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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 78

06/12/2020 Authored by Mariani and Becker-Finn The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to public safety; prohibiting public safety critical incident stress
1.3 management information as evidence; reporting law enforcement use of force;
1.4 establishing a critical incident review process for peace officer involved shootings;
1.5 establishing an Office of Community-Led Public Safety Coordination; establishing
1.6 grants to promote co-responder teams; establishing grants to promote community
1.7 healing; establishing standards for crisis intervention and mental illness crisis
1.8 training for peace officers; requiring the development and implementation of autism
1.9 training for peace officers; requiring reports; appropriating money; amending
1.10 Minnesota Statutes 2018, sections 626.553, subdivision 2, by adding subdivisions;
1.11 626.8469; proposing coding for new law in Minnesota Statutes, chapters 181;
1.12 299A; 626; repealing Minnesota Statutes 2018, section 181.973.

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

1.14 Section 1. [181.9731] CRITICAL INCIDENT STRESS MANAGEMENT.

1.15 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.16 the meanings given.

1.17 (b) "Crisis intervention services" means consultation, one-on-one peer counseling, peer
1.18 support activity, coaching, debriefings, defusings, management, prevention, referral suicide
1.19 and posttraumatic stress prevention, or resilience education and training provided by a
1.20 critical incident stress management team member or participant.

1.21 (c) "Critical incident" means an event that results in acute or cumulative psychological
1.22 stress or trauma to an emergency service provider.

1.23 (d) "Critical incident stress management" means a set of crisis intervention services for
1.24 emergency service providers to assist in coping with the stress and potential psychological
1.25 trauma resulting from a response to a critical incident or emotionally difficult events.

2.1 (e) "Emergency service provider" includes a peace officer, correctional officer, probation
 2.2 officer, firefighter, rescue squad member, dispatcher, hospital or emergency medical clinic
 2.3 personnel, or other person involved with public safety emergency services, either paid or
 2.4 volunteer.

2.5 (f) "Critical incident stress management team" means a group organized to provide
 2.6 critical incident stress management to emergency service providers. A critical incident stress
 2.7 management team may include peer members from any emergency service discipline, mental
 2.8 health professionals, and designated emergency service chaplains.

2.9 (g) "Peer support activity" means a group-process-oriented debriefing session or
 2.10 one-to-one contact with a peer counselor trained in critical incident stress management.

2.11 Subd. 2. **Disclosure prohibited; exception.** (a) A critical incident stress management
 2.12 team member or any other person involved in the provision or receipt of crisis intervention
 2.13 services must not disclose any information obtained solely through the provision of or
 2.14 receipt of such services to a third party.

2.15 (b) A critical incident stress management team member involved in the provision or
 2.16 receipt of crisis intervention services may disclose information if the member reasonably
 2.17 believes the disclosure is necessary to prevent harm to the person in receipt of services or
 2.18 to prevent harm to another person.

2.19 Subd. 3. **Inadmissibility.** Any statement made during the provision or receipt of critical
 2.20 incident stress management is not admissible in an administrative, civil, or criminal
 2.21 proceeding.

2.22 Sec. 2. **[299A.625] OFFICE OF COMMUNITY-LED PUBLIC SAFETY**
 2.23 **COORDINATION.**

2.24 Subdivision 1. **Office of Community-Led Public Safety Coordination established.** The
 2.25 Office of Community-Led Public Safety Coordination is established in the Office of Justice
 2.26 Programs. The commissioner of public safety shall appoint a coordinator who shall serve
 2.27 in the unclassified service. The commissioner of public safety shall appoint or hire other
 2.28 staff as necessary.

2.29 Subd. 2. **Duties.** The office shall:

2.30 (1) promote and monitor alternatives to traditional policing models;

2.31 (2) identify effective forms of community-led intervention to promote public safety;

3.1 (3) strengthen connections between community members and local law enforcement
 3.2 agencies;

3.3 (4) encourage the use of restorative justice programs including but not limited to
 3.4 sentencing circles; and

3.5 (5) administer grants to promote co-responder models of crisis intervention and promote
 3.6 community healing.

3.7 **EFFECTIVE DATE.** This section is effective July 1, 2020.

