

115.23

ARTICLE 10

115.24

POLICING

115.25 Section 1. Minnesota Statutes 2020, section 13.41, subdivision 3, is amended to read:

115.26 Subd. 3. **Board of Peace Officer Standards and Training.** The following government
115.27 data of the Board of Peace Officer Standards and Training are private data:

115.28 ~~(1) personal phone numbers, and home and e-mail addresses of licensees and applicants~~
115.29 ~~for licenses; and~~

115.30 ~~(2) data that identify the government entity that employs a licensed peace officer.~~

116.1 The board may disseminate private data on applicants and licensees as is necessary to
116.2 administer law enforcement licensure or to provide data under section 626.845, subdivision
116.3 1, to law enforcement agencies who are conducting employment background investigations.

116.4 Sec. 2. Minnesota Statutes 2020, section 13.411, is amended by adding a subdivision to
116.5 read:

116.6 Subd. 11. **Peace officer database.** Section 626.8457, subdivision 3, governs data sharing
116.7 between law enforcement agencies and the Peace Officer Standards and Training Board for
116.8 purposes of administering the peace officer database required by section 626.845, subdivision
116.9 3.

116.10 Sec. 3. Minnesota Statutes 2020, section 169.57, subdivision 3, is amended to read:

116.11 Subd. 3. **Maintenance.** (a) When a vehicle is equipped with stop lamps ~~or signal lamps,~~
116.12 the lamps must at all times be maintained in good working condition and must be
116.13 self-illuminated when in use at the times when lighted lamps on vehicles are required.

116.14 ~~(b) All mechanical signal devices~~ When a vehicle is equipped with signal lamps, the
116.15 lamps must at all times be maintained in good working condition and must be self-illuminated
116.16 when in use at the times when lighted lamps on vehicles are required.

116.17 Sec. 4. **[169.984] VEHICLE EQUIPMENT SECONDARY OFFENSES.**

116.18 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
116.19 the meanings given.

116.20 (b) "Dangerous condition" means a situation where an improper or malfunctioning piece
116.21 of motor vehicle equipment creates a substantial, identifiable risk to human life.

116.22 (c) "Mandatory secondary offense" means a violation of section 168.09, subdivision 4
116.23 (plate display); 169.69 (muffler required); 169.693 (exceed motor vehicle noise limits);
116.24 169.71, subdivision 1, paragraph (a), clause (2) (windshield prohibitions); 169.71, subdivision
116.25 4, clauses (1) to (4) (restrictions on mirrored/glazed windows); or 169.79, subdivision 1 or
116.26 8 (vehicle registration/plate display/validation stickers).

116.27 (d) "Presumptive secondary offense" means a violation of section 169.47, subdivision
116.28 1, paragraph (a) (unsafe equipment); 169.49 (headlamps); 169.50, subdivision 1, paragraph
116.29 (b) (rear lamps); 169.50, subdivision 2 (license plate illumination); 169.55, subdivision 1
116.30 (lamps required); 169.57, subdivision 1, paragraph (a), or subdivision 3, paragraph (a) (stop
117.1 lamps/stop lamp maintenance); 169.63, paragraph (a) (use of headlamps); or 169.71,
117.2 subdivision 1, paragraph (a), clause (1) (certain windshield prohibitions).

117.3 Subd. 2. Secondary offenses. (a) A peace officer may not stop or detain the operator of
117.4 a motor vehicle for a mandatory secondary offense, and may not issue a citation for a
117.5 mandatory secondary offense, unless:

117.6 (1) the officer stopped or detained the operator of the motor vehicle for an otherwise
117.7 lawful reason; or

117.8 (2) the motor vehicle was unoccupied.

117.9 (b) This subdivision does not apply to vehicles that are required to comply with the
117.10 equipment standards in chapter 221.

117.11 Subd. 3. Presumptive secondary offenses. (a) A peace officer may not stop or detain
117.12 the operator of a motor vehicle for a presumptive secondary offense, and may not issue a
117.13 citation for a presumptive secondary offense, unless:

117.14 (1) the officer stopped or detained the operator of the motor vehicle for an otherwise
117.15 lawful reason;

117.16 (2) the motor vehicle was unoccupied; or

117.17 (3) as otherwise provided for in this subdivision.

117.18 (b) A peace officer may stop or detain an operator of a motor vehicle for a presumptive
117.19 secondary offense when the officer has reasonable and articulable suspicion that the operator
117.20 has committed a presumptive secondary offense and any of the following circumstances
117.21 exist:

117.22 (1) the operator is in violation of section 169.47, subdivision 1, paragraph (a) (unsafe
117.23 equipment), in a manner that creates a dangerous condition;

117.24 (2) the operator is in violation of section 169.49 (headlamps); 169.50, subdivision 1,
117.25 paragraph (b) (tail lamps); 169.55, subdivision 1 (lamps required); or 169.63, paragraph (a)
117.26 (use of headlamps), and none of the headlamps are functioning or none of the tail lamps are
117.27 functioning;

117.28 (3) the operator is in violation of section 169.50, subdivision 2 (license plate illumination),
117.29 and the license plate is not legible from a distance of 50 feet to the rear;

117.30 (4) the operator is in violation of section 169.57, subdivision 1, paragraph (a), or
117.31 subdivision 3, paragraph (a) (stop lamps/stop lamp maintenance), and none of the vehicle's
117.32 stop lamps are functioning; or

118.1 (5) the operator is in violation of section 169.71, subdivision 1, paragraph (a), clause
118.2 (1) (certain windshield prohibitions), and the violation creates an imminent threat to human
118.3 life.

118.4 (c) This subdivision does not apply to vehicles that are required to comply with the
118.5 equipment standards in chapter 221.

118.6 Subd. 4. **Warning letter.** If an officer does not have grounds to stop a vehicle or detain
118.7 the operator of a motor vehicle for a mandatory secondary offense or presumptive secondary
118.8 offense and the officer can identify the owner of the vehicle, the officer's agency is
118.9 encouraged to send a letter to the owner of the vehicle identifying the violation and instructing
118.10 the owner to correct the defect or otherwise remedy the violation.

118.11 Sec. 5. Minnesota Statutes 2020, section 214.10, subdivision 11, is amended to read:

118.12 Subd. 11. **Board of Peace Officers Standards and Training; reasonable grounds**
118.13 **determination.** (a) After the investigation is complete, the executive director shall convene
118.14 at least a ~~three member~~ four-member committee of the board to determine if the complaint
118.15 constitutes reasonable grounds to believe that a violation within the board's enforcement
118.16 jurisdiction has occurred. In conformance with section 626.843, subdivision 1b, at least two
118.17 three members of the committee must be voting board members who are peace officers and
118.18 one member of the committee must be a voting board member appointed from the general
118.19 public. No later than 30 days before the committee meets, the executive director shall give
118.20 the licensee who is the subject of the complaint and the complainant written notice of the
118.21 meeting. The executive director shall also give the licensee a copy of the complaint. Before
118.22 making its determination, the committee shall give the complaining party and the licensee
118.23 who is the subject of the complaint a reasonable opportunity to be heard.

118.24 (b) The committee shall, by majority vote, after considering the information supplied
118.25 by the investigating agency and any additional information supplied by the complainant or
118.26 the licensee who is the subject of the complaint, take one of the following actions:

118.27 (1) find that reasonable grounds exist to believe that a violation within the board's
118.28 enforcement jurisdiction has occurred and order that an administrative hearing be held;

118.29 (2) decide that no further action is warranted; or

118.30 (3) continue the matter.

