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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2724

01/24/2022 Authored by Frazier, Mariani, Edelson, Feist, Moller and others
The bill was referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; establishing the Office of Public Safety Innovation within
1.3 the Office of Justice Programs; providing for community safety grants; directing
1.4 the Peace Officer Standards and Training Board to adopt rules regarding the
1.5 unauthorized use of force by peace officers; directing the Peace Officer Standards
1.6 and Training Board to amend the model policy on portable recording systems to
1.7 require showing and releasing video to certain individuals; permitting local
1.8 governments to allow civilian oversight councils to impose discipline on peace
1.9 officers; requiring citizen oversight councils to provide certain information to the
1.10 Peace Officer Standards and Training Board; authorizing the Peace Officer
1.11 Standards and Training Board to take licensure action against licensees who commit
1.12 criminal acts regardless of whether the licensee was convicted; establishing a task
1.13 force on alternative courses to peace officer licensure; requiring independent
1.14 evaluations; appropriating money for the Office of Public Safety Innovation;
1.15 appropriating money for investigators for the Peace Officer Standards and Training
1.16 Board, innovation in community safety grants, local community policing grants,
1.17 crime investigation grants, portable recording systems for law enforcement
1.18 agencies, a task force on alternative courses to peace officer licensure, and opiate
1.19 epidemic response grants; requiring reports; transferring money; amending
1.20 Minnesota Statutes 2020, sections 626.8432, subdivision 1; 626.8473, subdivision
1.21 3; 626.89, subdivision 17; proposing coding for new law in Minnesota Statutes,
1.22 chapter 299A; repealing Minnesota Statutes 2020, section 214.10, subdivisions
1.23 10, 12, 13; Minnesota Statutes 2021 Supplement, section 214.10, subdivision 11.

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

1.25 ARTICLE 1
1.26 COMMUNITY SAFETY GRANTS

1.27 Section 1. [299A.625] INNOVATION IN COMMUNITY SAFETY; OFFICE OF
1.28 PUBLIC SAFETY INNOVATION.

1.29 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
1.30 meanings given them.

2.1 (b) "Civilian review board" means a board, commission, or other oversight body created
2.2 to provide civilian oversight of the conduct of peace officers and law enforcement agencies.

2.3 (c) "Commissioner" means the commissioner of public safety.

2.4 (d) "Community violence interruption" means a program that works with other
2.5 organizations and persons in the community to develop community-based responses to
2.6 violence that use and adapt critical incident response methods, provide targeted interventions
2.7 to prevent the escalation of violence after the occurrence of serious incidents, and de-escalate
2.8 violence with the use of community-based interventions. The programs may work with
2.9 local prosecutorial offices to provide an alternative to adjudication through a restorative
2.10 justice model.

2.11 (e) "Co-responder teams" means a partnership between a group or organization that
2.12 provides mental health or crisis-intervention services and local units of government or Tribal
2.13 governments that:

2.14 (1) provides crisis-response teams to de-escalate volatile situations;

2.15 (2) responds to situations involving a mental health crisis;

2.16 (3) promotes community-based efforts designed to enhance community safety and
2.17 wellness; or

2.18 (4) supports community-based strategies to interrupt, intervene in, or respond to violence.

2.19 (f) "Local commission" has the meaning given in section 363A.03, subdivision 23.

2.20 (g) "Metropolitan area" has the meaning given in section 473.121, subdivision 2.

2.21 (h) "Restorative justice program" has the meaning given in section 611A.775, and
2.22 includes Native American sentencing circles.

2.23 (i) "Targeted area" means:

2.24 (1) any part of a city or town with a population greater than 50,000 that has a poverty
2.25 rate of at least 20 percent and that experiences a disproportionately high rate of violent
2.26 crime, provided the population in the targeted area does not exceed 50,000 inhabitants;

2.27 (2) a county, city, or town with a population that does not exceed 50,000 that has a
2.28 poverty rate of at least 20 percent and that experiences a disproportionately high rate of
2.29 violent crime; or

3.1 (3) any part of a county, city, or town with a population that does not exceed 50,000 that
3.2 has a poverty rate of at least 20 percent and that experiences a disproportionately high rate
3.3 of violent crime.

3.4 Subd. 2. **Office of Public Safety Innovation; director; qualifications.** (a) The Office
3.5 of Public Safety Innovation is established within the Office of Justice Programs in the
3.6 Department of Public Safety. The Office of Public Safety Innovation shall have the powers
3.7 and duties described in this section.

3.8 (b) The commissioner shall appoint a director to manage the Office of Public Safety
3.9 Innovation and direct a targeted, community-centered response to violence. The director
3.10 shall serve in the unclassified service.

3.11 (c) The director shall have experience:

3.12 (1) living in a targeted area;

3.13 (2) providing direct services to victims or others in communities impacted by violence;

3.14 (3) writing or reviewing grant applications;

3.15 (4) building coalitions within the African American community and other communities
3.16 that have experienced systemic discrimination; and

3.17 (5) leading a nonprofit organization.

