

ACLU Minnesota CIVIL LIBERTIES NEWS

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ENOUGH IS ENOUGH



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THE VIDEO SEEN ROUND THE WORLD



John B. Gordon
Executive Director

Memorial Day of 2020 gave us something new and horrific to remember: police murdering George Floyd by putting a knee to his neck and keeping it there for at least 8 minutes and 15 seconds, long after witnesses told them Mr. Floyd had stopped moving at all.

The casual cruelty that police officer Derek Chauvin showed, rocking back and forth on Mr. Floyd's neck while looking around like it was just another day, is breathtaking. All of Minneapolis – and then the entire world – watched as a man died before our eyes.

Too often, this is the end of the story. Police murder a Black man or woman, there are a few news accounts, and no one is ever charged.

But this time it's different. A brave 17-year-old recorded and posted the encounter on Facebook.

Thousands of protesters took to the streets in Minneapolis and then around the globe. The media descended en masse. World leaders denounced the shooting and joined our call for change. And all these weeks later, the protests continue.

At the ACLU of Minnesota, our staff and volunteers joined protests. They handed out thousands of Know Your Rights cards at protests and even on someone's front lawn. Staff gave dozens of interviews to increase the pressure to make change.

Initially, the Hennepin County Attorney's Office proposed woefully inadequate charges. Then ACLU-MN supporters made at least 75,000 calls, asking for an independent investigation. You helped move the case to the Attorney General, who brought more serious charges against Chauvin, plus charges against all the officers involved.

Together we've already won reforms. Minneapolis banned chokeholds and neck restraints, is making officers who witness unauthorized force report it and intervene, and is requiring authorization before police can use "crowd-control" measures like rubber bullets and flash-bangs.

We'll keep pushing the Minnesota Legislature for real reform. To be clear, reforms alone are not enough. It's past time to overhaul a broken system that results in 1,000 people killed by police each year.

At the ACLU-MN, we vow to fight alongside you, as hard as possible, to end police racism and brutality.

We will do everything in our power to make sure George Floyd's story has a different – and just – ending.

A handwritten signature in black ink, likely belonging to John B. Gordon.

LEGAL UPDATE

VOTING RIGHTS DURING COVID-19

Susan Bergquist has served as an election judge in six different elections and is a regular voter. But this year, she worries how she can vote safely.

Her age and a medical condition put the Apple Valley woman at higher risk for contracting COVID-19. Even voting absentee could put her in danger: State law requires voters to get a witness to sign their ballot envelope.

That's why we sued on behalf of the NAACP and individual voters like Susan.

Our lawsuit asks the state to send absentee ballots to all registered voters, and to suspend the requirement for witness signatures due to COVID-19.

"Fundamentally, this case is about the ability of voters to exercise the franchise our heroes fought so long and hard to secure," said NAACP Minnesota-Dakotas Area State Conference President William Jordan Jr. "Elections go forward, even in times of crisis. States have a responsibility to ensure voting is as safe and accessible as possible, and that includes offering multiple ways to safely cast a ballot.

"We can't afford to sacrifice our democracy to a pandemic."

The witness requirement and lack of universal absentee ballots could disenfranchise thousands of eligible voters, who cannot risk voting in person or risk contact with others to get a witness signature.

"Racial justice depends in part on voting access," said ACLU-MN Staff Attorney David McKinney. "Because COVID-19 poses a unique and lethal threat to every Minnesotan, especially People of Color, the elderly, people who live alone, and people with certain underlying health conditions, we are seeking greater ballot access in this year's election."

Susan believes voting is one of her most important civic duties.

We will continue to fight to ensure that Susan and other Minnesotans, regardless of age, race or health status, can exercise their constitutional right to vote. Removing the witness requirement and providing absentee ballots would be important steps toward ensuring a fair election in November.

NEWS UPDATES

WHAT YOU NEED TO KNOW

Just because it doesn't get a headline doesn't mean it's not important.

CIVIL LIBERTIES HEROES HONORED // At a time when police violence is front and center and protesters are taking to the streets to demand justice and equity for Black lives, the ACLU-MN expanded its popular annual awards program to recognize more of the heroes who fight to protect and promote civil liberties. The Liberty Awards on July 16 honored Minnesotans who have advanced civil liberties, even at personal or professional risk. Watch the ceremony and meet the winners at <https://www.aclu-mn.org/en/meet-liberty-award-winners>.