118.31 The executive director shall promptly give notice of the committee's action to the
118.32 complainant and the licensee.

119.1 (c) If the committee determines that a complaint does not relate to matters within its
119.2 enforcement jurisdiction but does relate to matters within another state or local agency's
119.3 enforcement jurisdiction, it shall refer the complaint to the appropriate agency for disposition.

119.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

119.5 Sec. 6. Minnesota Statutes 2020, section 244.09, subdivision 6, is amended to read:

119.6 Subd. 6. **Clearinghouse and information center.** The commission, in addition to
119.7 establishing Sentencing Guidelines, shall serve as a clearinghouse and information center
119.8 for the collection, preparation, analysis and dissemination of information on state and local
119.9 sentencing and probation practices, and shall conduct ongoing research regarding Sentencing
119.10 Guidelines, use of imprisonment and alternatives to imprisonment, probation terms,
119.11 conditions of probation, probation revocations, plea bargaining, recidivism, and other matters
119.12 relating to the improvement of the criminal justice system. The commission shall from time
119.13 to time make recommendations to the legislature regarding changes in the Criminal Code,
119.14 criminal procedures, and other aspects of sentencing and probation.

119.15 This information shall include information regarding the impact of statutory changes to
119.16 the state's criminal laws related to controlled substances, including those changes enacted
119.17 by the legislature in Laws 2016, chapter 160.

119.18 Sec. 7. Minnesota Statutes 2020, section 626.14, is amended to read:

119.19 **626.14 TIME AND MANNER OF SERVICE; NO-KNOCK SEARCH WARRANTS.**

119.20 Subdivision 1. **Time.** A search warrant may be served only between the hours of 7:00
119.21 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits
119.22 that a nighttime search outside those hours is necessary to prevent the loss, destruction, or
119.23 removal of the objects of the search or to protect the searchers or the public. The search
119.24 warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m.
119.25 unless a nighttime search outside those hours is authorized.

119.26 Subd. 2. **Definition.** For the purposes of this section, "no-knock search warrant" means
119.27 a search warrant authorizing peace officers to enter certain premises without first knocking
119.28 and announcing the officer's presence or purpose prior to entering the premises. No-knock
119.29 search warrants may also be referred to as dynamic entry warrants.

119.30 Subd. 3. **Requirements for a no-knock search warrant.** No peace officer shall seek
119.31 a no-knock search warrant unless the warrant application includes at a minimum:

119.32 (1) all documentation and materials the issuing court requires; and

120.1 (2) a sworn affidavit as provided in section 626.08.

120.2 Subd. 4. Warrant application form. (a) A law enforcement agency shall develop a
120.3 warrant application form. A completed warrant application form shall accompany every
120.4 request for a no-knock search warrant.

120.5 (b) The warrant application form must be completed, signed, and dated by the peace
120.6 officer seeking the no-knock search warrant.

120.7 (c) Each warrant application must explain, in detailed terms, the following:

120.8 (1) why peace officers are unable to detain the suspect or search the residence using less
120.9 invasive means or methods;

120.10 (2) what investigative activities have taken place to support issuance of the no-knock
120.11 search warrant, or why no investigative activity is needed; and

120.12 (3) whether the warrant can be effectively executed during daylight hours according to
120.13 subdivision 1.

120.14 (d) The chief law enforcement officer or designee and the supervising officer must
120.15 review each warrant application form. If the chief law enforcement officer or designee or
120.16 commanding officer is unavailable, the direct superior officer shall review the materials.

120.17 (e) The warrant application form shall contain a certification of review section. The form
120.18 shall provide that, by executing the certification, the individual signing the form has reviewed
120.19 its contents and approves the request for a no-knock search warrant. The chief law
120.20 enforcement officer or designee and the commanding officer, or the direct superior officer,
120.21 must each sign, date, and indicate the time of the certification.

120.22 (f) Under no circumstance shall a no-knock search warrant be issued when the only
120.23 crime alleged is drug possession.

120.24 Subd. 5. Reporting requirements regarding no-knock search warrants. (a) Law
120.25 enforcement agencies shall report to the commissioner of public safety regarding the use
120.26 of no-knock search warrants. An agency must report the use of a no-knock search warrant
120.27 to the commissioner no later than three months after the date the warrant was issued. The
120.28 report shall include the following information:

120.29 (1) the number of no-knock search warrants requested;

120.30 (2) the number of no-knock search warrants the court issued;

120.31 (3) the number of no-knock search warrants executed; and

121.1 (4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians
121.2 in the execution of no-knock search warrants.

121.3 (b) The commissioner of public safety shall report the information provided under
121.4 paragraph (a) annually to the chairs and ranking minority members of the legislative
121.5 committees with jurisdiction over public safety.

121.6 Sec. 8. Minnesota Statutes 2020, section 626.5531, subdivision 1, is amended to read:

121.7 Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's
121.8 department every violation of chapter 609 or a local criminal ordinance if the officer has
121.9 reason to believe, or if the victim alleges, that the offender was motivated to commit the
121.10 act ~~by~~ in whole or in part because of the victim's actual or perceived race, color, ethnicity,
121.11 religion, ~~national origin,~~ sex, gender, sexual orientation, gender identity, gender expression,
121.12 age, national origin, or disability as defined in section 363A.03, or ~~characteristics identified~~
121.13 as sexual orientation because of the victim's actual or perceived association with another
121.14 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
121.15 sexual orientation, gender identity, gender expression, age, national origin, or disability as
121.16 defined in section 363A.03. The superintendent of the Bureau of Criminal Apprehension
121.17 shall adopt a reporting form to be used by law enforcement agencies in making the reports
121.18 required under this section. The reports must include for each incident all of the following:

121.19 (1) the date of the offense;

121.20 (2) the location of the offense;

121.21 (3) whether the target of the incident is a person, private property, or public property;

121.22 (4) the crime committed;

121.23 (5) the type of bias and information about the offender and the victim that is relevant to
121.24 that bias;

121.25 (6) any organized group involved in the incident;

121.26 (7) the disposition of the case;

121.27 (8) whether the determination that the offense was motivated by bias was based on the
121.28 officer's reasonable belief or on the victim's allegation; and

121.29 (9) any additional information the superintendent deems necessary for the acquisition
121.30 of accurate and relevant data.

122.1 Sec. 9. Minnesota Statutes 2020, section 626.842, subdivision 2, is amended to read:

122.2 Subd. 2. **Terms, compensation, removal, filling of vacancies.** The membership terms,
122.3 compensation, removal of members and the filling of vacancies for members appointed
122.4 pursuant to section 626.841, ~~clauses (1), (2), (4), and (5) on the board;~~ the provision of staff,
122.5 administrative services and office space; the review and processing of complaints; the setting
122.6 of fees; and other matters relating to board operations shall be as provided in chapter 214.

