

ACLU Minnesota CIVIL LIBERTIES NEWS

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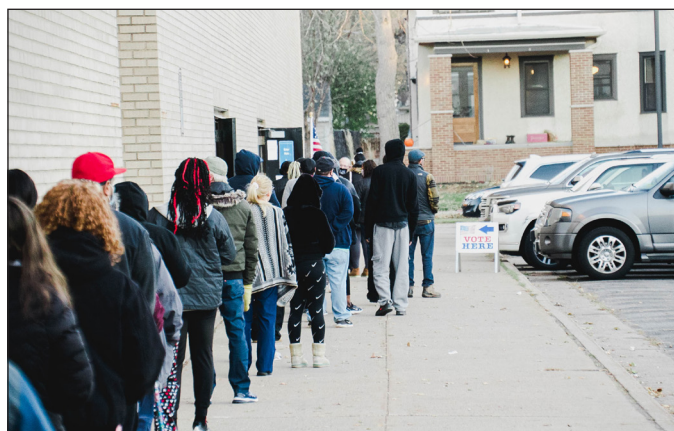
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DEMOCRACY PERSISTS

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CELEBRATE. AND THEN LET'S GET BACK TO WORK.



John B. Gordon

Before we roll our sleeves back up, let's celebrate, at least for a moment or two. Former President Trump's mob failed to stop the counting of electoral votes, the Capitol Police's largely kid-glove treatment of the insurrection succeeded (barely) in protecting the lives of senators, representatives, and the vice president, and there was a successful transfer of power.

But it's hard to call that a victory. More like a near miss.

While every administration has had and will have its issues, Trump's daily assault on our rights was unprecedented. We've never seen such a barrage of policies, executive orders and tweets fueled by intolerance, hatred and racism. They were dark days for our civil liberties.

Now we have to clean up the cesspool left by Trump and his gaggle of con artists. The mob that stormed our Capitol is still out there. So are the politicians who stood behind Trump's attempts to suppress votes, stop the count and steal ballots. And so are the hateful policies attacking immigrants, people of color, women, and the LGBTQ community.

Work needs to be done everywhere, including here. Minnesota not-so-nice has been on full display, with people blanketing the landscape with false and cynical claims the election was a sham and clutching their conspiracy theories.

But now, instead of being forced to spend so much time reacting, we can focus our energy on moving ahead.

The ACLU-MN is pushing to reimagine policing. We support shifting some money from policing into community services. We want police accountability and oversight.

We want to end the criminalization of poverty.

We're suing to prevent people in prisons from dying from COVID, to protect a free press, to support homeless people with shelter and dignity.

We're watching out for the perennial attacks on abortion rights, LGBTQ children and protests.

At some point, we know we'll face off against President Biden too, and we'll keep pushing for real change.

Yes, there are still lots of reasons to worry. In "Bridge of Spies," when they got into a tough spot, James Donovan kept asking Rudolf Abel, "Aren't you worried?" Abel would always respond, "Would it help?"

I worry, but I am an optimist. It does not seem to be much use being anything else.

A handwritten signature in black ink, appearing to read "John".

Top Five Victories 2020

ACLU
Minnesota

- 1** Created a Record-Shattering Campaign to Appoint an Independent Prosecutor for the Murder of George Floyd.
- 2** Won the Mailing of Absentee Ballot Applications to Voters and the Waiving of the Ballot Signature Requirement.
- 3** Fought Successfully for the Commutation of Myon Burrell's Life Sentence.
- 4** Won a Ground-Breaking Victory for Transgender Students.
- 5** Secured a Nearly \$8 million Divestment from Minneapolis Police, to be Reinvested in our Communities.

See details, plus the full 2020 Top Ten list at:
<https://aclu-mn.org/top-ten-victories-2020>

PRIVACY RIGHTS

MINNEAPOLIS TAKING A CLOSER LOOK AT FACIAL RECOGNITION

Facial recognition technology is a tool that, when used by law enforcement, allows police to identify subjects in photos and videos and conduct surveillance dragnets of entire neighborhoods.

Its widespread use by law enforcement would end the very concept of privacy in public and create an almost unthinkable violation of our privacy.

The dangers of facial recognition don't end there. The error rate is shocking for people of color, reaching as high as 34.7% for dark-skinned women. These disproportionate error rates lead to racist outcomes in law enforcement — and that is unacceptable.

