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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 53

06/12/2020 Authored by Mariani, Becker-Finn, Davnie, Hausman, 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 an independent Use of Force Investigations
1.3 Unit within the Bureau of Criminal Apprehension; requiring reports; appropriating
1.4 money; proposing coding for new law in Minnesota Statutes, chapter 299C.

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

1.6 Section 1. 299C.80 INDEPENDENT USE OF FORCE INVESTIGATIONS UNIT.

1.7 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
1.8 meanings provided.

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

1.11 (c) "Officer-involved death" means the death of another that results from a peace officer's
1.12 use of force while the officer is on duty or off duty but performing activities that are within
1.13 the scope of the officer's law enforcement duties.

1.14 (d) "Peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
1.15 (c).

1.16 (e) "Superintendent" means the superintendent of the Bureau of Criminal Apprehension.

1.17 (f) "Unit" means the independent Use of Force Investigations Unit.

1.18 Subd. 2. Formation; special agent in charge; duty. The superintendent shall form an
1.19 independent Use of Force Investigations Unit within the Bureau of Criminal Apprehension
1.20 to conduct officer-involved death investigations. The superintendent, in consultation with
1.21 the commissioner of public safety, shall select a special agent in charge of the unit.

2.1 Subd. 3. **Additional duty.** The unit may also investigate conflict of interest cases
2.2 involving peace officers and other public officials accused of crimes, including but not
2.3 limited to sexual assault.

2.4 Subd. 4. **Staff; support.** The unit will employ peace officers and staff to conduct
2.5 investigations and the superintendent shall develop and implement policies and procedures
2.6 to ensure no conflict of interest exists with agents assigned to investigate a particular incident.
2.7 The superintendent may permit bureau resources not directly assigned to this unit to be used
2.8 to assist the unit in fulfilling the duties assigned in this section.

2.9 Subd. 5. **Conflicts.** When a peace officer employed by the Bureau of Criminal
2.10 Apprehension is the subject of an officer-involved death investigation, the investigation
2.11 shall be conducted by an investigatory agency selected by the attorney general.

2.12 Subd. 6. **Reporting.** The superintendent must make all case files publicly available on
2.13 the bureau's website within 30 days of the end of the last criminal appeal of a subject of an
2.14 investigation, as provided for in chapter 13. By February 1 of each year, the superintendent
2.15 shall report to the commissioner, the governor, and the chairs and ranking minority members
2.16 of the legislative committees with jurisdiction over public safety finance and policy the
2.17 following information about the unit: the number of investigations initiated; the number of
2.18 incidents investigated; the outcomes or current status of each investigation; the charging
2.19 decisions made by the prosecuting authority of incidents investigated by the unit; the number
2.20 of plea agreements reached in incidents investigated by the unit; and any other information
2.21 relevant to the unit's mission.

2.22 Sec. 2. **APPROPRIATION FOR INDEPENDENT USE OF FORCE**
2.23 **INVESTIGATIONS UNIT IN BCA.**

2.24 \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner of
2.25 public safety to establish and operate the independent Use of Force Investigations Unit in
2.26 the Bureau of Criminal Apprehension. \$..... is added to the agency's base for this purpose.