122.7 Sec. 10. Minnesota Statutes 2020, section 626.8435, is amended to read:

122.8 ~~626.8435 ENSURING POLICE EXCELLENCE AND IMPROVING COMMUNITY~~
122.9 ~~RELATIONS ADVISORY PEACE OFFICER STANDARDS AND TRAINING~~
122.10 ~~BOARD CITIZEN'S COUNCIL.~~

122.11 Subdivision 1. **Establishment and membership.** The ~~Ensuring Police Excellence and~~
122.12 ~~Improving Community Relations Advisory Peace Officer Standards and Training Board~~
122.13 ~~Citizen's~~ Council is established under the Peace Officer Standards and Training Board. The
122.14 council consists of the following 15 members:

122.15 (1) the superintendent of the Bureau of Criminal Apprehension, or a designee;

122.16 (2) the executive director of the Peace Officer Standards and Training Board, or a
122.17 designee;

122.18 (3) the executive director of the Minnesota Police and Peace Officers Association, or a
122.19 designee;

122.20 (4) the executive director of the Minnesota Sheriffs' Association, or a designee;

122.21 (5) the executive director of the Minnesota Chiefs of Police Association, or a designee;

122.22 (6) six community members, of which:

122.23 (i) four members shall represent the community-specific boards established under ~~section~~
122.24 ~~257.0768~~ sections 15.0145 and 3.922, reflecting one appointment made by each board;

122.25 (ii) one member shall be a mental health advocate and shall be appointed by the Minnesota
122.26 chapter of the National Alliance on Mental Illness; and

122.27 (iii) one member shall be an advocate for victims and shall be appointed by Violence
122.28 Free Minnesota; and

122.29 (7) four members appointed by the legislature, of which one shall be appointed by the
122.30 speaker of the house, one by the house minority leader, one by the senate majority leader,
122.31 and one by the senate minority leader.

123.1 The appointing authorities shall make their appointments by September 15, 2020, and
123.2 shall ensure geographical balance when making appointments.

123.3 Subd. 2. **Purpose and duties.** (a) The purpose of the council is to assist the board in
123.4 maintaining policies and regulating peace officers in a manner that ensures the protection
123.5 of civil and human rights. The council shall provide for citizen involvement in policing
123.6 policies, regulations, and supervision. The council shall advance policies and reforms that
123.7 promote positive interactions between peace officers and the community.

123.8 (b) The board chair must place the council's recommendations to the board on the board's
123.9 agenda within four months of receiving a recommendation from the council.

123.10 Subd. 3. **Organization.** The council shall be organized and administered under section
123.11 15.059, except that the council does not expire. Council members serve at the pleasure of
123.12 the appointing authority. The council shall select a chairperson from among the members
123.13 by majority vote at its first meeting. The executive director of the board shall serve as the
123.14 council's executive secretary.

123.15 Subd. 4. **Meetings.** The council must meet at least quarterly. Meetings of the council
123.16 are governed by chapter 13D. The executive director of the Peace Officer Standards and
123.17 Training Board shall convene the council's first meeting, which must occur by October 15,
123.18 2020.

123.19 Subd. 5. **Office support.** The executive director of the Peace Officer Standards and
123.20 Training Board shall provide the council with the necessary office space, supplies, equipment,
123.21 and clerical support to effectively perform the duties imposed.

123.22 Subd. 6. **Reports.** The council shall submit a report by February 15 of each year to the
123.23 chairs and ranking minority members of the senate and house of representatives committees
123.24 and divisions having jurisdiction over criminal justice policy and the board. At a minimum,
123.25 the report shall include:

123.26 (1) all recommendations presented to the board and how the board acted on those
123.27 recommendations;

123.28 (2) recommendations for statutory reform or legislative initiatives intended to promote
123.29 police-community relations; and

123.30 (3) updates on the council's review and determinations.

124.1 Sec. 11. Minnesota Statutes 2020, section 626.845, subdivision 3, is amended to read:

124.2 Subd. 3. **Peace officer data.** The board, in consultation with the Minnesota Chiefs of
124.3 Police Association, Minnesota Sheriffs' Association, and Minnesota Police and Peace
124.4 Officers Association, shall create a central repository for peace officer data ~~designated as~~
124.5 ~~public data under chapter 13.~~ The database shall be designed to receive, in real time, the
124.6 ~~public data~~ data required to be submitted to the board by law enforcement agencies in section
124.7 626.8457, subdivision 3, paragraph (b). To ensure the anonymity of individuals, the database
124.8 must use encrypted data to track information transmitted on individual peace officers.

124.9 Sec. 12. Minnesota Statutes 2020, section 626.8451, subdivision 1, is amended to read:

124.10 Subdivision 1. **Training course; crimes motivated by bias.** ~~(a) The board must prepare~~
124.11 ~~a list of training course courses to assist peace officers in identifying and~~
124.12 ~~responding to, and reporting crimes motivated by in whole or in part because of the victim's~~
124.13 ~~or another's actual or perceived race, color, ethnicity, religion, national origin, sex, gender,~~
124.14 ~~sexual orientation, gender identity, gender expression, age, national origin, or disability as~~
124.15 ~~defined in section 363A.03, or characteristics identified as sexual orientation because of~~
124.16 ~~the victim's actual or perceived association with another person or group of a certain actual~~
124.17 ~~or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,~~

124.18 gender expression, age, national origin, or disability as defined in section 363A.03. The
124.19 course must include material to help officers distinguish bias crimes from other crimes, to
124.20 help officers in understanding and assisting victims of these crimes, and to ensure that bias
124.21 crimes will be accurately reported as required under section 626.5531. The course must be
124.22 updated periodically board must review the approved courses every three years and update
124.23 the list of approved courses as the board, in consultation with the commissioner of human
124.24 rights, considers appropriate.

124.25 (b) In updating the list of approved training courses described in paragraph (a), the board
124.26 must consult and secure approval from the commissioner of human rights.

124.27 Sec. 13. Minnesota Statutes 2020, section 626.8457, subdivision 3, is amended to read:

124.28 Subd. 3. **Report on alleged misconduct; database; report.** (a) A chief law enforcement
124.29 officer shall report annually to the board summary data regarding the investigation and
124.30 disposition of cases involving alleged misconduct, indicating the total number of
124.31 investigations, the total number by each subject matter, the number dismissed as unfounded,
124.32 and the number dismissed on grounds that the allegation was unsubstantiated.

125.1 (b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit
125.2 individual peace officer data classified as public data on individuals, as defined by section
125.3 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision
125.4 12, and submitted using encrypted data that the board determines is necessary to:

125.5 (1) evaluate the effectiveness of statutorily required training;

125.6 (2) assist the ~~Ensuring Police Excellence and Improving Community Relations Advisory~~
125.7 Peace Officer Standards and Training Board Citizen's Council in accomplishing the council's
125.8 duties; and

125.9 (3) allow for the board, the ~~Ensuring Police Excellence and Improving Community~~
125.10 Relations Advisory Peace Officer Standards and Training Board Citizen's Council, and the
125.11 board's complaint investigation committee to identify patterns of behavior that suggest an
125.12 officer is in crisis or is likely to violate a board-mandated model policy.

125.13 (c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer
125.14 must update data within 30 days of final disposition of a complaint or investigation.

125.15 (d) Law enforcement agencies and political subdivisions are prohibited from entering
125.16 into a confidentiality agreement that would prevent disclosure of the data identified in
125.17 paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements
125.18 of this section.

125.19 (e) By February 1 of each year, the board shall prepare a report that contains summary
125.20 data provided under paragraph (b). The board must post the report on its publicly accessible
125.21 website and provide a copy to the chairs and ranking minority members of the senate and
125.22 house of representatives committees and divisions having jurisdiction over criminal justice
125.23 policy.