Right now, the Minneapolis City Council is considering an ordinance that would effectively ban the use of facial recognition by law enforcement. It would give the people oversight of the technologies that are used to police their neighborhoods.

We support this ordinance, and we hope you will too. Let's end this racist, invasive police practice.

Learn more and take action:
<https://aclu-mn.org/ban-frt>

NEWS UPDATES

WHAT YOU NEED TO KNOW

MYON BURRELL'S SENTENCE COMMUTED // The ACLU-MN and other community groups had advocated for the vacating of Mr. Burrell's conviction, given the serious and troubling flaws involved in the policing and prosecution of his case. We also advocated for the opening of a conviction review unit to remedy false convictions, which Attorney General Keith Ellison now has underway. We continue to urge the pardons board to grant Mr. Burrell a full pardon.

ACLU-MN SETTLES LAWSUIT OVER IMPROPERLY WITHHELD SPDD RECORDS // Under our settlement, the city of Saint Paul provided some of the policing data the ACLU-MN had requested, including recent arrests, citations, traffic stops and uses of force, but not investigative stops, which the city said it doesn't track. Our lawsuit was the catalyst for the city forming its Investigative Stop Working Group near the end of 2020. As a result of the group's work, SPPD has committed to launching a project to collect, track and share investigative stop data.

SETTLEMENT AIMS TO STOP POLICE BRUTALITY IN WORTHINGTON

The city of Worthington is paying mightily for a police assault that broke our client Kelvin Francisco Rodriguez's ribs and pierced his liver and pancreas, requiring five days in the Intensive Care Unit.

The city agreed to settle the ACLU-MN's lawsuit by paying Kelvin \$590,000 and making several policing reforms, including police officer aggression and resistance reports in cases, prohibiting warrior training, requiring Fair and Impartial Policing Training, and offering officers incentives to learn a second language.

"This agreement holds the police accountable for not doing their job and not respecting me as a human being," Kelvin said. "It's good for the police to know they can't violate other people's rights the way police did with me. I'm proud as a Latino and immigrant of my role in this case, and I want other people to know they can do the same thing."



Kelvin Francisco Rodriguez's \$590,000 settlement includes police reform commitments.

The case started in January of 2019, when Kelvin spotted a squad car and pulled into a car dealership because he was afraid of how Worthington police treat immigrants and people of color. There's a long history – this is the ACLU-MN's second successful lawsuit involving police brutality there.

Officer Mark Riley put on his squad lights, and Kelvin walked up to him with his hands up. Riley instructed Kelvin to lie on the ground. Even though Kelvin complied, the officer still dropped his knee on Kelvin's back, breaking his ribs and causing the grievous internal injuries. Police repeatedly ignored Kelvin's pleas for medical help. This was all captured on video. When Kelvin finally got medical care, his injuries were so severe that he had to be airlifted to Sioux Falls, S.D.

"It is disgraceful that the ACLU of Minnesota has had to sue Worthington twice now to stop its law enforcement officials from targeting and brutalizing immigrants and people of color," said ACLU-MN staff attorney Ian Bratlie. "We hope this settlement ensures that Worthington police will end their excessive use of force and instead work to protect and serve everyone."

A FIRST STEP TOWARD SAFETY FOR ALL IN MINNEAPOLIS

Following the horrific murder of George Floyd last summer, calls to divest from police and reinvest in communities spread like wildfire across the nation. In Minneapolis, the movement to transform policing recently led to a focus on the city budget.

The city currently spends \$179 million on the Minneapolis Police Department, a staggering amount when compared to other social services. In response, a cohort of council members banded together to create and pass the **Safety For All package**, which redirects \$7.77 million toward supporting communities and transforming public safety.

The Safety for All budget's key components will:

- Increase funding and staffing for the Civil Rights Department and Office of Police Conduct Review
- Create crisis response teams made up of mental health professionals as first responders
- Train dispatchers to assess mental health calls, and embed mental health professionals in 911
- Direct property damage reports and parking-related calls to 311

By re-examining what public safety means for diverse communities, we can reach a point where no one accepts the killing of Black people at the hands of police.

UNPRECEDENTED ORGANIZING EFFORT HELPS MOTIVATE HUGE VOTER TURNOUT



By **JANA KOOREN**

Community Engagement Director

The 2020 election is finally behind us. Getting every vote counted and ensuring more people voted took a massive year-long effort by the ACLU-MN.

