

Dear Members of the Public Safety Committee,

The American Civil Liberties Union of Minnesota is an organization devoted to preserving the rights and liberties enshrined in our constitution and laws.

We have grave concerns about HF 962 regarding “*Brady/Giglio* lists.” This bill would prioritize the interests of peace officers who commit misconduct over the interests of the people of Minnesota in several ways:

1) It removes discretion from the prosecutor, a minister of justice, to fairly and reasonably charge, manage, and dismiss their cases.

2) It prevents the prosecutor from performing their constitutionally mandated duty to disclose impeachment evidence to people accused of crimes, thereby depriving them of a fair trial.

3) It creates more work for already over-burdened court systems with no benefit to anyone except for a few problem officers.

HF 962, is especially egregious for preventing discharges or discipline for officers who cannot be trusted to tell the truth in court—this is unconscionable. At the very least it should be left to the discretion of the hiring body - the police department or sheriff.

This bill while purporting not to interfere with a prosecutor’s duty to disclose materials to criminal defendants in the final subdivision, does exactly that. The bill forces prosecutors to create a list and devote significant resources to explaining and justifying an officer’s inclusion where they may not otherwise have created a list in the first place. To fulfill constitutional and ethical obligations, each prosecutor must simply request the files on the officers involved in that single case and evaluate whether disclosure is warranted.

Peace officers do not have the right to avoid cross-examination in court. They do not have the right to be excluded from a list of officers who have been disciplined. Nor should they. The people of Minnesota deserve peace officers who admit their mistakes and learn from them. The people of Minnesota deserve transparency from their government officials and in the criminal legal system. The ACLU of MN shares these concerns in good faith and is more than willing to work with members on bill language going forward. **Thank you.**