3.18 Subd. 3. **Director; duties.** (a) The director shall work with community members to
3.19 develop a strategy to address violence within targeted areas and promote community healing
3.20 and recovery.

3.21 (b) The director shall hire up to six coordinators or support staff and two administrative
3.22 staff. The staff shall be in the unclassified service of the state and their compensation shall
3.23 be established pursuant to chapter 43A. They shall be reimbursed for the expenses necessarily
3.24 incurred in the performance of their official duties in the same manner as other state
3.25 employees.

3.26 (c) The coordinator shall:

3.27 (1) serve as a liaison between the office and the councils created in sections 3.922 and
3.28 15.0145;

3.29 (2) provide technical assistance or navigation services to individuals seeking to apply
3.30 for grants issued by the office;

3.31 (3) identify targeted areas;

- 4.1 (4) establish an online portal for community feedback on grant prioritization;
- 4.2 (5) organize and provide technical assistance to local grant advisory boards;
- 4.3 (6) assist local grant advisory boards in soliciting applications for grants;
- 4.4 (7) develop simplified grant application materials;
- 4.5 (8) identify effective forms of community-led intervention to promote public safety; and
- 4.6 (9) encourage the use of restorative justice programs, including but not limited to
- 4.7 sentencing circles.

4.8 Subd. 4. **Innovation in community safety grants.** (a) Consistent with the

4.9 recommendations of community grant advisory boards, the director shall award grants to

4.10 organizations in targeted areas for the purposes identified in this subdivision. The director

4.11 may prioritize targeted areas, determine which targeted areas are eligible for grants, and

4.12 establish the total amount of money available for grants in each targeted area provided that

4.13 an eligible targeted area must receive at least \$5,000,000 for grants and at least one targeted

4.14 area receiving money must be located outside the metropolitan area. In prioritizing targeted

4.15 areas, the commissioner shall prioritize areas that have the highest rates of violent crime.

4.16 (b) Grants may be issued for any of the following:

- 4.17 (1) juvenile diversion programs;
- 4.18 (2) community violence interruption;
- 4.19 (3) restorative justice programs;
- 4.20 (4) co-responder teams;
- 4.21 (5) community-based mental health and social service centers that provide direct services
- 4.22 to community members in targeted areas;
- 4.23 (6) victim services;
- 4.24 (7) re-entry programs; or
- 4.25 (8) homeless assistance programs to provide a rent subsidy or temporary housing for
- 4.26 formerly incarcerated individuals and families supporting formerly incarcerated individuals.
- 4.27 (c) Law enforcement agencies as defined in section 626.84, subdivision 1, paragraph
- 4.28 (f), are not eligible for grants under this section.

5.1 Subd. 5. **Appropriation distribution.** (a) Of the amount appropriated for grants issued
5.2 pursuant to subdivision 4, two-thirds shall be distributed in the metropolitan area and
5.3 one-third shall be distributed outside the metropolitan area.

5.4 (b) No grant recipient shall receive more than \$1,000,000 each year.

5.5 Subd. 6. **Community grant advisory boards; members.** (a) The director shall establish
5.6 community grant advisory boards within each targeted area.

5.7 (b) A community grant advisory board shall include seven members consisting of the
5.8 following:

5.9 (1) two employees of the city or county that includes the targeted area with priority given
5.10 to individuals who work for a violence prevention office or a local commission;

5.11 (2) two individuals who meet any of the following conditions with priority given to a
5.12 person who meets the condition described in item (iii):

5.13 (i) serves on the board of a nonprofit organization and lives within the targeted area;

5.14 (ii) works with any nonprofit organization that operates within the targeted area; or

5.15 (iii) has an academic background in violence prevention and lives in the targeted area
5.16 or within 15 miles of the targeted area; and

5.17 (3) three individuals who live within the targeted area with priority given to individuals
5.18 who reflect the demographic makeup of the targeted area.

5.19 (c) Community grant advisory boards shall review grant applications and make
5.20 recommendations to the director regarding which applicants should be funded and the
5.21 amount of those awards.

5.22 (d) The director shall convene the first meeting of the community grant advisory boards.
5.23 Each board shall elect a chair from among its members and subsequent meetings shall take
5.24 place upon the call of the chair.

5.25 (e) Community grant advisory board members may not accept gifts, donations, or any
5.26 other item of value from applicants.

5.27 Subd. 7. **Innovation in community safety grants; procedure.** (a) Upon determining
5.28 which targeted areas will receive grants, the director must send direct mail to each household
5.29 address in the targeted area. The mail must contain a survey providing the ability for residents
5.30 to provide feedback on grant prioritization. Community members must be provided at least
5.31 30 days to respond to the survey.

6.1 (b) After completion of the community surveys under paragraph (a), the community
6.2 grant advisory boards shall hold at least one community meeting. Community meetings
6.3 shall be held within the targeted area and are subject to chapter 13D.

