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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 4497

05/14/2018 Authored by Drazkowski and Scott
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; authorizing law enforcement agencies to terminate peace
1.3 officers who have substantiated incidents of dishonest conduct; proposing coding
1.4 for new law in Minnesota Statutes, chapter 626.

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

1.6 Section 1. [626.892] LAW ENFORCEMENT INTEGRITY ACT.

1.7 Subdivision 1. Title. This section shall be known as the "Law Enforcement Integrity
1.8 Act."

1.9 Subd. 2. Definitions. (a) For purposes of this section, the terms defined in this subdivision
1.10 have the meanings given them.

1.11 (b) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
1.12 paragraph (f), clause (1).

1.13 (c) "Officer" means a licensed peace officer or part-time peace officer, as defined in
1.14 section 626.84, subdivision 1, paragraphs (c) and (d), who is employed by a unit of state or
1.15 local government.

1.16 (d) "Prosecutorial authority" means the county attorney for the county where a law
1.17 enforcement agency is located or the attorney general in cases that a state law enforcement
1.18 agency seeks to terminate an officer under this section.

1.19 (e) "Substantiated act" means a willful act committed by an officer that bears directly
1.20 on the officer's credibility, integrity, and honesty and that the prosecutorial authority
1.21 determines must be disclosed as impeachment or exculpatory evidence in any criminal case
1.22 that the officer may be called to testify.

2.1 Subd. 3. **Termination permitted.** A law enforcement agency may terminate an officer
2.2 who has committed a substantiated act as determined by a prosecutorial authority under
2.3 subdivision 4. An officer may challenge the finding of a substantiated act and exercise all
2.4 of the officer's due process rights, as provided in subdivision 5, prior to being terminated.

2.5 Subd. 4. **Investigation; findings.** (a) For an act to justify termination of an officer under
2.6 this section, the prosecutorial authority must have clear and convincing evidence to
2.7 substantiate that the officer willfully committed the act and issue a finding that the
2.8 prosecutorial authority would be obligated to disclose the act as impeachment or exculpatory
2.9 evidence in any criminal case that the officer may be called to testify.

2.10 (b) A chief law enforcement officer who has a well-founded belief, supported by impartial
2.11 evidence, that an officer in the department has committed a willful act warranting termination
2.12 under this section may request that the prosecutorial authority determine if: (1) there is clear
2.13 and convincing evidence that the officer committed the act willfully; (2) the conduct bears
2.14 directly on the officer's credibility, integrity, and honesty; and (3) the act must be disclosed
2.15 as impeachment or exculpatory evidence in any criminal case that the officer may be called
2.16 to testify. The chief law enforcement officer shall not name the officer in the request to the
2.17 prosecutorial authority under this paragraph and must redact the officer's name and other
2.18 identifying information from documents submitted to the prosecutorial authority. The
2.19 prosecutorial authority shall issue findings to the chief law enforcement officer within ten
2.20 days of receiving a request under this paragraph or inform the law enforcement agency that
2.21 additional information is needed to make a determination. After receiving requested additional
2.22 information, the prosecutorial authority shall have ten days to issue findings.

2.23 Subd. 5. **Officer rights.** (a) If a law enforcement agency initiates termination of an
2.24 officer based on a substantiated act, the chief law enforcement officer shall provide timely
2.25 notice to the officer and the collective bargaining unit that represents the officer.

2.26 (b) An officer subject to termination is entitled to challenge the prosecutorial authority's
2.27 substantiation of an act under this section through binding arbitration. The officer's challenge
2.28 is limited to the prosecutorial authority's finding that there is clear and convincing evidence
2.29 that the officer willfully committed an act that bears directly on the officer's credibility,
2.30 integrity, and honesty. If an officer files a challenge under this paragraph, it is the obligation
2.31 of the law enforcement agency that employs the officer to defend the prosecutorial authority's
2.32 findings. The officer is entitled to all rights granted to the officer under section 626.89, the
2.33 law enforcement agency's employment policies, and the officer's collective bargaining
2.34 agreement.

3.1 (c) If an arbiter concludes that the prosecutorial authority's substantiation of an act was
3.2 justified, the officer is not entitled to challenge termination under this section.

3.3 Subd. 6. **Officer retention.** If an arbiter makes a finding that an act is not substantiated,
3.4 the arbiter's decision does not alter a prosecutor's obligation to disclose the act as
3.5 impeachment or exculpatory evidence in a criminal case that the officer may be called to
3.6 testify.

3.7 Subd. 7. **Policies.** By September 1, 2019, each chief law enforcement officer shall
3.8 establish and enforce a written policy to implement this section.