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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 3

06/12/2020 Authored by Mariani
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; clarifying the type of data included in the status of a
1.3 complaint or charge against a peace officer; extending the civil statute of limitations
1.4 for certain actions by peace officers; tolling the civil statute of limitations during
1.5 investigations of peace officers; prohibiting warrior-style training for peace officers;
1.6 prohibiting the use of certain restraints; requiring law enforcement agencies to
1.7 update policies regarding the use of force; establishing a duty for peace officers
1.8 to intercede when another peace officer is using unreasonable force; establishing
1.9 a duty for peace officers to report excessive force incidents; requiring law
1.10 enforcement agencies to adopt policies that require peace officers to intercede
1.11 when another officer is using unreasonable force; authorizing the cities of
1.12 Minneapolis and St. Paul to impose residency requirements for peace officers;
1.13 requiring local units of government to establish law enforcement citizen oversight
1.14 councils; specifying powers and duties of the councils and the responsibilities of
1.15 local authorities toward them; requiring law enforcement policies, guidelines,
1.16 training, and reporting on matters relating to procedural justice and community
1.17 interactions; amending arbitrator selection for peace officer grievance arbitrations;
1.18 authorizing rulemaking; appropriating money; amending Minnesota Statutes 2018,
1.19 sections 13.43, subdivision 2; 541.073, subdivision 2; 573.02, subdivision 1;
1.20 609.06, subdivision 1, by adding a subdivision; 626.8452, by adding a subdivision;
1.21 626.89, subdivisions 2, 17; proposing coding for new law in Minnesota Statutes,
1.22 chapters 541; 626.

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

1.24 ARTICLE 1
1.25 LAW ENFORCEMENT CITIZEN OVERSIGHT COUNCILS

1.26 Section 1. Minnesota Statutes 2018, section 626.89, subdivision 2, is amended to read:
1.27 Subd. 2. Applicability. The procedures and provisions of this section apply to law
1.28 enforcement agencies and government units. The procedures and provisions of this section
1.29 do not apply to;

- 2.1 (1) investigations and proceedings of a citizen oversight council described in section
 2.2 626.99; or
- 2.3 (2) investigations of criminal charges against an officer.

2.4 Sec. 2. Minnesota Statutes 2018, section 626.89, subdivision 17, is amended to read:

2.5 Subd. 17. ~~Civilian review~~ **Citizen oversight.** ~~A civilian review board, commission, or~~
 2.6 ~~other oversight body shall not have the authority to make a finding of fact or determination~~
 2.7 ~~regarding a complaint against an officer or impose discipline on an officer. A civilian review~~
 2.8 ~~board, commission, or other oversight body may make a recommendation regarding the~~
 2.9 ~~merits of a complaint, however, the recommendation shall be advisory only and shall not~~
 2.10 ~~be binding on nor limit the authority of the chief law enforcement officer of any unit of~~
 2.11 ~~government~~ The powers and duties of citizen oversight councils for law enforcement agencies
 2.12 are established under section 626.99.

2.13 Sec. 3. **[626.99] LOCAL CITIZEN OVERSIGHT COUNCILS FOR LAW**
 2.14 **ENFORCEMENT AGENCIES.**

2.15 Subdivision 1. **Definition.** As used in this section, "law enforcement agency" has the
 2.16 meaning given in section 626.84, subdivision 1, paragraph (f), but does not include state-level
 2.17 law enforcement agencies.

2.18 Subd. 2. **Councils required.** The governing body of each local unit of government that
 2.19 oversees a law enforcement agency shall establish a citizen oversight council in compliance
 2.20 with this section.

2.21 Subd. 3. **Council membership.** The membership of a citizen oversight council must
 2.22 reflect a broad cross section of the community it represents, including the community's
 2.23 minority and youth populations. The membership must also include individuals who often
 2.24 come into contact with, or who are affected by, the peace officers of the law enforcement
 2.25 agency that the council oversees, other than suspects who are in criminal investigations.
 2.26 The membership of the majority of a council must be weighted toward citizen members.
 2.27 However, a council may also include members that reflect other specific viewpoints, such
 2.28 as law enforcement, prosecutors, educators, clergy, and business and commercial leaders.
 2.29 A council shall elect a chair from among its members at its first meeting.

2.30 Subd. 4. **Operation of council; powers and duties.** (a) A citizen oversight council shall
 2.31 meet on a regular basis. Meetings are open to the public and public testimony may be taken.

