



May 4, 2021

Governor Tim Walz

Lt. Governor Peggy Flanagan

Office of the Governor of Minnesota

130 State Capitol

St. Paul, MN 55155

Senate Majority Leader Paul Gazelka

3113 Minnesota Senate Bldg.

St. Paul, MN 55155

Speaker of the House Melissa Hortman

463 State Office Building

St. Paul, MN 55155

Dear Governor, Lt. Governor, and Legislative Leaders,

In Minnesota, we don't compromise on matters of truth and justice, life and death, or commonsense principles of decency, dignity, and respect. Each of these values appear to be in crisis in our present moment. The situation places unnecessary strains on our state's justice and policing systems. The Council for Minnesotans of African Heritage is writing you to provide our analyses and recommendations about the need for swift action on human rights and police accountability reform before the legislative session draws to a close. Our state has an opportunity to show our country and world how to get big things done on an issue that is difficult and uncomfortable, but desperately urgent.

For years now, Minnesota has become notorious for spectacular scenes of police violence, large-scale protests in response to the violence, and police counter-response resulting in violence against demonstrators and grieving communities. This pattern of events gained global significance last summer with the murder of George Floyd and the national and international uprisings that took place in response to the gruesome scene of his death. Through a generation-defining, nonviolent movement for justice, the Floyd uprisings and their aftermath have reshaped the moral compass of the early twenty-first century by centering racial disparities in policing as objects of global outrage. What is important for our state leaders to understand at this critical moment is that the crises of racial mistreatment that we witness in videos are not outliers. The spectacles are part of structural norms. For Minnesotans of African heritage and other communities of color, the crises of racial injustice are matters of daily life.

The Council facilitated community conversations, listening sessions, and survey research across the state during the previous 12 months and heard from people of African heritage about their experiences vis-à-vis the racial predicaments of our criminal justice system. Long-standing research shows that African heritage

individuals experience disproportionately higher rates of traffic stops and searches, detention and incarceration, and killings by police. These racial vulnerabilities are not innate biological or moral attributes of African heritage individuals. When the perspectives of African heritage communities are engaged in analyses of race and criminal justice, two critical issues come to the fore. First, at the core of our state's racial predicaments are power imbalances and statistical norms that are painful, traumatic, and at times deadly. These norms are forceful and purposeful in their collective impact, even though they are irreducible to the biases and intentions of single individuals. Second, the power imbalances and structural patterns of race inequity indicate a breakdown of constitutional and human rights principles that are meant to hold our communities together and protect all individuals no matter their race or place. At issue here are long-term exclusion and marginalization of African heritage communities vis-à-vis the domains of legal and political power. This legacy of exclusion makes Minnesotans of African heritage more vulnerable to encounters that deprive them of their civil liberty and less resourced to make claims to equal protection under the law.

There's an urgent need for substantive and transformative legislation to counter the breakdown of civil rights protections that impacts people of African heritage and other communities of color. Based on what we have learned through research and outreach, the Council asks that state bodies and leaders strive for meaningful advances in racial equity and inclusion as they move forward with the work of reform. We urge you to address the following community needs for human rights and police accountability reform.

Legislative Process

A showcase of sincerity by state leaders about the importance and urgency of the issue of police accountability would contribute mightily to community healing and public trust in state institutions. A sincere process of public policy deliberation and reform would have the following three attributes:

- **Independence** – The process of public review and decision-making should be evidence-based, independent, and transparent. As House and Senate POCI Caucus members have emphasized, justice and police reform measures should be negotiated independently to avoid using the lives of BIPOC community members as bargaining chips in the final deals of the legislative session.
- **Inclusivity** – The process should be empowered by the inclusion and participation of diverse stakeholders. There is a serious need for common ground that addresses the challenges of civil rights and racial injustice head-on. This common ground must include the experiences and perspectives of African heritage Minnesotans and other communities of color that are disproportionately impacted by the breakdown of civil rights protections.
- **Expediency** – The process must be swift, timely, and efficient. We welcome the calls by Governor Walz and bipartisan leaders for immediate and bold action on police accountability reform. We were also encouraged weeks ago by communications from Leader Gazelka and Senate leaders that the Senate will hold hearings on police reform. However, we also acknowledge that, because the session will adjourn in less than two weeks, the need for urgent action has never been greater. The House Judiciary and Public Safety committees, led by Chair Becker-Finn and Chair Mariani, have held rigorous hearings on police reform throughout the session. Their previous work equips the state to act expeditiously before the session ends.

