

Written Submission of the University of Minnesota Human Rights Program for the 2023 report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 47/21

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This report was compiled by an interdisciplinary team of undergraduate and graduate students at the University of Minnesota Law School, the Humphrey School of Public Affairs, and the College of Liberal Arts under the aegis of the University of Minnesota Human Rights Program. Since early 2022, this team has conducted primary and secondary research on the surveillance and harassment of anti-police brutality human rights defenders in Minnesota and has compiled reports for submission to the Office of the High Commissioner for Human Rights, special procedures of the Human Rights Council, and general interest outlets.¹

I. Introduction

Violations of the rights and freedoms of Africans and people of African descent by law enforcement officers in Minnesota are rampant and well documented. At the same time, there is a strong community activism network in Minnesota to combat these rights violations, hold law enforcement officers accountable, and provide support for families impacted by police violence. For over a year, we have conducted interviews with community leaders, activists, and persons impacted by police violence in Minnesota.² Our previous reports drawing on this research have demonstrated that members of law-abiding Black and activist communities in Minnesota face surveillance and harassment by law enforcement officers both within and outside of protest settings and that some law enforcement officers in Minnesota and the United States associate with violent extremist groups and express racist sentiments.³ As we have suggested elsewhere, these practices and patterns of law enforcement violence “violate United States’ citizens human rights, including articles 17, 19, and 21 of the International Covenant on Civil and Political Rights (ICCPR); curb constitutional first amendment rights to freedom of speech and assembly; hinder fourth amendment rights to privacy; and embody a political agenda by targeting and harassing activists and political leaders.”⁴

¹ See Appendices B–F. Sections of this communication are drawn from these previous reports.

² See Appendix A for a list of interview participants.

³ For a summary of our May 2022 written submission to the OHCHR, see Kelso Anderson, “Human Rights Start at Home,” *University of Minnesota Human Rights Program*, June 29, 2022. <https://cla.umn.edu/human-rights/news-events/story/human-rights-start-home>.

⁴ Isabel Huot-Link, Angela Rose Myers, and Socorro Topete, “Activists face police surveillance outside protest settings in Minnesota,” *OpenGlobalRights*, February 13, 2023. <https://www.openglobalrights.org/activists-face-police-surveillance-outside-protest-minnesota/>.

In addition to these findings, our research demonstrates a variety of ways in which communities impacted by police violence exhibit resiliency, support one another, and combat racist and violent law enforcement practices. When governments fail to take meaningful action for impacted communities, we find the responsibility falls on civil society organizations to seek healing and justice.

II. The Right to Organize and Participate in Public Service

A. Achievements

Black communities in Minnesota have organized in meaningful ways to seek justice for their loved ones who have been killed by Minnesota law enforcement officers. For participants in our sample, three local organizations have been key to the pursuit of support and justice: Families Supporting Families Against Police Violence, Communities United Against Police Brutality, and Brighter Days Family Grief Center.

Most interviewees in our sample are involved with Families Supporting Families Against Police Violence (FSFAPV), a support group and movement of families who have lost loved ones at the hands of police. The organization was founded by community activist Toshira Garraway in 2019, ten years after the killing of Garraway's fiancé Justin Teigen by law enforcement officers. After the murder of George Floyd by Minneapolis police officers on May 25, 2020, FSFAPV grew rapidly as impacted families and community stakeholders increasingly recognized the need for a state and nationwide support and community activist network for persons impacted by police violence.⁵ Multiple of our interviewees state that FSFAPV approached them with support within hours or days of the killing of their family members.

FSFAPV has provided funding, mental health resources, and referrals to legal representation for over thirty families impacted by police violence in Minnesota. Monique Johnson, whose son Howard Johnson was killed by St. Paul police officers in December 2022, states that FSFAPV contacted her following her son's death to assist with funeral costs and preparation, to print shirts in Howard's memory, to hold a candlelit vigil, press conference, and protest, and to organize a meeting with St. Paul Mayor Melvin Carter. Karen Wells, whose son Amir Locke was killed by MPD officers in February 2022 during a no-knock raid, stated, "From day one, that organization [FSFAPV] was on the ground for my son. She [Garraway] has been there for me and my family since I got the call about my son being executed by the police."

