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Minnesota law enforcement organizations believe new use of deadly force law is unconstitutional

(St. Paul, Minn.) – Today Minnesota’s largest law enforcement organizations filed a state lawsuit challenging the constitutionality of the 2020 law change regarding a peace officer’s rights to use deadly force.

The court filing can be found [here](#).

In the summer of 2020, the Minnesota State Legislature amended the statutes that describe the acceptable uses of force for police officers, including Minnesota Statute §§ 609.06 and 609.066. Minnesota Statute § 609.066 establishes an affirmative defense for a criminal charge related to the use of force by a police officer, establishing the parameters for the right to use deadly force in protection of the officer or others. This lawsuit speaks to all citizens’ 5th Amendment right against self-incrimination, among other concerns.

The Minnesota Police and Peace Officers Association (MPPOA), the Minnesota Sheriffs’ Association (MSA), the Minnesota Chiefs of Police Association (MCPA), and Law Enforcement Labor Services (LELS) are collectively challenging the new language to ensure peace officers have a sound law that they can rely on for guidance in deadly force situations and the public has a strong statute that will hold officers accountable when warranted.

“Minnesota’s police organizations are committed to upholding the law and serving the communities they are sworn to protect,” said Minnesota Sheriffs’ Association Executive Director Bill Hutton. **“In order to do so, however, all Minnesotans, including community members and police officers, require clarity in the law.”**

The lack of the new law’s clarity has already resulted in refusal by some police chiefs and sheriffs in neighboring states to provide assistance to other local law enforcement agencies in Minnesota. Some law enforcement agencies in North Dakota, for example, have removed their officers from interstate task forces.

Minnesota Police and Peace Officers Association Executive Director Brian Peters said, **“The process that led to last year’s law change was rushed under unprecedented circumstances. This law should have been fixed, but since the legislative session has now concluded, it is necessary to turn to the legal system.”**

The law enforcement organizations had pushed the 2021 Minnesota State Legislature for a delay in implementation of the new statute, but those efforts failed. A delay would have given police chiefs and sheriffs additional time to train the more than 10,000 sworn peace officers in Minnesota.

“This law is not only unconstitutional - but impractical in terms of training resources and a rushed timeline,” said Law Enforcement Labor Services Executive Director Jim Mortenson. **“When it comes to laws regarding the use of deadly force, it is imperative that we get it right.”**

According to Minnesota Chiefs of Police Association Executive Director Jeff Potts, **“The use of deadly force is one of the most critical aspects of a police officer’s duties. Minnesota’s police chiefs are committed to training officers to the highest standards possible. The law must be constitutional in order to ensure a transparent process and a just outcome for everyone involved in these types of cases.”**

The Minnesota Chiefs of Police Association (MCPA), the Minnesota Sheriffs’ Association (MSA), and the Minnesota Police and Peace Officers Association (MPPOA) represent the state’s 300+ police chiefs, 87 county sheriffs, and approximately 10,400 rank-and-file officers, respectively. Law Enforcement Labor Services (LELS) is Minnesota’s largest public safety labor union (6,400+ members) specializing in representing law enforcement, fire, dispatch, corrections, and public safety support staff.