6.4 (c) Consistent with input from community surveys and community meetings, community
6.5 grant advisory boards shall provide notice of available grants and application materials for
6.6 organizations or individuals to apply for grants.

6.7 (d) Community grant advisory boards shall establish reasonable application deadlines
6.8 and review grant applications. Boards may interview applicants and invite presentations.

6.9 (e) Community grant advisory boards shall make recommendations regarding which
6.10 applicants should receive funds and the amount of those funds, and shall inform the director
6.11 of their decisions. The director shall issue grants pursuant to the decision of the community
6.12 grant advisory board unless issuing the grant would violate state or federal law or policy.

6.13 Subd. 8. **Report.** By February 15 of each year, the director shall report to the chairs and
6.14 ranking members of the house of representatives and senate committees and divisions with
6.15 jurisdiction over public safety finance and policy on the number and type of grants issued
6.16 by the Office of Public Safety Innovation, a summary of the reports received from grant
6.17 recipients, and the results of the independent evaluation performed pursuant to subdivision
6.18 9.

6.19 Subd. 9. **Independent evaluation.** The Office of Justice Programs shall contract with
6.20 an independent third-party vendor to conduct a comprehensive program evaluation of the
6.21 programs provided by each grant recipient. The evaluation shall assess the impact of the
6.22 programs and determine whether the program was a success or failure and to what degree,
6.23 and what factors in the program or selection process contributed to the program being a
6.24 success or failure. The independent evaluation shall be provided to the Office of Justice
6.25 Programs by January 15 of each year and the Office of Justice Programs shall provide the
6.26 information to the Office of Public Safety Innovation for inclusion in the report described
6.27 in subdivision 8.

6.28 Sec. 2. **INNOVATION IN COMMUNITY SAFETY; GRANTS; APPROPRIATION.**

6.29 (a) \$40,000,000 in fiscal year 2023 is appropriated from the general fund to the
6.30 commissioner of public safety for the innovation in community safety grant program within
6.31 the Office of Public Safety Innovation under Minnesota Statutes, section 299A.625. The
6.32 base for this appropriation is \$10,000,000 in fiscal year 2024 and beyond. Any unencumbered

7.1 balance remaining at the end of the fiscal year does not cancel and is available until expended
 7.2 for the purposes of this paragraph.

7.3 (b) Notwithstanding Minnesota Statutes, section 299A.296, or any law to the contrary,
 7.4 the commissioner may not use any portion of the amount identified in paragraph (a) to
 7.5 administer the program.

7.6 **Sec. 3. OFFICE OF PUBLIC SAFETY INNOVATION; APPROPRIATION.**

7.7 \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner of
 7.8 public safety to establish and maintain the Office of Public Safety Innovation.

7.9 **Sec. 4. OPIATE EPIDEMIC RESPONSE GRANTS; PREVENTION AND**
 7.10 **EDUCATION.**

7.11 \$10,000,000 in fiscal year 2023 is transferred from the general fund to the opiate epidemic
 7.12 response fund established pursuant to Minnesota Statutes, section 256.043. Grants issued
 7.13 from this amount are for prevention and education as described in Minnesota Statutes,
 7.14 section 256.042, subdivision 1, paragraph (a), clause (1). This is a onetime transfer.

7.15 **ARTICLE 2**

7.16 **LAW ENFORCEMENT GRANTS**

7.17 **Section 1. LOCAL COMMUNITY POLICING GRANTS.**

7.18 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
 7.19 meanings given.

7.20 (b) "City of the first class" has the meaning given in Minnesota Statutes, section 410.01.

7.21 (c) "Law enforcement agency" has the meaning given in Minnesota Statutes, section
 7.22 626.84, subdivision 1, paragraph (f), but does not include a unit of state government.

7.23 (d) "Peace officer" has the meaning given in Minnesota Statutes, section 626.84,
 7.24 subdivision 1, paragraph (c).

7.25 Subd. 2. **Appropriation.** \$22,000,000 in fiscal year 2023 is appropriated from the general
 7.26 fund to the commissioner of public safety for the Office of Public Safety Innovation to
 7.27 administer grants to law enforcement agencies to implement or expand the use of patrols
 7.28 performed by peace officers who are outside of a squad car in areas that have experienced
 7.29 disproportionately high rates of criminal activity and expand community partnerships. The

8.1 base for this appropriation is \$5,000,000 in fiscal years 2024, 2025, and 2026. The base is
8.2 \$0 in fiscal year 2027 and beyond.

8.3 Subd. 3. **Purpose.** (a) Law enforcement agencies that receive grants under this section
8.4 must use half of the money received to establish, maintain, or expand patrol programs that:

8.5 (1) require peace officers who are assigned to specified beats to patrol their assigned
8.6 area outside of a vehicle;

8.7 (2) assign two peace officers to each patrol;

8.8 (3) limit the assigned area for patrol to 1.5 miles of streets or 15 intersections; and

8.9 (4) take place in neighborhoods that have experienced a disproportionately high level
8.10 of criminal activity.

