



PUBLIC SAFETY COMMITTEE MEETING

MUNICIPAL CENTER ADMINISTRATION CONFERENCE ROOM

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118

WEDNESDAY, AUGUST 12, 2020

7:45 A.M.

1. Welcome/Roll Call

2. Adoption Of Agenda

3. Previous Minutes

A. Minutes Of June 16, 2020 - Public Safety Committee

Documents:

[06-16-20 PUBLIC SAFETY COMMITTEE MINUTES.PDF](#)

4. New Business

A. Manomin Traffic Calming And Public Safety Requests

Documents:

[SAFETY COMMITTEE - MANOMIN TRAFFIC CALMING.PDF](#)

[COUNCIL REPORT - MANOMIN TRAFFIC AND CRIME CONCERNS.PDF](#)

5. Old Business

A. Policing Legislative Changes

Documents:

[COUNCIL REPORT - POLICE REFORM BILL.PDF](#)

[HF0001.1_POLICE REFORM.PDF](#)

6. Adjourn

If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at 651-552-4108 or email ADA@wspmn.gov at least 5 business days prior to the meeting

www.wspmn.gov EOE/AA

City of West St. Paul
Public Safety Committee
June 16, 2020

Members Present:

Chair Anthony Fernandez
Member Wendy Berry
Member Dick Vitelli (via phone)

Others Present:

Mayor Dave Napier
Police Chief Brian Sturgeon
City Attorney Kori Land
City Manager Ryan Schroeder

Chair Fernandez called the meeting to order at 7:30 AM and requested that Chief Sturgeon explain the existing Use of Force Policy. Chief Sturgeon noted that Lexipol, our vendor maintaining the policy document, provides a similar service to 8100 law enforcement agencies around the country including other Dakota County communities. Lexipol provides updates for consideration by the agency regularly in response to Federal and State legislative changes.

Committee members asked about Best Practices, Duty to Intercede, current patrol shifts, training, possible uniform changes to mitigate officer fatigue, cardio holds, union issues, body cams, field training, officer call loads, and the hiring and interview process. Additionally, Chief Sturgeon discussed critical versus non-critical updates and handling differences between the two and that each of the 32 Officers were notified of every policy change and were required to acknowledge receipt of each change. He also noted that there had not been a use of force investigation in at least two decades, that Department management and the union have a good working relationship, and there have been no recent arbitrations and only one mediation in recent memory.

The Committee did not suggest specific changes in the Use of Force Policy. The Chair noted that the policy should move next to a review by the City Council.

The Chair adjourned the meeting at 9:00 a.m.

Submitted

Ryan Schroeder
City Manager

To: **Public Safety Committee**
Through: **Ryan Schroeder, City Manager**
From: **Ross Beckwith, Public Works & Parks Director/City Engineer**
Date: **August 5, 2020**

Manomin Avenue Traffic Calming

BACKGROUND INFORMATION:

The City has heard concerns from residents about traffic speeding down Manomin Avenue between Annapolis Street and Dodd Road. The Police Department performed a traffic count on this stretch of road during the last week of June 2020. Results from the Speed Enforcement Evaluator show 829 vehicles per day (vpd) traveled on Manomin Avenue. A residential street typically has less than 1,000 vpd, so 829 certainly falls within the common limits of this type of roadway.

The Police Department's traffic count also collected vehicle speed data. The results show the 85th percentile speed to be 26 mph. The 85th percentile speed is the speed at or below which 85% of all vehicles are traveling. This is a common measure used in traffic engineering. Having an 85th percentile speed well below the legal speed limit means that speeding on the street is a perception and not a reality.

The Police Department also provided crash data for this area of the city. Crash data from Manomin Avenue does not show accidents on this stretch of roadway from 2018 through present day.

The residents asked about traffic calming measures for their street. Traffic calming uses physical and other measures to improve safety for motorists, pedestrians and bicyclists. When a road feels narrow, it tends to slow vehicle speeds. Tools for traffic calming include bump-outs, speed bumps/humps, large trees enclosing the road and physically narrowing a roadway. See below for a series of photos showing permanent and temporary traffic calming measures.

Speed bumps/humps are an effective tool in slowing down vehicular traffic. However, they do have other unintended consequences. A speed bump/hump introduces a hazard into the roadway. Inattentive drivers, motorcycles and bicyclists, especially in dark or in inclement weather conditions, may hit one unexpectedly and lose control. Common complaints from residents that live adjacent to speed bumps/humps include vehicles aggressively accelerating once they pass the over and utility/garbage trucks bouncing over with a loud bang. Noise complaints come quickly from adjacent residents, especially in nice weather when their windows are open in their house.

Bump-outs are a physical narrowing of the roadway. These are most commonly seen at busy pedestrian intersection as it shortens the amount of time the pedestrian is physically in the street, allows pedestrians and motorists better see one another and provides the feeling for motorists that the road is getting narrow and they need to slow down. Installing a median in the center of road can also work similarly, as it forces drivers into a narrow outside lane where they would feel inclined to slow down. Adding

vegetation in such a median can also help with that feeling of confinement where drivers would slow down.

Additional signage, such as Children At Play has not been proven to reduce vehicle speeds. In fact, it gives residents a false sense of security that it is actually safer for pedestrians to be on the roadway and can allow them to let their guard down. That would actually have the opposite impact than intended. Additional speed limit signs also do not have the intended outcome of reducing traffic speeds. Dynamic speed signs, which show your actual speed, can help in certain instances but cost a few thousand dollars.

The option of constructing a cul-de-sac on one end of Manomin Avenue was also discussed. Constructing a cul-de-sac would certainly reduce the volume of traffic on the roadway. Besides the cost to construct a cul-de-sac, properties adjacent to the cul-de-sac would have to be removed to physically fit a cul-de-sac. Similarly, a one-way street could reduce traffic. The problem becomes that people are not likely expecting a one-way street to occur randomly in West St. Paul. In addition, on a street with residential traffic volume, the temptation is there for those to drive the wrong way for a short distance to get to the closest east-west street. A one-way would likely annoy the residents that lived on the street more than it would the drivers who use Manomin as a through street.

Trees can be an effective traffic calming measure, as they give the feeling of a narrower, more confined roadway. Trees would need to be quite mature though before they would create such a feeling. Planting small trees in the boulevards now would likely not have an impact for a decade or two.

It was asked if the State Patrol would be able to provide speed monitoring of Dodd Road (TH 149). This request could certainly be made to the state. It definitely carries a higher volume of traffic each day and has more crashes per year than Manomin Avenue. As far as all state roads go though, it is likely rather low on their priority list for roads with speed/crash issues, but a request could certainly be made.

FISCAL IMPACT:

Installing temporary bump-outs with tube delineators or portable speed bumps would be the cheapest options for immediate traffic calming measures on any street. For about \$1,000 either of these could be purchased and installed by staff. However, prior to winter these devices need to be removed in order for snow plowing operations to occur.

STAFF RECOMMENDATION:

Staff is looking for discussion/feedback from the Public Safety Committee regarding Manomin Avenue and the traffic concerns brought up by the residents.

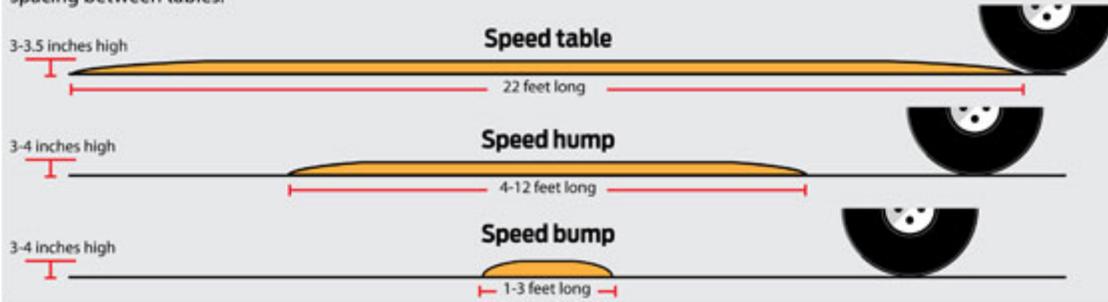






Bumps, humps and tables

All have different effects on vehicle speeds. Bumps generally result in vehicles slowing to 5 mph or less, while humps cause vehicles to slow to about 20 mph. Speed tables generally result in vehicle operating speeds of 25-30 mph, depending on the spacing between tables.



