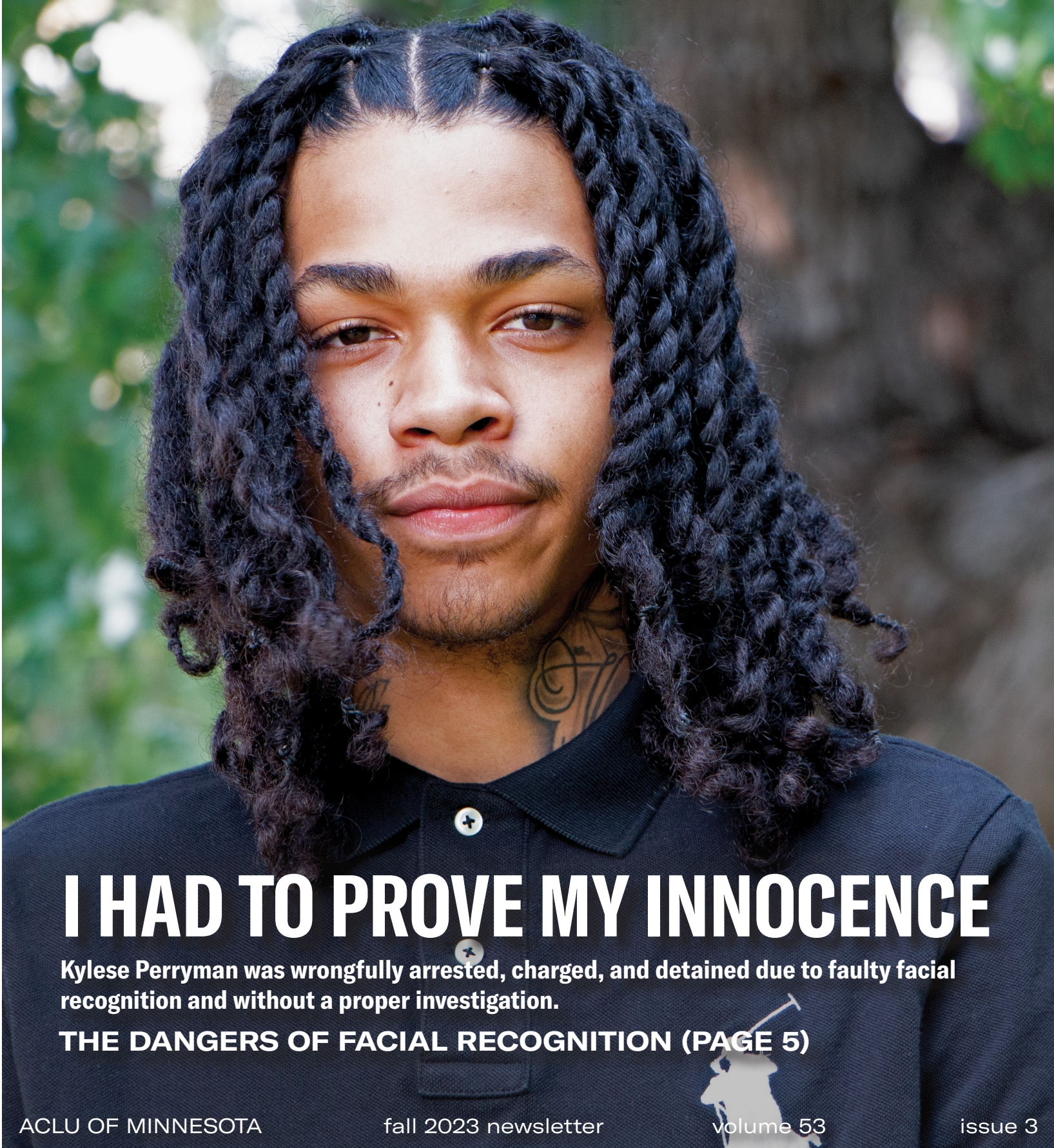


ACLU

Minnesota

Liberty

newsletter



I HAD TO PROVE MY INNOCENCE

Kylese Perryman was wrongfully arrested, charged, and detained due to faulty facial recognition and without a proper investigation.

THE DANGERS OF FACIAL RECOGNITION (PAGE 5)

Voting Rights Still Under Attack

Protecting civil liberties can sometimes feel like we take two steps forward and one step back.