ACLU-MN SUES OVER IMPROPER SEARCH // The American Civil Liberties Union of Minnesota on May 22 sued the Rock County Sheriff and two deputies who tried to forcibly conduct a vaginal search on the side of a public road in below-freezing temperatures. *Kelli Jo Torres v. Dallas Hamm et al.* is pending in U.S. District Court in Minnesota.

VOTING RIGHTS EXPANSION WON // In April, we won the right for voters to get help from the person of their choice at the polls. State law had barred political candidates from helping someone cast a ballot, even if that voter asked for help because they had a physical disability or couldn't read English. State law also made it a crime for anyone to assist more than three people facing these same challenges. The agreement we reached with the Minnesota Secretary of State eliminates those restrictions.

PUSHING FOR GOVERNMENTAL TRANSPARENCY // The ACLU-MN and Minnesota Coalition on Government Information demanded greater transparency after learning the Legislature had met in small groups and failed to disclose most of those meetings beforehand. During times of crisis, decision-making must be more open, not less.

visit [aclu-mn.org](https://www.aclu-mn.org) for more information

FIRST CASE OF COVID-19
IN MINNESOTA ANNOUNCED

Released a letter to Gov. Tim Walz and other officials urging them to act decisively in responding to COVID-19 to avoid exacerbating race-based and wealth-based inequalities in our state.

Joined the Advocates for Human Rights and other allies in asking ICE's Saint Paul Field Office to take steps to prevent the spread of COVID-19.

Urged the Department of Corrections to publicly report COVID-19 statistics about people in prisons.

Joined the Legal Rights Center in calling for kids in juvenile detention to be kept safe from COVID-19. We urged officials to halt new admissions; release kids where possible; continue access to legal counsel; and stop sending kids back to detention for technical violations.

Mar. 6

Mar. 18

Mar. 26

Mar. 30

MARCH

Mar. 20

Mar. 27

Joined 100+ nonprofits in a letter to Gov. Walz and Lt. Gov. Flanagan, asking them to protect financially vulnerable people during COVID-19 by delaying collection of court debt. We also asked them to reinstate driver's licenses so people can minimize the use of public transportation.

Issued a statement in response to Gov. Walz's "stay at home" order, calling for voluntary compliance with the order. We urged Gov. Walz to support public health **and** preserve civil liberties — particularly for those who may be disproportionately harmed by enforcement actions.

Asked Gov. Walz and the Legislature to address issues of inequity in remote learning, including making sure that adequate and uniform privacy protections are in place for students.

Joined MNCOGI to call for governmental transparency and to urge civic groups and individuals to do the same through letters-to-the-editor, social media, phone calls and attendance at Zoom hearings.

Staff member Julio Zelaya provided testimony urging lawmakers to consider policies and assistance programs that offer relief to all residents, regardless of their immigration status.

Hosted virtual town hall featuring criminal justice organizers from around the country discussing the added dangers of mass incarceration during COVID-19.

May 4

May 7

May 8

May 13

MAY

Joined the Asian American Organizing Project and other organizations in condemning acts of harassment, discrimination and bias against the Asian community.

Urged the Legislature to ensure election officials are ready to do whatever is necessary to protect our right to vote while keeping people safe from COVID-19.

Filed a petition against the DOC to keep prisoners at the Minnesota Correctional Facility in Moose Lake safe from the rapidly spreading coronavirus after 12 inmates tested positive and 31 more were presumed positive.

Published op-ed in the Star Tribune calling for government transparency during COVID-19. While the government must balance public safety with individual liberties, this balancing act must not happen behind closed doors.

Apr. 1

Apr. 8

Apr. 15

Apr. 23

APRIL

Apr. 6

Apr. 22

Apr. 29

Wrote to the House Public Safety Committee asking them to ensure the health of those who are incarcerated, to make sure attorneys can meet with their clients in person, and (where that is impossible) to allow remote visits without fees or limits on calls or video chats.

With the ACLU and 11 other state affiliates, asked officials to release detailed and localized data about race, ethnicity and other demographic measures of COVID-19 testing, infections and deaths, to the extent consistent with privacy laws.

Urged Gov. Walz to sign an Executive Order requiring the DOC to identify and release people to home confinement if they have a place to go and don't pose a threat to public safety.

Sued Minnesota Secretary of State to make sure that absentee ballots are sent to all registered voters, and that a requirement that forces voters to get a witness to sign their ballot envelope is suspended during the COVID-19 pandemic.