Speed Bump



Speed Hump

To: **Public Safety Committee**
Through: **Ryan Schroeder, City Manager**
From: **Brian Sturgeon, Chief of Police**
Date: **August 12, 2020**

Manomin Area Public Safety and Traffic Concerns

BACKGROUND INFORMATION:

In June, a few residents in the area of Manomin and Dodd raised concerns about crime and traffic in their neighborhood. The concerns include:

- Increased violent crimes such as robberies and burglaries.
- Lack of police in the area.
- Speeding vehicles.
- Conditions of 966 Smith Ave S.

Staff completed the following during the month of June:

- Speed and vehicle count surveys.
- Compiled statistical information on crimes in the area.
- Compiled statistical information on crashes in the area.
- Temporarily installed speed bumps in the alley between Manomin and Smith.

A neighborhood meeting was organized at Dodd Park that was held on July 8, 2020 with about 25 attendees. Staff was present along with the two ward representatives from the City Council. Statistical information was provided to the attendees and we listened to their concerns.

The topic of increased crime was discussed for a bit. Statistics show this area is not a high crime area compared to the other 5 areas of the city as it consistently ranks fourth in both Part I and Part II crimes. Concerns are still active with the residents.

Lack of visual police presence was an additional concern. A couple of weeks before and after the meeting, the department saturated the area with officers when they were available. We utilized our reserve officers as well as the community service officers. We have also placed an unoccupied reserve squad in the area to make a visual statement.

The main concern, based on the amount of time dedicated to the topic, was traffic related concerns. This mostly included speeding vehicles, especially vehicles that turn onto Manomin from Dodd Rd.

There were eight suggestions that were brought forth that residents would like staff to look at to address their traffic concerns. They are:

- Make Manomin a dead end road.
- Create a one way street.
- Utilization of bump outs.
- Added trees on the boulevards.
- Additional signage such as speed radar signs.
- Narrowing the roadway.
- Utilization of the speed / radar trailer.
- Request assistance from State Patrol for more enforcement on HYW 149.

As stated above, traffic surveys were done in the alley, 900 block of Manomin, 900 block of Dodd Rd, and at Dodd and Ottawa. Based on the surveys all the areas experienced a low rating of enforceable speed violations except for the area of Dodd and Ottawa which had a medium rating for southbound traffic at a rate of 8.9 percent of enforceable speed violations.

The last topic that was discussed was the condition of 966 Smith Ave S. Attendees showed concern for the tenants of this apartment building due to the condition of the building. Residents reported that the laundry facility was not operational, some appliances were not working, and broken windows were not being addressed.

Code enforcement was asked for information regarding this property. The property is being maintained just enough to stay in compliance with city code requirements.

FISCAL IMPACT:

		Amount
Fund:		Unknown / TBD
Department:		
Account:		

STAFF RECOMMENDATION:

Discuss the issues presented to staff by the residents.

To: **Public Safety Committee**
Through: **Ryan Schroeder, City Manager**
From: **Brian Sturgeon, Chief of Police**
Date: **August 12, 2020**

Minnesota Police Reform Legislation

BACKGROUND INFORMATION:

On July 21, 2020 the Minnesota legislature passed a police reform bill that will have some impact on operations within our department. The reform bill is in your packet and below are highlights of the bill and the impact to the department.

Peer Counseling and Critical Incident Stress Management:

West St Paul started a peer counseling program last summer in which two officers were specifically trained in criminal justice peer counseling. We are working on partnering with South St Paul to allow peer counselors from each city to provide support to our organizations. This will provide an opportunity for an individual from West St Paul to talk with a peer counselor from South St Paul and vice versa.

After a critical incident we bring in peer counselors from Metro CISM (Critical Incident Stress Management) Team to conduct a stress debrief. The Metro CISM Team provides free trained peer support to emergency responders for healthier lives. We come together not as police officers, but all first responders which include South Metro Fire, Fairview / Health East Paramedics, and Dakota Communication Center dispatchers.

Additionally, we provide mental health checkups for all employees twice per year with Ellie Family Services. They have counselors and therapists that are specifically trained in addressing the needs of first responders.

Employees also have the opportunity to seek assistance through the city's employee assistance program which is operated by Sand Creek. This service provides for four counseling sessions free of charge to any city employee. Ellie Family Services is a member of Sand Creek as well, and both accept our current insurance carrier if additional sessions are needed.

The language in the legislation has created no operational changes. We already follow the regulations.

Independent Use of Force Investigations Unit:

No changes to operations. Our policy is to have the BCA conduct all investigations regarding the use of force by a police officer that results in great bodily harm or death to another.

Residency Incentives:

This will be a city decision whether to offer incentives to encourage a person hired as a police officer to live within the community.

Use of Force Reporting:

This is partially in response to potential federal regulations that may be coming through federal legislation. We already are required to report to the BCA anytime an officer uses force resulting in great bodily harm or death. The monthly required reporting will mean we have to file a report each month even when we do not use reportable force. Prior to this legislation reporting was required to be completed on an annual basis.

Use of Force:

Legislation restricts the use of choke holds and Carotid neck restraints. Our policy already does not allow these tactics unless authorized under the deadly force statute.

The legislation also restricts securing a person's limbs together behind their back which is also known as hog-tying. We have not done this for some time and our policy and training content will be changed to specifically restrict this action.

Warrior-Style Training Prohibited:

We have not authorized, provided or attended this type of training for several years now.

Police Officer Data:

It appears we will be providing data to the POST board in real time regarding complaints made against officers and the dispositions of those complaints. We will be directed by the POST Board on the process for this notification. We are already required to provide annually, summary data regarding complaints.

Licensing Sanctions:

The POST Board already conducts audits of training records to ensure compliance of various regulations. This now allows the POST Board to conduct audits based upon a complaint. The POST Board already has the authority to suspend or revoke a CLEO's license for failure to maintain training records, complete training mandates, and this solidifies the ability for the POST Board to do these actions.

Training in Crisis Response, Conflict Management, and Cultural Diversity:

This training is already required but the legislation appears to increase the length of training and mandate scenario based training in the course content. This will add two or three days of additional training for our officers every three years and additional costs. Training in this area must be conducted by POST Board vetted vendors and the specific course content must be approved.

We must keep records related to these courses to include documenting the training provider, content of the training including scenario based training, completed evaluations and explanation of expenditure of funds. This will take some additional staff time. Both the POST Board and our department must maintain the same records.

Autism Training:

We already provide this type of training.

Duty to Intercede and Report:

This is already a departmental requirement / mandate.

Peace Officer Grievance Arbitration Selection Process:

No changes to our operations.

POST Board:

The POST Board is embarking on a process of organizational change to including a comprehensive review of their processes and authority. Additionally, legislation has added two members to the POST Board and implemented an Ensuring Police Excellence and Improving Community Relations Advisory Council to the Post Board. No doubt future mandates and modified or additional administrative work practices will be forthcoming from the POST Board.

FISCAL IMPACT:

		Amount
Fund:	101	TBD
Department:	42100	
Account:	40310	

STAFF RECOMMENDATION:

Provided as information.