Voting rights are sadly no different.

Across the country, attacks on our fundamental right to vote are intensifying. In just the first half of this year, lawmakers in 45 states introduced bills to restrict voting or interfere with elections, according to the Brennan Center for Justice.

In Georgia, lawmakers passed a law that added ID requirements for absentee voting, limited use of drop boxes, and criminalized providing food or drink – even water – to people waiting in line to vote. A lawsuit filed by the ACLU of Georgia and allies tempered some of these restrictions.

In Texas, lawmakers limited early voting, empowered poll watchers to disrupt polling places, prohibited drive-thru voting, and much more.

These forces are also at work here in Minnesota – a handful of lawmakers keep trying to restrict voting, but their bills haven't gained any traction.

Earlier this year, instead of limiting voting, the Minnesota Legislature decided to Restore the Vote for over 55,000 Minnesotans, and Governor Walz signed the bill into law. The law re-enfranchises people who are living in the community, working and raising families while they are on felony probation or supervision. Passage ended a discriminatory law that led to racial disparities and inequality.



The ACLU of Minnesota and our allies worked for nearly two decades to restore this foundational civil liberty. We fought the battle all the way to the Minnesota Supreme Court.

Yet now the Minnesota Voters Alliance, a group that has repeatedly tried to restrict the vote, is trying again. MVA sued, asking the court to revoke the right to vote for people on felony probation.

The ACLU of Minnesota is fighting this attempt. We've asked the court to allow us to join the lawsuit and protect the right to vote. Our organizers are busy in the community with a simple message: Regardless of the lawsuit, you can vote.

Voting is the fundamental cornerstone of our political rights and our democracy. The ACLU has led in the struggle to expand the right to vote for the last century.

The ACLU of Minnesota will keep fighting to preserve the right to vote for these Minnesotans, a right they already are joyfully exercising.

We'll do our best to make sure that every eligible voter gets a voice and a vote in their own future.

Deepinder Singh Mayell

ACLU-MN Executive Director
Deepinder Singh Mayell

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Meet The Staff: New Faces



Hailey Bailey
Chief Advancement Officer

Hailey comes to the ACLU-MN from Vision Loss Resources where she led their development and marketing programs. She has more than 15 years of nonprofit experience in both domestic and international settings. She has a bachelor's degree in biology and a master's degree in public health. Originally from Idaho, Hailey has lived and worked in almost a dozen countries. In her free time, she is an avid gardener, voracious reader, and professional auntie.

Katrina Crisler
Assistant Director of Finance

Katrina works closely with the ACLU-MN finance director to complete all financial accounting and to develop new financial internal controls, policies and procedures. She has 20 years of accounting experience, including a background helping nonprofit organizations navigate the 501(c)3 and (c)4 systems. Before joining us, she worked as an accountant for All in One Accounting, providing small businesses and nonprofits with accounting services.



Rachel Fergus
Communications Associate

Rachel focuses on storytelling in words and photos, as well as running the website. She previously worked as a reporter and online editor for local newspapers. In 2021, she earned her master's in English literature from the University of St. Thomas. In her spare time, Rachel enjoys reading, gardening, exploring local coffee shops, and fostering puppies. She recently "foster failed" and adopted her dog Ransom.



Jim Rowader
Director of People & Culture

Jim oversees HR and is charged with building a thriving organizational culture centered around EDIB, developing staff talents, and helping ACLU-MN fight for systemic change and racial justice both internally and externally. Previously he worked as Minneapolis city attorney and at Target as vice president, general counsel of employee and labor relations. Jim is a past member of the ACLU-MN Board of Directors. He received his law degree from the University of Michigan Law School and his bachelor's in political science/history from the University of Illinois, where he played goalie on the men's soccer team.



Paul Sullivan
Organizer

Paul is an organizer focused on voter restoration efforts for people affected by the criminal legal system. He received his master of human rights from the University of Minnesota, where he focused on migration and transpacific studies. Before joining the ACLU-MN, Paul was a field organizer for various local electoral campaigns, an immigration paralegal, and a language educator in both the United States and China. In his free time, Paul can be found dogsitting, axe throwing, or one-bag traveling.