Participants in our sample have also worked through the activist and support network Communities United Against Police Brutality (CUAPB), a Twin Cities-based organization that provides legal advocacy, medical referrals, and social services to impacted community members in need of assistance. CUAPB has a crisis team that investigates complaints from local communities and follows up with families' needs. CUAPB also hosts protests, advocates for legislation on a state and federal level, and hosts educational workshops for "Know Your Rights" training.⁶

⁵ <https://www.fsfapv.org/our-story>

⁶ https://www.cuapb.org/what_we_do

Matilda Smith, whose son Jaffort Smith was killed by St. Paul police officers in May 2016, states that CUAPB has been critical in her pursuit of justice for her son. In 2022, CUAPB conducted an independent investigation of Jaffort's death in which they found that Jaffort Smith was shot in the back seven times while lying on his stomach, and his body was left lying in place for a full day with his pants pulled down to his feet. CUAPB assisted Matilda Smith in filing a lawsuit against the City of St. Paul in 2022 for violating Jaffort Smith's civil rights by using excessive force.⁷

Interviewee Courteney Ross, the fiancée of George Floyd, also states that she has worked with the organization Brighter Days Family Grief Center to provide grief counseling for people impacted by police violence. Ross explains that, "when you are faced with literally a symbol of your loved one's murder every single day [in encounters with police], it's exhausting...it's fearful, it's anxiety ridden." In fact, many interviewees state that engaging in community activism work takes a deep emotional toll by causing them to relive their traumatic experiences. This is why networks with a specific focus on processing grief and healing are a necessary component of ensuring justice for police violence.

B. Remaining Challenges

In April 2022, almost two years after the murder of George Floyd, the Minnesota Department of Human Rights (MDHR) released the results of an investigation into the City of Minneapolis and the Minneapolis Police Department (MPD) which concluded "there is probable cause that the City and MPD engage in a pattern or practice of race discrimination in violation of the Minnesota Human Rights Act."⁸ According to the report, MPD officers harass Black community members and engage in the use of force, traffic stops, searches, citations, and arrests with "significant racial disparities" against people of color.⁹ According to MDHR, MPD officers also used racist language to refer to Black officers and community members and operated multiple social media accounts to surveil and harass Black individuals, Black elected officials, and racial justice organizations between at least January 2010 and December 2020. MPD did not engage in similar behavior toward White supremacist groups.

Toshira Garraway, founder of Families Supporting Families Against Police Violence (FSFAPV), states that she and her family members have routinely experienced police harassment and surveillance both within and outside of protest settings following the police killing of her fiancée Justin Teigen in 2009. Garraway states that during Teigen's funeral, police attempted to intimidate funeral goers by surrounding the church and funerary procession with police cars. Garraway also alleges that a St. Paul police officer has personally sat in a police cruiser outside Garraway's home to harass and surveil Garraway and Teigen's mother, and that officers have approached Garraway at racial justice demonstrations.

⁷ Katie Galioto, "Family files civil rights lawsuit against St. Paul, officers for fatal shooting of Jaffort Smith," *Star Tribune*, May 11, 2022. <https://www.startribune.com/family-files-civil-rights-lawsuit-against-st-paul-officers-for-fatal-shooting-of-jaffort-smith/600172480/>.

⁸ Minnesota Department of Human Rights, *Investigation into the City of Minneapolis and the Minneapolis Police Department*, April 27, 2022. https://mn.gov/mdhr/assets/Investigation%20into%20the%20City%20of%20Minneapolis%20and%20the%20Minneapolis%20Police%20Department_tcm1061-526417.pdf.

⁹ Minnesota Department of Human Rights, *Investigation*.

Monique Johnson states that law enforcement officers have also surveilled and harassed persons involved in events organized by Johnson’s family and FSFAPV. “Every press release, the march that we had—everywhere we go, when I walk outside, I see cop cars parked everywhere with lights off,” she stated. “Every single time that we do something, they’re lurking.” Likewise, Matilda Smith stated that law enforcement officers have approached and harassed her at her own home. According to Smith, one of the four officers involved in her son’s killing moved into her apartment building after the shooting and repeatedly made unsolicited contact with Smith. On one occasion, a police officer knocked on Smith’s door for a “disturbance call” even though Smith was silent and alone.