This Document can be made available in alternative formats upon request

State of Minnesota

Printed Page No. 1

HOUSE OF REPRESENTATIVES

SECOND SPECIAL SESSION

H. F. No. 1

- 07/13/2020 Authored by Mariani, Becker-Finn, Richardson, Moller, Moran and others
The bill was read for the first time and referred to the Committee on Ways and Means
- 07/14/2020 Adoption of Report: Placed on the General Register
Read for the Second Time
- 07/20/2020 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to public safety; providing for law enforcement; providing peer counseling,

1.3 critical incident stress management, residency incentives, crisis intervention and

1.4 mental illness crisis training, autism training, and duty to intercede and report for

1.5 peace officers; regulating use of force; expanding membership of the Board of

1.6 Peace Officer Standards and Training; prohibiting warrior-style training; providing

1.7 for a community relations advisory council; providing for certain peace officer

1.8 data; providing for peace officer grievance arbitration selection procedure;

1.9 providing for reports; appropriating money; amending Minnesota Statutes 2018,

1.10 sections 13.43, subdivision 9, by adding a subdivision; 415.16, by adding a

1.11 subdivision; 609.06, subdivision 1, by adding a subdivision; 609.066, subdivision

1.12 2, by adding a subdivision; 626.841; 626.843, by adding a subdivision; 626.845,

1.13 by adding a subdivision; 626.8452, subdivisions 4, 5, by adding a subdivision;

1.14 626.8457, subdivision 3; 626.8469; Laws 2019, First Special Session chapter 5,

1.15 article 1, sections 12, subdivision 7; 13, subdivision 4; article 2, section 28,

1.16 subdivisions 4, 5; proposing coding for new law in Minnesota Statutes, chapters

1.17 181; 299C; 626; repealing Minnesota Statutes 2018, section 181.973.

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

1.19 Section 1. Minnesota Statutes 2018, section 13.43, subdivision 9, is amended to read:

1.20 Subd. 9. **Peer counseling debriefing data.** (a) Data acquired by a peer ~~group member~~

1.21 ~~in a support counselor when providing public safety peer counseling debriefing is private~~

1.22 ~~data on the person being debriefed~~ are governed by section 181.9731.

1.23 (b) For purposes of this subdivision, "~~public safety peer counseling debriefing~~" means

1.24 ~~a group process oriented debriefing session held for peace officers, firefighters, medical~~

1.25 ~~emergency persons, dispatchers, or other persons involved with public safety emergency~~

1.26 ~~services, that is established by any government entity providing public safety emergency~~

1.27 ~~services and is designed to help a person who has suffered an occupation related traumatic~~

1.28 ~~event begin the process of healing and effectively dealing with posttraumatic stress;~~

2.1 (1) "peer support counselor" has the meaning given in section 181.9731, subdivision 1,
2.2 paragraph (c); and

2.3 (2) "public safety peer counseling" has the meaning given in section 181.9731, subdivision
2.4 1, paragraph (d).

2.5 **EFFECTIVE DATE.** This section is effective August 1, 2020.

2.6 Sec. 2. Minnesota Statutes 2018, section 13.43, is amended by adding a subdivision to
2.7 read:

2.8 **Subd. 9a. Critical incident stress management data.** (a) Data acquired by a critical
2.9 incident stress management team member when providing critical incident stress management
2.10 services are governed by section 181.9732.

2.11 (b) For purposes of this subdivision:

2.12 (1) "critical incident stress management services" has the meaning given in section
2.13 181.9732, subdivision 1, paragraph (c); and

2.14 (2) "critical incident stress management team member" has the meaning given in section
2.15 181.9732, subdivision 1, paragraph (e).

2.16 **EFFECTIVE DATE.** This section is effective August 1, 2020.

2.17 Sec. 3. **[181.9731] PUBLIC SAFETY PEER COUNSELING.**

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

2.20 (b) "Emergency service provider" includes a peace officer, correctional officer, probation
2.21 officer, supervision agent, firefighter, rescue squad member, dispatcher, hospital or
2.22 emergency medical clinic personnel, a person who provides emergency medical services
2.23 for a Minnesota licensed ambulance service, forensic science professional, or other person
2.24 involved with public safety emergency services, either paid or volunteer.

2.25 (c) "Peer support counselor" means an individual who is:

2.26 (1) specially trained to provide public safety peer counseling services in accordance
2.27 with standards that are both (i) established by an accredited mental health organization or
2.28 network, and (ii) recognized by the commissioner of public safety; and

2.29 (2) designated by the emergency service provider's agency to provide such services.

3.1 (d) "Public safety peer counseling" means one or more sessions, led by a peer support
3.2 counselor, designed to help an emergency service provider who experienced an
3.3 occupation-related trauma, illness, or stress develop skills and strategies to better understand,
3.4 cope with, and process emotions and memories tied to the trauma, illness, or stress. Public
3.5 safety peer counseling includes group sessions led by a peer support counselor, one-to-one
3.6 contact with a peer support counselor, and meetings with a peer support counselor to obtain
3.7 referrals to appropriate mental health or community support services.

3.8 Subd. 2. **Peer support counselor; prohibition on being witness or party.** A peer
3.9 support counselor may not provide public safety peer counseling to an emergency service
3.10 provider if the emergency service provider is seeking public safety peer counseling to address
3.11 a critical incident, as defined in section 181.9732, subdivision 1, paragraph (b), to which
3.12 the peer support counselor is a witness. A peer support counselor may refer the person to
3.13 another peer support counselor or other appropriate mental health or community support
3.14 service.

3.15 Subd. 3. **Disclosure prohibited.** (a) Except as provided in subdivision 4, a peer support
3.16 counselor or any person who receives public safety peer counseling shall not be required
3.17 to disclose information to a third party that was obtained solely through the provision or
3.18 receipt of public safety peer counseling.

3.19 (b) Government data on individuals receiving peer counseling are classified as private
3.20 data on individuals, as defined by section 13.02, subdivision 12, but may be disclosed as
3.21 provided in subdivision 4.

3.22 Subd. 4. **Exceptions.** The prohibition established under subdivision 3 does not apply if
3.23 any of the following are true:

3.24 (1) the peer support counselor reasonably believes the disclosure is necessary to prevent
3.25 harm to self by the person in receipt of public safety peer counseling or to prevent the person
3.26 from harming another person, provided the disclosure is only for the purpose of preventing
3.27 the person from harming self or others and limited to information necessary to prevent such
3.28 harm;

3.29 (2) the person receiving public safety peer counseling discloses information that is
3.30 required to be reported under the mandated reporting laws, including, but not limited to,
3.31 the reporting of maltreatment of minors under section 626.556 and the reporting of
3.32 maltreatment of vulnerable adults under section 626.557, provided the disclosure is only
3.33 for the purpose of reporting maltreatment and limited to information necessary to make
3.34 such a report;

4.1 (3) the person who received public safety peer counseling provides written consent
4.2 authorizing disclosure of the information;

4.3 (4) the emergency service provider who received public safety peer counseling is deceased
4.4 and the surviving spouse or administrator of the estate of the deceased emergency service
4.5 provider gives written consent authorizing disclosure of the information; or

4.6 (5) the emergency service provider who received public safety peer counseling voluntarily
4.7 testifies, in which case the peer support counselor may be compelled to testify on the same
4.8 subject.

4.9 **EFFECTIVE DATE.** This section is effective August 1, 2020.

4.10 Sec. 4. [181.9732] **CRITICAL INCIDENT STRESS MANAGEMENT.**

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

4.13 (b) "Critical incident" means an event that results in acute or cumulative psychological
4.14 stress or trauma to an emergency service provider. Critical incident includes but is not
4.15 limited to any encounter which may result in the death of or serious injury to another person
4.16 such as fatal motor vehicle accidents, child abuse investigations, death investigations, and
4.17 large scale man-made or natural disasters.

4.18 (c) "Critical incident stress management services" means consultation, risk assessment,
4.19 education, intervention, and other crisis intervention services provided by a critical incident
4.20 stress management team or critical incident stress management team member to an emergency
4.21 service provider affected by a critical incident.

4.22 (d) "Critical incident stress management team" means a group organized to provide
4.23 critical incident stress management to emergency service providers and consists of critical
4.24 incident stress management team members. A critical incident stress management team may
4.25 include members from any emergency service discipline, mental health professionals, and
4.26 designated emergency service chaplains.

4.27 (e) "Critical incident stress management team member" means an individual who:

4.28 (1) is trained to provide critical incident stress management services in accordance with
4.29 standards that are both (i) established by a nationally recognized critical incident stress
4.30 management organization or network, and (ii) recognized by the commissioner of public
4.31 safety;

5.1 (2) was approved to function as a critical incident stress management team member prior
5.2 to the time critical incident stress management services are provided; and

5.3 (3) is approved to function as a critical incident stress management team member at the
5.4 time the critical incident stress management services are provided.

