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State of Minnesota

HOUSE OF REPRESENTATIVES

Second Division Engrossment

NINETY-FIRST SESSION

H. F. No. 2709

03/25/2019 Authored by Mariani
The bill was read for the first time and referred to the Committee on Ways and Means

Division Action

03/28/2019 Referred by Chair to the Judiciary Finance and Civil Law Division

04/01/2019 Division action, to adopt as amended and return to the Committee on Ways and Means
Referred by Chair 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; providing process for peace officer and chief law

1.3 enforcement officer complaints; providing for a peace officer discipline report;

1.4 appropriating money; amending Minnesota Statutes 2018, sections 8.01; 299C.03;

1.5 626.843, subdivisions 1, 3; 626.845, subdivision 1; 626.8457, subdivision 3; Laws

1.6 2017, chapter 95, article 1, section 11, subdivision 7.

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

1.8 Section 1. Minnesota Statutes 2018, section 8.01, is amended to read:

1.9 8.01 APPEARANCE.

1.10 (a) The attorney general shall appear for the state in all causes in the supreme and federal

1.11 courts wherein the state is directly interested; also in all civil causes of like nature in all

1.12 other courts of the state whenever, in the attorney general's opinion, the interests of the state

1.13 require it. Except as otherwise provided in paragraph (b), upon request of the county attorney,

1.14 the attorney general shall appear in court in such criminal cases as the attorney general

1.15 deems proper. Upon request of a county attorney, the attorney general may assume the

1.16 duties of the county attorney in sexual psychopathic personality and sexually dangerous

1.17 person commitment proceedings under chapter 253D. Whenever the governor shall so

1.18 request, in writing, the attorney general shall prosecute any person charged with an indictable

1.19 offense, and in all such cases may attend upon the grand jury and exercise the powers of a

1.20 county attorney.

1.21 (b) If a county attorney is not designated to prosecute a chief law enforcement officer,

1.22 the attorney general shall prosecute cases involving a chief law enforcement officer, including

1.23 appearances before the grand jury, referred to the attorney general by the superintendent of

1.24 the Bureau of Criminal Apprehension under section 299C.03, paragraph (b).

2.1 **EFFECTIVE DATE.** This section is effective June 1, 2022.

2.2 Sec. 2. Minnesota Statutes 2018, section 299C.03, is amended to read:

2.3 **299C.03 SUPERINTENDENT; RULES.**

2.4 (a) The superintendent, with the approval of the commissioner of public safety, from
2.5 time to time, shall make such rules and adopt such measures as the superintendent deems
2.6 necessary, within the provisions and limitations of sections 299C.03 to 299C.08, 299C.10,
2.7 299C.105, 299C.11, 299C.17, 299C.18, and 299C.21, to secure the efficient operation of
2.8 the bureau. The bureau shall cooperate with the respective sheriffs, police, and other peace
2.9 officers of the state in the detection of crime and the apprehension of criminals throughout
2.10 the state, and shall have the power to conduct such investigations as the superintendent,
2.11 with the approval of the commissioner of public safety, may deem necessary to secure
2.12 evidence which may be essential to the apprehension and conviction of alleged violators of
2.13 the criminal laws of the state. The various members of the bureau shall have and may
2.14 exercise throughout the state the same powers of arrest possessed by a sheriff, but they shall
2.15 not be employed to render police service in connection with strikes and other industrial
2.16 disputes.

2.17 (b) Notwithstanding paragraph (a), the superintendent shall investigate all civilian
2.18 initiated police misconduct complaints filed against a chief law enforcement officer that
2.19 are substantiated and referred to the bureau by the POST Board Complaint Investigation
2.20 Committee. The superintendent must report the result of each investigation of a complaint
2.21 referred to the bureau under this paragraph to the POST Board Complaint Investigation
2.22 Committee. The POST Board Complaint Investigation Committee shall refer cases for
2.23 prosecution to a county attorney. A county attorney prosecuting a chief law enforcement
2.24 officer must be from a county that does not adjoin the county where the agency that employs
2.25 the subject of the complaint is located and that has a binding prosecutorial agreement with
2.26 the county for which the complaint originated. If a county attorney is not designated to
2.27 prosecute the chief law enforcement officer, the superintendent shall refer the case to the
2.28 attorney general.