3.1 (b) A council's purpose is to encourage and provide community participation in the
 3.2 operation of the law enforcement agency it oversees. A council shall work collaboratively
 3.3 with the governing body of the local unit of government with authority over the agency and
 3.4 the agency's chief law enforcement officer.

3.5 (c) A council may make recommendations and provide assessments relating to any facet
 3.6 of the operation of the agency, including but not limited to:

3.7 (1) law enforcement tactics and strategies, such as community policing;

3.8 (2) the budget for the agency, including priorities on where money should be spent;

3.9 (3) training of the agency's peace officers;

3.10 (4) employment policies, such as residency requirements and minority hiring;

3.11 (5) the substantive operation of the agency relating to such matters as use of force,
 3.12 profiling, diversion, data collection, equipment, militarization, general investigatory practices,
 3.13 officer-initiated use of force investigations, and cooperation with other law enforcement
 3.14 agencies; and

3.15 (6) personnel decisions.

3.16 In addition, a council may evaluate the performance of the agency and the agency's chief
 3.17 law enforcement officer. A council may recommend whether to extend the chief's term and
 3.18 on hiring a successor to the chief when a vacancy occurs.

3.19 Subd. 5. **Investigations into police misconduct.** A citizen oversight council may conduct
 3.20 an investigation into allegations of peace officer misconduct and retain an investigator to
 3.21 facilitate an investigation. Subject to other applicable law, a council may subpoena or compel
 3.22 testimony and documents in an investigation. Upon completion of an investigation, a council
 3.23 may recommend appropriate discipline.

3.24 Subd. 6. **Duties of chief law enforcement officer.** The chief law enforcement officer
 3.25 of a law enforcement agency under the jurisdiction of a citizen oversight council shall
 3.26 cooperate with the council and facilitate the council's achievement of its goals. However,
 3.27 the officer is under no obligation to agree with individual recommendations of the council
 3.28 and may oppose a recommendation. If the officer fails to implement a recommendation that
 3.29 is within the officer's authority, the officer shall inform the council of the failure along with
 3.30 the officer's underlying reasons.

4.1 Subd. 7. **Duties of governing body.** A governing body shall ensure that a council is
 4.2 given the opportunity to comment in a meaningful way on any matter within its jurisdiction.
 4.3 This opportunity must occur with sufficient time before action on the matter is required.

4.4 Subd. 8. **Other applicable law.** Chapters 13 and 13D apply to oversight councils under
 4.5 this section.

4.6 Subd. 9. **Annual report.** A citizen oversight council shall release an annual report that
 4.7 addresses its activities. At a minimum, the report must summarize the council's activities
 4.8 for the past year; recommendations made by the council, including what actions, if any,
 4.9 were taken by other entities in response to the recommendations; and the amount of money
 4.10 spent for the council's operation and the money's source.

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

4.12 Sec. 4. **TIMING.**

4.13 Governing bodies of local units of government shall comply with Minnesota Statutes,
 4.14 section 626.99, by September 1, 2020. A citizen oversight council shall conduct its first
 4.15 meeting by October 1, 2020.

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

4.17 Sec. 5. **COMPLIANCE REVIEWS.**

4.18 The state auditor shall conduct reviews as appropriate and on a regular basis to ensure
 4.19 that local units of government are in compliance with this article.

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

4.21 **ARTICLE 2**

4.22 **POLICIES, TRAINING, REPORTING, APPROPRIATIONS**

4.23 Section 1. Minnesota Statutes 2018, section 13.43, subdivision 2, is amended to read:

4.24 Subd. 2. **Public data.** (a) Except for employees described in subdivision 5 and subject
 4.25 to the limitations described in subdivision 5a, the following personnel data on current and
 4.26 former employees, volunteers, and independent contractors of a government entity is public:

4.27 (1) name; employee identification number, which must not be the employee's Social
 4.28 Security number; actual gross salary; salary range; terms and conditions of employment
 4.29 relationship; contract fees; actual gross pension; the value and nature of employer paid

5.1 fringe benefits; and the basis for and the amount of any added remuneration, including
5.2 expense reimbursement, in addition to salary;

5.3 (2) job title and bargaining unit; job description; education and training background;
5.4 and previous work experience;

5.5 (3) date of first and last employment;

5.6 (4) the existence and status of any complaints or charges against the employee, regardless
5.7 of whether the complaint or charge resulted in a disciplinary action;

5.8 (5) the final disposition of any disciplinary action together with the specific reasons for
5.9 the action and data documenting the basis of the action, excluding data that would identify
5.10 confidential sources who are employees of the public body;

5.11 (6) the complete terms of any agreement settling any dispute arising out of an employment
5.12 relationship, including a buyout agreement as defined in section 123B.143, subdivision 2,
5.13 paragraph (a); except that the agreement must include specific reasons for the agreement if
5.14 it involves the payment of more than \$10,000 of public money;

5.15 (7) work location; a work telephone number; badge number; work-related continuing
5.16 education; and honors and awards received; and

5.17 (8) payroll time sheets or other comparable data that are only used to account for
5.18 employee's work time for payroll purposes, except to the extent that release of time sheet
5.19 data would reveal the employee's reasons for the use of sick or other medical leave or other
5.20 not public data.