3.8 Sec. 3. Minnesota Statutes 2018, section 626.553, subdivision 2, is amended to read:

3.9 Subd. 2. **Discharge firearm; kill animal.** Whenever a peace officer discharges a firearm
 3.10 in the course of duty, other than for training purposes or the killing of an animal that is sick,
 3.11 injured, or dangerous, notification shall be filed within 30 days of the incident by the officer's
 3.12 department head with the commissioner of public safety. The commissioner of public safety
 3.13 shall forward a copy of the filing to the board of ~~Peace Officer Standards and Training~~. The
 3.14 notification shall contain information concerning the reason for and circumstances
 3.15 surrounding discharge of the firearm. The commissioner of public safety shall file a report
 3.16 with the legislature by November 15 of each even-numbered year containing summary
 3.17 information concerning use of firearms by peace officers.

3.18 Sec. 4. Minnesota Statutes 2018, section 626.553, is amended by adding a subdivision to
 3.19 read:

3.20 Subd. 3. **Critical incident review.** (a) After all related criminal investigations are
 3.21 concluded, the director must appoint a critical incident review team to investigate:

3.22 (1) each peace officer firearm discharge report submitted under subdivision 2 where a
 3.23 person suffered bodily harm from the firearm discharge; and

3.24 (2) each incident where a person died during contact with a peace officer.

3.25 (b) Each critical incident review team must include at least three members. One member
 3.26 must be a peace officer or former peace officer. Another member must be a resident of the
 3.27 community where the incident occurred. If the person injured in the incident is a person of
 3.28 color, at least one member must be of the same race as the injured person. The director may
 3.29 appoint more than three members to a team at the director's discretion. A member may not
 3.30 be a current or former employee of the agency that is the subject of the team's review.

4.1 (c) The critical incident review team is charged with identifying and analyzing the causes
 4.2 of the incident. Following the analysis, the team must prepare a report that either:

4.3 (1) recommends implementation of a corrective action plan by the agency under review;

4.4 or

4.5 (2) explains why corrective actions are not required.

4.6 If the team cannot agree on the causes of the incident or the need for corrective action, each
 4.7 member may file a separate or dissenting report. If the team's review warrants, the team
 4.8 shall make recommendations to the director for changes in statewide training of peace
 4.9 officers. The team's report must be filed with the director within 60 days of the director
 4.10 appointing the team.

4.11 (d) The critical incident review team must provide the agency that employs the officer
 4.12 involved in the incident with individual case feedback no later than when it files the report
 4.13 described in paragraph (c).

4.14 (e) Upon receipt of the report described in paragraph (c), the director must post the report
 4.15 on the board's public website. The posted report must comply with chapter 13 and any data
 4.16 that is not public data must be redacted.

4.17 (f) The agency that employs the officer involved in the incident shall pay the costs of
 4.18 the critical incident review team's investigation.

4.19 (g) By January 15 of each odd-numbered year, the board shall report to the chairs and
 4.20 ranking minority members of the house of representatives and senate committees and
 4.21 divisions with jurisdiction over public safety on the number of reviews performed under
 4.22 this subdivision, aggregate data on those reviews, the number of reviews that included a
 4.23 recommendation that the agency under review implement a corrective action plan, the
 4.24 number of dissenting reports filed, a description of any recommendations made to the
 4.25 director for changes in statewide training of peace officers, and recommendations for
 4.26 legislative action.

4.27 Sec. 5. Minnesota Statutes 2018, section 626.553, is amended by adding a subdivision to
 4.28 read:

4.29 Subd. 4. **Definitions.** (a) For purposes of this section, the following terms have the
 4.30 meanings given them.

4.31 (b) "Board" means the Board of Peace Officer Standards and Training.

4.32 (c) "Director" means the executive director of the board.

5.1 Sec. 6. **[626.5534] USE OF FORCE REPORTING.**

5.2 Subdivision 1. **Report required.** A chief law enforcement officer must provide the
 5.3 information requested by the Federal Bureau of Investigation about each incident of law
 5.4 enforcement use of force resulting in serious bodily injury or death, as those terms are
 5.5 defined in the Federal Bureau of Investigation's reporting requirements, to the superintendent
 5.6 of the Bureau of Criminal Apprehension. The superintendent shall adopt a reporting form
 5.7 for use by law enforcement agencies in making the report required under this section. The
 5.8 report must include for each incident all of the information requested by the Federal Bureau
 5.9 of Investigation.

