

1.1 moves to amend H.F. No. 78 as follows:

1.2 Page 2, after line 21, insert:

1.3 "Sec. **[299A.018] OFFICER-INVOLVED DEATH REVIEW BOARD.**

1.4 **Subdivision 1. Definitions.** (a) The following terms have the meanings provided.

1.5 (b) "Board" means the Officer-Involved Death Review Board.

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

1.7 (d) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
1.8 paragraph (f).

1.9 (e) "Officer-involved death" means the death of a person that results from a peace officer's
1.10 use of force while the officer is on duty or off duty but performing activities that are within
1.11 the scope of the officer's law enforcement duties.

1.12 (f) "Peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
1.13 (c).

1.14 **Subd. 2. Establishment; membership; office support.** (a) The Officer-Involved Death
1.15 Review Board is established in the Department of Public Safety. The board consists of the
1.16 following members:

1.17 (1) the superintendent of the Bureau of Criminal Apprehension;

1.18 (2) a member of the Peace Officer Standards and Training Board selected by the executive
1.19 director of the Peace Officer Standards and Training Board;

1.20 (3) a representative of the Office of Violence Prevention in the Department of Health;

1.21 (4) the commissioner of the Department of Human Rights, or a designee;

1.22 (5) the commissioner of corrections, or a designee; and

- 2.1 (6) six persons selected by the commissioner that must include:
- 2.2 (i) a medical examiner or coroner;
- 2.3 (ii) a use of force expert;
- 2.4 (iii) a civil rights expert;
- 2.5 (iv) a prosecutor with expertise in officer-involved death reviews;
- 2.6 (v) a member of the public from the seven-county metropolitan area; and
- 2.7 (vi) a member of the public from outside of the seven-county metropolitan area.
- 2.8 (b) Members will be appointed to two years terms. Membership is renewable one time.
- 2.9 (c) The commissioner must convene the board no later than November 1, 2020, and
- 2.10 provide meeting space and administrative assistance necessary for board to conduct its work,
- 2.11 including documentation of meetings and review findings.
- 2.12 Subd. 3. **Review teams.** (a) The board shall appoint a review team from among the board
- 2.13 members to collect, review, and analyze data related to each officer-involved death that
- 2.14 occurs in the state. The board may also invite other relevant persons to participate as full
- 2.15 members of a review team as needed. Review team membership should represent the cultural
- 2.16 and racial diversity of the community where the death occurred, to the extent possible. A
- 2.17 member may not participate in a review if the member is a current or former employee of
- 2.18 the agency that is the subject of the team's review.
- 2.19 (b) In determining the cause of death, the review team shall consider death certificates
- 2.20 and other data relevant to determining cause of death, including investigative reports and
- 2.21 medical records. The review team may also analyze additional, available information
- 2.22 concerning the decedent.
- 2.23 (c) As part of the review team's investigation of a peace officer involved in an
- 2.24 officer-involved death, the team should review:
- 2.25 (1) the peace officer's complete employment and training records;
- 2.26 (2) the policies and standard operating procedures of the agency that employs the peace
- 2.27 officer;
- 2.28 (3) applicable collective bargaining agreements; and
- 2.29 (4) other pertinent information concerning the peace officer and the agency that employs
- 2.30 the peace officer.

3.1 Subd. 4. **Access to data.** (a) The review team has access to the following not public
3.2 data, as defined in section 13.02, subdivision 8a, relating to an officer-involved death:

3.3 (1) inactive law enforcement investigative data under section 13.82;

3.4 (2) autopsy records and coroner or medical examiner investigative data under section
3.5 13.83;

3.6 (3) hospital, public health, or other medical records of the decedent under section 13.384;
3.7 and

3.8 (4) records under section 13.46, created by social service agencies that provided services
3.9 to the decedent.

3.10 (b) Access to medical records under this paragraph also includes records governed by
3.11 sections 144.291 to 144.298.

3.12 (c) The board has access to corrections and detention data as provided in section 13.85.