5.5 (f) "Emergency service provider" includes a peace officer, correctional officer, probation
5.6 officer, supervision agent, firefighter, rescue squad member, dispatcher, hospital or
5.7 emergency medical clinic personnel, a person who provides emergency medical services
5.8 for a Minnesota licensed ambulance service, forensic science professional, or other person
5.9 involved with public safety emergency services, either paid or volunteer.

5.10 Subd. 2. **Team members; prohibition on being witness or party.** A person who
5.11 otherwise qualifies as a critical incident stress management team member may not be part
5.12 of a critical incident stress management team providing services to an emergency service
5.13 provider if the critical incident stress management team member is a witness to the critical
5.14 incident for which the person is receiving services.

5.15 Subd. 3. **Disclosure prohibited.** (a) Except as provided in subdivision 4, a critical
5.16 incident stress management team member or any person who receives critical incident stress
5.17 management services shall not be required to disclose information to a third party that was
5.18 obtained solely through the provision or receipt of critical incident stress management
5.19 services.

5.20 (b) Government data on individuals receiving critical incident stress management services
5.21 are classified as private data on individuals, as defined by section 13.02, subdivision 12,
5.22 but may be disclosed as provided in subdivision 4.

5.23 Subd. 4. **Exceptions.** The prohibition established under subdivision 3 does not apply if
5.24 any of the following are true:

5.25 (1) the critical incident stress management team member reasonably believes the
5.26 disclosure is necessary to prevent harm to self by the person in receipt of critical incident
5.27 stress management services or to prevent the person from harming another person, provided
5.28 the disclosure is only for the purpose of preventing the person from harming self or others
5.29 and limited to information necessary to prevent such harm;

5.30 (2) the person receiving critical incident stress management services discloses information
5.31 that is required to be reported under the mandated reporting laws, including, but not limited
5.32 to, the reporting of maltreatment of minors under section 626.556 and the reporting of
5.33 maltreatment of vulnerable adults under section 626.557, provided the disclosure is only

6.1 for the purpose of reporting maltreatment and limited to information necessary to make
6.2 such a report;

6.3 (3) the person who received critical incident stress management services provides written
6.4 consent authorizing disclosure of the information;

6.5 (4) the emergency service provider who received critical incident stress management
6.6 services is deceased and the surviving spouse or administrator of the estate of the deceased
6.7 emergency service provider gives written consent authorizing disclosure of the information;
6.8 or

6.9 (5) the emergency service provider who received critical incident stress management
6.10 services voluntarily testifies, in which case the critical incident stress management team
6.11 member may be compelled to testify on the same subject.

6.12 **EFFECTIVE DATE.** This section is effective August 1, 2020.

6.13 Sec. 5. **[299C.80] INDEPENDENT USE OF FORCE INVESTIGATIONS UNIT.**

6.14 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
6.15 meanings provided.

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

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

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

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

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

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

6.29 Subd. 3. **Additional duty.** The unit shall investigate all criminal sexual conduct cases
6.30 involving peace officers, including criminal sexual conduct cases involving chief law

7.1 enforcement officers. The unit may also investigate conflict of interest cases involving peace
7.2 officers.

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

7.8 Subd. 5. **Conflicts.** When a peace officer employed by the Bureau of Criminal
7.9 Apprehension is the subject of an officer-involved death investigation, the investigation
7.10 shall be conducted by an investigatory agency selected by the county attorney in the
7.11 jurisdiction where the alleged offense took place.

7.12 Subd. 6. **Reporting.** As provided for in chapter 13, the superintendent must make all
7.13 inactive investigative data for officer-involved death investigations that are public under
7.14 section 13.82, subdivision 7, or other applicable law available on the bureau's website within
7.15 30 days of the end of the last criminal appeal of a subject of an investigation. By February
7.16 1 of each year, the superintendent shall report to the commissioner, the governor, and the
7.17 chairs and ranking minority members of the legislative committees with jurisdiction over
7.18 public safety finance and policy the following information about the unit: the number of
7.19 investigations initiated; the number of incidents investigated; the outcomes or current status
7.20 of each investigation; the charging decisions made by the prosecuting authority of incidents
7.21 investigated by the unit; the number of plea agreements reached in incidents investigated
7.22 by the unit; and any other information relevant to the unit's mission.

7.23 Subd. 7. **Expiration.** The independent use of force investigations unit expires August
7.24 1, 2024.

7.25 **EFFECTIVE DATE.** This section is effective August 1, 2020.

7.26 Sec. 6. Minnesota Statutes 2018, section 415.16, is amended by adding a subdivision to
7.27 read:

7.28 Subd. 1a. **Residency incentives for peace officers.** A statutory or home rule charter
7.29 city or county may offer incentives to encourage a person hired as a peace officer, as defined
7.30 in section 626.84, subdivision 1, paragraph (c), to be a resident of the city or county.

7.31 **EFFECTIVE DATE.** This section is effective August 1, 2020.

8.1 Sec. 7. Minnesota Statutes 2018, section 609.06, subdivision 1, is amended to read:

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

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

8.8 (a) in effecting a lawful arrest; or

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

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

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

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

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

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

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

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

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

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

8.29 (9) when used to restrain a person with a mental illness or a person with a developmental
8.30 disability from self-injury or injury to another or when used by one with authority to do so

9.1 to compel compliance with reasonable requirements for the person's control, conduct, or
9.2 treatment; or

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

9.6 **EFFECTIVE DATE.** This section is effective August 1, 2020.

9.7 Sec. 8. Minnesota Statutes 2018, section 609.06, is amended by adding a subdivision to
9.8 read:

9.9 **Subd. 3. Limitations on the use of certain restraints.** (a) A peace officer may not use
9.10 any of the following restraints unless section 609.066 authorizes the use of deadly force to
9.11 protect the peace officer or another from death or great bodily harm:

9.12 (1) a choke hold;

9.13 (2) tying all of a person's limbs together behind the person's back to render the person
9.14 immobile; or

9.15 (3) securing a person in any way that results in transporting the person face down in a
9.16 vehicle.

9.17 (b) For the purposes of this subdivision, "choke hold" means a method by which a person
9.18 applies sufficient pressure to a person to make breathing difficult or impossible, and includes
9.19 but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder
9.20 breathing, or reduce intake of air. Choke hold also means applying pressure to a person's
9.21 neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood
9.22 to the brain via the carotid arteries.

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

9.24 Sec. 9. Minnesota Statutes 2018, section 609.066, is amended by adding a subdivision to
9.25 read:

9.26 **Subd. 1a. Legislative intent.** The legislature hereby finds and declares the following:

9.27 (1) that the authority to use deadly force, conferred on peace officers by this section, is
9.28 a critical responsibility that shall be exercised judiciously and with respect for human rights
9.29 and dignity and for the sanctity of every human life. The legislature further finds and declares
9.30 that every person has a right to be free from excessive use of force by officers acting under
9.31 color of law;

10.1 (2) as set forth below, it is the intent of the legislature that peace officers use deadly
10.2 force only when necessary in defense of human life or to prevent great bodily harm. In
10.3 determining whether deadly force is necessary, officers shall evaluate each situation in light
10.4 of the particular circumstances of each case;

10.5 (3) that the decision by a peace officer to use deadly force shall be evaluated from the
10.6 perspective of a reasonable officer in the same situation, based on the totality of the
10.7 circumstances known to or perceived by the officer at the time, rather than with the benefit
10.8 of hindsight, and that the totality of the circumstances shall account for occasions when
10.9 officers may be forced to make quick judgments about using deadly force; and

10.10 (4) that peace officers should exercise special care when interacting with individuals
10.11 with known physical, mental health, developmental, or intellectual disabilities as an
10.12 individual's disability may affect the individual's ability to understand or comply with
10.13 commands from peace officers.

10.14 **EFFECTIVE DATE.** This section is effective March 1, 2021.