June 5

JUNE

COVID-19 RESPONSE

The ACLU-MN has worked hard to make sure the state-level response to coronavirus supports public health **and** protects civil liberties for all Minnesotans. Since the first case of COVID-19 in Minnesota was announced on March 6, we have taken nearly 30 actions to reduce populations in high-risk settings such as jails, prisons and detention centers; protect voting rights; monitor enforcement; combat xenophobia and anti-immigrant bias; and demand legislative transparency.

IT'S PAST TIME TO FIX POLICING. WHAT STANDS IN OUR WAY?



(Photo by Jenn Ackerman and Tim Gruber)

Those 8 minutes and 15 seconds are indelibly etched into our minds. That's at least how long police officer Derek Chauvin put his knee on George Floyd's neck, leaning with his entire body weight, visibly grinding Mr. Floyd's face into the pavement.

Chauvin didn't stop when Mr. Floyd repeatedly said he couldn't breathe, or when he told police they were killing him, or even after witnesses begged police to check his pulse.

Mr. Floyd had just gone to the store to buy cigarettes. Instead, we saw him die on a video on Facebook. The spot where he was murdered outside Cup Foods in south Minneapolis is now a memorial.

A TRIP TO THE CONVENIENCE STORE SHOULD NEVER END THIS WAY.

Yet all too often, something as routine as a trip to the corner store ends exactly this way for People of Color in Minnesota and America. Black people have been killed while listening to music, sleeping, jogging, walking, driving and shopping.

Police kill Black Americans at more than twice the rate of white Americans. **One in every 1,000** Black men in the U.S. will be killed by police.

The racial disparities go far beyond police violence, seeping into every corner of our criminal legal system, from

how Black kids are treated for curfew violations and "loitering," to sentencing and probation violations. For example, in Minnesota, Black people are **5.4 times** more likely to be arrested for marijuana possession than white people, even though they use and sell drugs at about the same rate.

HOW DID WE GET HERE?

The history is long, complicated and ugly. It's based in the racism baked into our country's founding that still permeates every corner of society, especially our criminal-legal system. Here's a highly abridged version:

1700s

The nation's first police force is created in Charleston to apprehend enslaved people. Soon other Colonies follow with slave patrols of their own to maintain dominance and the racist social order.

1960s

Over-policing in Black and Brown neighborhoods gets a foothold thanks to the "War on Crime" and the presidential commissions that grow out of it. These commissions acknowledge the root causes of crime and their connection to community health, but instead of recommending programs to combat poverty and support communities, they focus on punitive programs, especially expanding the size and power of police forces. Militarization starts with the first SWAT team after the Watts riots.

**1 in every
1000
Black men in
this nation
will be killed
by police**

1980s

The “War on Drugs” doubles down on criminalizing societal problems such as poverty and a lack of equitable access to schools by passing punitive laws like mandatory minimums that still pack our prisons today. A since-disproven theory that policing low-level offenses would prevent serious crimes gives law enforcement too much discretion – packed with biases and racism – on who and how to police.

1990s

Three-strike laws, billions funneled into building even more prisons, and police placed in our schools mark this decade. A now-discredited theory about a generation of “superpredators” gains traction, leading to disparity-riddled life sentences for teens.

2000s

Post 9/11, the Departments of Justice and Homeland Security pump billions into law enforcement “counterterrorism” efforts, creating a surveillance state. Now we have cameras everywhere, fatally flawed facial recognition technology and cell phone tracking.

Today, these punitive approaches to policing continue, despite growing evidence they simply do not work. When police in New York City called for a work slowdown, major crimes did not increase – they decreased! In many states, incarceration rates are going down – and so is the crime rate. These facts fly in the face of everything we’ve based our criminal-legal system on for a half century.

It’s past time to overhaul our racist system of policing. But a number of factors stand in the way:

LACK OF ACCOUNTABILITY

In Minnesota, it’s nearly impossible for an officer to lose a license. In the last 20 years, the state Peace Officer Standards and Training Board has revoked the licenses of only 83 police officers, Fox reports. That’s out of more than 11,000 officers.

It’s also nearly impossible to bring real discipline. Only about **1.5%** of complaints filed against Minneapolis police resulted in suspensions, terminations or demotions between 2013 and 2019, according to CNN. When police do get fired in Minnesota, about half the time, arbitrators give them their jobs back.

Prosecutors – who work closely with police on cases – rarely bring charges against officers for brutality. When they do, our state law makes it hard to hold police accountable.

