

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 43

06/12/2020 Authored by Becker-Finn, Davnie, Hausman, Moran, Lee and others
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to public safety; establishing a duty for peace officers to intercede when
1.3 another peace officer is using unreasonable force; establishing a duty for peace
1.4 officers to report excessive force incidents; requiring law enforcement agencies
1.5 to adopt policies that require peace officers to intercede when another officer is
1.6 using unreasonable force; proposing coding for new law in Minnesota Statutes,
1.7 chapter 626.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. [626.8475] DUTY TO INTERCEDE AND REPORT; POLICIES
1.10 REQUIRED.

1.11 Subdivision 1. Duties; discipline. (a) A peace officer must intercede when:

1.12 (1) present and observing another peace officer using force that is beyond that which is
1.13 objectively reasonable under the circumstances; and

1.14 (2) physically able to do so.

1.15 (b) A peace officer who observes another employee or peace officer use force that
1.16 exceeds the degree of force permitted by law has the duty to report the incident within 24
1.17 hours to a supervisor.

1.18 (c) A peace officer who breaches a duty established in this subdivision is subject to
1.19 discipline by the board under Minnesota Rules, part 6700.1600.

1.20 Subd. 2. Model policy required. By September 15, 2020, the commissioner of public
1.21 safety, in consultation with the board, the attorney general, and other interested parties,
1.22 must develop a comprehensive model policy to require peace officers to intercede to prevent
1.23 the use of unreasonable force and report incidents of excessive use of force. The policy, at

2.1 a minimum, must be consistent with subdivision 1. The board must distribute the model  
2.2 policy to all chief law enforcement officers.

2.3 Subd. 3. **Agency policies required.** (a) By December 15, 2020, the chief law enforcement  
2.4 officer of every state and local law enforcement agency must establish and enforce a written  
2.5 policy requiring peace officers employed by the agency to intercede and report that is  
2.6 identical or substantially similar to the model policy developed under subdivision 2.

2.7 (b) Every state and local law enforcement agency must certify to the board that it has  
2.8 adopted a written policy in compliance with this subdivision.

2.9 (c) The board must assist the chief law enforcement officer of each state and local law  
2.10 enforcement agency in developing and implementing policies under this subdivision.

2.11 Subd. 4. **Compliance reviews authorized.** The board has authority to inspect state and  
2.12 local law enforcement agency policies to ensure compliance with subdivision 3. The board  
2.13 may conduct this inspection based upon a complaint it receives about a particular agency  
2.14 or through a random selection process. The board may impose licensing sanctions and seek  
2.15 injunctive relief under section 214.11 for an agency's failure to comply with subdivision 3.