8.11 (b) Law enforcement agencies that receive grants under this section must use half of the
8.12 money to support partnerships with community groups to:

8.13 (1) establish, maintain, or expand crisis response teams in which social workers or mental
8.14 health providers are sent as first responders when calls for service indicate that an individual
8.15 is having a mental health crisis;

8.16 (2) establish, maintain, or expand co-responder teams; or

8.17 (3) enhance community violence prevention programs.

8.18 (c) Money received as a part of this grant may not be used to perform undercover police
8.19 work.

8.20 Subd. 4. **Application; distribution.** (a) Law enforcement agencies applying for grants
8.21 under this section must submit an application in the form and manner specified by the Office
8.22 of Public Safety Innovation. At a minimum, the application must include data on any area
8.23 where patrols will be assigned that demonstrates that the area has experienced a
8.24 disproportionately high rate of criminal activity.

8.25 (b) One recipient must be a law enforcement agency in a city of the first class in the
8.26 metropolitan area. One recipient must be a law enforcement agency in the metropolitan area
8.27 that is not in a city of the first class. One recipient must be outside of the metropolitan area.
8.28 All recipients must operate in jurisdictions that either experienced an increase in crime in
8.29 the preceding 12 months or experienced a decrease in crime at a rate slower than the average
8.30 of other jurisdictions in the same category.

8.31 Subd. 5. **Reports.** (a) A grant recipient must provide a preliminary report to the Office
8.32 of Public Safety Innovation six months after receiving funds pursuant to this section and

9.1 must provide a final report 12 months after receiving funds. The reports must include the
9.2 use of the funds, the impact on public safety, the existence and status of any complaints or
9.3 charges against an employee compensated with grant funds, and the final disposition of any
9.4 disciplinary action taken against an employee compensated with grant funds.

9.5 (b) The Office of Public Safety Innovation shall compile the preliminary and final reports
9.6 provided pursuant to paragraph (a) and provide a report to the chairs and ranking minority
9.7 members of the house of representatives and senate committees with jurisdiction over public
9.8 safety on or before February 1 of each year in which the Office of Public Safety Innovation
9.9 received a report.

9.10 **Sec. 2. CRIME INVESTIGATION GRANTS; APPROPRIATION.**

9.11 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
9.12 meanings given.

9.13 (b) "City of the first class" has the meaning given in Minnesota Statutes, section 410.01.

9.14 (c) "Federally recognized Tribes" has the meaning given in United States Code, title 25,
9.15 section 450b(e).

9.16 (d) "Law enforcement agency" has the meaning given in Minnesota Statutes, section
9.17 626.84, subdivision 1, paragraph (f).

9.18 (e) "Metropolitan area" has the meaning given in Minnesota Statutes, section 473.121,
9.19 subdivision 2.

9.20 (f) "Peace officer" has the meaning given in Minnesota Statutes, section 626.84,
9.21 subdivision 1, paragraph (c).

9.22 Subd. 2. Grant; appropriation. \$22,000,000 in fiscal year 2023 is appropriated from
9.23 the general fund to the commissioner of public safety for grants administered by the Office
9.24 of Public Safety Innovation to improve clearance rates for homicides and nonfatal shootings.
9.25 The base for this appropriation is \$5,000,000 in fiscal years 2024, 2025, and 2026. The base
9.26 is \$0 in fiscal year 2027 and beyond. Any unencumbered balance remaining at the end of
9.27 a fiscal year does not cancel. Money appropriated under this section is available for the
9.28 purposes of this section until June 30, 2032. Any unencumbered balance remaining on June
9.29 30, 2032, is available for the purposes identified in Minnesota Statutes, section 299A.625,
9.30 subdivision 4, and is available until spent.

10.1 Subd. 3. Eligibility; purposes. (a) A grant recipient must be a law enforcement agency
10.2 that is a unit of either a local government or a federally recognized Tribe, or a task force or
10.3 other cross-jurisdictional collaboration between law enforcement agencies.

10.4 (b) Grants may be used to:

10.5 (1) ensure the retention of peace officers identified as a detective, investigator, or a
10.6 comparable rank and assigned to investigate homicides and nonfatal shootings;

10.7 (2) hire additional detectives, investigators, or other individuals with a comparable rank
10.8 or designation to investigate homicides and nonfatal shootings, including hiring, on a
10.9 temporary or permanent basis, individuals licensed by the Board of Private Detective and
10.10 Protective Agent Services to engage in the business of a private detective;

10.11 (3) hire additional peace officers to replace officers transferred or promoted to detective,
10.12 investigator, or a comparable rank and assigned to investigate homicides and nonfatal
10.13 shootings;

10.14 (4) acquire, upgrade, or replace investigative or evidence-processing technology or
10.15 equipment;

10.16 (5) hire additional evidence-processing personnel;

10.17 (6) ensure personnel responsible for evidence processing have sufficient resources and
10.18 training;

10.19 (7) hire and train personnel to analyze violent crime, specifically with regards to the use
10.20 of intelligence information of criminal networks and the potential for retaliation among
10.21 gangs or groups, and the geographic trends among homicides and nonfatal shootings;