- 125.24 (f) For purposes of identifying potential patterns and trends in police misconduct and
125.25 determining training needs and the purpose of the database outlined in paragraph (b), the
125.26 board shall adopt rules including but not limited to:
- 125.27 (1) creating detailed classifications of peace officer complaints and discipline by conduct
125.28 type and severity for formal signed complaints;
- 125.29 (2) establishing definitions for the following terms, including but not limited to formal
125.30 complaint, discipline action, coaching, and retraining; and
- 125.31 (3) directing annual reporting by each chief law enforcement officer of the number and
125.32 types of complaints:
- 126.1 (i) received by the law enforcement agency, including but not limited to complaints
126.2 involving chief law enforcement officers;
- 126.3 (ii) initiated by action of the agency and resulting in investigation;
- 126.4 (iii) resulting in formal discipline, including but not limited to verbal and written
126.5 reprimand, suspension, or demotion, excluding termination;
- 126.6 (iv) resulting in termination;
- 126.7 (v) that are formal and result in coaching or retraining; and
- 126.8 (vi) for each officer in the agency's employ, and whether the complaint and investigation
126.9 resulted in final discipline.
- 126.10 Sec. 14. Minnesota Statutes 2020, section 626.8459, is amended to read:
- 126.11 **626.8459 POST BOARD; COMPLIANCE REVIEWS REQUIRED.**
- 126.12 Subdivision 1. Annual reviews; scope. (a) Each year, the board shall conduct compliance
126.13 reviews on all state and local law enforcement agencies. The compliance reviews must
126.14 ensure that the agencies are complying with all requirements imposed on them by statute
126.15 and rule. The board shall update its procedures governing compliance reviews to update,
126.16 among other items, its assessment of the following data points, and evaluation of the policies
126.17 and practices that contribute to the following:
- 126.18 (1) the effectiveness of required in-service training and adherence to model policies
126.19 which are to include an assessment and self-response survey where subjects explain the
126.20 state of the following:
- 126.21 (i) the number of use of force incidents per office and officers;
- 126.22 (ii) the rate of arrests and stops involving minorities compared to that of their white
126.23 counterparts within the same jurisdiction, if data is available;
- 126.24 (iii) the number of emergency holds requested by officers; and

- 126.25 (iv) other categorical metrics as deemed necessary by the board;
- 126.26 (2) the agency's investigations of complaints the board refers to the agency pursuant to
126.27 section 214.10, subdivision 10, and how the chief law enforcement officer holds officers
126.28 accountable for violations of statutory requirements imposed on peace officers, applicable
126.29 standards of conduct, board-mandated model policies, and agency-established policies; and
- 126.30 (3) the on and off duty conduct of officers employed by the agency to determine if the
126.31 officers' conduct is adversely affecting public respect and trust of law enforcement.
- 127.1 Subd. 2. **Discovery; subpoenas.** For the purpose of compliance reviews under this
127.2 section, the board or director may exercise the discovery and subpoena authority granted
127.3 to the board under section 214.10, subdivision 3.
- 127.4 Subd. 3. **Reports required.** The board shall include in the reports to the legislature
127.5 required in section 626.843, subdivision 4, detailed information on the compliance reviews
127.6 conducted under this section. At a minimum, the reports must specify each requirement
127.7 imposed by statute and rule on law enforcement agencies, the compliance rate of each
127.8 agency, a summary of the investigation of matters listed in subdivision 1, clause (1), items
127.9 (i) to (iv), and the action taken by the board, if any, against an agency not in compliance.
- 127.10 Subd. 4. **Licensing sanctions authorized.** ~~(b)~~ The board may impose licensing sanctions
127.11 and seek injunctive relief under section 214.11 for an agency's failure to comply with a
127.12 requirement imposed on it in statute or rule.
- 127.13 Sec. 15. Minnesota Statutes 2020, section 626.8469, subdivision 1, is amended to read:
- 127.14 Subdivision 1. **In-service training required.** (a) Beginning July 1, 2018, the chief law
127.15 enforcement officer of every state and local law enforcement agency shall provide in-service
127.16 training in crisis intervention and mental illness crises; conflict management and mediation;
127.17 ~~and~~ recognizing and valuing community diversity and cultural differences to include implicit
127.18 bias training; and training to assist peace officers in identifying, responding to, and reporting
127.19 crimes committed in whole or in part because of the victim's actual or perceived race,
127.20 religion, national origin, sex, age, disability, or characteristics identified as sexual orientation
127.21 to every peace officer and part-time peace officer employed by the agency. The training
127.22 shall comply with learning objectives developed and approved by the board and shall meet
127.23 board requirements for board-approved continuing education credit. Every three years the
127.24 board shall review the learning objectives and must consult and collaborate with the
127.25 commissioner of human rights in identifying appropriate objectives and training courses
127.26 related to identifying, responding to, and reporting crimes committed in whole or in part
127.27 because of the victim's or another's actual or perceived race, color, ethnicity, religion,
127.28 national origin, sex, gender, sexual orientation, gender identity, gender expression, age,
127.29 national origin, or disability as defined in section 363A.03, or characteristics identified as
127.30 sexual orientation because of the victim's actual or perceived association with another person
127.31 or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual
127.32 orientation, gender identity, gender expression, age, national origin, or disability as defined

- 127.33 in section 363A.03. The training shall consist of at least 16 continuing education credits
127.34 within an officer's three-year licensing cycle. Each peace officer with a license renewal date
128.1 after June 30, 2018, is not required to complete this training until the officer's next full
128.2 three-year licensing cycle.
- 128.3 (b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided
128.4 by an approved entity. The board shall create a list of approved entities and training courses
128.5 and make the list available to the chief law enforcement officer of every state and local law
128.6 enforcement agency. Each peace officer (1) with a license renewal date before June 30,
128.7 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021,
128.8 is not required to receive this training by an approved entity until the officer's next full
128.9 three-year licensing cycle.
- 128.10 (c) For every peace officer and part-time peace officer with a license renewal date of
128.11 June 30, 2022, or later, the training mandated under paragraph (a) must:
- 128.12 (1) include a minimum of six hours for crisis intervention and mental illness crisis
128.13 training that meets the standards established in subdivision 1a; and
- 128.14 (2) include a minimum of four hours to ensure safer interactions between peace officers
128.15 and persons with autism in compliance with section 626.8474.
- 128.16 Sec. 16. Minnesota Statutes 2020, section 626.8469, is amended by adding a subdivision
128.17 to read:
- 128.18 Subd. 1b. **Crisis intervention and mental illness crisis training; dementia and**
128.19 **Alzheimer's.** The board, in consultation with stakeholders, including but not limited to the
128.20 Minnesota Crisis Intervention Team and the Alzheimer's Association, shall create a list of
128.21 approved entities and training courses primarily focused on issues associated with persons
128.22 with dementia and Alzheimer's disease. To receive the board's approval, a training course
128.23 must:
- 128.24 (1) have trainers with at least two years of direct care of a person with Alzheimer's
128.25 disease or dementia, crisis intervention training, and mental health experience;
- 128.26 (2) cover techniques for responding to and issues associated with persons with dementia
128.27 and Alzheimer's disease, including at a minimum wandering, driving, abuse, and neglect;
128.28 and
- 128.29 (3) meet the crisis intervention and mental illness crisis training standards established
128.30 in subdivision 1a.
- 129.1 Sec. 17. Minnesota Statutes 2020, section 626.8473, subdivision 3, is amended to read:
- 129.2 Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state
129.3 and local law enforcement agency that uses or proposes to use a portable recording system
129.4 must establish and enforce a written policy governing its use. In developing and adopting
129.5 the policy, the law enforcement agency must provide for public comment and input as

129.6 provided in subdivision 2. Use of a portable recording system without adoption of a written
129.7 policy meeting the requirements of this section is prohibited. The written policy must be
129.8 posted on the agency's website, if the agency has a website.