2.29 (c) After a complaint has been referred to a prosecutor under paragraph (b), all civil
2.30 investigations and actions shall be stayed until the criminal investigation and prosecution,
2.31 if any, are concluded.

2.32 **EFFECTIVE DATE.** This section is effective June 1, 2022.

3.1 Sec. 3. Minnesota Statutes 2018, section 626.843, subdivision 1, is amended to read:

3.2 Subdivision 1. **Rules required.** The board shall adopt rules with respect to:

3.3 (1) the certification of postsecondary schools to provide programs of professional peace
3.4 officer education;

3.5 (2) minimum courses of study and equipment and facilities to be required at each certified
3.6 school within the state;

3.7 (3) minimum qualifications for coordinators and instructors at certified schools offering
3.8 a program of professional peace officer education located within this state;

3.9 (4) minimum standards of physical, mental, and educational fitness which shall govern
3.10 the admission to professional peace officer education programs and the licensing of peace
3.11 officers within the state, by any state, county, municipality, or joint or contractual
3.12 combination thereof, including members of the Minnesota State Patrol;

3.13 (5) board-approved continuing education courses that ensure professional competence
3.14 of peace officers and part-time peace officers;

3.15 (6) minimum standards of conduct which would affect the individual's performance of
3.16 duties as a peace officer. These standards shall be established and published. The board
3.17 shall review the minimum standards of conduct described in this clause for possible
3.18 modification in 1998 and every three years after that time;

3.19 (7) a set of educational learning objectives that must be met within a certified school's
3.20 professional peace officer education program. These learning objectives must concentrate
3.21 on the knowledge, skills, and abilities deemed essential for a peace officer. Education in
3.22 these learning objectives shall be deemed satisfactory for the completion of the minimum
3.23 basic training requirement;

3.24 (8) the establishment and use by any political subdivision or state law enforcement
3.25 agency that employs persons licensed by the board of procedures for investigation and
3.26 resolution of allegations of misconduct by persons licensed by the board. The procedures
3.27 shall be in writing and shall be established on or before October 1, 1984;

3.28 (9) the issues that must be considered by each political subdivision and state law
3.29 enforcement agency that employs persons licensed by the board in establishing procedures
3.30 under section 626.5532 to govern the conduct of peace officers who are in pursuit of a
3.31 vehicle being operated in violation of section 609.487, and requirements for the training of
3.32 peace officers in conducting pursuits. The adoption of specific procedures and requirements
3.33 is within the authority of the political subdivision or agency;

(10) supervision of part-time peace officers and requirements for documentation of hours worked by a part-time peace officer who is on active duty. These rules shall be adopted by December 31, 1993;

(11) citizenship requirements for peace officers and part-time peace officers;

(12) driver's license requirements for peace officers and part-time peace officers; ~~and~~

(13) transmitting and storing data under section 626.8457;

(14) a minimum set of policies and procedures to bolster and support police-community relations by 2024 that includes, but is not limited to, guidelines on police-community outreach; guidelines on promoting the use of least restrictive alternatives to arrest, guidelines on student resource officers and contracts they form with school districts; best practices as it relates to the existence and authority of police civilian review boards; standards on the threshold of what constitutes a complaint that merits investigation; minimum standards for mandated written procedures outlined in Minnesota Rules, part 6700.2200; guidelines on how to interact with those experiencing trauma or discomfort as a result of being a victim or witness to a crime; and guidelines on how to interact with those experiencing trauma or discomfort as a result of being a close relative, friend, or significant other of someone who is suspected to have committed a crime;

(15) a process for the POST Board to independently evaluate and substantiate every complaint about a chief law enforcement officer they receive from any source consistent with the standards written in clause (14). This must be completed by June 1, 2021; and

(16) such other matters as may be necessary consistent with sections 626.84 to 626.863. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.84 to 626.863.

