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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 640

- 02/01/2021 Authored by Gomez, Davnie, Reyer, Keeler, Becker-Finn and others
- 02/18/2021 The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy
- 02/18/2021 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law
- 04/16/2021 Adoption of Report: Placed on the General Register as Amended
- 04/16/2021 Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
- 05/17/2021 Pursuant to Joint Rule 3.02(b), returned to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act

1.2 relating to public safety; permitting local unit of government to establish civilian

1.3 oversight council for oversight of law enforcement; amending Minnesota Statutes

1.4 2020, section 626.89, subdivisions 2, 17.

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

1.6 Section 1. Minnesota Statutes 2020, section 626.89, subdivision 2, is amended to read:

1.7 Subd. 2. **Applicability.** The procedures and provisions of this section apply to law

1.8 enforcement agencies and government units. The procedures and provisions of this section

1.9 do not apply to:

1.10 (1) investigations by civilian review boards, commissions, or other oversight bodies; or

1.11 (2) investigations of criminal charges against an officer.

1.12 Sec. 2. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

1.13 Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the

1.14 meanings provided:

1.15 (1) "civilian oversight council" means a civilian review board, commission, or other

1.16 oversight body established by a local unit of government to provide civilian oversight of a

1.17 law enforcement agency and officers employed by the agency; and

1.18 (2) "misconduct" means a violation of law, standards promulgated by the Peace Officer

1.19 Standards and Training Board, or agency policy.

1.20 (b) A local unit of government may establish a civilian review board, commission, or

1.21 other oversight body shall not have council and grant the council the authority to make a

2.1 finding of fact or determination regarding a complaint against an officer or impose discipline  
2.2 on an officer. ~~A civilian review board, commission, or other oversight body may make a~~  
2.3 ~~recommendation regarding the merits of a complaint, however, the recommendation shall~~  
2.4 ~~be advisory only and shall not be binding on nor limit the authority of the chief law~~  
2.5 ~~enforcement officer of any unit of government.~~

2.6 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian  
2.7 oversight council may conduct an investigation into allegations of peace officer misconduct  
2.8 and retain an investigator to facilitate an investigation. Subject to other applicable law, a  
2.9 council may subpoena or compel testimony and documents in an investigation. Upon  
2.10 completion of an investigation, a council may make a finding of misconduct and recommend  
2.11 appropriate discipline against peace officers employed by the agency. If the governing body  
2.12 grants a council the authority, the council may impose discipline on peace officers employed  
2.13 by the agency. A council shall submit investigation reports that contain findings of peace  
2.14 officer misconduct to the chief law enforcement officer and the Peace Officer Standards  
2.15 and Training Board's complaint committee. A council may also make policy  
2.16 recommendations to the chief law enforcement officer and the Peace Officer Standards and  
2.17 Training Board.

2.18 (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction  
2.19 of a civilian oversight council shall cooperate with the council and facilitate the council's  
2.20 achievement of its goals. However, the officer is under no obligation to agree with individual  
2.21 recommendations of the council and may oppose a recommendation. If the officer fails to  
2.22 implement a recommendation that is within the officer's authority, the officer shall inform  
2.23 the council of the failure along with the officer's underlying reasons.

2.24 (e) Peace officer discipline decisions imposed pursuant to the authority granted under  
2.25 this subdivision shall be subject to the applicable grievance procedure established or agreed  
2.26 to under chapter 179A.

2.27 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight  
2.28 council related to an investigation of a peace officer are personnel data as defined by section  
2.29 13.43, subdivision 1, and are governed by that section.