129.9 (b) At a minimum, the written policy must incorporate the following:

129.10 (1) the requirements of section 13.825 and other data classifications, access procedures,
129.11 retention policies, and data security safeguards that, at a minimum, meet the requirements
129.12 of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or
129.13 destroying any recording made with a peace officer's portable recording system or data and
129.14 metadata related to the recording prior to the expiration of the applicable retention period
129.15 under section 13.825, subdivision 3, except that the full, unedited and unredacted recording
129.16 of a peace officer using deadly force must be maintained indefinitely;

129.17 (2) mandate that a deceased individual's next of kin, legal representative of the next of
129.18 kin, or other parent of the deceased individual's children be entitled to view any and all
129.19 recordings from a peace officer's portable recording system, redacted no more than what is
129.20 required by law, of an officer's use of deadly force no later than 48 hours after an incident
129.21 where deadly force used by a peace officer results in death of an individual, except that a
129.22 chief law enforcement officer may deny a request if investigators can articulate a compelling
129.23 reason as to why allowing the deceased individual's next of kin, legal representative of the
129.24 next of kin, or other parent of the deceased individual's children to review the recordings
129.25 would interfere with the agency conducting a thorough investigation. If the chief law
129.26 enforcement officer denies a request under this provision, the agency's policy must require
129.27 the chief law enforcement officer to issue a prompt, written denial and provide notice to
129.28 the deceased individual's next of kin, legal representative of the next of kin, or other parent
129.29 of the deceased individual's children that they may seek relief from the district court;

129.30 (3) mandate release of all recordings of an incident where a peace officer used deadly
129.31 force and an individual dies to the deceased individual's next of kin, legal representative of
129.32 the next of kin, and other parent of the deceased individual's children no later than 90 days
129.33 after the incident;

129.34 (4) procedures for testing the portable recording system to ensure adequate functioning;

130.1 ~~(5)~~ (5) procedures to address a system malfunction or failure, including requirements
130.2 for documentation by the officer using the system at the time of a malfunction or failure;

130.3 ~~(6)~~ (6) circumstances under which recording is mandatory, prohibited, or at the discretion
130.4 of the officer using the system;

130.5 ~~(7)~~ (7) circumstances under which a data subject must be given notice of a recording;

130.6 ~~(8)~~ (8) circumstances under which a recording may be ended while an investigation,
130.7 response, or incident is ongoing;

130.8 ~~(9)~~ (9) procedures for the secure storage of portable recording system data and the
130.9 creation of backup copies of the data; and

130.10 ~~(8)~~ (10) procedures to ensure compliance and address violations of the policy, which
130.11 must include, at a minimum, supervisory or internal audits and reviews, and the employee
130.12 discipline standards for unauthorized access to data contained in section 13.09.

130.13 Sec. 18. Minnesota Statutes 2020, section 626.8475, is amended to read:

130.14 **626.8475 DUTY TO INTERCEDE AND REPORT.**

130.15 (a) Regardless of tenure or rank, a peace officer must intercede when:

130.16 (1) present and observing another peace officer using force in violation of section 609.066,
130.17 subdivision 2, or otherwise beyond that which is objectively reasonable under the
130.18 circumstances; and

130.19 (2) physically or verbally able to do so.

130.20 (b) A peace officer who observes another employee or peace officer use force that
130.21 exceeds the degree of force permitted by law has the duty to report the incident in writing
130.22 within 24 hours to the chief law enforcement officer of the agency that employs the reporting
130.23 peace officer. A chief law enforcement officer who receives a report under this section must
130.24 report the incident to the board on the form adopted by the board pursuant to paragraph (d).

130.25 (c) A peace officer who breaches a duty established in this subdivision is subject to
130.26 discipline by the board under Minnesota Rules, part 6700.1600.

130.27 (d) The board shall adopt a reporting form to be used by law enforcement agencies in
130.28 making the reports required under this section. The reports must include for each incident
130.29 all of the following:

130.30 (1) the name of the officer accused of using excessive force;

130.31 (2) the date of the incident;

131.1 (3) the location of the incident;

131.2 (4) the name of the person who was subjected to excessive force, if known; and

131.3 (5) a description of the force used in the incident.

131.4 Reports received by the board are licensing data governed by section 13.41.

131.5 (e) A peace officer who breaches a duty established in this section is subject to discipline
131.6 by the board under Minnesota Rules, part 6700.1600.

131.7 Sec. 19. **[626.8476] CONFIDENTIAL INFORMANTS; REQUIRED POLICY AND**
131.8 **TRAINING.**

131.9 Subdivision 1. Definitions. (a) For the purposes of this section, the terms in this
131.10 subdivision have the meanings given them.

1.5 Section 1. **[626.8474] CONFIDENTIAL INFORMANTS; REQUIRED POLICY AND**
1.6 **TRAINING.**

1.7 Subdivision 1. Definitions. (a) For the purposes of this section the terms in this
1.8 subdivision have the meanings given them.

131.11 (b) "Confidential informant" means a person who cooperates with a law enforcement
131.12 agency confidentially in order to protect the person or the agency's intelligence gathering
131.13 or investigative efforts and:
131.14 (1) seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in
131.15 which a sentence will be or has been imposed, or receive a monetary or other benefit; and
131.16 (2) is able, by reason of the person's familiarity or close association with suspected
131.17 criminals, to:
131.18 (i) make a controlled buy or controlled sale of contraband, controlled substances, or
131.19 other items that are material to a criminal investigation;
131.20 (ii) supply regular or constant information about suspected or actual criminal activities
131.21 to a law enforcement agency; or
131.22 (iii) otherwise provide information important to ongoing criminal intelligence gathering
131.23 or criminal investigative efforts.
131.24 (c) "Controlled buy" means the purchase of contraband, controlled substances, or other
131.25 items that are material to a criminal investigation from a target offender that is initiated,
131.26 managed, overseen, or participated in by law enforcement personnel with the knowledge
131.27 of a confidential informant.
131.28 (d) "Controlled sale" means the sale of contraband, controlled substances, or other items
131.29 that are material to a criminal investigation to a target offender that is initiated, managed,
131.30 overseen, or participated in by law enforcement personnel with the knowledge of a
131.31 confidential informant.
132.1 (e) "Mental harm" means a psychological injury that is not necessarily permanent but
132.2 results in visibly demonstrable manifestations of a disorder of thought or mood that impairs
132.3 a person's judgment or behavior.
132.4 (f) "Target offender" means the person suspected by law enforcement personnel to be
132.5 implicated in criminal acts by the activities of a confidential informant.
132.6 Subd. 2. **Model policy.** (a) By January 1, 2022, the board shall adopt a model policy
132.7 addressing the use of confidential informants by law enforcement. The model policy must
132.8 establish policies and procedures for the recruitment, control, and use of confidential
132.9 informants. In developing the policy, the board shall consult with representatives of the
132.10 Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriff's
132.11 Association, Minnesota Police and Peace Officers Association, Minnesota County Attorneys
132.12 Association, treatment centers for substance abuse, and mental health organizations. The
132.13 model policy must include, at a minimum, the following:

1.9 (b) "Confidential informant" means a person who cooperates with a law enforcement
1.10 agency confidentially in order to protect the person or the agency's intelligence gathering
1.11 or investigative efforts and:
1.12 (1) seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in
1.13 which a sentence will be or has been imposed, or receive a monetary or other benefit; and
1.14 (2) is able, by reason of the person's familiarity or close association with suspected
1.15 criminals, to:
1.16 (i) make a controlled buy or controlled sale of contraband, controlled substances, or
1.17 other items that are material to a criminal investigation;
1.18 (ii) supply regular or constant information about suspected or actual criminal activities
1.19 to a law enforcement agency; or
1.20 (iii) otherwise provide information important to ongoing criminal intelligence gathering
1.21 or criminal investigative efforts.
2.1 (c) "Controlled buy" means the purchase of contraband, controlled substances, or other
2.2 items that are material to a criminal investigation from a target offender that is initiated,
2.3 managed, overseen, or participated in by law enforcement personnel with the knowledge
2.4 of a confidential informant.
2.5 (d) "Controlled sale" means the sale of contraband, controlled substances, or other items
2.6 that are material to a criminal investigation to a target offender that is initiated, managed,
2.7 overseen, or participated in by law enforcement personnel with the knowledge of a
2.8 confidential informant.
2.9 (e) "Mental harm" means a psychological injury that is not necessarily permanent but
2.10 results in visibly demonstrable manifestations of a disorder of thought or mood that impairs
2.11 a person's judgment or behavior.
2.12 (f) "Target offender" means the person suspected by law enforcement personnel to be
2.13 implicated in criminal acts by the activities of a confidential informant.
2.14 Subd. 2. **Model policy.** (a) By January 1, 2022, the board shall adopt a model policy
2.15 addressing the use of confidential informants by law enforcement. The model policy must
2.16 establish policies and procedures for the recruitment, control, and use of confidential
2.17 informants. In developing the policy, the board shall consult with representatives of the
2.18 Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriff's
2.19 Association, Minnesota Police and Peace Officers Association, Minnesota County Attorneys
2.20 Association, treatment centers for substance abuse, and mental health organizations. The
2.21 model policy must include, at a minimum, the following:

132.14 (1) information that the law enforcement agency shall maintain about each confidential
132.15 informant that must include, at a minimum, an emergency contact for the informant in the
132.16 event of the informant's physical or mental harm or death;

132.17 (2) a process to advise a confidential informant of conditions, restrictions, and procedures
132.18 associated with participating in the agency's investigative or intelligence gathering activities;

132.19 (3) procedures for compensation to an informant that is commensurate with the value
132.20 of the services and information provided and based on the level of the targeted offender,
132.21 the amount of any seizure, and the significance of contributions made by the informant;

132.22 (4) designated supervisory or command-level review and oversight in the use of a
132.23 confidential informant;

132.24 (5) consultation with the informant's probation, parole, or supervised release agent, if
132.25 any;

132.26 (6) limits or restrictions on off-duty association or social relationships by law enforcement
132.27 agency personnel with a confidential informant;

132.28 (7) limits or restrictions on the potential exclusion of an informant from engaging in a
132.29 controlled buy or sale of a controlled substance if the informant is known by the law
132.30 enforcement agency to: (i) be receiving in-patient or out-patient treatment administered by
132.31 a licensed service provider for substance abuse; (ii) be participating in a treatment-based
132.32 drug court program; or (iii) have experienced a drug overdose within the past year;

133.1 (8) exclusion of an informant under the age of 18 years from participating in a controlled
133.2 buy or sale of a controlled substance without the written consent of a parent or legal guardian,
133.3 except that the informant may provide confidential information to a law enforcement agency;

133.4 (9) consideration of an informant's diagnosis of mental illness, substance abuse, or
133.5 disability, and history of mental illness, substance abuse, or disability;

133.6 (10) guidelines for the law enforcement agency to consider if the agency decides to
133.7 establish a procedure to request an advocate from the county social services agency for an
133.8 informant if the informant is an addict in recovery or possesses a physical or mental infirmity
133.9 or other physical, mental, or emotional dysfunction that impairs the informant's ability to
133.10 understand instructions and make informed decisions, where the agency determines this
133.11 process does not place the informant in any danger;

133.12 (11) guidelines for the law enforcement agency to use to encourage prospective and
133.13 current confidential informants who are known to be substance abusers or to be at risk for
133.14 substance abuse to seek prevention or treatment services;

133.15 (12) reasonable protective measures for a confidential informant when law enforcement
133.16 knows or should have known of a risk or threat of harm to a person serving as a confidential

2.22 (1) information that the law enforcement agency shall maintain about each confidential
2.23 informant that must include, at a minimum, an emergency contact for the informant in the
2.24 event of the informant's physical or mental harm or death;

2.25 (2) a process to advise a confidential informant of conditions, restrictions, and procedures
2.26 associated with participating in the agency's investigative or intelligence gathering activities;

2.27 (3) procedures for compensation to an informant that is commensurate with the value
2.28 of the services and information provided and based on the level of the targeted offender,
2.29 the amount of any seizure, and the significance of contributions made by the informant;

2.30 (4) designated supervisory or command-level review and oversight in the use of a
2.31 confidential informant;

2.32 (5) consultation with the informant's probation, parole, or supervised release agent, if
2.33 any;

3.1 (6) limits or restrictions on off-duty association or social relationships by law enforcement
3.2 agency personnel with a confidential informant;

3.3 (7) limits or restrictions on the potential exclusion of an informant from engaging in a
3.4 controlled buy or sale of a controlled substance if the informant is known by the law
3.5 enforcement agency to: (i) be receiving in-patient or out-patient treatment administered by
3.6 a licensed service provider for substance abuse, (ii) be participating in a treatment-based
3.7 drug court program, or (iii) have experienced a drug overdose within the past year;

3.8 (8) exclusion of an informant under the age of 18 years from participating in a controlled
3.9 buy or sale of a controlled substance without the written consent of a parent or legal guardian,
3.10 except that the informant may provide confidential information to a law enforcement agency;

3.11 (9) consideration of an informant's diagnosis of mental illness, substance abuse, or
3.12 disability, and history of mental illness, substance abuse, or disability;

3.13 (10) guidelines for the law enforcement agency to consider if the agency decides to
3.14 establish a procedure to request an advocate from the county social services agency for an
3.15 informant if the informant is an addict in recovery or possesses a physical or mental infirmity
3.16 or other physical, mental, or emotional dysfunction that impairs the informant's ability to
3.17 understand instructions and make informed decisions, where the agency determines this
3.18 process does not place the informant in any danger;

3.19 (11) guidelines for the law enforcement agency to use to encourage prospective and
3.20 current confidential informants who are known to be substance abusers or to be at risk for
3.21 substance abuse to seek prevention or treatment services;

3.22 (12) reasonable protective measures for a confidential informant when law enforcement
3.23 knows or should have known of a risk or threat of harm to a person serving as a confidential