10.22 (8) ensure victim services and personnel are sufficiently funded, staffed, and trained;

10.23 (9) ensure victims and family members of homicides and nonfatal shootings have access
10.24 to resources, including:

10.25 (i) convenient mental health treatment and grief counseling;

10.26 (ii) funeral and burial expenses;

10.27 (iii) relocation expenses;

10.28 (iv) emergency shelter;

10.29 (v) emergency transportation; and

10.30 (vi) lost wage assistance;

11.1 (10) develop competitive and evidence-based programs to improve homicide and nonfatal
11.2 shooting clearance rates; or

11.3 (11) develop best practices for improving access to and acceptance of victim services,
11.4 including those that promote medical and psychological wellness, ongoing counseling, legal
11.5 advice, and financial compensation.

11.6 (c) One recipient must be a law enforcement agency in a city of the first class in the
11.7 metropolitan area. One recipient must be a law enforcement agency in the metropolitan area
11.8 that is not in a city of the first class. One recipient must be outside of the metropolitan area.
11.9 All recipients must operate in jurisdictions that either experienced an increase in crime in
11.10 the preceding 12 months or experienced a decrease in crime at a rate slower than the average
11.11 of other jurisdictions in the same category. At least 25 percent of the money appropriated
11.12 under this section for grants to improve clearance rates for homicides and nonfatal shootings
11.13 must be awarded to law enforcement agencies located outside the metropolitan area.

11.14 Subd. 4. **Reports by grant recipients.** By January 15 of each year, law enforcement
11.15 agencies who received a grant under this section in the previous calendar year shall provide
11.16 a report to the Office of Public Safety Innovation indicating:

11.17 (1) the amount of money received by the law enforcement agency in the previous calendar
11.18 year;

11.19 (2) the number of additional individuals hired by the law enforcement agency on a
11.20 permanent or part-time basis to work as detectives, investigators, or a comparable rank or
11.21 designation assigned to investigate homicides and nonfatal shootings;

11.22 (3) a description of any training provided to peace officers to assist in solving crimes
11.23 and improving clearance rates;

11.24 (4) any new evidence-processing technology or equipment obtained by the law
11.25 enforcement agency or any upgrades to existing evidence technology or equipment made
11.26 by the law enforcement agency;

11.27 (5) a description of any training provided to evidence-processing personnel to improve
11.28 outcomes and capacity; and

11.29 (6) data regarding clearance rates for homicides, clearance rates for nonfatal shootings,
11.30 and the type and frequency of crimes committed in the jurisdiction of the law enforcement
11.31 agency.

11.32 Subd. 5. **Evaluation and report by the Office of Public Safety Innovation.** By January
11.33 15, 2024, and every even-numbered year thereafter until all appropriated funds have been

12.1 distributed and any reports required under subdivision 4 have been received, the Office of
12.2 Public Safety Innovation shall provide a report to the chairs and ranking minority members
12.3 of the house of representatives and senate committees with jurisdiction over public safety.
12.4 The report must include a compilation of the information received under subdivision 4 and
12.5 an evaluation of the practices deployed by grant recipients to identify policies and procedures
12.6 that have successfully improved clearance rates for homicides and nonfatal shootings.

12.7 **Sec. 3. BODY CAMERA GRANT PROGRAM; APPROPRIATION.**

12.8 (a) \$2,500,000 in fiscal year 2023 is appropriated from the general fund to the
12.9 commissioner of public safety for grants administered by the Office of Public Safety
12.10 Innovation to local law enforcement agencies for portable recording systems. The executive
12.11 director shall award grants to local law enforcement agencies for the purchase and
12.12 maintenance of portable recording systems and portable recording system data. An applicant
12.13 must provide a 50 percent match to be eligible to receive a grant. The executive director
12.14 must give priority to applicants that do not have a portable recording system program. The
12.15 executive director must award at least one grant to a law enforcement agency located outside
12.16 of the seven-county metropolitan area.

12.17 (b) As a condition of receiving a grant, a law enforcement agency's portable recording
12.18 system policy required under Minnesota Statutes, section 626.8473, subdivision 3, must
12.19 include the following provisions:

12.20 (1) prohibit altering, erasing, or destroying any recording made with a peace officer's
12.21 portable recording system or data and metadata related to the recording prior to the expiration
12.22 of the applicable retention period under Minnesota Statutes, section 13.825, subdivision 3,
12.23 except that the full, unedited, and unredacted recording of a peace officer using deadly force
12.24 must be maintained indefinitely;

12.25 (2) mandate that a deceased individual's next of kin, legal representative of the next of
12.26 kin, or other parent of the deceased individual's children be entitled to view any and all
12.27 recordings from a peace officer's portable recording system, redacted no more than what is
12.28 required by law, of an officer's use of deadly force no later than seven days after an incident
12.29 where deadly force used by a peace officer results in death of an individual, except that a
12.30 chief law enforcement officer may deny a request if investigators can articulate a compelling
12.31 reason as to why allowing the deceased individual's next of kin, legal representative of the
12.32 next of kin, or other parent of the deceased individual's children to review the recordings
12.33 would interfere with the agency conducting a thorough investigation. If the chief law
12.34 enforcement officer denies a request under this provision, the agency's policy must require

13.1 the chief law enforcement officer to issue a prompt, written denial and provide notice to
 13.2 the deceased individual's next of kin, legal representative of the next of kin, or other parent
 13.3 of the deceased individual's children that they may seek relief from the district court;

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

13.8 (4) mandate, whenever practicable, that an officer operating a portable recording system
 13.9 while entering a residence notify occupants of the residence that they are being recorded.

