



Re: House Omnibus Bill

April 6, 2021

Dear Chair Mariani and committee members:

We are writing this letter on behalf of the Minnesota Chiefs of Police Association (MCPA) and the Minnesota Sheriffs Association (MSA), which collectively represent more than 300 police chiefs and 87 county sheriffs across Minnesota.

We appreciate the opportunity to meet with you throughout this legislative session on your committee's priorities. However, our two associations oppose the bill as drafted based on several key provisions that are omitted from the omnibus bill and several items included that we firmly believe are detrimental to public safety in our state.

The key issues that were omitted that we support and should be prioritized to increase public safety:

- Funding the \$35 million for the SAFE Account;
- delaying the new use of force standards so officers could be trained in this important new standard;
- removing the sunset on important training for peace officers in the areas of de-escalation, conflict management and mediation and implicit bias;
- expanding background checks on non-licensed personnel.

We also strongly oppose several provisions in your bill that will damage the credibility and integrity of the law enforcement investigative process and jeopardize justice being served. Those provisions are:

- The viewing of body-worn camera footage 48 hours after an incident does not recognize how investigations are conducted;
- requiring officers to announce they are being recorded, this issue should be addressed in agency policy;
- mandating quarterly reporting on no-knock warrants rather than yearly reports;
- requiring CLEO's to report data on "informal complaints" of which are not defined and do not exist, there are only formal complaints;
- unfunded in-service training mandates on local agencies;
- requiring the sharing of sensitive data on confidential informants;
- granting civilian review boards subpoena power, the power to create agency policy, and discipline authority;
- automatic expungement of numerous serious and violent crimes;

- requiring agencies to refer emergency calls to a mental health crisis team when that is not feasible across the state.

We understand there is a potential amendment that would create a taskforce to study the issue of reforming qualified immunity. We believe there is a clear misunderstanding about qualified immunity. All government employees, including public officials, are protected by some form of immunity—not just law enforcement. This includes teachers, social workers, and mental health clinicians. This protection is essential because it ensures that officers' good faith actions, based on their understanding of the law at the time of the action, will not later be found to be unconstitutional. Additionally, testifiers have misled the committee. Qualified immunity does not provide protection of an officer from charges of criminal negligence, and it **does not** provide civil liability protection for an officer who knowingly violated constitutional rights. We don't need to study this issue; we need to educate people about the importance of qualified immunity.

In the end, we want to improve trust between citizens and law enforcement, decrease the number of deadly encounters with peace officers, fund important public safety needs of agencies across the state, and ensure our officers in Minnesota are some of the best-trained in the country.

Sincerely,

Jeff Potts

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