5.21 (b) For purposes of this subdivision, a final disposition occurs when the government
5.22 entity makes its final decision about the disciplinary action, regardless of the possibility of
5.23 any later proceedings or court proceedings. Final disposition includes a resignation by an
5.24 individual when the resignation occurs after the final decision of the government entity, or
5.25 arbitrator. In the case of arbitration proceedings arising under collective bargaining
5.26 agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or
5.27 upon the failure of the employee to elect arbitration within the time provided by the collective
5.28 bargaining agreement. A disciplinary action does not become public data if an arbitrator
5.29 sustains a grievance and reverses all aspects of any disciplinary action.

5.30 (c) The government entity may display a photograph of a current or former employee
5.31 to a prospective witness as part of the government entity's investigation of any complaint
5.32 or charge against the employee.

6.1 (d) A complainant has access to a statement provided by the complainant to a government
6.2 entity in connection with a complaint or charge against an employee.

6.3 (e) Notwithstanding paragraph (a), clause (5), and subject to paragraph (f), upon
6.4 completion of an investigation of a complaint or charge against a public official, or if a
6.5 public official resigns or is terminated from employment while the complaint or charge is
6.6 pending, all data relating to the complaint or charge are public, unless access to the data
6.7 would jeopardize an active investigation or reveal confidential sources. For purposes of this
6.8 paragraph, "public official" means:

6.9 (1) the head of a state agency and deputy and assistant state agency heads;

6.10 (2) members of boards or commissions required by law to be appointed by the governor
6.11 or other elective officers;

6.12 (3) executive or administrative heads of departments, bureaus, divisions, or institutions
6.13 within state government; and

6.14 (4) the following employees:

6.15 (i) the chief administrative officer, or the individual acting in an equivalent position, in
6.16 all political subdivisions;

6.17 (ii) individuals required to be identified by a political subdivision pursuant to section
6.18 471.701;

6.19 (iii) in a city with a population of more than 7,500 or a county with a population of more
6.20 than 5,000: managers; chiefs; heads or directors of departments, divisions, bureaus, or
6.21 boards; and any equivalent position; and

6.22 (iv) in a school district: business managers; human resource directors; athletic directors
6.23 whose duties include at least 50 percent of their time spent in administration, personnel,
6.24 supervision, and evaluation; chief financial officers; directors; individuals defined as
6.25 superintendents and principals under Minnesota Rules, part 3512.0100; and in a charter
6.26 school, individuals employed in comparable positions.

6.27 (f) Data relating to a complaint or charge against an employee identified under paragraph
6.28 (e), clause (4), are public only if:

6.29 (1) the complaint or charge results in disciplinary action or the employee resigns or is
6.30 terminated from employment while the complaint or charge is pending; or

6.31 (2) potential legal claims arising out of the conduct that is the subject of the complaint
6.32 or charge are released as part of a settlement agreement.

7.1 This paragraph and paragraph (e) do not authorize the release of data that are made not
7.2 public under other law.

7.3 (g) For purposes of this subdivision, the status of a complaint or charge against a peace
7.4 officer, as defined in section 626.84, subdivision 1, paragraph (c), includes but is not limited
7.5 to the fact that the peace officer has been suspended with pay, suspended without pay, placed
7.6 on administrative leave, or terminated or otherwise separated from employment with a right
7.7 to appeal the decision or elect arbitration.

7.8 **EFFECTIVE DATE.** This section is effective the day following final enactment and
7.9 applies retroactively to personnel data on current and former peace officers created on or
7.10 after January 1, 2020.

7.11 Sec. 2. Minnesota Statutes 2018, section 541.073, subdivision 2, is amended to read:

7.12 Subd. 2. **Limitations period.** (a) Except as provided in paragraph (b), an action for
7.13 damages based on sexual abuse: (1) must be commenced within six years of the alleged
7.14 sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may
7.15 be commenced at any time in the case of alleged sexual abuse of an individual under the
7.16 age of 18, except as provided for in subdivision 4; and (3) must be commenced before the
7.17 plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused
7.18 a minor when that natural person was under 14 years of age.

