

## MINNESOTA POLICE REFORM BILL

HF1, <https://www.house.leg.state.mn.us/amend/A20-0819.htm>

Section	Subject	Changes
<b>1</b>	Peer Counseling	Relates to Section 3 of the bill. Reduces the degree of confidentiality given to peer support counseling from being “private data” to being subject to several exemptions, and limits the number of individuals who would qualify for privileged communications.
<b>2</b>	Critical Incident Stress Management Data	Relates to Section 4 of the bill. Creates new definition for “critical incident stress management data,” and makes the data private subject to several exemptions.
<b>3</b>	Public Safety Peer Counseling	<p>Describes the peer counseling process. Specifies that only communications with “peer support counselors” are potentially privileged.</p> <p>“Peer support counselors” must be “specially trained to provide public safety peer counseling services in accordance with standards that are both (i) established by an accredited mental health organization or network, and (ii) recognized by the commissioner of public safety; and (2) designated by the emergency service provider's agency to provide such services.”</p> <p>Peer support counselors prohibited from providing counseling on an incident to which they were witnesses.</p> <p>Communications with peer-support counselors are privileged except if one of five exceptions apply:</p> <p>(1) the peer support counselor reasonably believes the disclosure is necessary to prevent harm to self by the person receiving the counseling or to prevent the person from harming</p>

		<p>another person, provided the disclosure is only for the purpose of preventing the person from harming self or others and limited to information necessary to prevent such harm;</p> <p>(2) the person receiving public safety peer counseling discloses information that is required to be reported under the mandated reporting laws.</p> <p>(3) the person who received public safety peer counseling provides written consent authorizing disclosure of the information.</p> <p>(4) the person receiving the counseling is deceased and the surviving spouse or administrator of the estate of the deceased emergency service provider gives written consent authorizing disclosure of the information.</p> <p>(5) the emergency service provider who received public safety peer counseling voluntarily testifies, in which case the peer support counselor may be compelled to testify on the same subject.</p>
4	Critical Incident Stress Management	<p>Creates for "critical incident stress management team members" the same conditional privilege as for peer support counselors, subject to the same exceptions.</p> <p>Limits to privilege to those who meet the following definition: "(e) Critical incident stress management team member" means an individual who:</p> <p>(1) is trained to provide critical incident stress management services in accordance with standards that are both (i) established by a nationally recognized critical incident stress management organization or network, and (ii) recognized by the commissioner of public safety;</p> <p>(2) was approved to function as a critical incident stress management team member prior to the time critical incident stress management services are provided; and</p>

		(3) is approved to function as a critical incident stress management team member at the time the critical incident stress management services are provided.
<b>5</b>	Independent Use of Force Investigations Unit	Creates an independent Use of Force Investigations Unit within the statewide Bureau of Criminal Apprehension to conduct officer-involved death investigations.  Materials related to investigations performed by the unit will be public, subject to limited exceptions.
<b>6</b>	Residency	Permits home rule cities and counties to offer peace officers residency exceptions.
<b>7</b>	Use of Force	Relates to Section 8
<b>8</b>	Prohibited uses of force	Prohibits the use any of the following restraints unless necessary “to protect the peace officer or another from death or great bodily harm”:  (1) a choke hold;  (2) tying all of a person's limbs together behind the person's back to render the person immobile; or  (3) securing a person in any way that results in transporting the person face down in a vehicle.  A “choke-hold” is defined as “a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.”
<b>9</b>	Use of Force Reporting	Makes deadly force reporting to the FBI mandatory, and requires same information to be reported to the Bureau of Criminal Apprehension.
<b>10</b>	Board of Police Officers	Expands board from 15 to 17 members, with additional members to be appointed by the governor.

	Standards and Training	
<b>11</b>	POST Licensure	“If the board adopts rules to establish a subcommittee to investigate licensure actions, the subcommittee must have: (1) one voting board member appointed from the general public; and (2) three voting board members who are current or former peace officers.”
<b>12</b>	Warrior-Style Training	<p>Defines “warrior-style training” as “training for peace officers that dehumanizes people or encourages aggressive conduct by peace officers during encounters with others in a manner that deemphasizes the value of human life or constitutional rights, the result of which increases a peace officer's likelihood or willingness to use deadly force.”</p> <p>Prohibits POST credits or tuition reimbursement for warrior-style training and prohibits law enforcement agencies from providing “warrior-style training, directly or through a third party, to a peace officer.”</p>
<b>13</b>	Ensuring Police Excellence and Improving Community Relations Advisory Council	<p>Creates the Ensuring Police Excellence and Improving Community Relations Advisory Council, comprised of 15 members, ten of whom are members of the public.</p> <p>“(a) The purpose of the council is to assist the [POST] board in maintaining policies and regulating peace officers in a manner that ensures the protection of civil and human rights. The council shall provide for citizen involvement in policing policies, regulations, and supervision. The council shall advance policies and reforms that promote positive interactions between peace officers and the community.</p> <p>(b) The board chair must place the council's recommendations to the board on the board's agenda within four months of receiving a recommendation from the council.</p>
<b>14</b>	Police Officer Data	POST to create a central repository for peace officer data designated as public data.
<b>15</b>	Statewide Use of Force Standards	By September 1, 2020, POST must adopt an updated comprehensive written model policy on the use of force, including deadly force, by peace officers, and distribute this policy to the chief law enforcement officer of every law enforcement agency in the state.