Thanks to help from our wonderful volunteers, we reached 50,000 people with information about voting and voting rights, and Minnesota reached nearly 80% voter turnout — the nation's best record.

ACLU-MN's Ismael Dore poses with student volunteers who registered voters and provided information for the election.

We accomplished all this despite facing numerous new and unexpected challenges.

The pandemic made it critical for as many people to vote early as possible to keep voters and election workers safe. But that need was complicated by the mail slowdown orchestrated by the Trump administration. We also saw unprecedented, appalling efforts to make people doubt the integrity of our election process.

Everything was made tougher by an 11th-hour court ruling that could have rendered up to 399,000 absentee ballots invalid. We rushed to let people know they needed to vote in person or drop their ballots off, rather than mail them. We spread the word using everything from texts to social media to a digital billboard. Out of the 399,000 outstanding ballots, only 2,500 arrived after the deadline.

Our goal was to ensure Minnesota voters better reflected our state's population. We focused on increasing turnout among historically disenfranchised people including BIPOC voters; 20,000 people who finished up their felony probation in the past four years; and new citizens in southern Minnesota.

With groups threatening to send armed "guards" to suppress the vote, we also ramped up voter education, recruited people to monitor the polls, and helped staff the Election Protection Hotline.

Thanks to strong support from 129 volunteers, our results included:

- Texting 37,000 people, Black and Latinx voters from Minneapolis and Greater Minnesota
- Making more than 45,000 phone calls, about half to people with a prior felony conviction, and half to Black and Latinx voters
- Sending a mailer to 22,000 people with felony convictions about their voting rights and eligibility
- Creating and handing out 41,000 voting rights brochures and pocket cards in English and Spanish
- Watching for issues outside dozens of polling places

Voters told our volunteers they were grateful to receive non-partisan voting rights information that ensured they had everything they needed to vote.

Two high school seniors organized more than 20 fellow students to hand out voter education materials and register people to vote, even though they couldn't vote yet themselves.

"I was so nervous about the election, and volunteering on Election Day made me feel so much better," a volunteer told me. "I could see that everything was going okay and knew I was helping to protect voting rights."

ACLU-MN SUES WASECA WOMEN'S PRISON OVER LAX PANDEMIC RESPONSE

Aaryana Malcolm got so weak from COVID-19 that other inmates at the Waseca federal women's prison had to help her eat, shower and fill out requests for medical attention – requests that were ignored, even though she was coughing up blood and vomiting.

By the time the prison got Aaryana to the hospital, her oxygen level was 74 and the doctor said, "My friend, I have to paralyze you and put you on a ventilator or you are going to die." Aaryana spent 10 days in the hospital. When she returned to the prison, she had to sleep on the floor. Two months later, she is still sick.

Her situation at the low-security Federal Correctional Institution in Waseca, where COVID-19 has spread like wildfire, was completely avoidable. One positive test in August led to 439 inmates contracting the virus in just three months – a staggering 75% of inmates.

That's why the ACLU of Minnesota and Ballard Spahr LLP sued the Waseca prison warden and the head of the Federal Bureau of Prisons.

Warden M. Starr and FBP Director Michael Carvajal are failing to protect medically vulnerable people with conditions including autoimmune diseases, diabetes, asthma, hypertension and obesity from COVID-19 by releasing them, our lawsuit alleges. Doing so would decrease the overall prison population and enable social distancing, which would reduce the risk for everyone.

"The Bureau of Prisons has failed to respond in any meaningful way to the pandemic, leading to uncontrolled outbreaks at several facilities, including FCI-Waseca," said ACLU-MN staff attorney Clare Diegel. "Refusing to release medically vulnerable people who are at the most risk from COVID-19, and instead packing them into bunks just a few feet apart, is no way to handle a highly infectious and deadly virus. The Bureau of Prisons is failing to act with either common sense or humanity."

The lawsuit seeks emergency orders requiring: the immediate release or transfer of the most medically vulnerable to home confinement; immediate implementation of social distancing and hygiene measures; and adequate medical care for those still suffering from COVID-19 even after the BOP has declared them "recovered."

A special thanks to Professor JaneAnne Murray and students Bree Crye and Peter Schuetz at the University of Minnesota Law School Clemency Project, who helped research and draft our lawsuit.