7.19 (b) An action for damages based on sexual abuse may be commenced at any time in the
7.20 case of alleged sexual abuse by a peace officer, as defined in section 626.84, subdivision
7.21 1, paragraph (c).

7.22 ~~(b)~~ (c) The plaintiff need not establish which act in a continuous series of sexual abuse
7.23 acts by the defendant caused the injury.

7.24 ~~(e)~~ (d) This section does not affect the suspension of the statute of limitations during a
7.25 period of disability under section 541.15.

7.26 **EFFECTIVE DATE.** This section is effective the day following final enactment and
7.27 applies to causes of action that arise on or after that date; causes of action that arose before
7.28 that date if the limitations period has not expired; and, notwithstanding any statutory or
7.29 common law to the contrary, retroactively to any causes of action that arose before that
7.30 date.

8.1 Sec. 3. [541.155] PERIODS OF INVESTIGATION OF PEACE OFFICER NOT
 8.2 COUNTED.

8.3 (a) For purposes of this section, "peace officer" has the meaning given in section 626.84,
 8.4 subdivision 1, paragraph (c).

8.5 (b) Any of the following, arising anytime after a cause of action accrued and during the
 8.6 period of limitation, shall suspend the running of the period of limitation until the same is
 8.7 removed:

8.8 (1) a criminal investigation of a peace officer for any conduct giving rise to the cause
 8.9 of action;

8.10 (2) a criminal prosecution of a peace officer for any conduct giving rise to the cause of
 8.11 action; or

8.12 (3) investigation by any political subdivision, state law enforcement agency, or the Board
 8.13 of Peace Officer Standards and Training into allegations of misconduct by a peace officer
 8.14 giving rise to the cause of action.

8.15 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 8.16 applies to causes of action that arise on or after that date; causes of action that arose before
 8.17 that date if the limitations period has not expired; and, notwithstanding any statutory or
 8.18 common law to the contrary, retroactively to any causes of action that arose before that
 8.19 date.

8.20 Sec. 4. Minnesota Statutes 2018, section 573.02, subdivision 1, is amended to read:

8.21 Subdivision 1. **Death action.** When death is caused by the wrongful act or omission of
 8.22 any person or corporation, the trustee appointed as provided in subdivision 3 may maintain
 8.23 an action therefor if the decedent might have maintained an action, had the decedent lived,
 8.24 for an injury caused by the wrongful act or omission. An action to recover damages for a
 8.25 death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital
 8.26 or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall
 8.27 be commenced within three years of the date of death, but in no event shall be commenced
 8.28 beyond the time set forth in section 541.076. An action to recover damages for a death
 8.29 caused by an intentional act constituting murder may be commenced at any time after the
 8.30 death of the decedent. An action to recover damages for a death caused by a peace officer,
 8.31 as defined in section 626.84, subdivision 1, paragraph (c), may be commenced at any time
 8.32 after the death of the decedent. Any other action under this section may be commenced
 8.33 within three years after the date of death provided that the action must be commenced within

9.1 six years after the act or omission. The recovery in the action is the amount the jury deems
 9.2 fair and just in reference to the pecuniary loss resulting from the death, and shall be for the
 9.3 exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary
 9.4 loss severally suffered by the death. The court then determines the proportionate pecuniary
 9.5 loss of the persons entitled to the recovery and orders distribution accordingly. Funeral
 9.6 expenses and any demand for the support of the decedent allowed by the court having
 9.7 jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as
 9.8 provided in section 549.20.

9.9 If an action for the injury was commenced by the decedent and not finally determined
 9.10 while living, it may be continued by the trustee for recovery of damages for the exclusive
 9.11 benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally
 9.12 suffered by the death. The court on motion shall make an order allowing the continuance
 9.13 and directing pleadings to be made and issues framed as in actions begun under this section.

9.14 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 9.15 applies to causes of action that arise on or after that date; causes of action that arose before
 9.16 that date if the limitations period has not expired; and, notwithstanding any statutory or
 9.17 common law to the contrary, retroactively to any causes of action that arose before that
 9.18 date.

