May 15, 2017   **Via Email**

Senator Warren Limmer   Representative Tony Cornish
95 University Avenue W.   365 State Office Building
Minnesota Senate Bldg., Room 3221   100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155   St. Paul, MN 55155

Dear Senator Limmer, Representative Cornish, and conferees:

The ACLU of Minnesota (ACLU-MN) is a nonpartisan, nonprofit organization
dedicated to defending the civil liberties of all Minnesotans under the United
States and Minnesota constitutions. We have over 44,000 supporters throughout
Minnesota, and promote our mission through litigation, public education and
lobbying efforts.

While we support some of the policies included in the House version of the
Judiciary and Public Safety Omnibus Bill (SF 803), we continue to have
significant concerns with a vast majority of the policy provisions offered by the
House.

The ACLU-MN supports the inclusion of the following provisions:

- Driving Fines/Fees and Driver Diversion Program. This legislation
  includes reforms to Minnesota's current system of driving-related fines,
  fees and license suspensions, which can lead to an escalation of
  consequences for otherwise low-level offenders. The current system has a
  disproportionate impact on low income communities and communities of
  color in Minnesota. The ACLU is part of a diverse coalition of supporters
  of this reform.

- Alternatives to Incarceration. This language requires parole or probation
  agents to identify community options to address and correct technical
  violations prior to revoking a nonviolent controlled substance offender's
  parole or probation based on the technical violation. The ACLU-MN
  generally supports legislation that seeks to reduce incarceration rates.

- Solitary Confinement Reform. This provision requires monitoring and
  limiting the use of solitary confinement. The ACLU-MN believes that

solitary confinement is overused and often abused in our prison system. These and additional reforms are needed to make sure we follow the use of solitary in our prisons and jails.

- <u>Training in Crisis Response, Conflict Management, and Cultural Diversity</u>. This provision requires officers to cover crisis intervention and mental illness crisis, conflict management and mediation, and recognizing and valuing community diversity and cultural awareness. While the ACLU-MN supports increased training, such training should also focus on implicit bias and procedural justice.

As noted above, the ACLU-MN has concerns regarding many of the other policy provisions in the House omnibus bill. To highlight just a few, we strongly oppose the following provisions:

- <u>Increased Penalties for Obstructing Access to Highways, Airports, or Public Transit</u>. This legislation increases fines and potential jail time for protesters who obstruct access to major transit ways. As we testified in committee hearings, this bill could cause a major chilling effect on the exercise of constitutionally protected speech and it creates punishments that are disproportionate to the offense. We strongly urge the conference committee to reject this provision.

- <u>Private Prison Purchase or Lease</u>. This language requires the Commissioner of Corrections to purchase or lease the prison in Appleton, Minnesota when current or projected prison capacity is exceeded. The ACLU-MN opposes housing inmates in non-publically owned facilities. At a time when most other states are implementing decarceration strategies, we encourage efforts to decrease, rather than increase, Minnesota's incarceration rate.

- <u>Legislative Approval Required for Sentencing Guidelines Modifications</u>. This bill requires legislative approval before any changes can be made to Minnesota's sentencing guidelines. The current system, which allows for a legislative override of proposed changes by the Guidelines Commission, is more effective because the Commission and its proposed changes are a step removed from the political process.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Benjamin Feist
Legislative Director