ADVERSARIAL POLICE CULTURE

Police culture is too often characterized by a “warrior culture” that creates an “us v. them” mentality. Cadets are trained to check their biases and use force only when necessary, but then they go out with veterans who see a threat everywhere that should be put down with maximum force.

1.5%
of complaints
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demotions



(Photo by David Pierini/North News)

IT'S PAST TIME TO FIX POLICING (CONT.)

Deeply entrenched police unions make it difficult to hold officers accountable for brutality, to discipline or fire police, and to limit the role and power of officers. They lobby against reforms that would lower the disparities in our criminal-legal system, shift funding to community-based efforts or help decrease mass incarceration.

LEGISLATIVE INACTION

Between 2015 and 2019, state legislators proposed and failed to pass more than a dozen police reform bills. They finally passed a bill this year, but the reforms were so minor compared to everyone's hopes, one advocate called them "weak sauce."

A LACK OF GOOD DATA



(Photo by Jenn Ackerman and Tim Gruber)

Our federal government doesn't even know how many people the police kill every year. Locally, police data is stored in ways that are difficult to analyze or access, something the ACLU-MN has sued over.

CITIZEN OVERSIGHT LACKS POWER

Citizen review commissions often have to include police on their boards. They must rely *on police* for investigations *of police* and can only make recommendations, which are rarely followed.

POLICE DON'T LIVE WHERE THEY WORK

Only 8% of Minneapolis police live in the city, compared to the national average of 40%, according

to Star Tribune figures. They choose to self-segregate, living in largely white, largely affluent areas, rather than investing in or knowing the people and neighborhoods they police.

THE TERRIBLE COST

The human cost of years of racialized policing is incalculable. In Minnesota alone, police have killed 195 people since the year 2000, nearly half People of Color. Black people especially are disproportionately fined, arrested, charged, convicted, given heavier sentences and have higher rates of probation revocation. How do we account for the cost to families and communities when our racialized system of "justice" and mass incarceration steals Black men away at startling rates?

In monetary terms, it's shocking to think we are paying for this. Minneapolis alone spends **\$193 million** a year on law enforcement. The city has paid out more than \$25 million on misconduct settlements since 2003.

For far too long, our leaders have lacked the political will to spend less on police and more on the community services that keep everyone safe and healthy.

8%

**of Minneapolis
police live in the
city**

195

**people killed
by police in
Minneapolis
since 2000**

Just think if some of that giant police budget could instead go toward services such as housing, mental health care and substance use treatment that help people and make our communities safer.

\$193m

**spent on law
enforcement a
year**

And what if the remaining police force – whether in Minneapolis or across the state – experienced true and meaningful reform?

\$25m

**spent on
misconduct
settlements
since 2003**

It's time to act.

Everyone in every community should be able to jog, take a walk, listen to music, sleep in their own homes and visit their corner store – without fear of getting killed by police.



Photo: Andrew Arrieta



Photo: David Pierini/North News

“The city is
burning, but
my heart is
on fire.”

Elizer Darris
ACLU-MN Organizer



Photo: Jenn Ackerman and Tim Gruber



Photo: David Pierini/North News

ENOUGH IS ENOUGH: HOW WE CAN FIX POLICING HERE

DIVEST FROM POLICE AND REINVEST IN COMMUNITIES

For decades, white and wealthy neighborhoods have been able to call for police only if they need help, while Black neighborhoods are packed with police who harass, abuse and even kill people. Defunding police and reinvesting the savings in communities will ensure Minneapolis' Black neighborhoods finally have more of the resources that white neighborhoods have enjoyed for decades, while also ending police harassment and violence in these areas.

In lots of cities, police budgets are much larger than budgets for resources such as affordable housing and mental health care. Last year in Minneapolis, the policing budget was \$193.3 million, compared to \$30 million for affordable housing and \$400,000 for the Office of Violence Prevention. We should shift funds from the police department to resources that prevent crime and allow all of our communities to thrive.

Police can't solve every problem our communities face. Even some police chiefs acknowledge that police are poorly equipped to deal with situations such as mental health crises, neighbor and domestic disputes, and drug overdoses.

If we reduce the number of police, we can fund first responders such as social workers and health care professionals to respond to emergency calls where they're most needed. We can also fund affordable housing, restorative justice and other services that reduce violence.