9.19 Sec. 5. Minnesota Statutes 2018, section 609.06, subdivision 1, is amended to read:

9.20 Subdivision 1. **When authorized.** Except as otherwise provided in ~~subdivision~~
 9.21 subdivisions 2 and 3, reasonable force may be used upon or toward the person of another
 9.22 without the other's consent when the following circumstances exist or the actor reasonably
 9.23 believes them to exist:

9.24 (1) when used by a public officer or one assisting a public officer under the public
 9.25 officer's direction:

9.26 (a) in effecting a lawful arrest; or

9.27 (b) in the execution of legal process; or

9.28 (c) in enforcing an order of the court; or

9.29 (d) in executing any other duty imposed upon the public officer by law; or

9.30 (2) when used by a person not a public officer in arresting another in the cases and in
 9.31 the manner provided by law and delivering the other to an officer competent to receive the
 9.32 other into custody; or

10.1 (3) when used by any person in resisting or aiding another to resist an offense against
10.2 the person; or

10.3 (4) when used by any person in lawful possession of real or personal property, or by
10.4 another assisting the person in lawful possession, in resisting a trespass upon or other
10.5 unlawful interference with such property; or

10.6 (5) when used by any person to prevent the escape, or to retake following the escape,
10.7 of a person lawfully held on a charge or conviction of a crime; or

10.8 (6) when used by a parent, guardian, teacher, or other lawful custodian of a child or
10.9 pupil, in the exercise of lawful authority, to restrain or correct such child or pupil; or

10.10 (7) when used by a school employee or school bus driver, in the exercise of lawful
10.11 authority, to restrain a child or pupil, or to prevent bodily harm or death to another; or

10.12 (8) when used by a common carrier in expelling a passenger who refuses to obey a lawful
10.13 requirement for the conduct of passengers and reasonable care is exercised with regard to
10.14 the passenger's personal safety; or

10.15 (9) when used to restrain a person with a mental illness or a person with a developmental
10.16 disability from self-injury or injury to another or when used by one with authority to do so
10.17 to compel compliance with reasonable requirements for the person's control, conduct, or
10.18 treatment; or

10.19 (10) when used by a public or private institution providing custody or treatment against
10.20 one lawfully committed to it to compel compliance with reasonable requirements for the
10.21 control, conduct, or treatment of the committed person.

10.22 Sec. 6. Minnesota Statutes 2018, section 609.06, is amended by adding a subdivision to
10.23 read:

10.24 Subd. 3. Limitations on the use of certain restraints. (a) A peace officer may not use
10.25 any of the following restraints:

10.26 (1) lateral vascular neck restraint;

10.27 (2) choke holds;

10.28 (3) neck holds;

10.29 (4) tying all of a person's limbs together behind the person's back to render the person
10.30 immobile; or

11.1 (5) securing a person in any way that results in transporting the person face down in a
 11.2 vehicle.

11.3 (b) A peace officer may not use any other restraint that restricts free movement of a
 11.4 person's neck or head for any purpose other than to protect the peace officer or another from
 11.5 imminent harm.

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

11.7 **Sec. 7. [626.8272] PROCEDURAL JUSTICE; POLICIES REQUIRED.**

11.8 Subdivision 1. **Model policy required.** (a) By August 15, 2020, the board, in consultation
 11.9 with interested parties, shall develop and distribute to all chief law enforcement officers a
 11.10 procedural justice model policy to govern interactions between peace officers and community
 11.11 members. At a minimum, the policy must require that peace officers:

11.12 (1) obtain consent before conducting searches of individuals in the absence of a search
 11.13 warrant or probable cause;

11.14 (2) obtain written acknowledgment that consent has been sought from individuals that
 11.15 the officer has requested to search under clause (1);

11.16 (3) identify themselves by their full name, rank, badge number, and command, when
 11.17 applicable, to all individuals they have stopped;

11.18 (4) state the reason to the individual affected for any search requests, searches conducted,
 11.19 or stops; and

11.20 (5) report to the officer's chief law enforcement officer relevant information related to
 11.21 the encounter between the officer and the person affected.

11.22 (b) The model policy must specify the information required to be reported under
 11.23 paragraph (a), clause (5), which, at a minimum, must include the individual officer's reason
 11.24 for making the stop or conducting or requesting consent for the search and information
 11.25 about the person encountered, including the person's gender, race, ethnicity, and approximate
 11.26 age. In addition, the policy must specify how the information is to be summarized and
 11.27 reported by chief law enforcement officers under subdivision 2.