10.15 Sec. 10. Minnesota Statutes 2018, section 609.066, subdivision 2, is amended to read:

10.16 Subd. 2. **Use of deadly force.** (a) Notwithstanding the provisions of section 609.06 or
10.17 609.065, the use of deadly force by a peace officer in the line of duty is justified only when
10.18 if an objectively reasonable officer would believe, based on the totality of the circumstances
10.19 known to the officer at the time and without the benefit of hindsight, that such force is
10.20 necessary:

10.21 (1) to protect the peace officer or another from ~~apparent~~ death or great bodily harm,
10.22 provided that the threat:

10.23 (i) can be articulated with specificity by the law enforcement officer;

10.24 (ii) is reasonably likely to occur absent action by the law enforcement officer; and

10.25 (iii) must be addressed through the use of deadly force without unreasonable delay; or

10.26 (2) to effect the arrest or capture, or prevent the escape, of a person whom the peace
10.27 officer knows or has reasonable grounds to believe has committed or attempted to commit
10.28 a felony ~~involving the use or threatened use of deadly force; or~~ and the officer reasonably
10.29 believes that the person will cause death or great bodily harm to another person under the
10.30 threat criteria in clause (1), items (i) to (iii), unless immediately apprehended.

10.31 ~~(3) to effect the arrest or capture, or prevent the escape, of a person whom the officer~~
10.32 ~~knows or has reasonable grounds to believe has committed or attempted to commit a felony~~

11.1 ~~if the officer reasonably believes that the person will cause death or great bodily harm if~~
 11.2 ~~the person's apprehension is delayed.~~

11.3 (b) A peace officer shall not use deadly force against a person based on the danger the
 11.4 person poses to self if an objectively reasonable officer would believe, based on the totality
 11.5 of the circumstances known to the officer at the time and without the benefit of hindsight,
 11.6 that the person does not pose a threat of death or great bodily harm to the peace officer or
 11.7 to another under the threat criteria in paragraph (a), clause (1), items (i) to (iii).

11.8 **EFFECTIVE DATE.** This section is effective March 1, 2021.

11.9 Sec. 11. **[626.5534] USE OF FORCE REPORTING.**

11.10 Subdivision 1. **Report required.** A chief law enforcement officer must provide the
 11.11 information requested by the Federal Bureau of Investigation about each incident of law
 11.12 enforcement use of force resulting in serious bodily injury or death, as those terms are
 11.13 defined in the Federal Bureau of Investigation's reporting requirements, to the superintendent
 11.14 of the Bureau of Criminal Apprehension. The superintendent shall adopt a reporting form
 11.15 for use by law enforcement agencies in making the report required under this section. The
 11.16 report must include for each incident all of the information requested by the Federal Bureau
 11.17 of Investigation.

11.18 Subd. 2. **Use of information collected.** A chief law enforcement officer must file the
 11.19 report under subdivision 1 once a month in the form required by the superintendent. The
 11.20 superintendent must summarize and analyze the information received and submit an annual
 11.21 written report to the chairs and ranking minority members of the house of representatives
 11.22 and senate committees with jurisdiction over public safety. The superintendent shall submit
 11.23 the information to the Federal Bureau of Investigation.

11.24 **EFFECTIVE DATE.** This section is effective August 1, 2020.

11.25 Sec. 12. Minnesota Statutes 2018, section 626.841, is amended to read:

11.26 **626.841 BOARD; MEMBERS.**

11.27 The Board of Peace Officer Standards and Training shall be composed of the following
 11.28 ~~15~~ 17 members:

11.29 (1) two members to be appointed by the governor from among the county sheriffs in
 11.30 Minnesota;

12.1 (2) four members to be appointed by the governor from among peace officers in
 12.2 Minnesota municipalities, at least two of whom shall be chiefs of police;

12.3 (3) two members to be appointed by the governor from among peace officers, at least
 12.4 one of whom shall be a member of the Minnesota State Patrol Association;

12.5 (4) the superintendent of the Minnesota Bureau of Criminal Apprehension or a designee;

12.6 (5) two members appointed by the governor from among peace officers, or former peace
 12.7 officers, who are currently employed on a full-time basis in a professional peace officer
 12.8 education program;

12.9 (6) two members to be appointed by the governor, one member to be appointed from
 12.10 among administrators of Minnesota colleges or universities that offer professional peace
 12.11 officer education, and one member to be appointed from among the elected city officials in
 12.12 statutory or home rule charter cities of under 5,000 population outside the metropolitan
 12.13 area, as defined in section 473.121, subdivision 2; and

12.14 (7) ~~two~~ four members appointed by the governor from among the general public.

12.15 A chair shall be appointed by the governor from among the members. In making
 12.16 appointments the governor shall strive to achieve representation from among the geographic
 12.17 areas of the state.

12.18 **EFFECTIVE DATE.** This section is effective August 1, 2020.

12.19 Sec. 13. Minnesota Statutes 2018, section 626.843, is amended by adding a subdivision
 12.20 to read:

12.21 **Subd. 1b. Rules governing complaints.** If the board adopts rules to establish a
 12.22 subcommittee to investigate licensure actions, the subcommittee must have:

12.23 (1) one voting board member appointed from the general public; and

12.24 (2) three voting board members who are current or former peace officers.

12.25 **EFFECTIVE DATE.** This section is effective August 1, 2020.

12.26 Sec. 14. **[626.8434] WARRIOR-STYLE TRAINING PROHIBITED.**

12.27 **Subdivision 1. Definition.** For purposes of this section, "warrior-style training" means
 12.28 training for peace officers that dehumanizes people or encourages aggressive conduct by
 12.29 peace officers during encounters with others in a manner that deemphasizes the value of

13.1 human life or constitutional rights, the result of which increases a peace officer's likelihood
13.2 or willingness to use deadly force.

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

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

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

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

13.11 **EFFECTIVE DATE.** This section is effective August 1, 2020.

13.12 Sec. 15. **[626.8435] ENSURING POLICE EXCELLENCE AND IMPROVING**
13.13 **COMMUNITY RELATIONS ADVISORY COUNCIL.**

13.14 Subdivision 1. **Establishment and membership.** The Ensuring Police Excellence and
13.15 Improving Community Relations Advisory Council is established under the Peace Officer
13.16 Standards and Training Board. The council consists of the following 15 members:

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

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

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

13.22 (4) the executive director of the Minnesota Sheriff's Association, or a designee;

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

13.25 (6) six community members, of which:

13.26 (i) four members shall represent the community-specific boards established under section
13.27 257.0768, reflecting one appointment made by each board;

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

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

14.3 (7) four members appointed by the legislature, of which one shall be appointed by the
14.4 speaker of the house, one by the house minority leader, one by the senate majority leader,
14.5 and one by the senate minority leader.

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

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

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

14.15 Subd. 3. **Organization.** The council shall be organized and administered under section
14.16 15.059, except that the council does not expire. Council members serve at the pleasure of
14.17 the appointing authority. The council shall select a chairperson from among the members
14.18 by majority vote at its first meeting. The executive director of the board shall serve as the
14.19 council's executive secretary.

14.20 Subd. 4. **Meetings.** The council must meet at least quarterly. Meetings of the council
14.21 are governed by chapter 13D. The executive director of the Peace Officer Standards and
14.22 Training Board shall convene the council's first meeting, which must occur by September
14.23 1, 2020.

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

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

14.31 (1) all recommendations presented to the board and how the board acted on those
14.32 recommendations;

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

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

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

15.5 Sec. 16. Minnesota Statutes 2018, section 626.845, is amended by adding a subdivision
15.6 to read:

15.7 **Subd. 3. Peace officer data.** The board, in consultation with the Minnesota Chiefs of
15.8 Police Association, Minnesota Sheriff's Association, and Minnesota Police and Peace
15.9 Officers Association, shall create a central repository for peace officer data designated as
15.10 public data under chapter 13. The database shall be designed to receive, in real time, the
15.11 public data required to be submitted to the board by law enforcement agencies in section
15.12 626.8457, subdivision 3, paragraph (b). To assure the anonymity of individuals, the database
15.13 must use encrypted data to track information transmitted on individual peace officers.

