

1.1 A bill for an act
 1.2 relating to public safety; requiring local units of government to establish law
 1.3 enforcement citizen oversight councils; specifying powers and duties of the councils
 1.4 and the responsibilities of local authorities toward them; amending Minnesota
 1.5 Statutes 2020, section 626.89, subdivisions 2, 17; proposing coding for new law
 1.6 in Minnesota Statutes, chapter 626.

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

1.8 Section 1. Minnesota Statutes 2020, section 626.89, subdivision 2, is amended to read:

1.9 Subd. 2. **Applicability.** The procedures and provisions of this section apply to law
 1.10 enforcement agencies and government units. The procedures and provisions of this section
 1.11 do not apply to:

1.12 (1) investigations and proceedings of a citizen oversight council described in section
 1.13 626.99; or

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

1.15 Sec. 2. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

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

2.1 Sec. 3. [626.99] LOCAL CITIZEN OVERSIGHT COUNCILS FOR LAW
2.2 ENFORCEMENT AGENCIES.

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

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

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

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

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

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

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

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

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

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

2.30 (5) the substantive operation of the agency relating to such matters as use of force,
2.31 profiling, diversion, data collection, equipment, militarization, general investigatory practices,

3.1 officer-initiated use of force investigations, and cooperation with other law enforcement
3.2 agencies; and
3.3 (6) personnel decisions.

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

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

3.12 Subd. 6. **Duties of chief law enforcement officer.** The chief law enforcement officer
3.13 of a law enforcement agency under the jurisdiction of a citizen oversight council shall
3.14 cooperate with the council and facilitate the council's achievement of its goals. However,
3.15 the officer is under no obligation to agree with individual recommendations of the council
3.16 and may oppose a recommendation. If the officer fails to implement a recommendation that
3.17 is within the officer's authority, the officer shall inform the council of the failure along with
3.18 the officer's underlying reasons.

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

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

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

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

4.1 Sec. 4. TIMING.

4.2 Governing bodies of local units of government shall comply with Minnesota Statutes,
4.3 section 626.99, by September 1, 2021. A citizen oversight council shall conduct its first
4.4 meeting by October 1, 2021.

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

4.6 Sec. 5. COMPLIANCE REVIEWS.

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

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