I HAD TO PROVE MY INNOCENCE

Faulty Facial Recognition Leads to False Arrest, Detainment

Kylese Perryman was driving home from visiting his dad when he was pulled over for expired tabs. Instead of giving Perryman a warning or even a citation and sending him on his way, the Minnesota trooper took him to jail.

Perryman spent days in jail, endured house arrest, and paid legal fees for crimes he did not commit. Police didn't take even basic investigative steps. Perryman was jailed based entirely on mistaken facial recognition. That's why the ACLU of Minnesota and pro bono attorneys at Nelson Mullins Riley & Scarborough LLP sued on his behalf.

"It is outrageous that law enforcement failed to do an even basic investigation that would easily have demonstrated his innocence, and instead chose to arrest him," said ACLU-MN Legal Director Teresa Nelson.

"This appalling false arrest and imprisonment clearly violates Mr. Perryman's constitutional rights and stands as a terrible example of policing that needs immediate redress."

Back in September 2021, a detective with Bloomington police identified Perryman as one of two suspects who had carjacked someone, robbed people at the Mall of America, and then used their cards to buy items at Walmart.

Perryman and the person in the security camera images look very different. Perryman is significantly taller and thinner than the person in the photos. He has distinct tattoos on his arm and neck. There is one similarity, however: They are both Black men.



Kylese Perryman with his fiancé and children.

Perryman's lawsuit against the city of Bloomington, Detective Andrew Risdall, and Hennepin County alleges that law enforcement "carelessly and incorrectly identified him (Perryman) as another Black man," arresting and detaining him without probable cause.

"Relying solely on facial recognition to identify a suspect is a violation of the Hennepin County Sheriff's Office's own training materials, which note the technology is not absolute or reliable and should not be used to positively identify an individual," said Nelson Mullins Partner Molly Jean Given.

She pointed out that police and prosecutors have provided different stories of whether the faulty facial recognition was based on technology or individuals looking at photographs, a disparity the lawsuit will help resolve. Regardless, an investigation shouldn't rely on facial identification alone.

Officials took months to expunge Perryman's record, even though his defense attorney kept providing proof of his innocence. At the time of the crimes, Perryman was miles away, clocked in at work and then at a birthday party.

"Instead of doing everything that they needed to do to find out it wasn't me, I feel like I had to prove my innocence," Perryman said.

"Time and time again, nothing's changed, even from my granddad's history. My whole family tree has been through this. I'm trying to change it for my kids' generation."

The lawsuit alleges law enforcement violated Perryman's Fourth Amendment protection against false arrest and false imprisonment. It asks the court to stop Bloomington and Hennepin County from using facial recognition software for suspect identification, and to stop them from using "Keeping Our Police Safe" (KOPS) alerts instead of getting a warrant. These KOPS alerts are not reviewed by a judge and can result in arrests without probable cause. The lawsuit also seeks more than \$250,000 in damages.

Flawed Facial Recognition Puts People at Risk

Surveillance technology is dangerous, even when it's correct – and it's wrong too much of the time when people's lives and liberty are at stake.

- 1** This technology doesn't work. Numerous studies have shown that the technology is flawed and biased. This is especially true for people of color and women.
- 2** This technology is often used in secret and without oversight.
- 3** Innocent people get entwined in the legal system because of an error. The police investigation is tainted by the belief that they already have the culprit.
- 4** Fixing the technology's flaws won't erase its dangers. Today, the cops could show up at the wrong person's house because the algorithm got it wrong. Tomorrow, it could be because the algorithm identified someone at a protest that the government didn't like, or in a neighborhood where police didn't think the person belonged. Addressing police brutality requires us to address the technologies that exacerbate it too.

A Police Investigation Should Not Look Like This

Law enforcement's failures alleged in the suit go beyond failing to notice the physical differences between Perryman and the person in the photo. They include:

- Not conducting a photographic or in-person lineup.
- Not contacting any of the eyewitnesses to seek further identification.
- Not considering or investigating Perryman's alibis including cell phone records, work timecards, and a time-stamped photo, all of which showed him miles away when the crimes took place.



ACLU-MN at the State Fair and Twin Cities Pride



Why I Give



When racist graffiti was found throughout Maple Grove High School after Donald Trump's 2016 election, rather than responding with resignation, the community rallied together.