11.28 Subd. 2. **Local policies required.** (a) By November 1, 2020, the chief law enforcement
 11.29 officer of every state and local law enforcement agency shall establish and enforce a written
 11.30 procedural justice policy governing the conduct of peace officers engaged in interactions
 11.31 with community members. The chief law enforcement officer shall ensure that each peace
 11.32 officer receives a copy of the agency's policy. The chief law enforcement officer also shall

12.1 ensure that each peace officer is aware of the policy's purpose and the conduct addressed
 12.2 by the policy.

12.3 (b) The policy must, at a minimum, comply with the requirements of the model policy
 12.4 adopted by the board under subdivision 1.

12.5 (c) Every state and local law enforcement agency shall certify to the board that the
 12.6 agency has adopted a written policy in compliance with the board's model policy and shall
 12.7 submit an electronic copy of the policy to the board. The board shall review each policy to
 12.8 ensure compliance and post each policy on the board's website.

12.9 (d) The board shall assist the chief law enforcement officer of each state and local law
 12.10 enforcement agency in developing and implementing procedural justice policies under this
 12.11 subdivision.

12.12 (e) The chief law enforcement officer shall report a summary of the information described
 12.13 in subdivision 1, paragraph (a), clause (5), as directed in the board's model policy.

12.14 **Sec. 8. [626.8434] WARRIOR-STYLE TRAINING PROHIBITED.**

12.15 Subdivision 1. **Definition.** For purposes of this section, "warrior-style training" means
 12.16 training for peace officers that teaches that self-preservation of an officer is an officer's
 12.17 highest priority or that trains peace officers to approach each interaction with a citizen as a
 12.18 threat, or potential threat, to an officer's safety.

12.19 Subd. 2. **No continuing education credits or tuition reimbursement.** (a) The board
 12.20 may not certify a continuing education course that includes warrior-style training.

12.21 (b) The board may not grant continuing education credit to a peace officer for a course
 12.22 that includes warrior-style training.

12.23 (c) The board may not reimburse a law enforcement agency or a peace officer for a
 12.24 course that includes warrior-style training.

12.25 Subd. 3. **Training prohibited.** A law enforcement agency may not provide warrior-style
 12.26 training, directly or through a third party, to a peace officer.

12.27 **Sec. 9. Minnesota Statutes 2018, section 626.8452, is amended by adding a subdivision**
 12.28 **to read:**

12.29 Subd. 1a. **Prohibition on use of certain restraints.** By January 1, 2021, the head of
 12.30 every local and state law enforcement agency shall update and enforce the written policy
 12.31 described in subdivision 1 to prohibit:

- 13.1 (1) the use of lateral vascular neck restraint;
- 13.2 (2) the use of choke holds;
- 13.3 (3) the use of neck holds;
- 13.4 (4) tying all of a person's limbs together behind the person's back to render the person
- 13.5 immobile;
- 13.6 (5) transporting a person face down in a vehicle; and
- 13.7 (6) the use of any other restraint that restricts free movement of a person's neck or head
- 13.8 for any purpose other than to protect the peace officer or another from imminent harm.
- 13.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.10 Sec. 10. **[626.8474] PROCEDURAL JUSTICE AND COMMUNITY INTERACTION**

13.11 **SKILLS; LEARNING OBJECTIVES.**

13.12 Subdivision 1. **Preservice training learning objectives; requirements.** (a) By August

13.13 15, 2020, the board shall prepare learning objectives as described in subdivision 3 for

13.14 preservice training to instruct peace officers in procedural justice and community-interaction

13.15 skills. The learning objectives must be included in the required curriculum of professional

13.16 peace officer education programs.

13.17 (b) An individual is not eligible to take the peace officer licensing examination or the

13.18 part-time peace officer licensing examination on or after July 1, 2021, unless the individual

13.19 has received the training described in paragraph (a).

13.20 Subd. 2. **In-service training learning objectives.** By August 15, 2020, the board shall

13.21 prepare learning objectives as described in subdivision 3 for in-service training to instruct

13.22 all peace officers in procedural justice and community interaction skills. The board shall

13.23 evaluate and monitor in-service training courses to ensure they satisfy the learning objectives.

13.24 Subd. 3. **Learning objectives described.** (a) The preservice and in-service learning

13.25 objectives required in subdivisions 1 and 2 must address the following:

- 13.26 (1) community policing and problem-solving skills;
- 13.27 (2) interpersonal and communication skills;
- 13.28 (3) bias awareness, including both implicit and explicit bias;
- 13.29 (4) scenario-based situational decision-making skills;
- 13.30 (5) crisis intervention and de-escalation skills;

14.1 (6) procedural justice and impartial policing techniques;

14.2 (7) trauma and victim-services skills;

14.3 (8) mental health issues;

14.4 (9) use of analytical research and technology; and

14.5 (10) language and cultural responsiveness skills.

