

Subject Reclaiming Community Oversight Act

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Overview

This bill contains a variety of proposals that address community oversight of peace officers and law enforcement agencies.

Article 1: Law Enforcement Citizen Oversight Councils

Section Description – Article 1: Law Enforcement Citizen Oversight Councils

- 1 Applicability.**
Declares that the peace officers bill of rights does not apply in citizen oversight council investigations and proceedings.
- 2 Citizen oversight.**
Removes the prohibition on civilian review boards making findings of fact or determinations regarding complaints against peace officers.
- 3 Local citizen oversight councils for law enforcement agencies.**
Requires local units of government that have law enforcement agencies to establish a citizen oversight council. Empowers oversight councils to make recommendations and provide assessments on any facet of the agency's operations. A council may also conduct investigations into police misconduct allegations.
- 4 Timing.**
Establishes a deadline for local units of government to stand up their citizen oversight councils.
- 5 Compliance reviews.**
Directs the state auditor to conduct compliance reviews of local units of government to ensure compliance with the citizen oversight council statute.

Article 2: Policies, Training, Reporting, Appropriations

Section Description – Article 2: Policies, Training, Reporting, Appropriations

- 1 Public data.**

Provides that the status of a complaint or charge against a peace officer includes the fact that the officer has been suspended, placed on administrative leave, terminated, or otherwise separated from employment with the right to appeal the decision or elect arbitration. The section is effective retroactively to January 1, 2020.
- 2 Limitations period.**

Provides that an action for damages based on sexual abuse may be commenced at any time in the case of alleged sexual abuse by a peace officer. Makes the elimination of the statute of limitations retroactive.
- 3 Periods of investigation of peace officer not counted.**

Provides that the statutes of limitations for bringing an action for damages alleging harm caused by a peace officer are tolled during a criminal investigation, criminal prosecution, or administrative investigation into alleged wrongdoing. Makes the tolling period retroactive.
- 4 Death action.**

Provides that an action for damages based on wrongful death may be commenced at any time in the case of alleged act by a peace officer. Makes the elimination of the statute of limitations retroactive.
- 5 When authorized.**

Makes a conforming change related to the limitation on the use of certain restraints by peace officers.
- 6 Limitations on the use of certain restraints.**

Prohibits peace officers from using certain forms of restraint that involve pressure on a person’s neck, securing all of a person’s limbs together behind the person’s back (“hog tying”), and securing a person in any way that results in transporting the person face down in a vehicle. Prohibits peace officers from using any other restraints that restrict the free movement of a person’s neck or head unless necessary to protect the person, a peace officer, or another from imminent harm.
- 7 Procedural justice; policies required.**

Requires the POST Board to develop a model policy on peace officers providing citizens with procedural justice. The model policy must address proper and lawful requests to conduct searches of citizens. Requires law enforcement agencies to adopt a procedural justice policy that conforms to the model policy.

Section Description – Article 2: Policies, Training, Reporting, Appropriations

- 8 Warrior-style training prohibited.**
Prohibits the Peace Officer Standards and Training Board from (1) approving law enforcement training courses that incorporate warrior training, and (2) granting continuing education credit or reimbursement payments to peace officers who attend courses that include warrior training. Prohibits chief law enforcement officers from providing warrior training to peace officers.
- 9 Prohibition on use of certain restraints.**
Requires law enforcement agencies to update their policies on use of force to prohibit certain forms of restraint that involve pressure on a person’s neck; securing all of a person’s limbs together behind the person’s back (“hog tying”); securing a person in any way that results in transporting the person face down in a vehicle; or using any other restraints that restrict the free movement of a person’s neck or head unless necessary to protect the person, a peace officer, or another from imminent harm.
- 10 Procedural justice and community interaction skills; learning objectives.**
Requires the POST Board to prepare learning objectives to teach peace officer candidates and peace officers how to provide citizens with procedural justice and proper ways to interact with citizens. Requires law enforcement students and peace officers to receive training that is consistent with the learning objectives that the board promulgates.
- 11 Duty to intercede and report; policies required.**
Establishes a duty for peace officers to intercede when another officer is using excessive force and report incidents of excessive force to supervisors. Failure of a peace officer to intercede or report excessive force subjects the officer to POST Board discipline. Requires the POST Board to develop a model policy on the duty to intercede and for each law enforcement agency to adopt a conforming policy.
- 12 [626.892] Peace officer grievance arbitration selection procedure.**
This section creates a new arbitrator roster appointed by the governor to hear grievance arbitrations for written discipline, discharge, and termination of peace officers that arise under collective bargaining agreements covering peace officers.
- Subd. 1. Definitions.** Provides definitions used in this section. Limits grievance arbitrations under this section to disputes or disagreements about a peace officer’s written discipline, discharge, or termination under a collective bargaining agreement covering peace officers.

Section Description – Article 2: Policies, Training, Reporting, Appropriations

Subd. 2. Applicability. Applies to all collective bargaining agreements covering peace officers that are negotiated on or after the day following final enactment. They must include this selection procedure going forward.

Subd. 3. Roster of arbitrators. Creates a 25-person roster of arbitrators to be appointed by the governor. The arbitrators serve 3-year terms and current rules covering arbitration rosters apply, including qualifications, conduct, and standards requirements, if they are consistent with this section.

Subd. 4. Arbitrator qualifications. Requires arbitrators to complete training on racism, implicit bias, and culture competency to qualify for the roster, and to continue to complete training on an ongoing basis as required once appointed.

Subd. 5. Selection of arbitrators. Requires the commissioner of the Bureau of Mediations Services to assign an arbitrator or panel from the roster on a random or rotating basis without participation from the parties. The arbitrator's decisions are final, subject to appeal procedures under the Uniform Arbitration Act.

Subd. 6. Interaction with other laws. The changes to arbitrator selection for collective bargaining agreements covering peace officers supersede any contrary existing law. Peace officers cannot collectively bargain for a different selection process in future agreements. Other current provisions and rules, including chapters 179A and 572B, continue to apply if they are consistent with this section.

13 Guidelines on positive community interactions.

Directs the commissioner of public safety to develop guidelines for law enforcement to follow when interacting with citizens.

14 Minneapolis peace officers; residency requirements.

Permits the city of Minneapolis to require residency within the city as a condition of employment by the city as a peace officer. Limits the requirement to persons hired after the date the requirement is imposed.

15 St. Paul peace officers; residency requirements.

Permits the city of St. Paul to require residency within the city as a condition of employment by the city as a peace officer. Limits the requirement to persons hired after the date the requirement is imposed.

Section Description – Article 2: Policies, Training, Reporting, Appropriations

16 Appropriation.

Appropriates unspecified amounts to the commissioner of public safety and the POST Board to fund initiatives contained in this article.



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