		<p>The model policy must recognize and respect the sanctity and value of all human life and the need to treat everyone with dignity and without prejudice. At a minimum, the policy must include:</p> <p>(1) a duty for peace officers to intercede when present and observing another peace officer using force that is clearly beyond what is objectively reasonable under the law and the particular circumstances of the case, and in a position to do so;</p> <p>(2) a duty for peace officers to report any illegal use of force by another peace officer to the officer's chief law enforcement officer; and</p> <p>(3) requiring that less lethal measures be considered first by the officer.”</p> <p>Local agencies required to have policies that are “identical or substantially similar to the model policy.”</p>
<b>16</b>	Record Keeping	Requires record-keeping of materials under Section 15.
<b>17</b>	Licensing Sanctions	Grants POST authority to seek injunctions to ensure compliance with statewide force standards.
<b>18</b>	Reporting Requirements	<p>All agencies must submit individual peace officer data classified as public and submitted using encrypted data that POST determines is necessary to:</p> <p>(1) evaluate the effectiveness of statutorily required training;</p> <p>(2) assist the Ensuring Police Excellence and Improving Community Relations Advisory Council in accomplishing the council's duties; and</p> <p>(3) allow for the board, the Ensuring Police Excellence and Improving Community Relations Advisory Council, and the board's complaint investigation committee to identify patterns of behavior that suggest an officer is in crisis or is likely to violate a board-mandated model policy.</p>

		<p>Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data required to be reported.</p> <p>POST to make annual reports of summary data.</p>
<b>19</b>	Training in Crisis Response, Conflict Management, and Cultural Diversity	<p>Mandates training in crisis intervention and mental illness crises; conflict management and mediation; ensuring safer interactions between peace officers and persons with autism; and recognizing and valuing community diversity and cultural differences to include implicit bias training.</p> <p>Requires that training be provided by a POST-approved entity.</p> <p>The training shall consist of at least 16 continuing education credits with a minimum of six hours for crisis intervention and mental illness crisis training and four hours to ensure safer interactions between peace officers and persons with autism within an officer's three-year licensing cycle.</p> <p>Training must include (1) techniques for relating to individuals with mental illnesses and the individuals' families; (2) techniques for crisis de-escalation; (3) techniques for relating to diverse communities and education on mental illness diversity; (4) mental illnesses and the criminal justice system; (5) community resources and supports for individuals experiencing a mental illness crisis and for the individuals' families; (6) psychotropic medications and the medications' side effects; (7) co-occurring mental illnesses and substance use disorders; (8) suicide prevention; and (9) mental illnesses and disorders and the symptoms.</p> <p>The training must also include training on children and families of individuals with mental illnesses to enable officers to respond appropriately to others who are present during a mental illness crisis.</p>
<b>20</b>	Autism Training	<p>Mandatory autism training on both a pre-service and in-service basis. The training must include:</p> <p>(1) autism overview and behavioral understanding;</p>

		<p>(2) best practices for interventions and de-escalation strategies;</p> <p>(3) prevention and crisis reduction models; and</p> <p>(4) objective review of tools and technology available.</p>
<b>21</b>	Duty to Intercede	<p>Subject to potential POST decertification, officers required to:</p> <p>“(a) Regardless of tenure or rank, a peace officer must intercede when:</p> <p>(1) present and observing another peace officer using force in violation of [the law] or otherwise beyond that which is objectively reasonable under the circumstances; and</p> <p>(2) physically or verbally able to do so.</p> <p>(b) A peace officer who observes another employee or peace officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting peace officer.”</p>
<b>22</b>	Arbitration	<p>Entirely changes system of disciplinary arbitrations. Arbitrators are selected from an alphabetically-rotating list of six arbitrators maintained by the State.</p> <p>The State “may consider” the usual standards for the selection of arbitrators “as well as a candidate's experience and training in cultural competency, racism, implicit bias, and recognizing and valuing community diversity and cultural differences.”</p> <p>The six arbitrators are prohibited from serving “as an arbitrator in a labor arbitration other than a grievance arbitration as defined in this section.”</p> <p>Arbitrators required to receive training that must include at least six hours on the topics of cultural competency, racism, implicit bias, and recognizing and valuing community diversity</p>

		and cultural differences. Arbitrators must also receive at least six hours of training on topics related to the daily experience of peace officers, which may include ride-alongs with on-duty officers or other activities that provide exposure to the environments, choices, and judgments required of officers in the field.
<b>23</b>	Funding	Provides temporary funding of \$6 million per year for Peace Officer Training Assistance. Funding drops to zero in 2024.
<b>24</b>	Funding	Provides temporary funding of \$120,000 in fiscal year 2021 to the Bureau of Mediation Services for rulemaking, staffing, and other costs associated with peace officer grievance procedures. Funding drops to \$47,000 in fiscal year 2022.
<b>25</b>	Funding	Provides temporary funding of \$3,365,000 in fiscal year 2021 to establish and operate the independent Use of Force Investigations Unit. Funding drops to zero in 2024.
<b>26</b>	Funding	Appropriates \$8,000 to the Bureau of Criminal Apprehension for the fiscal year ending June 30, 2021, to implement autism training.
<b>27</b>	Funding	Provides temporary funding of \$1,500,000 in fiscal year 2021 to POST to design, build, implement, and operate a database to receive the public data required to be submitted to the board by law enforcement agencies. Funding drops to zero in 2024.