14.6 (b) The board shall determine the parameters and total number of hours required for the
14.7 learning objectives required in this section.

14.8 **Sec. 11. [626.8475] DUTY TO INTERCEDE AND REPORT; POLICIES REQUIRED.**

14.9 Subdivision 1. **Duties; discipline.** (a) A peace officer must intercede when:

14.10 (1) present and observing another peace officer using force that is beyond that which is
14.11 objectively reasonable under the circumstances; and

14.12 (2) physically able to do so.

14.13 (b) A peace officer who observes another employee or peace officer use force that
14.14 exceeds the degree of force permitted by law has the duty to report the incident within 24
14.15 hours to a supervisor.

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

14.18 Subd. 2. **Model policy required.** By September 15, 2020, the commissioner of public
14.19 safety, in consultation with the board, the attorney general, and other interested parties,
14.20 must develop a comprehensive model policy to require peace officers to intercede to prevent
14.21 the use of unreasonable force and report incidents of excessive use of force. The policy, at
14.22 a minimum, must be consistent with subdivision 1. The board must distribute the model
14.23 policy to all chief law enforcement officers.

14.24 Subd. 3. **Agency policies required.** (a) By December 15, 2020, the chief law enforcement
14.25 officer of every state and local law enforcement agency must establish and enforce a written
14.26 policy requiring peace officers employed by the agency to intercede and report that is
14.27 identical or substantially similar to the model policy developed under subdivision 2.

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

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

15.1 Subd. 4. **Compliance reviews authorized.** The board has authority to inspect state and
15.2 local law enforcement agency policies to ensure compliance with subdivision 3. The board
15.3 may conduct this inspection based upon a complaint it receives about a particular agency
15.4 or through a random selection process. The board may impose licensing sanctions and seek
15.5 injunctive relief under section 214.11 for an agency's failure to comply with subdivision 3.

15.6 Sec. 12. **[626.892] PEACE OFFICER GRIEVANCE ARBITRATION SELECTION**
15.7 **PROCEDURE.**

15.8 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in this
15.9 section have the meanings given them.

15.10 (b) "Commissioner" means the commissioner of the Bureau of Mediation Services.

15.11 (c) "Employer" means a political subdivision or law enforcement agency employing a
15.12 peace officer.

15.13 (d) "Grievance" means a dispute or disagreement regarding any written disciplinary
15.14 action, discharge, or termination decision of a peace officer arising under a collective
15.15 bargaining agreement covering peace officers.

15.16 (e) "Grievance arbitration" means binding arbitration of a grievance under the grievance
15.17 procedure in a collective bargaining agreement covering peace officers, as required by this
15.18 section or sections 179A.04, 179A.20, and 179A.21, subdivision 3, to the extent those
15.19 sections are consistent with this section.

15.20 (f) "Grievance procedure" has the meaning given in section 179A.20, subdivision 4,
15.21 except as otherwise provided in this section or to the extent inconsistent with this section.

15.22 (g) "Peace officer" means a licensed peace officer or part-time peace officer subject to
15.23 licensure under sections 626.84 to 626.863.

15.24 Subd. 2. **Applicability.** Notwithstanding any contrary provision of law, home rule
15.25 charter, ordinance, or resolution, effective the day following final enactment, the arbitrator
15.26 selection procedure established under this section shall apply to all peace officer grievance
15.27 arbitrations for written disciplinary action, discharge, or termination, and must be included
15.28 in the grievance procedure for all collective bargaining agreements covering peace officers
15.29 negotiated on or after that date. This section does not apply to any other public employees.

15.30 Subd. 3. **Roster of arbitrators.** The governor, in consultation with community and law
15.31 enforcement stakeholders, shall appoint a roster of no fewer than 25 persons specifically
15.32 suites and qualified by training and experience to act as arbitrators for peace officer grievance

16.1 arbitrations under this section. The governor shall exercise this power of appointment as
16.2 conferred by law. Arbitrator terms and roster requirements under Minnesota Rules, chapters
16.3 5500 to 5530, shall apply to the extent consistent with this section.

16.4 Subd. 4. **Arbitrator qualifications.** A person seeking appointment to the arbitrator
16.5 roster under this section must complete initial training on culture competency, racism,
16.6 implicit bias, and recognizing and valuing community diversity and cultural differences,
16.7 and must continue to complete the training as required during the person's appointment.
16.8 The commissioner may adopt rules establishing training and requirements for this purpose.