5.10 Subd. 2. **Use of information collected.** A chief law enforcement officer must file the
 5.11 report under subdivision 1 once a month in the form required by the superintendent. The
 5.12 superintendent must summarize and analyze the information received and submit an annual
 5.13 written report to the chairs and ranking minority members of the house of representatives
 5.14 and senate committees with jurisdiction over public safety. The superintendent shall submit
 5.15 the information to the Federal Bureau of Investigation.

5.16 Sec. 7. Minnesota Statutes 2018, section 626.8469, is amended to read:

5.17 **626.8469 TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT,**
 5.18 **AND CULTURAL DIVERSITY.**

5.19 Subdivision 1. **In-service training required.** Beginning July 1, 2018, the chief law
 5.20 enforcement officer of every state and local law enforcement agency shall provide in-service
 5.21 training in crisis intervention and mental illness crises; conflict management and mediation;
 5.22 and recognizing and valuing community diversity and cultural differences to include implicit
 5.23 bias training to every peace officer and part-time peace officer employed by the agency.
 5.24 The training shall comply with learning objectives developed and approved by the board
 5.25 and shall meet board requirements for board-approved continuing education credit. Crisis
 5.26 intervention and mental illness crisis training shall meet the standards in subdivision 1a.
 5.27 The training shall consist of at least 16 continuing education credits with a minimum of
 5.28 four hours for crisis intervention and mental illness crisis training within an officer's
 5.29 three-year licensing cycle. Each peace officer with a license renewal date after June 30,
 5.30 2018, is not required to complete this training until the officer's next full three-year licensing
 5.31 cycle.

5.32 Subd. 1a. **Crisis intervention and mental illness crisis training.** (a) The board, in
 5.33 consultation with the commissioner of human services and mental health stakeholders, shall
 5.34 create a list of approved entities and training courses to instruct peace officers in techniques

6.1 for responding to a mental illness crisis. A course must include scenario-based instruction
 6.2 and cover most of the following issues:

6.3 (1) techniques for relating to individuals with mental illnesses and the individuals'
 6.4 families;

6.5 (2) techniques for crisis de-escalation;

6.6 (3) techniques for relating to diverse communities and education on mental illness
 6.7 diversity;

6.8 (4) mental illnesses and the criminal justice system;

6.9 (5) community resources and supports for individuals experiencing a mental illness crisis
 6.10 and for the individuals' families;

6.11 (6) psychotropic medications and the medications' side effects;

6.12 (7) co-occurring mental illnesses and substance use disorders;

6.13 (8) suicide prevention;

6.14 (9) mental illnesses and disorders and the symptoms; and

6.15 (10) autism spectrum disorder.

6.16 (b) A course must also include training on children and families of individuals with
 6.17 mental illnesses to enable officers to respond appropriately to others who are present during
 6.18 a mental illness crisis. The board shall update the list of approved entities and training
 6.19 courses periodically as it considers appropriate.

6.20 Subd. 2. **Record keeping required.** The head of every local and state law enforcement
 6.21 agency shall maintain written records of the agency's compliance with the requirements of
 6.22 ~~subdivision 1.~~ subdivisions 1 and 1a including, at a minimum:

6.23 (1) documentation of the training provider;

6.24 (2) documentation of the content of the training provided;

6.25 (3) documentation that crisis intervention and mental illness crisis training included
 6.26 scenario-based instruction in compliance with the standards described in subdivision 1a;

6.27 (4) compiled evaluations; and

6.28 (5) explanation of expenditure of funds.

6.29 ~~The documentation is subject to periodic review by the board, and shall be made available~~
 6.30 submitted to the board at its request. The board shall include in the compliance reviews

7.1 required in section 626.8459 an evaluation of the effectiveness of in-service crisis intervention
7.2 and mental illness crisis training in reducing officer use of force and diverting people
7.3 experiencing a mental illness crisis from arrest.