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

15.15 Sec. 17. Minnesota Statutes 2018, section 626.8452, is amended by adding a subdivision
15.16 to read:

15.17 **Subd. 1a. Updated policy required.** (a) By September 1, 2020, the board, in consultation
15.18 with interested parties, shall adopt an updated comprehensive written model policy on the
15.19 use of force, including deadly force, by peace officers, and distribute this policy to the chief
15.20 law enforcement officer of every law enforcement agency in the state. The model policy
15.21 must recognize and respect the sanctity and value of all human life and the need to treat
15.22 everyone with dignity and without prejudice. At a minimum, the policy must include:

15.23 (1) a duty for peace officers to intercede when present and observing another peace
15.24 officer using force that is clearly beyond what is objectively reasonable under the law and
15.25 the particular circumstances of the case, and in a position to do so;

15.26 (2) a duty for peace officers to report any illegal use of force by another peace officer
15.27 to the officer's chief law enforcement officer; and

15.28 (3) a duty for peace officers to only use deadly force including techniques that are
15.29 restricted by section 609.06, subdivision 3, as authorized in section 609.066. However, even
15.30 in those circumstances, the policy must require that less lethal measures be considered first
15.31 by the officer.

16.1 (b) The board shall incorporate all applicable standards in sections 609.06, subdivision
16.2 3, and 609.066, even if a standard has a delayed effective date. The revised model policy
16.3 shall clearly identify the effective date of provisions with an effective date beyond September
16.4 1, 2020.

16.5 (c) By December 15, 2020, the chief law enforcement officer of every state and local
16.6 law enforcement agency must update the policy required under subdivision 1 so that it is
16.7 identical or substantially similar to the model policy developed by the board under
16.8 subdivision 1a. The board must assist the chief law enforcement officer of each state and
16.9 local law enforcement agency in developing and implementing policies under this
16.10 subdivision.

16.11 **EFFECTIVE DATE.** This section is effective August 1, 2020.

16.12 Sec. 18. Minnesota Statutes 2018, section 626.8452, subdivision 4, is amended to read:

16.13 Subd. 4. **Record keeping required.** The head of every local and state law enforcement
16.14 agency shall maintain written records of the agency's compliance with the requirements of
16.15 subdivisions 1a, 2, and 3.

16.16 **EFFECTIVE DATE.** This section is effective August 1, 2020.

16.17 Sec. 19. Minnesota Statutes 2018, section 626.8452, subdivision 5, is amended to read:

16.18 Subd. 5. **Licensing sanctions; injunctive relief.** The board has authority to inspect state
16.19 and local law enforcement agency policies to ensure compliance with this section. The board
16.20 may conduct this inspection based upon a complaint it receives about a particular agency
16.21 or through a random selection process. The board may impose licensing sanctions and seek
16.22 injunctive relief under section 214.11 for failure to comply with the requirements of this
16.23 section.

16.24 **EFFECTIVE DATE.** This section is effective August 1, 2020.

16.25 Sec. 20. Minnesota Statutes 2018, section 626.8457, subdivision 3, is amended to read:

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

17.1 (b) Beginning January 15, 2021, a chief law enforcement officer, in real time, must
 17.2 submit individual peace officer data classified as public and submitted using encrypted data
 17.3 that the board determines is necessary to:

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

17.5 (2) assist the Ensuring Police Excellence and Improving Community Relations Advisory
 17.6 Council in accomplishing the council's duties; and

17.7 (3) allow for the board, the Ensuring Police Excellence and Improving Community
 17.8 Relations Advisory Council, and the board's complaint investigation committee to identify
 17.9 patterns of behavior that suggest an officer is in crisis or is likely to violate a board-mandated
 17.10 model policy.

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

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

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

17.22 **EFFECTIVE DATE.** This section is effective August 1, 2020.

17.23 Sec. 21. Minnesota Statutes 2018, section 626.8469, is amended to read:

17.24 **626.8469 TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT,**
 17.25 **AND CULTURAL DIVERSITY.**

17.26 Subdivision 1. **In-service training required.** Beginning July 1, 2018, the chief law
 17.27 enforcement officer of every state and local law enforcement agency shall provide in-service
 17.28 training in crisis intervention and mental illness crises; conflict management and mediation;
 17.29 ensuring safer interactions between peace officers and persons with autism; and recognizing
 17.30 and valuing community diversity and cultural differences to include implicit bias training
 17.31 to every peace officer and part-time peace officer employed by the agency. The training
 17.32 shall comply with learning objectives developed and approved by the board ~~and~~, shall meet

18.1 board requirements for board-approved continuing education credit, and shall be provided
18.2 by an approved entity. The board shall create a list of approved entities and training courses
18.3 and make the list available to the chief law enforcement officer of every state and local law
18.4 enforcement agency. Crisis intervention and mental illness crisis training shall meet the
18.5 standards in subdivision 1a. The training shall consist of at least 16 continuing education
18.6 credits with a minimum of six hours for crisis intervention and mental illness crisis training
18.7 and four hours to ensure safer interactions between peace officers and persons with autism
18.8 within an officer's three-year licensing cycle. Each peace officer with a license renewal date
18.9 after June 30, 2018, is not required to complete this training until the officer's next full
18.10 three-year licensing cycle.

18.11 Subd. 1a. **Crisis intervention and mental illness crisis training.** (a) The board, in
18.12 consultation with the commissioner of human services and mental health stakeholders, shall
18.13 create a list of approved entities and training courses to instruct peace officers in techniques
18.14 for responding to a mental illness crisis. A course must include scenario-based instruction
18.15 and cover most of the following issues:

18.16 (1) techniques for relating to individuals with mental illnesses and the individuals'
18.17 families;

18.18 (2) techniques for crisis de-escalation;

18.19 (3) techniques for relating to diverse communities and education on mental illness
18.20 diversity;

18.21 (4) mental illnesses and the criminal justice system;

18.22 (5) community resources and supports for individuals experiencing a mental illness crisis
18.23 and for the individuals' families;

18.24 (6) psychotropic medications and the medications' side effects;

18.25 (7) co-occurring mental illnesses and substance use disorders;

18.26 (8) suicide prevention; and

18.27 (9) mental illnesses and disorders and the symptoms.

18.28 (b) A course must also include training on children and families of individuals with
18.29 mental illnesses to enable officers to respond appropriately to others who are present during
18.30 a mental illness crisis. The board shall update the list of approved entities and training
18.31 courses periodically as it considers appropriate.

19.1 Subd. 2. **Record keeping required.** The head of every local and state law enforcement
19.2 agency shall maintain written records of the agency's compliance with the requirements of
19.3 ~~subdivision 1.~~ subdivisions 1 and 1a including, at a minimum:

19.4 (1) documentation of the training provider;

19.5 (2) documentation of the content of the training provided;

19.6 (3) documentation that crisis intervention and mental illness crisis training included
19.7 scenario-based instruction in compliance with the standards described in subdivision 1a;

19.8 (4) compiled evaluations; and

19.9 (5) explanation of expenditure of funds.

19.10 The documentation is ~~subject to periodic review by the board, and shall be made available~~
19.11 submitted to the board at its request. The board shall include in the compliance reviews
19.12 required in section 626.8459 an evaluation of the effectiveness of in-service training provided
19.13 under this section in reducing officer use of force and diverting people experiencing a mental
19.14 illness crisis from arrest.

19.15 Subd. 3. **Licensing sanctions; injunctive relief.** The board may impose licensing
19.16 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
19.17 requirements of this section.

19.18 **EFFECTIVE DATE.** This section is effective August 1, 2020.

19.19 Sec. 22. **[626.8474] AUTISM TRAINING.**

19.20 **Subdivision 1. Learning objectives required.** (a) By January 1, 2021, the board shall
19.21 prepare learning objectives for preservice and in-service training on ensuring safer
19.22 interactions between peace officers and persons with autism. At a minimum, the objectives
19.23 must address the following:

19.24 (1) autism overview and behavioral understanding;

19.25 (2) best practices for interventions and de-escalation strategies;

19.26 (3) prevention and crisis reduction models; and

19.27 (4) objective review of tools and technology available.

19.28 **(b) In developing the learning objectives, the board shall consult with, at a minimum:**

19.29 (1) individuals with autism;

19.30 (2) family members of individuals with autism;

20.1 (3) autism experts; and

20.2 (4) peace officers.

