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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 543

02/02/2015 Authored by Cornish, Yarusso, Liebling and Moran

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; requiring policies addressing the investigation of peace
1.3 officer-involved deaths; proposing coding for new law in Minnesota Statutes,
1.4 chapter 626.

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

1.6 Section 1. **[626.8475] PEACE OFFICER-INVOLVED DEATHS; POLICIES**
1.7 **REQUIRED.**

1.8 Subdivision 1. **Definition.** As used in this section, "officer-involved death" means
1.9 a death of an individual that results directly from an action or an omission of a peace
1.10 officer while the officer is on duty or off duty but performing activities that are within the
1.11 scope of the officer's law enforcement duties.

1.12 Subd. 2. **Statewide model policy.** (a) The board, in consultation with the Minnesota
1.13 Chiefs of Police Association, the Minnesota Sheriffs Association, the Minnesota
1.14 Police and Peace Officers Association, a representative from the Bureau of Criminal
1.15 Apprehension, and a representative from the State Patrol, shall adopt and disseminate a
1.16 model policy governing the investigation of officer-involved deaths. The model policy
1.17 must at a minimum:

1.18 (1) require that an investigation into the death occur and be conducted by at least
1.19 two investigators, one of whom being designated as the lead investigator and neither of
1.20 whom being employed by the law enforcement agency that employs the peace officer
1.21 involved in the officer-involved death;

1.22 (2) require that if the officer-involved death is traffic-related, in addition to the
1.23 other requirements described in this subdivision, the investigation must include a crash
1.24 reconstruction unit from a law enforcement agency that does not employ the peace officer

2.1 involved in the officer-involved death, except that a state law enforcement agency may
 2.2 allow an investigation involving a peace officer employed by that state law enforcement
 2.3 agency to use a crash reconstruction unit from the same state law enforcement agency;

2.4 (3) require that the investigators conducting the investigation provide, in an
 2.5 expeditious manner, a complete report to the county attorney of the county in which
 2.6 the officer-involved death occurred; and

2.7 (4) authorize that an internal investigation into the officer-involved death may be
 2.8 completed by the law enforcement agency that employs the peace officer involved in the
 2.9 officer-involved death if the internal investigation does not interfere with the outside
 2.10 investigation conducted under this subdivision.

2.11 (b) The board shall seek and consider comments of members of the public when
 2.12 adopting the model policy.

2.13 Subd. 3. **Agency policies required.** (a) The chief law enforcement officer of every
 2.14 state and local law enforcement agency shall establish and enforce a written policy
 2.15 governing the investigation of officer-involved deaths that is identical or substantially
 2.16 similar to the model policy adopted by the board.

2.17 (b) Every state and local law enforcement agency must certify annually to the board
 2.18 that it has adopted a written policy in compliance with the board's model policy.

2.19 Subd. 4. **Release of report.** If the county attorney determines there is no basis
 2.20 to prosecute the peace officer involved in the officer-involved death, the attorney shall
 2.21 inform the investigators who conducted the investigation of this determination and the
 2.22 investigators shall release the report to the public.

2.23 Sec. 2. **TIME TABLES.**

2.24 (a) The Board of Peace Officer Standards and Training shall adopt the model policy
 2.25 described in section 1, subdivision 2, by October 1, 2015.

2.26 (b) Chief law enforcement officers shall adopt the policy described in section 1,
 2.27 subdivision 3, by January 15, 2016.