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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 56

06/12/2020 Authored by Kunesh-Podein, Davnie, Hausman, Moran, Lee and others
The bill was read for the first time and referred 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; establishing a critical incident review process for peace
1.3 officer involved shootings; amending Minnesota Statutes 2018, section 626.553,
1.4 subdivision 2, by adding subdivisions.

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

1.6 Section 1. Minnesota Statutes 2018, section 626.553, subdivision 2, is amended to read:

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

1.16 Sec. 2. Minnesota Statutes 2018, section 626.553, is amended by adding a subdivision to
1.17 read:

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

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

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

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

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

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

2.10 or

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

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

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

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

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

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

3.1 Sec. 3. Minnesota Statutes 2018, section 626.553, is amended by adding a subdivision to
3.2 read:

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

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

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