7.4 Subd. 3. **Licensing sanctions; injunctive relief.** The board may impose licensing
7.5 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
7.6 requirements of this section.

7.7 Sec. 8. **[626.8474] AUTISM TRAINING.**

7.8 Subdivision 1. Learning objectives required. (a) By January 1, 2021, the board shall
7.9 prepare learning objectives for preservice and in-service training on ensuring safer
7.10 interactions between peace officers and persons with autism. At a minimum, the objectives
7.11 must address the following:

7.12 (1) autism overview and behavioral understanding;

7.13 (2) best practices for interventions and de-escalation strategies;

7.14 (3) prevention and crisis reduction models; and

7.15 (4) objective review of tools and technology available.

7.16 (b) In developing the learning objectives, the board shall consult with, at a minimum:

7.17 (1) individuals with autism;

7.18 (2) family members of individuals with autism;

7.19 (3) autism experts; and

7.20 (4) peace officers.

7.21 Subd. 2. Preservice training required. (a) The learning objectives developed pursuant
7.22 to subdivision 1 must be included in the required curriculum of professional peace officer
7.23 educational programs.

7.24 (b) A person is not eligible to take the peace officer licensing examination after July 1,
7.25 2021, unless the individual has received the training described in paragraph (a).

7.26 Subd. 3. In-service training required. Beginning July 1, 2021, the chief law enforcement
7.27 officer of every state and local law enforcement agency shall provide in-service autism
7.28 training to every peace officer and part-time peace officer employed by the agency. The
7.29 training must comply with the learning objectives developed and approved by the board
7.30 and must meet board requirements for board-approved continuing education credit. The
7.31 training must consist of at least four continuing education credits within an officer's three-year

8.1 licensing cycle. Each peace officer with a license renewal date after June 30, 2021, is not
 8.2 required to complete this training until the officer's next full three-year licensing cycle.

8.3 Subd. 4. **Record keeping required.** The head of every local and state law enforcement
 8.4 agency shall maintain written records of the agency's compliance with the requirements of
 8.5 subdivision 3. The documentation is subject to periodic review by the board, and must be
 8.6 made available to the board at its request.

8.7 Subd. 5. **Licensing sanctions; injunctive relief.** The board may impose licensing
 8.8 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
 8.9 requirements of this section.

8.10 Sec. 9. **APPROPRIATION; PEACE OFFICER CRISIS INTERVENTION AND**
 8.11 **MENTAL ILLNESS CRISIS TRAINING.**

8.12 \$..... in fiscal year 2021 is appropriated from the general fund to the Peace Officer
 8.13 Standards and Training (POST) Board to reimburse law enforcement agency crisis
 8.14 intervention and mental illness crisis training expenses for training that is provided by
 8.15 approved entities according to Minnesota Statutes, section 626.8469, subdivision 1a.

8.16 Sec. 10. **APPROPRIATION; POLICE AND MENTAL HEALTH CRISIS TEAM**
 8.17 **COLLABORATION.**

8.18 \$..... in fiscal year 2021 is appropriated from the general fund to the Peace Officer
 8.19 Standards and Training (POST) Board to administer a pilot project to create collaborations
 8.20 between county mobile crisis mental health services described in Minnesota Statutes, section
 8.21 245.469, and municipal law enforcement agencies. The appropriation shall be used to
 8.22 purchase tablets and video conferencing telehealth services to allow peace officers to connect
 8.23 quickly with members of the mobile crisis mental health team to assist individuals in crisis.
 8.24 No later than September 1, 2021, law enforcement agencies awarded grants shall provide
 8.25 a written report to the board describing the expenditure of funds and evaluating the
 8.26 effectiveness of the project in diverting people experiencing a mental illness crisis from
 8.27 arrest. The board shall submit a written report compiling the law enforcement agency reports
 8.28 and evaluating the program to the chairs and ranking minority members of the house of
 8.29 representatives and senate committees with jurisdiction over public safety by January 1,
 8.30 2022.

9.1 Sec. 11. APPROPRIATION.

9.2 \$..... is appropriated from the general fund to the Peace Officer Standards and Training
9.3 (POST) Board for the fiscal year ending June 30, 2021, to implement section 8.

