Association *of* Minnesota Counties

March 23, 2021

RE: HF 1104

Dear Chair Mariani and Committee Members:

The Association of Minnesota Counties (AMC) wishes to express concerns regarding HF 1104, a bill prohibiting peace officer civil liability immunity.

While we understand the need for criminal justice reform, we join with other local government organizations asking that those reforms balance accountability for bad actors with the ability for local governments to hire, retain, and properly train law enforcement officers. Reforms must also recognize the unique nature of work in law enforcement.

HF 1104 has the potential to make it nearly impossible for local governments to recruit and retain well-trained and qualified law enforcement officers. Should no legal protection be granted for law enforcement officers who act in good faith based on current law, it would be difficult to find employees willing to risk the personal liability and cost of litigation for potentially unwarranted lawsuits.

It is unclear whether the legislation removes the requirement for counties to defend and indemnify employees under Minnesota Statutes Chapter 466. As a result, the county may still be obligated to provide a defense in a civil lawsuit against a law enforcement officer and be responsible for damages. Additionally, the bill does not distinguish between on-duty and off-duty actions. The result could be local government paying for actions of law enforcement officers done outside of the scope of employment.

The legal protection of limited indemnification of law enforcement officers allows counties to retain trained officers, while also providing accountability for bad actors because the indemnity does not apply when an employee is guilty of "malfeasance in office, willful neglect of duty, or bad faith."

AMC is available to assist in any way you find helpful. Please contact me at cstark@mncounties.org if you have questions or concerns.

Sincerely,

Carli Stark, Public Safety Policy Analyst
Association of Minnesota