13.10 **ARTICLE 3**

13.11 **LAW ENFORCEMENT POLICY**

13.12 Section 1. Minnesota Statutes 2020, section 626.8432, subdivision 1, is amended to read:

13.13 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The board may
 13.14 refuse to issue, refuse to renew, refuse to reinstate, suspend, revoke eligibility for licensure,
 13.15 or revoke a peace officer or part-time peace officer license for any of the following causes:

13.16 (1) fraud or misrepresentation in obtaining a license;

13.17 (2) failure to meet licensure requirements; or

13.18 (3) a violation of the standards of conduct set forth in Minnesota Rules, chapter 6700.

13.19 (b) Unless otherwise provided by the board, a revocation or suspension applies to each
 13.20 license, renewal, or reinstatement privilege held by the individual at the time final action
 13.21 is taken by the board. A person whose license or renewal privilege has been suspended or
 13.22 revoked shall be ineligible to be issued any other license by the board during the pendency
 13.23 of the suspension or revocation. A person does not need to be convicted of a crime for the
 13.24 board to take licensure action under paragraph (a).

13.25 (c) Any rule or portion of a rule that conflicts with this section is invalid.

13.26 Sec. 2. Minnesota Statutes 2020, section 626.8473, subdivision 3, is amended to read:

13.27 Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state
 13.28 and local law enforcement agency that uses or proposes to use a portable recording system
 13.29 must establish and enforce a written policy governing its use. In developing and adopting
 13.30 the policy, the law enforcement agency must provide for public comment and input as
 13.31 provided in subdivision 2. Use of a portable recording system without adoption of a written

14.1 policy meeting the requirements of this section is prohibited. The written policy must be
14.2 posted on the agency's website, if the agency has a website.

14.3 (b) At a minimum, the written policy must incorporate and require compliance with the
14.4 following:

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

14.12 (2) mandate that a portable recording system be:

14.13 (i) worn where it affords an unobstructed view, and above the mid-line of the waist;

14.14 (ii) activated during all contacts with citizens in the performance of official duties other
14.15 than community engagement, to the extent practical without compromising officer safety;
14.16 and

14.17 (iii) activated when the officer arrives on-scene of an incident and remain active until
14.18 the conclusion of the officer's duties at the scene of the incident;

14.19 (3) mandate that officers assigned a portable recording system wear and operate the
14.20 system in compliance with the agency's policy adopted under this section while performing
14.21 law enforcement activities under the command and control of another chief law enforcement
14.22 officer or federal law enforcement official;

14.23 (4) mandate that any and all recordings from a peace officer's portable recording system,
14.24 redacted no more than what is required by law, involving the use of force by an officer upon
14.25 or toward the person of another without the other's consent, including the use of deadly
14.26 force, be treated as public benefit data pursuant to section 13.82, subdivision 15, and be
14.27 made available for viewing by the person upon whom force was used, the legal representative
14.28 of a person upon whom force was used, a deceased individual's next of kin, the legal
14.29 representative of the next of kin, or other parent of the deceased individual's children no
14.30 later than seven days after an incident where force was used by a peace officer, except that
14.31 a chief law enforcement officer may deny a request if investigators can articulate a compelling
14.32 reason as to why allowing review of the recordings would interfere with the agency
14.33 conducting a thorough investigation. If the chief law enforcement officer denies a request

15.1 under this provision, the agency's policy must require the chief law enforcement officer to
 15.2 issue a prompt, written denial and provide notice to the person upon whom force was used,
 15.3 the legal representative of a person upon whom force was used, deceased individual's next
 15.4 of kin, legal representative of the next of kin, or other parent of the deceased individual's
 15.5 children that they may seek relief from the district court;

15.6 (5) mandate that recordings of an incident where a peace officer used force upon or
 15.7 toward the person of another without the other's consent, including the use of deadly force,
 15.8 be treated as public benefit data pursuant to section 13.82, subdivision 15, and be released
 15.9 to the person upon whom force was used, the legal representative of a person upon whom
 15.10 force was used, the deceased individual's next of kin, legal representative of the next of kin,
 15.11 and other parent of the deceased individual's children no later than 90 days after the incident.
 15.12 If the chief law enforcement officer denies a request under this provision, the agency's policy
 15.13 must require the chief law enforcement officer to issue a prompt, written denial and provide
 15.14 notice to the person upon whom force was used, the legal representative of a person upon
 15.15 whom force was used, deceased individual's next of kin, legal representative of the next of
 15.16 kin, or other parent of the deceased individual's children that they may seek relief from the
 15.17 district court;