9.4 Sec. 12. COMMUNITY-LED PUBLIC SAFETY GRANTS.

9.5 Subdivision 1. Appropriation. \$15,000,000 in fiscal year 2020 is appropriated from
9.6 the general fund to the commissioner of public safety to promote community-led public
9.7 safety.

9.8 Subd. 2. Community-led public safety coordinator. Of the amount appropriated in
9.9 subdivision 1, \$100,000 is for one community-led public safety coordinator position at the
9.10 Department of Public Safety.

9.11 Subd. 3. Grants to promote co-responder teams. (a) Of the amount appropriated in
9.12 subdivision 1, \$7,450,000 is for grants to promote co-responder teams as provided in this
9.13 subdivision.

9.14 (b) The Office of Community-Led Public Safety Coordination shall award grants to
9.15 local units of government or tribal governments that form a partnership with
9.16 community-based organizations to develop and establish independent crisis-response teams
9.17 to de-escalate volatile situations; respond to situations involving a mental health crisis;
9.18 promote community-based efforts designed to enhance community safety and wellness;
9.19 and support community-based strategies to interrupt, intervene in, or respond to violence.

9.20 Subd. 4. Grants to promote community healing. (a) Of the amount appropriated in
9.21 subdivision 1, \$7,450,000 is for grants to promote healing support in black, indigenous, and
9.22 people of color communities in Minnesota.

9.23 (b) The Office of Community-Led Public Safety Coordination shall award grants to
9.24 community-based organizations that provide programs and direct intervention to promote
9.25 wellness and healing justice. In awarding grants, the coordinator may collaborate with
9.26 organizations that provide supportive professional community and mutual aid networks for
9.27 wellness and healing justice practitioners. Grants are available for:

9.28 (1) programmatic and community care support for wellness and healing justice
9.29 practitioners;

9.30 (2) the establishment and expansion of community organizations that provide wellness
9.31 and healing justice services;

10.1 (3) placing wellness and healing justice practitioners in organizations that provide direct
10.2 service to black, indigenous, and people of color communities in Minnesota;

10.3 (4) providing healing circles;

10.4 (5) establishing and expanding Community Coach Certification programs to train
10.5 community healers and establish a long-term strategy to build the infrastructure for
10.6 community healers to be available during times of tragedy; and

10.7 (6) restorative justice programs including but not limited to sentencing circles.

10.8 Subd. 5. **Report.** (a) On or before January 15 of each year, the community-led public
10.9 safety coordinator shall submit a report to the chairs and ranking minority members of the
10.10 legislative committees and divisions with jurisdiction over public safety that includes:

10.11 (1) the number of grants issued under subdivision 3;

10.12 (2) the number of grants issued under subdivision 4;

10.13 (3) the amount of funding awarded for each project;

10.14 (4) a description of the programs and services funded;

10.15 (5) plans for the long-term sustainability of the projects; and

10.16 (6) data on outcomes for the programs and services funded.

10.17 (b) Grantees must provide information and data requested by the coordinator to support
10.18 the development of this report.

10.19 **EFFECTIVE DATE.** This section is effective July 1, 2020.

10.20 Sec. 13. **REPEALER.**

10.21 Minnesota Statutes 2018, section 181.973, is repealed.

181.973 PUBLIC SAFETY PEER COUNSELING AND DEBRIEFING.

A person engaged in a public safety peer counseling or a public safety peer debriefing shall not, without the permission of the person being debriefed or counseled, be allowed to disclose any information or opinion which the peer group member or peer counselor has acquired during the process. However, this does not prohibit a peer counselor from disclosing information the peer counselor reasonably believes indicates that the person may be a danger to self or others, if the information is used only for the purpose of eliminating the danger to the person or others. Any information or opinion disclosed in violation of this paragraph is not admissible as evidence in any personnel or occupational licensing matter involving the person being debriefed or counseled.

For purposes of this section, "public safety peer counseling or debriefing" means a group process oriented debriefing session, or one-to-one contact with a peer counselor, held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation-related trauma, illness, or stress begin the process of healing and effectively dealing with the person's problems or the use of the peer counselor for direction with referrals to better service these occupation-related issues. A "peer counselor" means someone so designated by that agency.