133.17 informant and the risk or threat of harm is a result of the informant's service to the law
133.18 enforcement agency;
133.19 (13) guidelines for the training and briefing of a confidential informant;
133.20 (14) reasonable procedures to help protect the identity of a confidential informant during
133.21 the time the person is acting as an informant;
133.22 (15) procedures to deactivate a confidential informant that maintain the safety and
133.23 anonymity of the informant;
133.24 (16) optional procedures that the law enforcement agency may adopt relating to
133.25 deactivated confidential informants to offer and provide assistance to them with physical,
133.26 mental, or emotional health services;
133.27 (17) a process to evaluate and report the criminal history and propensity for violence of
133.28 any target offenders; and
133.29 (18) guidelines for a written agreement between the confidential informant and the law
133.30 enforcement agency that take into consideration, at a minimum, an informant's physical or
133.31 mental infirmity or other physical, mental, or emotional dysfunction that impairs the
133.32 informant's ability to knowingly contract or otherwise protect the informant's self-interest.
134.1 (b) The board shall annually review and, as necessary, revise the model confidential
134.2 informant policy in collaboration with representatives from the organizations listed under
134.3 paragraph (a).
134.4 Subd. 3. **Agency policies required.** (a) The chief law enforcement officer of every state
134.5 and local law enforcement agency must establish and enforce a written policy governing
134.6 the use of confidential informants. The policy must be identical or, at a minimum,
134.7 substantially similar to the new or revised model policy adopted by the board under
134.8 subdivision 2.
134.9 (b) Every state and local law enforcement agency must certify annually to the board that
134.10 it has adopted a written policy in compliance with the board's model confidential informant
134.11 policy.
134.12 (c) The board shall assist the chief law enforcement officer of each state and local law
134.13 enforcement agency in developing and implementing confidential informant policies under
134.14 this subdivision.
134.15 Subd. 4. **Required in-service training.** The chief law enforcement officer of every state
134.16 and local law enforcement agency shall provide in-service training in the recruitment,
134.17 control, and use of confidential informants to every peace officer and part-time peace officer
134.18 employed by the agency who the chief law enforcement officer determines is involved in
134.19 working with confidential informants given the officer's responsibilities. The training shall

3.24 informant and the risk or threat of harm is a result of the informant's service to the law
3.25 enforcement agency;
3.26 (13) guidelines for the training and briefing of a confidential informant;
3.27 (14) reasonable procedures to help protect the identity of a confidential informant during
3.28 the time the person is acting as an informant;
3.29 (15) procedures to deactivate a confidential informant that maintain the safety and
3.30 anonymity of the informant;
3.31 (16) optional procedures that the law enforcement agency may adopt relating to
3.32 deactivated confidential informants to offer and provide assistance to them with physical,
3.33 mental, or emotional health services;
4.1 (17) a process to evaluate and report the criminal history and propensity for violence of
4.2 any target offenders; and
4.3 (18) guidelines for a written agreement between the confidential informant and the law
4.4 enforcement agency that take into consideration, at a minimum, an informant's physical or
4.5 mental infirmity or other physical, mental, or emotional dysfunction that impairs the
4.6 informant's ability to knowingly contract or otherwise protect the informant's self-interest.
4.7 (b) The board shall annually review and, as necessary, revise the model confidential
4.8 informant policy in collaboration with representatives from the organizations listed under
4.9 paragraph (a).
4.10 Subd. 3. **Agency policies required.** (a) The chief law enforcement officer of every state
4.11 and local law enforcement agency must establish and enforce a written policy governing
4.12 the use of confidential informants. The policy must be identical or, at a minimum,
4.13 substantially similar to the new or revised model policy adopted by the board under
4.14 subdivision 2.
4.15 (b) Every state and local law enforcement agency must certify annually to the board that
4.16 it has adopted a written policy in compliance with the board's model confidential informant
4.17 policy.
4.18 (c) The board shall assist the chief law enforcement officer of each state and local law
4.19 enforcement agency in developing and implementing confidential informant policies under
4.20 this subdivision.
4.21 Subd. 4. **Required in-service training.** The chief law enforcement officer of every state
4.22 and local law enforcement agency shall provide in-service training in the recruitment,
4.23 control, and use of confidential informants to every peace officer and part-time peace officer
4.24 employed by the agency who the chief law enforcement officer determines is involved in
4.25 working with confidential informants given the officer's responsibilities. The training shall

134.20 comply with learning objectives based on the policies and procedures of the model policy
134.21 developed and approved by the board.

134.22 Subd. 5. **Compliance reviews.** The board has the authority to inspect state and local
134.23 agency policies to ensure compliance with this section. The board may conduct the inspection
134.24 based upon a complaint it receives about a particular agency or through a random selection
134.25 process.

134.26 Subd. 6. **Licensing sanctions; injunctive relief.** The board may impose licensing
134.27 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
134.28 requirements of this section.

134.29 Subd. 7. **Title.** This section shall be known as "Matthew's Law."

134.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

135.1 Sec. 20. **[626.8477] INVESTIGATING HUMAN TRAFFICKING CASES; POLICIES**
135.2 **REQUIRED.**

135.3 Subdivision 1. **Model policy required.** By December 15, 2021, the board, in consultation
135.4 with the statewide human trafficking investigation coordinator defined in section 299A.873,
135.5 as well as other interested parties including the Bureau of Criminal Apprehension, the
135.6 Human Trafficking Investigators Task Force, representatives of other sex trafficking task
135.7 forces, prosecutors, and Minnesota victim advocacy groups, must develop and distribute to
135.8 all chief law enforcement officers a comprehensive model policy for law enforcement
135.9 investigations of human trafficking cases, including sex trafficking and labor trafficking,
135.10 that are victim-centered and takes into account best practices, including the Safe Harbor
135.11 Protocol Guidelines developed pursuant to legislative appropriation, and ensures a thorough
135.12 investigation of these cases and that victims are treated respectfully.

135.13 Subd. 2. **Agency policies required.** (a) By March 15, 2022, the chief law enforcement
135.14 officer of every state and local law enforcement agency must establish and enforce a written
135.15 policy governing the investigation of human trafficking cases within the agency that is
135.16 identical or substantially similar to the board's model policy described in subdivision 1. The
135.17 chief law enforcement officer must ensure that each peace officer investigating a human
135.18 trafficking case follows the agency's policy.

135.19 (b) Every state and local law enforcement agency must certify to the board that it has
135.20 adopted a written policy in compliance with this subdivision.

135.21 (c) The board must assist the chief law enforcement officer of each state and local law
135.22 enforcement agency in developing and implementing policies under this subdivision.

135.23 Sec. 21. **[626.8478] PUBLIC ASSEMBLY RESPONSE; POLICIES REQUIRED.**

135.24 Subdivision 1. **Model policy required.** By December 15, 2021, the board must develop
135.25 a comprehensive model policy on responding to public assemblies. The policy must be
135.26 based on best practices in public assembly response drawn from both domestic and

4.26 comply with learning objectives based on the policies and procedures of the model policy
4.27 developed and approved by the board.

4.28 Subd. 5. **Compliance reviews.** The board has the authority to inspect state and local
4.29 agency policies to ensure compliance with this section. The board may conduct the inspection
4.30 based upon a complaint it receives about a particular agency or through a random selection
4.31 process.

5.1 Subd. 6. **Licensing sanctions; injunctive relief.** The board may impose licensing
5.2 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
5.3 requirements of this section.

5.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

135.27 international sources. In developing the policy, the board must consult with representatives
135.28 of the Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota
135.29 Sheriffs' Association, Minnesota Police and Peace Officers Association, Minnesota County
135.30 Attorneys Association, a nonprofit that organizes public assemblies, a nonprofit that provides
135.31 legal services to defend the rights of those who participate in public assemblies, and other
135.32 interested parties. The board must distribute the model policy to all chief law enforcement
135.33 officers.

136.1 Subd. 2. **Agency policies required.** (a) By March 15, 2022, each chief law enforcement
136.2 officer must establish and implement a written policy on public assembly response that is
136.3 identical or substantially similar to the board's model policy described in subdivision 1. The
136.4 policy shall include specific actions to be taken during a public assembly response.

136.5 (b) The board must assist the chief law enforcement officer of each state and local law
136.6 enforcement agency in developing and implementing policies under this subdivision.