Police spend the bulk of their time on low-level offenses such as outdated license tabs and marijuana possession that are disproportionately enforced against People of Color, not on solving violent crimes. In 2017, 95% of arrests made nationally were for petty behaviors. Police aren't doing a great job handling the violent crime they do encounter: In Minneapolis, police solved only 56% of homicides and 22% of rapes last year. When we fund first responders who are trained to address everyday problems, we make it easier for police to do their real jobs: investigating and solving violent crime.

GIVE COMMUNITIES CONTROL OVER POLICE SURVEILLANCE

Just this summer, we have learned about the first two people known to have been falsely arrested based on flawed facial recognition. The dystopian "future" of policing is here, and it is yielding predictably catastrophic results for civil liberties – particularly for Black, Brown and Indigenous people who are already disproportionately targeted. Police departments of any size must be accountable to the communities they serve for the use of surveillance technologies.

When we think about over-policing, we think about officers patrolling on foot or in their patrol cars. But when police have unlimited access to surveillance equipment and technology, they can maintain a constant, 24/7 presence in our neighborhoods. As some cities discuss shifting funds away from our armed police force, it's essential that communities have oversight to avoid simply replacing one kind of police presence for another.

PURSUE POLICE REFORMS AT EVERY LEVEL OF GOVERNMENT

End police use of gang databases, which over-include People of Color without evidence that they are actually involved in criminal activity.

Eliminate consent-based searches, which police often use to circumvent legal standards that otherwise govern searches, allowing them to carry out searches even where they have no substantial basis for doing so.

Require data transparency. Mandate that police departments statewide collect and publish demographic data on all stops, frisks, searches, arrests and uses of force.

Change use-of-force statutes and policies to require de-escalation, place a high value on the lives and bodily integrity of community members, and provide clear limits on use of force.

Demilitarize police departments. Reduce the use of militarized "weapons of war" by police departments and encourage programs that rely on unarmed people who work collaboratively to mediate conflicts within the communities they serve.

MINNEAPOLIS POLICE TARGETED JOURNALISTS, SO WE SUED



Police clad in riot gear march down the street in an ominous dark line through swirling clouds of tear gas. In the video, State Patrol officers aim pepper spray directly at journalists covering the protests over George Floyd's murder.

The journalists have press IDs, vests and even helmets that read PRESS in capital letters. Yet State Police still teargas them.

At the height of the George Floyd protests, Minneapolis Police and the State Patrol engaged in an extraordinary escalation of unlawful force that deliberately targeted journalists. They tear-gassed, pepper-sprayed and shot journalists in the face with foam bullets, partially blinding a photographer. They arrested reporters without cause who were recording the protests, and threatened the media at gunpoint.

On June 2, the ACLU of Minnesota sued in U.S. District Court to uphold the First, Fourth and Fourteenth Amendments, to protect journalists from further attacks, and to ensure their ability to bear witness and hold government accountable. We were joined by Fredrikson & Byron P.A. and Apollo Law LLC in suing the City of Minneapolis, Police Chief, police union head Lt. Bob Kroll, the Minnesota Department of Public Safety Commissioner John Harrington, and State Patrol Colonel Matthew Langer.

The lawsuit's lead plaintiff, Jared Goyette, took a projectile to the face while documenting protesters'

efforts to shield and help a seriously injured young Black man. He joined the lawsuit to stop these police actions, and to get information about what internal decisions led to them.

"Journalists aren't the only victims," Goyette said. "Actions like this make protesters, people trying to advocate for change, more vulnerable



Jared Goyette

because journalists provide a witness and police are aware of that. Without journalists there, police or other people in power can feel a sense of impunity that no one will see what's happening anyway. Everyone needs to know people are watching."

Law enforcement fired ballistic rounds, markers and teargas without warnings or orders for dispersal, an unprecedented move that violates established practice, as well as standards of humane and ethical conduct. A Los Angeles Times journalist who has covered the military in Iraq and Afghanistan and protests across the U.S., said she had never been fired upon until reporting in Minnesota.

"Without a free press, we can't have a free society," said Fredrikson & Byron attorney Kevin Riach.

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YOU CALLED FOR JUSTICE FOR **GEORGE FLOYD**

Supporters like you made more than **75,000 phone calls** to Hennepin County Attorney Mike Freeman, Attorney General Keith Ellison and Gov. Tim Walz demanding that George Floyd's case be taken out of the County Attorney's hands.

Your calls led to Attorney General Ellison taking over the case, stronger charges for Derek Chauvin and charges for the other three officers involved in the brutal and brazen murder of George Floyd.

THANK YOU.

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