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October 28, 2014

Dear Mayor Hodges and Chief Harteau,

We write to express our support for your recent commitment to significantly reform the Minneapolis Police Department. In addition, we write to add important information to your ongoing discussions with the community about how to build a Department that reflects Minneapolis' values—one that maximizes public safety and treats all members of the community fairly. As you hear from the community and undertake a much-needed assessment and analysis of how to improve the Department, we believe it is critically important that everyone have as much information as possible about what the existing problems are. To that end, we share with you our deep alarm about racial disparities in the Department's low-level nonviolent arrest rates.

To start with, of the 50 states and the District of Columbia in 2010, Minnesota had the third highest marijuana possession arrest disparity at 7.8.<sup>1</sup> This means that African Americans in the state are 7.8 times more likely to be arrested for marijuana possession than white individuals even though studies have shown that African Americans and whites use marijuana at comparable rates.<sup>2</sup> The national disparity in 2010 was 3.73<sup>3</sup>.

The Minneapolis Police Department's numbers are even worse. As the attached data shows, between 2004 and 2012, the Department was, on average, 11.51 times more likely to arrest an African American than a white individual for marijuana possession.

This disturbing pattern does not end with marijuana possession arrests. Indeed, we have documented that the pattern persists in arrest disparities for three other low-level nonviolent offenses that are largely subjective and therefore prone to the abusive exercise of officer

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<sup>1</sup> *The War on Marijuana in Black and White*, p. 158, available at <https://www.aclu.org/criminal-law-reform/war-marijuana-black-and-white-report>.

<sup>2</sup> *Id.* at p. 21.

<sup>3</sup> *Id.* at p. 17, 47.

discretion. The Minneapolis Police Department's own data, as reported to the Federal Bureau of Investigation's Uniform Crime Reporting, reveals that between 2004 and 2012, an African American individual was, on average:

- **8.86** times more likely to be arrested than a white individual for disorderly conduct;
- **7.54** times more likely to be arrested than a white individual for vagrancy; and
- **16.39** times more likely to be arrested than a white juvenile for curfew/loitering.<sup>4</sup>

These extreme racial disparities are inconsistent with our community's values. The Department is not keeping its promise and it is not meeting its Constitutional duty to protect and serve everyone equally and fairly. An arrest – even without a conviction – makes it harder for anyone to get a job and rent an apartment, and it can significantly limit educational opportunities. In addition, the Department cannot maximize our shared public safety when its actions lead parts of our community to deeply distrust its officers. We want all of our fellow community members to flourish, but that cannot happen when our African American community is unfairly targeted, marginalized, and saddled with arrest records for low-level nonviolent offenses.

Mayor Hodges, you recently wrote in an open letter to the community that the “three pillars” of your vision for Minneapolis are: “[A] city where every harmful gap in outcomes that are worse for people of color than for white people is eliminated. Every one of them”; “a city whose growth includes everyone and every community, not just some communities”; and “a city that runs well for everyone and every neighborhood, not just some neighborhoods.”<sup>5</sup>

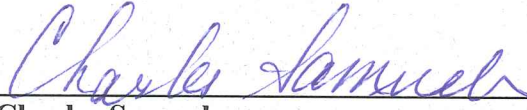
We hope this vision can be fulfilled and we urge you and Chief Harteau to pay particular attention to the Department's alarming racial disparities as you assess its current practices and plan for its future. In addition, we look forward to receiving even more recent and comprehensive data from the Minneapolis Police Department pursuant to our pending data request and we are hopeful that our analysis of that data will lead to greater insights into these racial disparities and thorough recommendations for meaningful reform.

Sincerely,

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<sup>4</sup> The FBI/UCR does not report arrest data for Latinos. This likely results in an over-reporting of white arrests, if Latino arrests are categorized as such. This means that the racial disparities between African Americans and whites is likely even higher in Minneapolis, given the city has a Latino population of over 10 percent. It also means that without additional data, we are unable to assess whether similar disparities exist for the City's Latino community.

<sup>5</sup> <http://mayorhodges.com/2014/10/08/an-open-letter-from-mayor-betsy-hodges-to-the-communities-of-minneapolis/>




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