Policy Recommendations

Minnesota needs reforms that advance human rights, racial equity, and social inclusion in the governing and operational processes of our justice and policing systems. These reforms require increased funding and technical investments in our public safety institutions, including the Department of Human Rights, Minnesota Attorney General's Office, and the POST Board.

Human Rights Accountability

- Prioritize human rights laws and principles in the state's definition of public safety and in the manners and practices with which local and state law enforcement agencies fulfill their missions and duties (HF 2433).
- Develop and strengthen statewide compliance review processes to ensure state and local law enforcement agencies are following human rights accountability laws and regulations, including best practices in complaint investigations, educational training, and model standards of conduct.
- Upgrade the state's tools and practices for collecting, sharing, and using data about peace officer misconduct in order to improve decision-making about disciplinary action and training programs (HF 1374, SF 2152).
- Expand the grounds that justify the POST Board to take licensure action against peace officers to include violations of civil rights, criminal law, and principles of public decency and trust (HF 1769, SF 2141).
- Require that peace officers report incidents of excessive force used by other officers and that failure to comply results in appropriate licensure discipline (HF 464).
- Promote civil rights, equal protection, and the rule of law in Minnesota by ending the use of qualified immunity as a defense for peace officer misconduct and human rights violations (HF 1104, SF 580).
- Require the creation of civilian oversight councils for local law enforcement departments and provide the funding and policy support to ensure that these oversight bodies are inclusive and representative of the diverse communities they serve (HF 640).
- Secure accountability for First Amendment constitutional rights by requiring that the POST Board develop a model policy for public assembly response that is consistent with domestic and international best practices in human rights protections and that all state and local law enforcement agencies must adopt (HF 445, SF 1354).

Criminal Justice Reform

- End pretextual traffic stops because they are racially biased, fail to make communities safer, and increase racial disparities in our public safety system (HF 2529, SF 2462).
- Require sign and release warrants in place of custody warrants for certain misdemeanors or gross misdemeanor offenses in order to reduce tensions in some traffic stop interactions and allow police officers to focus on more important work (HF 2539).
- Prohibit law enforcement agencies and officers from using tear gas, chemical weapons, and kinetic energy munitions on civilian populations (HF 2546, SF 2446).
- Create an independent body to investigate and prosecute officer-initiated use of force cases (HF 753, SF 334).
- Assign authority for prosecuting peace officer-involved deaths to the attorney general and provide the necessary funding for carrying out this charge (HF 2533).

- Establish reasonable limits on use of no-knock warrants by law enforcement, including prevention of their use when the underlying crime is drug possession or if the subject of warrant has a known disability (HF 1762, SF 2139).
- Investigate the proposal that requires peace officers to carry professional liability insurance and establishes the liability of peace officers (HF 440, SF 815).

Social Inclusion and Protection

- Give victims more time to seek justice by eliminating the statutes of limitations in cases involving an alleged sexual assault by a peace officer or an alleged act by a peace officer that results in a wrongful death (HF 717, SF 2021).
- Empower families by prohibiting alterations, erasures, destructions, or other manipulations of body camera recordings and by requiring the release of recordings within 48 hours of a deadly force incident (HF 1103, SF 807).
- Boost direct assistance and financial grants to support the needs of crime victim survivors and help them recover from what they have suffered (HF 861, SF 2104).
- Provide funding for Minnesota Heals Initiative grants to support families after officer-involved incidents (HF 1078).
- Create a Task Force on Missing and Murdered African American Women to study the systemic causes of violence against African American women and girls, policies and institutions that impact such violence, and strategies for reducing such violence and helping victims (HF 952, SF 1118).
- Require that 911 operators refer calls involving mental health crises to mental health crisis teams when appropriate (HF 1686, SF 1924).
- Prohibit peace officers from affiliation and support of white supremacy groups (HF 593, SF 1489).

The Council believes that the above recommendations would prove effective in addressing community needs for human rights and police accountability reform in Minnesota. We are at a critical moment for the advance of racial equity and social inclusion in the history of our state and country. Minnesotans of African heritage and other communities of color are seeking change, and they are calling on state leaders to grab this moment as an opportunity for transformative leadership. We thank you for your efforts on this issue and urge you to strive for substantive action before the session adjourns. Please consider our state agency as a committed partner in these efforts. We look forward to continuing to work with you to drive transformative change.

Sincerely,

Linda Sloan | Executive Director
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Theodore Rose | Legislative and Policy Director
Council for Minnesotans of African Heritage

CC:
Judiciary & Public Safety Conference Committee
People of Color & Indigenous Caucus