3.13 Subd. 5. **Agency notice; cooperation.** (a) The chief law enforcement officer of a law
3.14 enforcement agency that has an officer-involved death must notify the commissioner within
3.15 30 days of the death. The commissioner shall forward a copy of the filing to the board. The
3.16 notification shall contain information concerning the reason for and circumstances
3.17 surrounding the death.

3.18 (b) The law enforcement agency that employs a peace officer who was involved in an
3.19 officer-involved death must cooperate fully with the board and a review team appointed by
3.20 the board. The chief law enforcement officer of the agency that employs an officer under
3.21 investigation by a review team must provide written answers to questions posed by the
3.22 review team or the board.

3.23 Subd. 6. **Compel production of records; subpoena.** As part of any review, the board
3.24 may compel the production of other records by applying to the district court for a subpoena,
3.25 which will be effective throughout the state according to the Rules of Civil Procedure.

3.26 Subd. 7. **Officer-involved death reviews and recommendations.** (a) The board must
3.27 conduct an initial review of each officer-involved death within 90 days of the final
3.28 adjudication of the event to determine any immediate action, appropriate local representation,
3.29 and timeline. The board must submit a publicly available summary of the incident and the
3.30 board's response plan.

3.31 (b) The board must identify and analyze the root causes of the incident.

4.1 (c) The full review must be completed within six months of the final adjudication of the
4.2 event and the report must be filed with the commissioner and agency that employed the
4.3 peace officer involved in the event within 60 days of completion of the review.

4.4 (d) The board shall make recommendations to the commissioner for changes in statewide
4.5 training of peace officers. Following the analysis, the board must prepare a report that
4.6 recommends policy and system changes to reduce and prevent future incidents across
4.7 jurisdictions, agencies, and systems.

4.8 (e) The commissioner must post the report on the Department of Public Safety's public
4.9 website. The posted report must comply with chapter 13 and any data that is not public data
4.10 must be redacted.

4.11 Subd. 8. **Confidentiality; data privacy.** (a) A person attending a board meeting may
4.12 not disclose what transpired at the meeting, except to carry out the purposes of the review
4.13 or as otherwise provided in this subdivision.

4.14 (b) The board may disclose the names of the decedents in the cases it reviews.

4.15 (c) Proceedings and records of the board are confidential data as defined in section 13.02,
4.16 subdivision 3, or protected nonpublic data as defined in section 13.02, subdivision 13,
4.17 regardless of their classification in the hands of the person who provided the data, and are
4.18 not subject to discovery or introduction into evidence in a civil or criminal action against a
4.19 professional, the state, or a county agency, arising out of the matters the team is reviewing.
4.20 Information, documents, and records otherwise available from other sources are not immune
4.21 from discovery or use in a civil or criminal action solely because they were presented during
4.22 proceedings of the board.

4.23 (d) This subdivision does not limit a person who presented information before the board
4.24 or who is a member of the panel from testifying about matters within the person's knowledge.
4.25 However, in a civil or criminal proceeding, a person may not be questioned about the person's
4.26 good faith presentation of information to the board or opinions formed by the person as a
4.27 result of the board meetings.

4.28 Subd. 9. **External advice.** The board shall identify an external impartial entity to facilitate
4.29 reviews and establish the review process.

4.30 Subd. 10. **Reports to the legislature.** By June 15 of each year, the board must report
4.31 to the chairs and ranking minority members of the house of representatives and senate
4.32 committees and divisions with jurisdiction over public safety on:

4.33 (1) the number of reviews performed under this section in the last year;

- 5.1 (2) aggregate data on reviews performed;
- 5.2 (3) the number of reviews that included a recommendation that the law enforcement
- 5.3 agency under review implement a corrective action plan;
- 5.4 (4) a description of any recommendations made to the commissioner for statewide
- 5.5 training of peace officers; and
- 5.6 (5) recommendations for legislative action."
- 5.7 Page 3, delete sections 3 and 4
- 5.8 Page 4, delete section 5
- 5.9 Renumber the sections in sequence and correct the internal references
- 5.10 Amend the title accordingly