Sec. 4. Minnesota Statutes 2018, section 626.843, subdivision 3, is amended to read:

Subd. 3. **Board authority.** The board may, in addition:

(1) recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 626.841 to 626.863;

(2) visit and inspect any certified school that offers the professional peace officer education program or for which application for certification has been made;

(3) make recommendations, from time to time, to the executive director, attorney general, the legislature, and the governor regarding the carrying out of the objectives and purposes

of sections 626.841 to 626.863, including promoting police-community relations as required under section 626.843, subdivision 1, clause (14);

(4) perform such other acts as may be necessary or appropriate to carry out the powers and duties of the board under sections 626.841 to 626.863; and

(5) cooperate with and receive financial assistance from and join in projects or enter into contracts with the federal government or its agencies for the furtherance of the purposes of Laws 1977, chapter 433.

Sec. 5. Minnesota Statutes 2018, section 626.845, subdivision 1, is amended to read:

Subdivision 1. **Powers and duties.** The board shall have the following powers and duties:

(1) to certify postsecondary schools to provide programs of professional peace officer education based on a set of board-approved professional peace officer education learning objectives;

(2) to issue certificates to postsecondary schools, and to revoke certification when necessary to maintain the objectives and purposes of sections 626.841 to 626.863;

(3) to license peace officers who have met the education and experience requirements and passed examinations as required by the board;

(4) to develop and administer licensing examinations based on the board's learning objectives;

(5) to consult and cooperate with continuing education providers for the development of in-service training programs for peace officers;

(6) to consult and cooperate with postsecondary schools for the development and improvement of professional peace officer education;

(7) to consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer standards and training;

(8) to perform such other acts as may be necessary and appropriate to carry out the powers and duties of sections 626.841 to 626.863;

(9) to obtain criminal conviction data for persons seeking a license to be issued or possessing a license issued by the board. The board shall have authority to obtain criminal conviction data to the full extent that any other law enforcement agency, as that term is defined by state or federal law, has to obtain the data;

(10) to prepare and transmit annually to the governor a report of its activities with respect to allocation of money appropriated to it for peace officers training, including the name of each recipient of money for that purpose and the amount awarded; and

(11) to assist and cooperate with any political subdivision or state law enforcement agency that employs persons licensed by the board to establish written policies as mandated by the state pertaining to persons licensed by the board, and to enforce licensing sanctions for failure to implement these policies, with specific emphasis on policies pertaining to police-community relations required under section 626.843, subdivision 1, clause (14).

In addition, the board may maintain data received from law enforcement agencies under section 626.87, subdivision 5, provide the data to requesting law enforcement agencies who are conducting background investigations, and maintain data on applicants and licensees as part of peace officer license data. The data that may be maintained include the name of the law enforcement agency conducting the investigation and data on the candidate provided under section 626.87, subdivision 5, clauses (1) and (2).

Sec. 6. Minnesota Statutes 2018, section 626.8457, subdivision 3, is amended to read:

Subd. 3. **Report on alleged misconduct.** (a) A chief law enforcement officer shall report annually to the board ~~summary~~ public data regarding the investigation and disposition of cases involving alleged misconduct, indicating the total number of investigations, the total number by each subject matter, the number dismissed as unfounded, and the number dismissed on grounds that the allegation was unsubstantiated and as further provided for in paragraph (b).