16.9 Subd. 5. **Selection of arbitrators.** The commissioner shall assign or appoint an arbitrator
16.10 or panel of arbitrators from the roster to a peace officer grievance arbitration under this
16.11 section on a random or rotating basis. The parties shall not participate in, negotiate for, or
16.12 agree to the selection of an arbitrator or arbitration panel under this section. The arbitrator
16.13 or panel shall decide the grievance, and the decision is binding subject to the provisions of
16.14 chapter 572B.

16.15 Subd. 6. **Interaction with other laws.** (a) Sections 179A.21, subdivision 2, and 572B.11,
16.16 paragraph (a), and rules for arbitrator selection promulgated pursuant to section 179A.04
16.17 shall not apply to a peace officer grievance arbitration under this section.

16.18 (b) Notwithstanding any contrary provision of law, home rule charter, ordinance, or
16.19 resolution, peace officers, through their certified exclusive representatives, shall not have
16.20 the right to negotiate for or agree to a collective bargaining agreement or a grievance
16.21 arbitration selection procedure with their employers that is inconsistent with this section.

16.22 (c) The arbitrator selection procedure for peace officer grievance arbitrations established
16.23 under this section supersedes any inconsistent provisions in chapter 179A or 572B or in
16.24 Minnesota Rules, chapters 5500 to 5530 and 7315 to 7325. Other arbitration requirements
16.25 in those chapters remain in full force and effect for peace officer grievance arbitrations,
16.26 except as provided in this section or to the extent inconsistent with this section.

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

16.28 Sec. 13. **GUIDELINES ON POSITIVE COMMUNITY INTERACTIONS.**

16.29 (a) The commissioner of public safety, in consultation with interested parties, shall
16.30 develop guidelines to encourage law enforcement agencies to implement changes in how
16.31 peace officers may interact more positively with community members. At a minimum, the
16.32 guidelines must address changes in the deployment of peace officers to allow officers to

17.1 rotate into and out of assignments so as to ensure that individual officers are not consistently
 17.2 exposed to stressful situations.

17.3 (b) The commissioner shall report to the legislature on any recommended changes to
 17.4 law or funding to better achieve the goals in paragraph (a).

17.5 **Sec. 14. MINNEAPOLIS PEACE OFFICERS; RESIDENCY REQUIREMENTS.**

17.6 Notwithstanding Minnesota Statutes, section 415.16, or provision of other law, home
 17.7 rule charter, ordinance, resolution, or rule to the contrary, the city of Minneapolis may
 17.8 require residency within the territorial limits of the city of Minneapolis as a condition of
 17.9 employment as a peace officer. The residency requirement applies only to persons hired
 17.10 after the date the requirement is imposed.

17.11 **EFFECTIVE DATE.** This section is effective the day after the governing body of the
 17.12 city of Minneapolis and its chief clerical officer comply with Minnesota Statutes, section
 17.13 645.021, subdivisions 2 and 3.

17.14 **Sec. 15. ST. PAUL PEACE OFFICERS; RESIDENCY REQUIREMENTS.**

17.15 Notwithstanding Minnesota Statutes, section 415.16, or provision of other law, home
 17.16 rule charter, ordinance, resolution, or rule to the contrary, the city of St. Paul may require
 17.17 residency within the territorial limits of the city of St. Paul as a condition of employment
 17.18 as a peace officer. The residency requirement applies only to persons hired after the date
 17.19 the requirement is imposed.

17.20 **EFFECTIVE DATE.** This section is effective the day after the governing body of the
 17.21 city of St. Paul and its chief clerical officer comply with Minnesota Statutes, section 645.021,
 17.22 subdivisions 2 and 3.

17.23 **Sec. 16. APPROPRIATION.**

17.24 (a) \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner
 17.25 of public safety for: (1) increased soft body armor reimbursements under Minnesota Statutes,
 17.26 section 299A.38; (2) grants to law enforcement agencies for counseling services for peace
 17.27 officers; and (3) grants to local units of government to establish and maintain citizen oversight
 17.28 councils under article 1. Notwithstanding the maximum amount specified in Minnesota
 17.29 Statutes, section 299A.38, the commissioner shall use the appropriation in clause (1) to
 17.30 increase the state share and lower the local share for soft body armor reimbursements.

- 18.1 (b) \$..... in fiscal year 2021 is appropriated from the general fund to the Peace Officers
- 18.2 Standards and Training Board for costs associated with this act.