III. Initiatives to Combat Police Brutality and Racist Practices

A. Achievements

Community action has been instrumental in promoting reform of law enforcement agencies and confronting racist law enforcement legacies in Minnesota. As part of a lawsuit filed by the American Civil Liberties Union of Minnesota, a federal court in November 2022 approved an injunction prohibiting MPD from arresting, threatening to arrest, and using physical force, such as flash bang grenades, chemical agents, and rubber bullets, against persons lawfully exercising their right to freedom of assembly by participating in peaceful demonstrations.¹⁰ This injunction was part of a settlement to a class action lawsuit filed on behalf of 12 demonstrators injured by law enforcement officers during demonstrations following the murder of George Floyd in 2020. As of April 2023, the City has also approved at least nine more settlements requiring changes in MPD policy or awarding monetary damages to persons inappropriately targeted by law enforcement officers.¹¹ These include a court-enforceable settlement between the City of Minneapolis and the Minnesota Department of Human Rights governing MPD’s use of force practices, transparency and community engagement practices, and oversight and accountability measures.¹²

Additionally, community groups and families impacted by police violence have been critical in promoting legislative action to address law enforcement violence. In 2021, activism by families impacted by police violence, including families working through CUAPB, secured the passage of “Travis’s Law,” named for Travis Jordan, who was killed by Minneapolis police officers during a mental health call in 2018. Travis’s Law requires 911 emergency call centers to refer mental health crisis calls to mental health crisis teams rather than police.¹³ Activists have also secured passage of a bill in the Minnesota state house prohibiting courts from issuing or approving no-knock warrants. Andre Locke, whose son Amir Locke was killed during a no-knock warrant in

¹⁰ ACLU-MN, “ACLU-MN Settles Class Action for Protesters Injured by Police During Peaceful Protests Following the Murder of George Floyd,” November 30, 2022. <https://www.aclu-mn.org/en/press-releases/aclu-mn-settles-class-action-protesters-injured-police-during-peaceful-protests>.

¹¹ Written submission of the University of Minnesota Human Rights Program on law enforcement surveillance and harassment of anti-police brutality human rights defenders in Minnesota to the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, February 17, 2023.

¹² <https://www.fox9.com/news/minneapolis-city-council-police-settlement>

¹³ <https://www.kare11.com/article/news/local/breaking-the-news/new-public-safety-bill-changes-how-911-operators-dispatch-mental-health-calls/89-e8eb3c34-5393-4f59-8a4a-67e1c4db9430>

February 2022, testified before the Minnesota state legislature in favor of the bill.¹⁴ On a federal level, U.S. Congresswoman Ilhan Omar, who represents Minneapolis, in March 2022 introduced the Amir Locke End Deadly No-Knock Warrants Act to place critical restrictions on the use of no-knock warrants. Family members impacted by police violence, including relatives of Amir Locke, George Floyd, and Daunte Wright, appeared on a press call announcing the introduction of the legislation.¹⁵

B. Remaining Challenges

Participants in our sample have universally found law enforcement agencies uncooperative and unhelpful in their search for justice. For example, Matilda Smith tells us that following the secondary investigation of her son's killing conducted by CUAPB, "I found out about all that they [the Saint Paul Police Department] had done and all the lies they had told. None of their stories matched. [The Minnesota Bureau of Criminal Apprehension] did a really sloppy job with their report. One of the officers didn't even have to file a report." Monique Johnson similarly reports that, following a meeting with the St. Paul Police Department, "Me and my husband had more questions coming out of the police department than we had going in." Smith states that she requests the United Nations help in reopening and reinvestigating cases like her son's involving wrongful killings by law enforcement.

Cindy Sundberg, whose son Tekle Sundberg was killed by MPD officers in July 2022, notes that police have been uncooperative in releasing information about officers' actions during the mental health crisis that precipitated Tekle's killing. She stated: "Actually, still, MPD hasn't released the BCA [Bureau of Criminal Apprehension] report. We still don't have any of Tekle's belongings. You know what they release? These little snippets of body cam video to best prove their case and make him look horrible."

Cindy Sundberg and her husband, Mark Sundberg, were at the scene when officers engaged with Tekle during the mental health crisis prior to his shooting. Both parents describe officers' behavior as unhelpful and defensive, saying, "I was literally begging them not to shoot him, because I know how the outcomes that MPD encounters with Black men. And they were scoffing at me. *We don't do that. We don't shoot. Why do you say that?* I told him that he had special needs, that he had PTSD, that he had a learning disability where direct commands just trigger him. So I was trying to fill them in. He [the officer] was just on the bullhorn going repeatedly every 3 minutes or so, *Come out with your hands up. You're under arrest.* And I knew every time he [Tekle] heard that, he would be pushed even further into whatever crisis he was in."