Jaime Chismar, who grew up there, was inspired by that response. She created a striped rainbow sign that simply stated "All Are Welcome

Here" and put it up on Facebook. She hoped 50 people would buy the sign to help fund her local food shelf.

Instead, the response was so great, it fueled a movement. Almost seven years later, Chismar has sold and donated tens of thousands of signs and other "All Are Welcome Here" merchandise.

Early on, Chismar decided to donate 10% of merchandise sales to the ACLU of Minnesota.

"When your country is in trouble and policy is really bad, you need a whole bunch of really smart lawyers to come in and make sense of the world," Chismar said.

Along with making monetary donations, Chismar has been generous with her time and talent too. She designed ACLU-MN Pride merchandise including yard signs, T-shirts and buttons. She regularly amplifies ACLU messages and accomplishments on her popular social media sites.

"Jaime is an extraordinary person who has generously shared her time, her skills, and her creativity with the ACLU of Minnesota," said Philanthropy Director Molly Miller. "When the 2016 election happened and she saw racism rise in her own community, she responded with hope in action. Her efforts have not only helped raised money for our work protecting everyone's rights and civil liberties, they have proven revitalizing for staff."

Chismar is already thinking about the 2024 election and ensuring that everyone uses their right to vote.

Chismar also continues to regularly give to the ACLU-MN, along with nearly 200 other groups who have received monetary and merchandise donations from "All Are Welcome Here."

"What I tried to do is just be a docent," said Chismar. "This message of welcome and acceptance has always been in our community. It's been shared by religious groups and nonprofits. I put it on a lawn sign, and my job is just to make sure that it has the best life it can have, but it's never really about me."

Protecting the Right to Learn

The American Civil Liberties Union of Minnesota has a long history of fighting for free speech.

Nationally, we are seeing constant attacks on students' First Amendment rights and efforts to censor classroom discussions and ban books from community and school libraries. **The American Library Association found that in 2022 there was a record 2,571 titles targeted for censorship.** Almost all of the targeted books were written by or about members of the LGBTQ+ community and/or people of color.

Unfortunately, Minnesota is not immune. In 2022, the ACLU of Minnesota spoke out against a proposed policy by the Becker School District that would have prohibited "political indoctrination or the teaching of inherently divisive concepts." In September 2023, the Carver County Library Board of Advisors discussed a community member's request to remove the book "Gender Queer: A Memoir" — a graphic novel about the non-binary author's coming of age. The board unanimously voted to keep the book on the library shelves.

Though it can be disheartening to see censorship attempts on the rise, there are ways you can protect access to books and fight classroom censorship.

- **Create a banned books club:** Banned books clubs can spark important conversations about classroom censorship and help students access important stories they might be missing.

- **Activate your PTA:** PTAs are important for making demands of a school and school district not only because there is power in collective action, but because as contributors in the form of donations and volunteer hours, PTAs can have a lot of influence on school policy. Working within the PTA to make demands of your child's school is a great way to exercise your voice as a parent.

- **Write a letter to the editor:** As students, parents, and community members who are grappling with issues of inclusive education and classroom censorship, your contribution is important to this conversation.

In Memoriam

Remembering Susan Harper Ritten

Former ACLU-MN Board Member Susan Harper Ritten died June 22, 2023, at age 61.

"She loved life, she had a zest," said former Board Member TJ Pierret. "She was tenacious, she loved to laugh, she loved to chat. She would stick up for anything she believed in in a wonderful way."

Pierret and Ritten worked closely together on the board to fundraise and attract younger members. Ritten was especially passionate about social justice, women's issues and LGBTQ rights, Pierret said.

"You could count on her to be right with us on everything," Pierret said. "She was wonderful. She was a tiny little thing, and she was spunky and not afraid to stand up in front of all the attorneys and say what she thought."

Ritten earned a bachelor's in political science from Yale. After a career in marketing and promotion at several media outlets, she became a full-time parent. She was an active volunteer for many organizations, including serving as an election judge to uphold her belief in democracy and fair representation for all. She directed that memorials come to the ACLU of Minnesota.

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Restoring the vote, protecting immigrant rights, and defending abortion rights are just a few examples of the crucial work the ACLU of Minnesota does every day. Please help keep us strong in the fight for civil liberties. <https://action.aclu.org/give/support-aclu-minnesota>

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