136.7 Subd. 3. **Available resources.** If an agency, board, or local representative reviews or
136.8 updates its policies on public assembly response, it may consider the advice and counsel of
136.9 nonprofits that organize public assemblies.

136.10 Subd. 4. **Compliance reviews authorized.** The board has authority to inspect state and
136.11 local law enforcement agency policies to ensure compliance with subdivision 2. The board
136.12 may conduct this inspection based upon a complaint it receives about a particular agency
136.13 or through a random selection process. The board must conduct a compliance review after
136.14 any major public safety event. The board may impose licensing sanctions and seek injunctive
136.15 relief under section 214.11 for an agency's failure to comply with subdivision 2.

136.16 Sec. 22. Minnesota Statutes 2020, section 626.89, subdivision 2, is amended to read:

136.17 Subd. 2. **Applicability.** The procedures and provisions of this section apply to law
136.18 enforcement agencies and government units. The procedures and provisions of this section
136.19 do not apply to:

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

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

136.22 Sec. 23. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

136.23 Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the
136.24 meanings given them:

136.25 (1) "civilian oversight council" means a civilian review board, commission, or other
136.26 oversight body established by a local unit of government to provide civilian oversight of a
136.27 law enforcement agency and officers employed by the agency; and

136.28 (2) "misconduct" means a violation of law, standards promulgated by the Peace Officer
136.29 Standards and Training Board, or agency policy.

136.30 (b) A local unit of government may establish a civilian review board, commission, or
136.31 other oversight body shall not have council and grant the council the authority to make a
137.1 finding of fact or determination regarding a complaint against an officer or impose discipline
137.2 on an officer. A civilian review board, commission, or other oversight body may make a
137.3 recommendation regarding the merits of a complaint, however, the recommendation shall
137.4 be advisory only and shall not be binding on nor limit the authority of the chief law
137.5 enforcement officer of any unit of government.

137.6 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian
137.7 oversight council may conduct an investigation into allegations of peace officer misconduct
137.8 and retain an investigator to facilitate an investigation. Subject to other applicable law, a
137.9 council may subpoena or compel testimony and documents in an investigation. Upon
137.10 completion of an investigation, a council may make a finding of misconduct and recommend
137.11 appropriate discipline against peace officers employed by the agency. If the governing body
137.12 grants a council the authority, the council may impose discipline on peace officers employed
137.13 by the agency. A council shall submit investigation reports that contain findings of peace
137.14 officer misconduct to the chief law enforcement officer and the Peace Officer Standards
137.15 and Training Board's complaint committee. A council may also make policy
137.16 recommendations to the chief law enforcement officer and the Peace Officer Standards and
137.17 Training Board.

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

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

137.27 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight
137.28 council related to an investigation of a peace officer are personnel data as defined by section
137.29 13.43, subdivision 1, and are governed by that section.

137.30 Sec. 24. Minnesota Statutes 2020, section 626.93, is amended by adding a subdivision to
137.31 read:

137.32 Subd. 8. **Exception; Leech Lake Band of Ojibwe.** Notwithstanding any contrary
137.33 provision in subdivision 3 or 4, the Leech Lake Band of Ojibwe has concurrent jurisdictional
137.34 authority under this section with the local county sheriff within the geographical boundaries
138.1 of the band's reservation to enforce state criminal law if the requirements of subdivision 2

- 138.2 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered
138.3 into.
- 138.4 Sec. 25. Laws 2020, Fifth Special Session chapter 3, article 9, section 6, is amended to
138.5 read:
- 138.6 Sec. 6. ~~STATE PATROL TROOPER LAW ENFORCEMENT SALARY INCREASE~~
138.7 ~~INCREASES.~~
- 138.8 Notwithstanding any law to the contrary, salary increases shall apply to the following
138.9 employees whose exclusive representative is the Minnesota Law Enforcement Association:
- 138.10 (1) the commissioner of public safety must increase the salary paid to state patrol troopers,
138.11 Bureau of Criminal Apprehension agents, and special agents in the gambling enforcement
138.12 division by 8.4 percent;
- 138.13 (2) the commissioner of natural resources must increase the salary paid to conservation
138.14 officers by 8.4 percent;
- 138.15 (3) the commissioner of corrections must increase the salary paid to fugitive specialists
138.16 by 8.4 percent; and
- 138.17 (4) the commissioner of commerce must increase the salary paid to commerce insurance
138.18 fraud specialists by 8.4 percent.
- 138.19 EFFECTIVE DATE. This section is effective retroactively from October 22, 2020.
- 138.20 Sec. 26. RULEMAKING AUTHORITY.
- 138.21 The executive director of the Peace Officer Standards and Training Board may adopt
138.22 rules to carry out the purposes of section 5.
- 138.23 EFFECTIVE DATE. This section is effective the day following final enactment.
- 138.24 Sec. 27. GRANT PROGRAM FOR PUBLIC SAFETY POLICY AND TRAINING
138.25 CONSULTANT COSTS.
- 138.26 (a) The executive director of the Peace Officer Standards and Training Board shall issue
138.27 grants to law enforcement agencies to provide reimbursement for the expense of retaining
138.28 a board-approved public safety policy and training consultant.
- 139.1 (b) The Peace Officer Training and Standards Board shall identify a qualified public
139.2 safety policy and training consultant whose expenses would be eligible for reimbursement
139.3 under this section. At a minimum, the board must select a consultant who meets the following
139.4 criteria:
- 139.5 (1) at least 15 years of experience developing and implementing law enforcement policy
139.6 and developing and leading law enforcement training;

139.7 (2) proven experience in developing both local and statewide law enforcement policies
139.8 that incorporate current statutory and judicial standards, academic research, and best practices
139.9 in policing;

139.10 (3) proven experience in successfully assisting law enforcement agencies to implement
139.11 policing reforms; and

139.12 (4) proven experience in providing measurable value-added to clients for a competitive
139.13 fee.

139.14 (c) The executive director shall give priority to agencies that do not have a contract with
139.15 the consultant selected by the board under paragraph (b). If there are insufficient funds to
139.16 fully reimburse each eligible grant applicant, the executive director shall provide a pro rata
139.17 share of funds appropriated for this purpose to each eligible law enforcement agency based
139.18 on the number of peace officers employed by the agency.

139.19 **Sec. 28. PEACE OFFICER STANDARDS OF CONDUCT; WHITE SUPREMACIST**
139.20 **AFFILIATION AND SUPPORT PROHIBITED.**

139.21 (a) The Peace Officer Standards and Training Board must revise the peace officer
139.22 standards of conduct that the board is mandated to publish and update under Minnesota
139.23 Statutes, section 626.843, subdivision 1, clause (6), to prohibit peace officers from affiliating
139.24 with, supporting, or advocating for white supremacist groups, causes, or ideologies or
139.25 participation in, or active promotion of, an international or domestic extremist group that
139.26 the Federal Bureau of Investigation has determined supports or encourages illegal, violent
139.27 conduct.

139.28 (b) For purposes of this section, white supremacist groups, causes, or ideologies include
139.29 organizations and associations and ideologies that: promote white supremacy and the idea
139.30 that white people are superior to Black, Indigenous, and people of color (BIPOC), promote
139.31 religious and racial bigotry, or seek to exacerbate racial and ethnic tensions between BIPOC
139.32 and non-BIPOC or engage in patently hateful and inflammatory speech, intimidation, and
139.33 violence against BIPOC as means of promoting white supremacy.