



September 12, 2018

Ken Reichel, Mayor
Curt Kephart, City Administrator
City of Madison Lake
525 Main Street PO Box 295
Madison Lake, MN 56063-0295

VIA U.S. mail and email

Re: Police Chief Dan Bunde

Dear Mayor Reichel and Mr. Kephart:

We are contacting you regarding the comments made by Madison Lake Police Chief Bunde in a video that was posted on his personal Facebook page in July. In the video, Chief Bunde mocks people around him at Yellowstone National Park because they are not speaking English, tells America to "wake up", and appears to be deeply offended to be amidst people, including people of color, who are speaking languages other than English. As the Madison Lake Police Chief, Mr. Bunde has a responsibility to the community that he has sworn to protect and serve. This video calls into question Chief Bunde's ability to serve all members of the community in an even-handed, unbiased manner.

It is troubling that, in the face of this disturbing video, the City Administrator's response was to state that the police department has his full support and he has no intention of looking into the matter. To be clear, the First Amendment protects the rights of government employees to speak out on matters of public concern; however, that right is balanced by the government employer's need to efficiently provide the public services it performs through its employees. *See Tindle v. Caudell*, 56 F.3d 966, 970 (8th Cir. 1995)(upholding discipline of off-duty officer for appearing at a party in blackface). Even assuming Chief Bunde was speaking on a matter of public concern when he mocked people speaking languages other than English, the video casts a pall on the City's ability to effectively deliver unbiased police services to a diverse community that includes immigrants and people of color who speak diverse languages. In *Pappas v. Giuliani*, a case upholding discipline of an officer who sent racist mailings in response to charitable solicitations, the Second Circuit highlighted the damage that police personnel can cause when they publicly express biases against members of the community that they serve.

The effectiveness of a city's police department depends importantly on the respect and trust of the community and on the perception in the community that it enforces the law fairly, even-handedly, and without bias. If the police department treats a

segment of the population of any race, religion, gender, national origin, or sexual preference, etc., with contempt, so that the particular minority comes to regard the police as oppressor rather than protector, respect for law enforcement is eroded and the ability of the police to do its work in that community is impaired. Members of the minority will be less likely to report crimes, to offer testimony as witnesses, and to rely on the police for their protection. When the police make arrests in that community, its members are likely to assume that the arrests are a product of bias, rather than well-founded, protective law enforcement. And the department's ability to recruit and train personnel from that community will be damaged.

Pappas v. Giuliani, 290 F.3d 143, 146–47 (2d Cir. 2002)(*internal citations and quotations omitted*).

This is not the first time we have seen animus for the rights of immigrants from Chief Bunde. In 2017 we sent a letter to every police chief around the state outlining some of the constitutional rights of immigrants and explaining the legal consequences of holding immigrants unlawfully for Immigration and Customs Enforcement. Police Chief Bunde wrote “NO” in large letters on the letter and returned it to us. That incident coupled with this video makes for a clear picture of Chief Bunde and his views on the rights of immigrants and people of color who speak languages other than English.

The video posted by Chief Bunde raises serious questions about his ability to lead a police department and the City’s ability to deliver impartial police services to every member of the community. We respectfully request that the City initiate an investigation into this matter and implement strategies to ensure that the City’s police chief and police officers do their jobs impartially and without biases towards the people that they have sworn to protect and serve. Please inform us of the steps you have taken to address this situation.

Respectfully,



Teresa Nelson
Legal Director