

HOUSE RESEARCH

Bill Summary

FILE NUMBER: HF 505

DATE: March 27, 2001

Version: First Engrossment

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Subject: Racial Profiling

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Overview

This bill requires the Board of Peace Officer Standards and Training (POST) and state and local law enforcement agencies to develop anti-racial profiling policies. Chief law enforcement officers and supervisors are required to ensure that each peace officer receives a copy of the policy, is aware of the policy's purpose, and understands the conduct prohibited by the policy. The bill also requires the POST board to establish learning objectives for preservice and in-service training of peace officers and specifies that an individual may not take a licensing exam to become a peace officer without taking the preservice training and passing a psychological examination that demonstrates that the individual is not likely to engage in racial profiling. Requires the POST board to develop training materials to assist chief law enforcement officers and other supervisors on how to detect and respond to racial profiling by peace officers under their command. Instructs the Commissioner of Public Safety to increase awareness about racial profiling, including providing information on how to file a complaint of racial profiling. Finally, the bill requires regional training seminars throughout the state, requires a report from the POST board on initiatives contained within the bill, and appropriates money for training seminars, training materials, and the public awareness campaign.

Section

1 **Avoiding racial profiling; policies and learning objectives required.**

Subd. 1. Purpose. States the purpose of the legislation. Provides that the legislature finds that the perception of racial profiling by law enforcement alienates

citizens from police, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the citizens who law enforcement tries to protect and serve. Specifies that no stop of a citizen should be made without a legitimate reason, and race, ethnicity, or national origin alone never provide a sufficient reason. States that law enforcement policies and training programs must emphasize the need to respect the balance between the rights of all citizens to be free from unreasonable governmental

intrusions and law enforcement's need to enforce the law.

Subd. 2. Definition. Defines racial profiling to mean any law enforcement-initiated action that relies upon the race, ethnicity, or national origin of an individual rather than the behavior of the individual or information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity. Specifies that the term includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Clarifies that racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

Subd. 3. Statewide model policy. Requires the board of peace officer standards and training (POST) to consult with various law enforcement associations in developing an anti-racial profiling model policy governing the conduct of peace officers engaged in stops of citizens. Requires the policy to define racial profiling and identify conduct that violates the law. States that the policy must be adopted by August 1, 2001.

Subd. 4. Agency policies required. Requires the chief law enforcement officer of every state and local law enforcement agency to establish and enforce a written anti-racial profiling policy that complies with the model policy. Requires the chief law enforcement officer to ensure that each peace officer receives a copy of the policy, is aware of the policy's purpose, and understands the conduct prohibited by it. Requires state and local law enforcement agencies to certify annually to POST that it is in compliance with this subdivision. States that the board must assist state and local agencies in developing policies under this subdivision.

Subd. 5. Preservice training learning objectives; requirements. Requires the POST board to establish learning objectives for preservice training of peace officers by August 1, 2001. These objectives must address how to instruct peace officers in avoiding racial profiling when making stops of citizens. Specifies that these learning objectives shall become part of the required curriculum of professional peace officer education programs. Provides that an individual is ineligible to take the peace officer licensing exam or part-time peace officer licensing exam until:

the individual has received preservice training consistent with this subdivision; and
the individual has completed a psychological examination that demonstrates that the person is not likely to engage in racial profiling.

Subd. 6. In-service training learning objectives. Requires the POST board to prepare learning objectives for in-service training of officers on avoiding racial profiling when making stops of citizens. The learning objectives must be prepared by August 1, 2001. Requires the Board to evaluate and monitor in-service training courses to ensure they satisfy the learning objectives.

Subd. 7. Chief law enforcement officer and supervisors; requirements. Requires the executive director of the POST board to prepare training materials for chief law enforcement officers and supervisors on how to detect and respond to racial profiling by peace officers under their command. Requires the materials to address both the agency's policy and procedural components aimed at eliminating racial profiling in stops of citizens.

Subd. 8. POST board; compliance reviews. Authorizes the POST board to inspect state and local agency policies to ensure compliance with this section. Allows the board to conduct this inspection based upon a complaint it receives or through a random selection process.

2 **Regional training seminars.** Requires the POST board to facilitate regional seminars throughout the state to increase awareness about racial profiling issues unique to specific regions of the state and to promote a community-oriented response to the issue of racial profiling. Requires the training seminars to satisfy the learning objectives established by the POST board. Requires the seminars to be completed by December 31, 2001.

3 **Reports.** Requires the executive director of the POST board to report to the legislature by February 15, 2002, on the development of a model policy; learning objectives; regional training seminars, including attendance figures for the seminars; and the training materials prepared for chief law enforcement officers and supervisors.

4 **Appropriations.**

Subd. 1. POST board. Appropriates \$400,000 to the executive director of the POST board to conduct regional training seminars and to prepare training guidelines and materials for chief law enforcement officers and other officers with supervisory authority.

Subd. 2. Commissioner of public safety. Appropriates \$100,000 to the Commissioner of Public Safety to increase public awareness about racial profiling. Requires the public awareness campaign to include information on how to file a racial profiling complaint.

Specifies that the appropriations are available for the biennium ending June 30, 2003, and may not be used for any purposes other than those specified in this section.

5 **Effective date.** July 1, 2001.