



April 21, 2021

**Chair Kelly McCarthy**  
**Minnesota Board of Peace Officer Standards and Training**  
1600 University Ave., Suite 200  
St. Paul, MN 55104-3825

Chair McCarthy and Members,

Thank you for considering the Ensuring Police Excellence and Improving Community Relations Advisory Council's recommendations that the Board of Peace Officer Standards and Training (POST) adopt a rule that would require the POST Board to establish a minimum First Amendment standard for public assembly response. Long overdue, the creation of a First Amendment assembly standard would help our state respond to the dire problem of worsening relations between peace officers and the communities they serve. We write to ask for your full support of the proposal for a First Amendment minimum standard.

Before the recent protests erupted in Brooklyn Center, and based on the response of some officers to protests last summer, we foresaw the need for stronger protections for those who want to exercise their First Amendment rights. We asked the POST Board earlier this year to call an emergency meeting to put these recommendations into place before the Derek Chauvin trial began. That request was not approved. Since then, we have had another law enforcement officer kill an unarmed black man, resulting in protests and another disproportionate response to those protests by law enforcement. This series of events is as tragic as it is predictable and preventable.

The recent events in Brooklyn Center demonstrate why we need clear, consistent, and enforceable protections on First Amendment assemblies from the state licensing board. Since the killing of Daunte Wright at the hands of law enforcement on Sunday, April 11, residents in Brooklyn Center and around our state have taken to the streets each day to demand justice for Mr. Wright and express support for police reform. As a result, an increased law enforcement response was called to facilitate these protests. Unfortunately, due to a lack of a clear, consistent, and enforceable state policy on First Amendment assemblies, some law enforcement officers have allegedly violated the First Amendment rights of those gathered by arbitrarily designating some assemblies as unlawful, ignoring curfew exemptions for media outlets and ordering them to leave, and using excessive force on those engaging in peaceful civil disobedience. Further, law enforcement actions have directly impacted the more fundamental human rights of those who live in the apartment complexes adjacent to the protests by excessively and indiscriminately using chemical munitions in the vicinity of uninvolved residents. Finally, the difficulties of overcoming differences in law enforcement jurisdictions and their rules of engagement have contributed to disagreements about how to coordinate a response to protests. These ill-advised responses to protests escalate tensions between community and law enforcement and place officers and protestors in greater jeopardy.

We need clear, consistent, and enforceable protections on First Amendment assemblies from the POST Board. A critical first step for securing such protections is for the POST Board to pass a measure that requires that licensees' follow the First Amendment Assembly policies found in their policy manual, if said policies are in place, or be

subject to licensure action. A second step is that the POST Board work with community to develop a model policy for public assembly response that is consistent with domestic and international best practices on human rights protections and that all state and local law enforcement agencies must adopt by March 2022.

This proposal is vital as it would provide a statewide mechanism for protecting the constitutional and human rights of residents when local law enforcement fails to do so. To those who assert that this is an inappropriate role for our state licensing body, we fundamentally disagree. The primary function of this licensure body and any licensure body is to ensure that licensees comply with the law and do not use their license to deprive Minnesotans of their most fundamental rights. Moreover, carrying out this function through the proposed recommendations would help empower, protect, and strengthen law enforcement in Minnesota. Because the measure would not alter the POST's discipline review process and since most complaints that reach POST originate from Chief Law Enforcement Officers (CLEOs), this change would have the effect of empowering law enforcement leadership to remove officers who violate the First Amendment rights of protestors. This proposal promotes safety both for and from our government. It promotes public safety for both police and protestors. It is what is needed in these times to ensure the First Amendment rights of Minnesotans are protected.

Minnesotans of every race, place, religion, and political persuasion deserve to exist with dignity and respect. Please support the policy proposal for a First Amendment minimum standard for public assembly response. We urge you to adopt the recommendations passed forward by the Advisory Council and move immediately to place the policy language of the A6 Amendment to HF 445 into rule. Thank you for the important role you play in our statewide efforts to improve human rights and public safety in Minnesota. We look forward to continuing to work with you on these important issues.

Sincerely,

Linda Sloan  
Executive Director  
Council for Minnesotans of African Heritage

CC:

Governor Tim Walz  
Lt. Governor Peggy Flanagan

#### ***Organizational Signees***

Black Civic Network  
Minneapolis NAACP  
Barbershops & Black Congregation Cooperative  
ISAIAH  
People of Color and Indigenous Caucus  
United Black Legislative Caucus  
Council on Asian Pacific Minnesotans  
Minnesota Council on Latino Affairs  
The Advocates for Human Rights  
The ANIKA Foundation  
Black Lives Matter Twin Cities  
Black Votes Matter MN  
Education Minnesota  
Epsilon Rho Chapter, Omega Psi Phi Fraternity, Inc.  
Family Freedom Center  
Jewish Community Action

League of Women Voters of Minnesota  
The Link  
Minnesota AFL-CIO  
Minnesota Board of Public Defense  
Minnesota Budget Project  
Minnesota Council of Nonprofits  
Our Stories. Our Health.  
Roots Covenant Church  
SEIU Minnesota State Council  
TakeAction Minnesota  
Twin Cities Incarcerated Workers Organizing Comm.  
Village Arms  
Voices for Racial Justice  
WoMN ACT  
Zeta Nu Sigma Chapter, Phi Beta Sigma Fraternity, Inc.