCIES

-MNBOPD attorneys that completed the survey report-

- 81% report indigent clients are frequently or very frequently subjected to unnecessary or prolonged pre-trial detention.
- 62% report the MNBOPD does not have a conflict system in place to identify potential conflicts of interest for all attorneys prior to case assignment (41%) or they do not know if MNBOPD has a conflict system in place (21%).
- 60% report that MNPOD leadership and managers acting on behalf of MNPOD frequently or very frequently create working conditions that prevent attorneys from being able to conduct timely investigations and hire needed experts.

MNBOPD BEST PRACTICES DEFICIENCIES

-MNBOPD attorneys that completed the survey report-

- 83% agree or strongly agree that high caseloads and insufficient support from leadership mean MNBOPD attorneys and staff do not have sufficient time to check for video and send investigators out to get any video that the police do not have.
- 81% agree or strongly agree that high caseloads and insufficient support from leadership mean MNBOPD attorneys and staff do not have sufficient time to communicate with all in-custody clients within 72 hours of being appointed or before their next court date, whichever is earlier.
- 81% agree or strongly agree that high caseloads and insufficient support from leadership mean MNBOPD attorneys and staff do not have sufficient time to make arrangements in all cases for clients to view the discovery that is in digital format.
- 81% agree or strongly agree that high caseloads and insufficient support from leadership mean MNBOPD attorneys and staff do not have sufficient time to visit clients in jail regularly, even if nothing is new.
- 79% agree or strongly agree that high caseloads and insufficient support from leadership mean MNBOPD attorneys and staff do not have sufficient time to get police discipline records.
- 78% agree or strongly agree that high caseloads and insufficient support from leadership mean MNBOPD attorneys and staff do not have sufficient time to communicate with all out-of-custody clients no later than 10 days after their initial appointment with clients, or before their next court date, whichever is earlier.
- 76% agree or strongly agree that high caseloads and insufficient support from leadership mean MNBOPD attorneys and staff do not have sufficient time to read, listen, and watch all discovery for all cases.
- 71% agree or strongly agree that high caseloads and insufficient support from leadership mean MNBOPD attorneys and staff do not have sufficient time to take proper notes in all cases and update all client files with these notes.

- 70% agree or strongly agree that high caseloads and insufficient support from leadership mean MNBOPD attorneys and staff do not have sufficient time to return calls relating to clients' cases within 24 hours, even if there is "nothing new to report."
- 68% agree or strongly agree that high caseloads and insufficient support from leadership mean MNBOPD attorneys and staff do not have sufficient time to ensure they have received all of the evidence the state has against clients and determine missing discovery.
- 64% agree or strongly agree that high caseloads and insufficient support from leadership mean MNBOPD attorneys and staff do not have sufficient time to allow clients in all cases to ask all the questions they have before their court appearances.