(b) A chief law enforcement officer shall submit the following public data regarding peace officers employed by the law enforcement agency in the previous calendar year to the POST Board:

(1) the unique identifier of an employed peace officer;

(2) the existence and status of a complaint made against an employed peace officer including:

(i) the peace officer's unique identifier;

(ii) the nature of the complaint specifically detailing if the complaint is one of the following:

(A) public reported misconduct;

(B) excessive force;

- 7.1 (C) the integrity or truthfulness of an officer;
- 7.2 (D) violations of the law; and
- 7.3 (E) sexual misconduct or harassment;
- 7.4 (iii) whether the complaint was filed by a member of the public, a law enforcement
7.5 agency, or another source;
- 7.6 (iv) whether the complaint resulted in disciplinary action;
- 7.7 (v) the final disposition of a complaint when disciplinary action was taken including:
- 7.8 (A) the specific reason for the action taken; and
- 7.9 (B) data documenting the basis of the action taken, except that data that would identify
7.10 confidential sources who are employees of the public body shall not be disclosed; and
- 7.11 (vi) the final disposition of any complaint:
- 7.12 (A) determined to be unfounded or otherwise not sustained;
- 7.13 (B) for which a peace officer was later exonerated; or
- 7.14 (C) which resulted in a nondisciplinary resolution including, but not limited to, employee
7.15 counseling;
- 7.16 (3) the unique identifier of any peace officer pending criminal prosecution, excluding
7.17 traffic violations;
- 7.18 (4) the unique identifier of any peace officer who was terminated due to substantiated
7.19 findings of officer misconduct and a summary of the basis for that termination; and
- 7.20 (5) the unique identifier of any peace officer, other than one terminated for performance
7.21 issues during a probationary period, whose employment was terminated by resignation in
7.22 lieu of termination as a result of officer misconduct, and a summary of the basis for the
7.23 action.
- 7.24 (c) A law enforcement agency is only required to submit data on individuals that is not
7.25 private or confidential. The board shall publish summary public data indicating the total
7.26 number of complaints classified by the nature of the complaint; the aggregate number of
7.27 complaints classified by whether the complaint was filed by a member of the public, a law
7.28 enforcement agency, or another source; and the aggregate number of complaints dismissed
7.29 on grounds that the allegation was unsubstantiated. The summary data shall also classify
7.30 unsubstantiated complaints by both the source of the complaint and the nature of the
7.31 complaint. The board shall retain all data received under this subdivision and make the

summary data available to the public. The board may seek guidance and assistance from MN.IT in developing the data storage required under this paragraph.

(d) The reporting requirements in this subdivision are in addition to any other officer discipline reporting requirements established in law.

Sec. 7. Laws 2017, chapter 95, article 1, section 11, subdivision 7, is amended to read:

Subd. 7. Office of Justice Programs	39,580,000	40,036,000
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Appropriations by Fund

General	39,484,000	39,940,000
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State Government		
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Special Revenue	96,000	96,000
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(a) OJP Administration Costs

Up to 2.5 percent of the grant funds appropriated in this subdivision may be used by the commissioner to administer the grant program.

(b) Combating Terrorism Recruitment

\$250,000 each year is for grants to local law enforcement agencies to develop strategies and make efforts to combat the recruitment of Minnesota residents by terrorist organizations such as ISIS and al-Shabaab. This is a onetime appropriation.

(c) Sex Trafficking Prevention Grants

\$180,000 each year is for grants to state and local units of government for the following purposes:

(1) to support new or existing multijurisdictional entities to investigate sex trafficking crimes; and

(2) to provide technical assistance, including training and case consultation, to law enforcement agencies statewide.

9.1 **(d) Pathway to Policing Reimbursement Grants**

9.2 \$400,000 the second year is for reimbursement
9.3 grants to local units of government that operate
9.4 pathway to policing programs intended to
9.5 bring persons with nontraditional backgrounds
9.6 into law enforcement. Applicants for
9.7 reimbursement grants may receive up to 50
9.8 percent of the cost of compensating and
9.9 training pathway to policing participants.
9.10 Reimbursement grants shall be proportionally
9.11 allocated based on the number of grant
9.12 applications approved by the commissioner.
9.13 This is a onetime appropriation.

9.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.15 Sec. 8. **APPROPRIATION.**

9.16 \$400,000 in fiscal year 2021 is appropriated from the general fund to the Peace Officers
9.17 Standards Training Board to implement this act. This amount is added to the base.