15.18 (6) procedures for testing the portable recording system to ensure adequate functioning;

15.19 ~~(3)~~ (7) procedures to address a system malfunction or failure, including requirements
 15.20 for documentation by the officer using the system at the time of a malfunction or failure;

15.21 ~~(4)~~ (8) circumstances under which recording is mandatory, prohibited, or at the discretion
 15.22 of the officer using the system;

15.23 ~~(5)~~ (9) circumstances under which a data subject must be given notice of a recording;

15.24 ~~(6)~~ (10) circumstances under which a recording may be ended while an investigation,
 15.25 response, or incident is ongoing;

15.26 ~~(7)~~ (11) procedures for the secure storage of portable recording system data and the
 15.27 creation of backup copies of the data; and

15.28 ~~(8)~~ (12) procedures to ensure compliance and address violations of the policy, which
 15.29 must include, at a minimum, supervisory or internal audits and reviews, and the employee
 15.30 discipline standards for unauthorized access to data contained in section 13.09.

15.31 (c) The board has authority to inspect state and local law enforcement agency policies
 15.32 to ensure compliance with this section. The board may conduct this inspection based upon
 15.33 a complaint it receives about a particular agency or through a random selection process.

16.1 The board may impose licensing sanctions and seek injunctive relief under section 214.11
16.2 for an agency's failure to comply with this section.

16.3 Sec. 3. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

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

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

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

16.11 (b) A local unit of government may establish a civilian review board, commission, or
16.12 other oversight body shall not have council and grant the council the authority to make a
16.13 finding of fact or determination regarding a complaint against an officer or impose discipline
16.14 on an officer. A civilian review board, commission, or other oversight body may make a
16.15 recommendation regarding the merits of a complaint, however, the recommendation shall
16.16 be advisory only and shall not be binding on nor limit the authority of the chief law
16.17 enforcement officer of any unit of government.

16.18 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian
16.19 oversight council may conduct an investigation into allegations of peace officer misconduct
16.20 and retain an investigator to facilitate an investigation. Subject to other applicable law, a
16.21 council may subpoena or compel testimony and documents in an investigation. Upon
16.22 completion of an investigation, a council may make a finding of misconduct and recommend
16.23 appropriate discipline against peace officers employed by the agency. If the governing body
16.24 grants a council the authority, the council may impose discipline on peace officers employed
16.25 by the agency. A council may submit investigation reports that contain findings of peace
16.26 officer misconduct to the chief law enforcement officer and the Peace Officer Standards
16.27 and Training Board's complaint committee. A council may also make policy
16.28 recommendations to the chief law enforcement officer and the Peace Officer Standards and
16.29 Training Board.

16.30 (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction
16.31 of a civilian oversight council shall cooperate with the council and facilitate the council's
16.32 achievement of its goals. However, the officer is under no obligation to agree with individual
16.33 recommendations of the council and may oppose a recommendation. If the officer fails to

17.1 implement a recommendation that is within the officer's authority, the officer shall inform
 17.2 the council of the failure along with the officer's underlying reasons.

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

17.6 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight
 17.7 council related to an investigation of a peace officer are personnel data as defined by section
 17.8 13.43, subdivision 1, and are governed by that section.

17.9 **Sec. 4. TASK FORCE ON ALTERNATIVE COURSES TO PEACE OFFICER**
 17.10 **LICENSURE.**

17.11 Subdivision 1. **Establishment.** The Task Force on Alternative Courses to Peace Officer
 17.12 Licensure is established to increase recruitment of new peace officers, increase the diversity
 17.13 of the racial makeup and professional background of licensed peace officers, promote
 17.14 education and training in community policing models, maintain the high standards of
 17.15 education and training required for licensure, and make policy and funding recommendations
 17.16 to the legislature.

17.17 Subd. 2. **Membership.** (a) The task force consists of the following members:

17.18 (1) the chair of the Peace Officer Standards and Training Board, or a designee;

17.19 (2) a member of the Peace Officer Standards and Training Board representing the general
 17.20 public appointed by the chair of the Peace Officer Standards and Training Board;

17.21 (3) the chief of the State Patrol, or a designee;

17.22 (4) the superintendent of the Bureau of Criminal Apprehension, or a designee;

17.23 (5) the attorney general, or a designee;

17.24 (6) the president of the Minnesota Chiefs of Police Association, or a designee;

17.25 (7) the president of the Minnesota Sheriffs' Association, or a designee;

17.26 (8) a peace officer who is employed by a law enforcement agency of a federally
 17.27 recognized Tribe, as defined in United States Code, title 25, section 450b(e), appointed by
 17.28 the Indian Affairs Council;

