

the Legal Rights Center

Criminal Defense • Restorative Justice

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March 5, 2021

Mayor Jacob Frey
City Hall, Room 331
350 S. Fifth St.
Minneapolis, MN 55415-1389

Chief Medaria Arradondo
City Hall, Room 130
350 S. Fifth St.
Minneapolis, MN 55415-1389

Hennepin County Sheriff David Hutchinson
City Hall, Room 6
350 S. Fifth St.
Minneapolis, MN 55415-1389

RE: The prospective detention of individual protesters and groups of protesters during the trial of Derek Chauvin.

Mayor Frey, Chief Arradondo, & Sheriff Hutchinson,

After the death of George Floyd at the knee of former Minneapolis police officer Derek Chauvin, Hennepin County and the city of Minneapolis witnessed a collective outcry of anguish rooted in the historic and continued trauma of our Black and Brown residents. Your residents took to the streets to express their anger and frustration and to demand that the city and its officers be held accountable for the marginalization and victimization of its non-white residents. Those who protested were met with rubber bullets, tear gas, and arrest. During that time, the Legal Rights Center (“LRC”), National Lawyers Guild, and a coalition of mutual aid groups worked together to support those individuals who were arrested. This coalition provided legal counsel, direct jail support (primarily helping those released from detention with clothing, phone calls, and returning home), and then helped those individuals navigate the criminal legal system.

We, the undersigned, anticipate that there will be a number of demonstrations during the trial of Derek Chauvin, and are concerned that the county and city—in your effort to

protect property and to tighten security around the Hennepin County Government Center—are setting up a process which will lead to the deprivation of the constitutional rights of those individuals who choose to exercise their First Amendment rights to protest and peaceful assembly during the trial. Our concerns are rooted in the due process protections offered by the Constitution and also reflect our own engagement with members of the Minneapolis community.

What we have seen so far of the security preparations scare us. The fortification of the Hennepin County Government Center with barbed wire, chain link fence, concrete barriers, and concertina wire serves only to physically separate your residents from the county and city's organs of justice. There has been no real transparency during the development of your security measures, no answer given as to where arrested individuals may be processed and then released, and alarmingly, no detail about how attorneys or their support staff will be able to get through this new security in order to provide critical support to those arrested.

Our concern is that upon arrest, individual demonstrators will be hidden away from legal counsel, those working on their behalf, and the media. Either they will be secured and processed within the security perimeter established in downtown Minneapolis, to which legal support and the media are not guaranteed access, or they will be secured and processed at some—at this point—undisclosed location, again, which legal support and the media will have no knowledge of and therefore no access to. In either circumstance, the due process rights of those detained would be diminished *unless* provisions are made and disclosed for immediate access to legal counsel. To guarantee those rights, those responsible for these arrangements must provide the public with answers to the following questions: Where will detained individuals be held? How will those arrested be processed? Will legal counsel and their staff be allowed to access those in custody? Just administration of the county and city requires that the community have answers to these questions before family members have to search desperately for their detained loved ones.

Similarly, even if individual protesters are arrested, cited, and then released, if those individuals have been intentionally removed from their peers, support networks and modes of transportation, that action will only serve as further evidence that both the county and the city are more prepared to harass and isolate protesters than they are to listen to and engage with their demands. This concern has been voiced to us by members of this community, who worry that as Hennepin County, and Minneapolis specifically, prepares to barricade itself behind concrete and barbed wire, it is also preparing to treat its residents like enemy combatants.

This county and this city can, and must, do better than this. They have the opportunity to transparently engage with those organizing protests, and have the capacity to respect and protect all our due process rights by allowing for legal counsel, those working on their behalf, and those providing jail support to have access to those who will remain detained. By being transparent, proactive and involving your marginalized residents in decisions

that affect their county and city, both Hennepin County and Minneapolis could take several important steps in beginning to repair years of distrust rooted in their silent acquiescence of decades of police misconduct.

Sincerely,



Andrew S. Gordon
Deputy Director of Community Legal Services
The Legal Rights Center



Sarah Davis
Executive Director
The Legal Rights Center

And joined by the following concerned individuals and organizations:

/s/ John Gordon

John Gordon, Executive Director
American Civil Liberties Union -
Minnesota

/s/ Michelle Gross

Michelle Gross, President
Communities United Against Police
Brutality

/s/ Tim Phillips

Tim Phillips
Law Office of Tim Phillips

National Lawyers Guild — Minnesota
Chapter

/s/ Jess Sundin

Jess Sundin
Twin Cities Coalition for Justice 4 Jamar

/s/ Nekima Levy Armstrong

Nekima Levy Armstrong, Esq.
Founder, Racial Justice Network
Executive Director, Wayfinder
Foundation

/s/ Angela Rose

Angela Rose, President
Minneapolis NAACP

CC: Hennepin County Commissioners, the Minneapolis City Council