20.3 Subd. 2. **Preservice training required.** (a) The learning objectives developed pursuant
20.4 to subdivision 1 must be included in the required curriculum of professional peace officer
20.5 educational programs.

20.6 (b) A person is not eligible to take the peace officer licensing examination after July 1,
20.7 2021, unless the individual has received the training described in paragraph (a).

20.8 Subd. 3. **In-service training required.** Beginning July 1, 2021, the chief law enforcement
20.9 officer of every state and local law enforcement agency shall provide in-service autism
20.10 training to every peace officer and part-time peace officer employed by the agency. The
20.11 training must comply with the learning objectives developed and approved by the board
20.12 and must meet board requirements for board-approved continuing education credit. The
20.13 training must consist of at least four continuing education credits of the credits required
20.14 under section 626.8469 within an officer's three-year licensing cycle. Each peace officer
20.15 with a license renewal date after June 30, 2021, is not required to complete this training
20.16 until the officer's next full three-year licensing cycle.

20.17 Subd. 4. **Record keeping required.** The head of every local and state law enforcement
20.18 agency shall maintain written records of the agency's compliance with the requirements of
20.19 subdivision 3. The documentation is subject to periodic review by the board, and must be
20.20 made available to the board at its request.

20.21 Subd. 5. **Licensing sanctions; injunctive relief.** The board may impose licensing
20.22 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
20.23 requirements of this section.

20.24 **EFFECTIVE DATE.** This section is effective August 1, 2020.

20.25 Sec. 23. **[626.8475] DUTY TO INTERCEDE AND REPORT.**

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

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

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

20.31 (b) A peace officer who observes another employee or peace officer use force that
20.32 exceeds the degree of force permitted by law has the duty to report the incident in writing

21.1 within 24 hours to the chief law enforcement officer of the agency that employs the reporting
21.2 peace officer.

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

21.5 **EFFECTIVE DATE.** This section is effective August 1, 2020.

21.6 Sec. 24. **[626.892] PEACE OFFICER GRIEVANCE ARBITRATION SELECTION**
21.7 **PROCEDURE.**

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

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

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

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

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

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

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

21.24 Subd. 2. **Applicability.** (a) Notwithstanding any contrary provision of law, home rule
21.25 charter, ordinance, or resolution, the arbitrator selection procedure established under this
21.26 section shall apply to all peace officer grievance arbitrations for written disciplinary action,
21.27 discharge, or termination heard on or after the effective date.

21.28 (b) The grievance procedure for all collective bargaining agreements covering peace
21.29 officers negotiated on or after the day following final enactment must include the arbitrator
21.30 selection procedure established in this section.

22.1 (c) This section does not authorize arbitrators appointed under this section to hear
22.2 arbitrations of public employees who are not peace officers.

22.3 Subd. 3. **Fees.** All fees charged by arbitrators under this section shall be in accordance
22.4 with a schedule of fees established by the commissioner on an annual basis.

22.5 Subd. 4. **Roster of arbitrators.** The commissioner, in consultation with community and
22.6 law enforcement stakeholders, shall appoint a roster of six persons suited and qualified by
22.7 training and experience to act as arbitrators for peace officer grievance arbitrations under
22.8 this section. In making these appointments, and as applicable, the commissioner may consider
22.9 the factors set forth in Minnesota Rules, parts 5530.0600 and 5530.0700, subpart 6, as well
22.10 as a candidate's familiarity with labor law, the grievance process, and the law enforcement
22.11 profession; or experience and training in cultural competency, racism, implicit bias, and
22.12 recognizing and valuing community diversity and cultural differences. The appointments
22.13 are effective immediately upon filing with the secretary of state. Arbitrators on the roster
22.14 created by this subdivision shall not serve as an arbitrator in a labor arbitration other than
22.15 a grievance arbitration as defined in this section.

22.16 Subd. 5. **Applications.** The secretary of state shall solicit and accept applications in the
22.17 same manner as for open appointments under section 15.0597.

22.18 Subd. 6. **Terms.** (a) Initial appointments to the roster of arbitrators shall be made as
22.19 follows:

22.20 (1) two appointments to expire on the first Monday in January 2023;

22.21 (2) two appointments to expire on the first Monday in January 2024; and

22.22 (3) two appointments to expire on the first Monday in January 2025.

22.23 (b) Subsequent appointments to the roster of arbitrators shall be for three-year terms to
22.24 expire on the first Monday in January, with the terms of no more than two arbitrators to
22.25 expire in the same year.

22.26 (c) An arbitrator may be re-appointed to the roster upon expiration of the arbitrator's
22.27 term. If the arbitrator is not re-appointed, the arbitrator may continue to serve until a successor
22.28 is appointed, but in no case later than July 1 of the year in which the arbitrator's term expires.

22.29 Subd. 7. **Applicability of Minnesota Rules, chapter 5530.** To the extent consistent
22.30 with this section, the following provisions of Minnesota Rules apply to arbitrators on the
22.31 roster of arbitrators established under this section:

22.32 (1) Minnesota Rules, part 5530.0500 (status of arbitrators);

23.1 (2) Minnesota Rules, part 5530.0800 (arbitrator conduct and standards); and

23.2 (3) Minnesota Rules, part 5530.1000 (arbitration proceedings).

23.3 Subd. 8. **Performance measures.** To the extent applicable, the commissioner shall track
23.4 the performance measures set forth in Minnesota Rules, part 5530.1200.

23.5 Subd. 9. **Removal; vacancies.** An arbitrator appointed to the roster of arbitrators may
23.6 be removed from the roster only by the commissioner in accordance with the procedures
23.7 set forth in Minnesota Rules, part 5530.1300. A vacancy on the roster caused by a removal,
23.8 a resignation, or another reason shall be filled by the commissioner as necessary to fill the
23.9 remainder of the arbitrator's term. A vacancy on the roster occurring with less than six
23.10 months remaining in the arbitrator's term shall be filled for the existing term and the following
23.11 three-year term.

23.12 Subd. 10. **Training.** (a) A person appointed to the arbitrator roster under this section
23.13 must complete training as required by the commissioner during the person's appointment.
23.14 At a minimum, an initial training must include:

23.15 (1) at least six hours on the topics of cultural competency, racism, implicit bias, and
23.16 recognizing and valuing community diversity and cultural differences; and

23.17 (2) at least six hours on topics related to the daily experience of peace officers, which
23.18 may include ride-alongs with on-duty officers or other activities that provide exposure to
23.19 the environments, choices, and judgments required of officers in the field.

23.20 The commissioner may adopt rules establishing training requirements consistent with
23.21 this subdivision.

23.22 (b) An arbitrator appointed to the roster of arbitrators in 2020 must complete the required
23.23 initial training by July 1, 2021. An arbitrator appointed to the roster of arbitrators after 2020
23.24 must complete the required initial training within six months of the arbitrator's appointment.

23.25 (c) All costs associated with the required training must be borne by the arbitrator.

23.26 Subd. 11. **Selection of arbitrators.** The commissioner shall assign or appoint an arbitrator
23.27 or panel of arbitrators from the roster to a peace officer grievance arbitration under this
23.28 section on rotation through the roster alphabetically ordered by last name. The parties shall
23.29 not participate in, negotiate for, or agree to the selection of an arbitrator or arbitration panel
23.30 under this section. The arbitrator or panel shall decide the grievance, and the decision is
23.31 binding subject to the provisions of chapter 572B.

24.1 Subd. 12. **Interaction with other laws.** (a) Sections 179A.21, subdivision 2, and 572B.11,
 24.2 paragraph (a), and rules for arbitrator selection promulgated pursuant to section 179A.04
 24.3 shall not apply to discipline-related grievance arbitrations involving peace officers governed
 24.4 under this section.

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

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

24.14 **EFFECTIVE DATE.** This section is effective September 1, 2020, except that subdivision
 24.15 2, paragraph (b), is effective the day following final enactment.