17.29 (9) the executive director of the Minnesota Police and Peace Officers Association, or a
 17.30 designee;

- 18.1 (10) a peace officer appointed by the executive director of the Minnesota Police and
18.2 Peace Officers Association;
- 18.3 (11) a member of a civilian review board appointed by the governor;
- 18.4 (12) an attorney who provides legal advice to victims of police brutality or who advocates
18.5 for civil liberties appointed by the governor;
- 18.6 (13) a representative from an organization that provides direct services to families or
18.7 communities impacted by police violence appointed by the governor; and
- 18.8 (14) two representatives from postsecondary schools certified to provide programs of
18.9 professional peace officer education appointed by the governor.
- 18.10 (b) Appointments must be made no later than August 30, 2022.
- 18.11 (c) Members shall serve without compensation.
- 18.12 (d) Members of the task force serve at the pleasure of the appointing authority or until
18.13 the task force expires. Vacancies shall be filled by the appointing authority consistent with
18.14 the qualifications of the vacating member required by this subdivision.
- 18.15 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair from
18.16 among its members. The task force may elect other officers as necessary.
- 18.17 (b) The chair of the Peace Officer Standards and Training Board shall convene the first
18.18 meeting of the task force no later than September 15, 2022, and shall provide meeting space
18.19 and administrative assistance as necessary for the task force to conduct its work.
- 18.20 (c) The task force shall meet at least monthly or upon the call of the chair. The task force
18.21 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
18.22 of the task force are subject to Minnesota Statutes, chapter 13D.
- 18.23 Subd. 4. **Duties.** (a) The task force shall, at a minimum:
- 18.24 (1) identify barriers to recruiting peace officers;
- 18.25 (2) develop strategies for recruiting new peace officers;
- 18.26 (3) develop policies and procedures to increase the diversity of the racial makeup and
18.27 professional background of licensed peace officers;
- 18.28 (4) identify or develop curriculum that utilizes community policing models; and
- 18.29 (5) assure that any alternative courses to licensure maintain the high standards of
18.30 education and training required for licensure as a peace officer in Minnesota.

19.1 (b) At its discretion, the task force may examine, as necessary, other related issues
19.2 consistent with this section.

19.3 Subd. 5. **Report.** By January 15, 2024, the task force must submit a report on its findings
19.4 and recommendations to the chairs and ranking minority members of the house of
19.5 representatives and senate committees and divisions with jurisdiction over public safety
19.6 finance and policy.

19.7 Subd. 6. **Expiration.** The task force expires the day after submitting its report under
19.8 subdivision 5.

19.9 Sec. 5. **PEACE OFFICER STANDARDS AND TRAINING BOARD**
19.10 **INVESTIGATORS; APPROPRIATION.**

19.11 \$450,000 in fiscal year 2023 is appropriated from the general fund to the Peace Officer
19.12 Standards and Training Board for four investigators to perform compliance reviews and
19.13 investigate alleged code of conduct violations.

19.14 Sec. 6. **TASK FORCE ON ALTERNATIVE COURSES TO PEACE OFFICER**
19.15 **LICENSURE; APPROPRIATION.**

19.16 \$50,000 in fiscal year 2023 is appropriated from the general fund to the Peace Officer
19.17 Standards and Training Board to provide support for the task force on alternative courses
19.18 to peace officer licensure. This is a onetime appropriation.

19.19 Sec. 7. **REPEALER.**

19.20 (a) Minnesota Statutes 2020, section 214.10, subdivisions 10, 12, and 13, are repealed.

19.21 (b) Minnesota Statutes 2021 Supplement, section 214.10, subdivision 11, is repealed.

214.10 COMPLAINT, INVESTIGATION, AND HEARING.

Subd. 10. **Board of Peace Officers Standards and Training; receipt of complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the executive director or any member of the Board of Peace Officer Standards and Training produces or receives a written statement or complaint that alleges a violation of a statute or rule that the board is empowered to enforce, the executive director shall designate the appropriate law enforcement agency to investigate the complaint and shall order it to conduct an inquiry into the complaint's allegations. The investigating agency must complete the inquiry and submit a written summary of it to the executive director within 30 days of the order for inquiry.

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

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

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

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

(3) continue the matter.

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

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

Subd. 12. **Board of Peace Officers Standards and Training; administrative hearing; board action.** (a) Notwithstanding the provisions of subdivision 2 to the contrary, an administrative hearing shall be held if ordered by the committee under subdivision 11, paragraph (b). After the administrative hearing is held, the administrative law judge shall refer the matter to the full board for final action.

(b) Before the board meets to take action on the matter and the executive director must notify the complainant and the licensee who is the subject of the complaint. After the board meets, the executive director must promptly notify these individuals and the chief law enforcement officer of the agency employing the licensee of the board's disposition.

Subd. 13. **Board of Peace Officers Standards and Training; definition.** As used in subdivisions 10 to 12, "appropriate law enforcement agency" means the law enforcement agency assigned by the executive director and the chair of the committee of the board convened under subdivision 11.