IV. Recommendations

Recommendations from our interview participants include:

- Dispatch mental health professionals on the scene for calls involving mental health crises, rather than law enforcement officers.

¹⁴ <https://www.minnpost.com/public-safety/2023/03/amir-lockes-dad-gives-emotional-testimony-in-statewide-no-knock-ban-bill-hearing/>

¹⁵ <https://omar.house.gov/media/press-releases/rep-omar-introduces-bill-restrict-no-knock-warrants-wake-amir-lockes-murder>

- Employ an independent investigatory body to perform autopsies and independent investigations of police misconduct.
- Improve the process to promptly return victims' belongings after police-involved killings.

Appendix A. Participant List

Interviewee	Date interviewed	Family member impacted by police violence & relationship	Police department responsible for killing	Racial identity of interviewee
Toshira Garraway	March 2022	Justin Tiegan, fiancé	Saint Paul, 2009	Black/African-American
Courteney Ross	February 2023	George Floyd, fiancé	Minneapolis, 2020	Caucasian
Karen Wells	February 2023	Amir Locke, son	Minneapolis, 2022	Black/African-American
Marilyn Hill	March 2023	Demetrius Hill	Saint Paul, 1997	Black/African-American
Monique Johnson	March 2023	Howard Johnson, son	Saint Paul, 2022	Black/African-American
Matilda Smith	March 2023	Jaffort Smith, son	Saint Paul, 2016	Black/African-American
Cindy & Mark Sundberg	March 2023	Tekle Sundberg, son	Minneapolis, 2022	Caucasian

Appendix B. OHCHR Submission on Law Enforcement Surveillance and Harassment of Anti-Police Brutality Human Rights Defenders Outside of Protest Settings in Minnesota

[Huot-Link, I., Myers, A. R., Pacheco-Chamberlain, N., Shannon-Tamrat, S., Sullivan, P., Topete, S. \(2022, May\). "Law Enforcement Surveillance and Harassment of Anti-Police Brutality Human Rights Defenders Outside of Protest Settings in Minnesota," *Input for the High Commissioner's report, pursuant to Human Rights Council resolution 47/21.*](#)

Appendix C. Written submission of the University of Minnesota Human Rights Program on law enforcement surveillance and harassment of anti-police brutality human rights defenders in Minnesota to the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

Adema, B., Dwyer, K., Fried, O., Hulmequist, R., Huot-Link, I., Makari, D., Myers, A. R., Topete, S. (2023, February 6). “Written submission of the University of Minnesota Human Rights Program on law enforcement surveillance and harassment of anti-police brutality human rights defenders in Minnesota to the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association,” *Input for the Special Rapporteur on freedom of peaceful assembly and of association’s report, pursuant to the 53rd session of the Human Rights Council.*

Appendix D. Written submission of the University of Minnesota Human Rights Program to the International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement

Adema, B., Dwyer, K., Fried, O., Hulmequist, R., Huot-Link, I., Makari, D., Myers, A. R., Topete, S. (2023, February 24). “Written submission of the University of Minnesota Human Rights Program to the International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement,” *Input on Upcoming Country Visit to the United States of America by the United Nations International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement from 24 April – 5 May 2023.*

Appendix E. Written submission of the University of Minnesota Human Rights Program on combating glorification of Nazism, neo-Nazism and related practices to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Adema, B., Dwyer, K., Fried, O., Hulmequist, R., Huot-Link, I., Makari, D., Myers, A. R., Topete, S. (2023, March 17). “Written submission of the University of Minnesota Human Rights Program on combating glorification of Nazism, neo-Nazism and related practices to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,” *Input for the Special Rapporteur on contemporary forms of racism’s report, pursuant to the 53rd session of the Human Rights Council.*

Appendix F. OpenGlobalRights Op-ed: “Activists face police surveillance outside protest settings in Minnesota”

[Huot-Link, I., Myers, A. R., Topete, S. \(2023, February 13\). “Activists face police surveillance outside protest settings in Minnesota.” Open Global Rights.](#)