24.16 Sec. 25. Laws 2019, First Special Session chapter 5, article 1, section 12, subdivision 7,
 24.17 is amended to read:

24.18	Subd. 7. Office of Justice Programs		40,147,000	40,082,000
24.19		Appropriations by Fund		
24.20	General	40,051,000	39,986,000	
24.21	State Government			
24.22	Special Revenue	96,000	96,000	

24.23 **(a) Base Adjustment**

24.24 To account for the base adjustments provided
 24.25 in Laws 2018, chapter 211, article 21, section
 24.26 1, paragraph (a), the general fund base is
 24.27 increased by \$2,000 in fiscal years 2022 and
 24.28 2023.

24.29 **(b) Administration Costs**

24.30 Up to 2.5 percent of the grant funds
 24.31 appropriated in this subdivision may be used
 24.32 by the commissioner to administer the grant
 24.33 program.

25.1 **(c) Indigenous Women Task Force**

25.2 \$105,000 the first year and \$45,000 the second
25.3 year are for expenses related to the task force
25.4 on missing and murdered indigenous women.

25.5 This appropriation is available until June 30,
25.6 2021. These are onetime appropriations.

25.7 **(d) Domestic Abuse Prevention Grants**

25.8 \$200,000 each year is for a grant to a domestic
25.9 abuse prevention program that provides
25.10 interdisciplinary, trauma-informed treatment
25.11 and evidence-informed intervention for
25.12 veterans and current or former service
25.13 members and their whole families affected by
25.14 domestic violence. The grantee must offer a
25.15 combination of services for perpetrators of
25.16 domestic violence and their families, including
25.17 individual and group therapy, evaluation and
25.18 research of programming, and short- and
25.19 long-term case management services to ensure
25.20 stabilization and increase in their overall
25.21 mental health functioning and well-being.

25.22 These appropriations are onetime.

25.23 **(e) Criminal Sexual Conduct Statutory**

25.24 **Reform Working Group**

25.25 \$20,000 the first year and \$14,000 the second
25.26 year are to convene, administer, and
25.27 implement the criminal sexual conduct
25.28 statutory reform working group. These
25.29 appropriations are onetime.

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

26.1 Sec. 26. Laws 2019, First Special Session chapter 5, article 1, section 13, subdivision 4,
26.2 is amended to read:

26.3 **Subd. 4. Peace Officer Training Assistance**

26.4 \$6,000,000 each year is to support and
26.5 strengthen law enforcement training and
26.6 implement best practices. The base for this
26.7 activity is \$0 in fiscal year ~~2022~~ 2024 and
26.8 thereafter.

26.9 Sec. 27. Laws 2019, First Special Session chapter 5, article 2, section 28, subdivision 4,
26.10 is amended to read:

26.11 **Subd. 4. Report.** The task force shall report to the chairs and ranking minority members
26.12 of the legislative committees and divisions with jurisdiction over public safety, human
26.13 services, and state government on the work of the task force, including but not limited to
26.14 the issues to be examined in subdivision 1, and shall include in the report institutional
26.15 policies and practices or proposed institutional policies and practices that are effective in
26.16 reducing gender violence and increasing the safety of indigenous women and girls. The
26.17 report shall include recommendations to reduce and end violence against indigenous women
26.18 and girls and help victims and communities heal from gender violence and violence against
26.19 indigenous women and girls. ~~The~~ A report shall be submitted to the legislative committees
26.20 by December 15, 2020, and a final report shall be submitted by June 30, 2021.

26.21 **EFFECTIVE DATE.** This section is effective August 1, 2020.

26.22 Sec. 28. Laws 2019, First Special Session chapter 5, article 2, section 28, subdivision 5,
26.23 is amended to read:

26.24 **Subd. 5. Expiration.** Notwithstanding Minnesota Statutes, section 15.059, the task force
26.25 expires ~~December 31, 2020~~ June 30, 2021.

26.26 **EFFECTIVE DATE.** This section is effective August 1, 2020.

26.27 **Sec. 29. APPROPRIATION; BUREAU OF MEDIATION SERVICES.**

26.28 \$120,000 in fiscal year 2021 is appropriated from the general fund to the Bureau of
26.29 Mediation Services for rulemaking, staffing, and other costs associated with peace officer
26.30 grievance procedures. The base for this appropriation is \$47,000 in fiscal year 2022 and
26.31 thereafter.

27.1 **EFFECTIVE DATE.** This section is effective August 1, 2020.

27.2 Sec. 30. **APPROPRIATION FOR INDEPENDENT USE OF FORCE**
27.3 **INVESTIGATIONS UNIT IN BCA.**

27.4 \$3,365,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
27.5 of public safety to establish and operate the independent Use of Force Investigations Unit
27.6 in the Bureau of Criminal Apprehension. The base for this appropriation is \$3,272,000 in
27.7 fiscal years 2022 and 2023. The base for this appropriation is \$0 in fiscal year 2024.

27.8 **EFFECTIVE DATE.** This section is effective August 1, 2020.

27.9 Sec. 31. **APPROPRIATION; AUTISM TRAINING.**

27.10 \$8,000 is appropriated from the general fund to the Bureau of Criminal Apprehension
27.11 for the fiscal year ending June 30, 2021, to implement autism training.

27.12 **EFFECTIVE DATE.** This section is effective August 1, 2020.

27.13 Sec. 32. **APPROPRIATION; DATABASE.**

27.14 \$3,500,000 in fiscal year 2021 is appropriated from the general fund to the Peace Officer
27.15 Standards and Training Board to design, build, implement, and operate a database to receive
27.16 the public data required to be submitted to the board by law enforcement agencies in
27.17 Minnesota Statutes, section 626.8457, subdivision 3, paragraph (b). The base for this activity
27.18 is \$500,000 in fiscal year 2022 and thereafter.

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

27.20 Sec. 33. **APPROPRIATION; ENSURING POLICE EXCELLENCE AND**
27.21 **IMPROVING COMMUNITY RELATIONS ADVISORY COUNCIL.**

27.22 \$23,000 in fiscal year 2021 is appropriated from the general fund to the Peace Officer
27.23 Standards and Training Board for costs associated with providing office space, supplies,
27.24 equipment, and clerical support to the Ensuring Police Excellence and Improving Community
27.25 Relations Advisory Council. The base for this appropriation is \$20,000 in fiscal year 2022
27.26 and thereafter.

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

28.1 Sec. 34. **APPROPRIATION; DATA SYSTEM STAFFING.**

28.2 \$96,000 in fiscal year 2021 is appropriated from the general fund to the Peace Officer
28.3 Standards and Training Board for costs associated with staffing the database that receives
28.4 the public data required to be submitted to the board by law enforcement agencies. The base
28.5 for this appropriation is \$128,000 in fiscal year 2022 and thereafter.

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

28.7 Sec. 35. **APPROPRIATION; PEACE OFFICER CRISIS INTERVENTION AND**
28.8 **MENTAL ILLNESS CRISIS TRAINING.**

28.9 \$145,000 in fiscal year 2021 is appropriated from the general fund to the Peace Officer
28.10 Standards and Training Board to reimburse law enforcement agency crisis intervention and
28.11 mental illness crisis training expenses for training that is provided by approved entities
28.12 according to Minnesota Statutes, section 626.8469, subdivision 1a. The base for this
28.13 appropriation is \$137,000 in fiscal year 2022 and thereafter.

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

28.15 Sec. 36. **REPEALER.**

28.16 Minnesota Statutes 2018, section 181.973, is repealed.

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

181.973 PUBLIC SAFETY PEER COUNSELING AND DEBRIEFING.

A person engaged in a public safety peer counseling or a public safety peer debriefing shall not, without the permission of the person being debriefed or counseled, be allowed to disclose any information or opinion which the peer group member or peer counselor has acquired during the process. However, this does not prohibit a peer counselor from disclosing information the peer counselor reasonably believes indicates that the person may be a danger to self or others, if the information is used only for the purpose of eliminating the danger to the person or others. Any information or opinion disclosed in violation of this paragraph is not admissible as evidence in any personnel or occupational licensing matter involving the person being debriefed or counseled.

For purposes of this section, "public safety peer counseling or debriefing" means a group process oriented debriefing session, or one-to-one contact with a peer counselor, held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation-related trauma, illness, or stress begin the process of healing and effectively dealing with the person's problems or the use of the peer counselor for direction with referrals to better service these occupation-related issues. A "peer counselor" means someone so designated by that agency.