PEOPLE IN STATE PRISONS SUFFER FROM INADEQUATE COVID-19 CARE

It's not just the feds. The state Department of Corrections isn't doing enough either to protect people in its care from COVID-19, so we went to court – again – to make them do their job.

Earlier, we'd filed suit against MNDoc for its poor handling of the pandemic in Moose Lake prison. At the time, Doc argued that it was taking all possible measures to slow the spread of the virus. But publicly reported data calls those reassurances into question: The virus has since spread across every Doc prison. In Stillwater alone, at least 75 percent of the inmates have had COVID.

The ACLU-MN filed a class action lawsuit in state district court on behalf of people held in all the state prisons. Our lawsuit alleges that Doc has failed to put in place measures to stop or even slow the transmission of coronavirus, and has violated its legal obligation to protect the people in its custody from COVID, including denying medical release to people with conditions that put them at grave risk.

"There has been a significant blind spot in Minnesota's leadership on the COVID-19 pandemic, and that is its handling of the pandemic in prisons," said ACLU-MN staff attorney Dan Shulman. "Not only does Doc's failed track record further endanger Minnesotans, their families, and their communities, it also flies in the face of state law requiring the government to exercise reasonable care to safeguard people in its custody, and it violates the Minnesota Constitution by inflicting cruel or unusual punishment and denying due process before potentially depriving people of their lives."

UNHOUSED RIGHTS

CITY OF MINNEAPOLIS, PARKS SUED TO STOP HOMELESS ENCAMPMENT SWEEPS

Law enforcement swept into Minneapolis public parks and tore down the tent homes of people who were just trying to find a safe place to stay. People could do nothing but stand by as law enforcement bulldozed tents and threw away blankets, clothes, photos and identification cards.

The ACLU-MN and Mid-Minnesota Legal Aid filed a class action lawsuit against Hennepin County, the City of Minneapolis, and the heads of local law enforcement and of the Minneapolis Parks and Recreation Board to stop these sweeps until safe and adequate shelter is provided.

“Clearing the encampments damages thousands of dollars in property — those tents are \$100 apiece — and people’s important documents, family photos and medication get destroyed,” said plaintiff Patrick Berry, who lost his tent, mattress and sleeping bag. He saw friends arrested and pepper sprayed. “People are already suffering so much. It is really cruel what the city is doing.”

If they can, people are forced to find room in crowded shelters, putting themselves at high risk of COVID-19.

“There are thousands of people who are homeless in the Twin Cities, and the city and county have failed to offer adequate shelter or housing,” said ACLU-MN staff attorney Clare Diegel. “Instead, the so-called plan is to repeatedly kick out hundreds of residents without permanent homes from public parks, upend their lives, destroy their property and then fail to find them somewhere safe to live. Throwing away people’s only belongings without notice is a shameful violation of their civil liberties.”

The plaintiffs in the lawsuit are seven individuals and ZACAH, a nonprofit that supports Minnesotans facing poverty and displacement from their homes.

“The city and county have an obligation to increase access to deeply affordable housing and to provide adequate emergency housing,” said ZACAH President Dr. Bilal Murad, representing his board. “Rather than working with the community, these constant, disruptive encampment sweeps — disproportionately affecting our Black and Indigenous neighbors — violate public health guidelines, cause irreparable harm, and make it even harder for us to provide services to the most vulnerable among us.”



A bulldozer clears and discards people’s belongings during a sweep of a Minneapolis homeless encampment. (Photo courtesy of Max Nesterak, Minnesota Reformer)

DEVELOPMENT CORNER

RIGHTS
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EVERYTHING WE DO, WE DO TOGETHER

Thanks to generous donors like you, **we smashed our fundraising goal for Give to the Max Day.**

Your donation helps us do critically important work — like our rapid response in the face of unexpected voter suppression and waging a months-long campaign to protect people in state prisons from the pandemic.

Give online or use the enclosed envelope to keep supporting us in 2021. We still have a lot of work to do!

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ACLU Minnesota
LOBBY WEEK
MARCH 1 – 5, 2021

You can play a powerful role in ensuring that the civil liberties of all Minnesotans are respected.

Sign up to participate in the **ACLU of Minnesota's Virtual Lobby Week from March 1-5, 2021.**

This session, we're focusing on:

Reforming qualified immunity and increasing civilian oversight of police

Limiting law enforcement's use of facial recognition technology

Decriminalizing poverty

REGISTER: <https://action.aclu.org/webform/aclu-lobby-week>

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