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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3852

02/15/2024 Authored by Frazier and Curran The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; requiring independent investigations of law enforcement
1.3 use of force incidents that result in death; amending Minnesota Statutes 2022,
1.4 section 626.5534.

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

1.6 Section 1. Minnesota Statutes 2022, section 626.5534, is amended to read:

1.7 626.5534 USE OF FORCE REPORTING; INDEPENDENT INVESTIGATIONS
1.8 REQUIRED.

1.9 Subdivision 1. Report required. A chief law enforcement officer must provide the
1.10 information requested by the Federal Bureau of Investigation about each incident of law
1.11 enforcement use of force resulting in serious bodily injury or death, as those terms are
1.12 defined in the Federal Bureau of Investigation's reporting requirements, to the superintendent
1.13 of the Bureau of Criminal Apprehension. The superintendent shall adopt a reporting form
1.14 for use by law enforcement agencies in making the report required under this section. The
1.15 report must include for each incident all of the information requested by the Federal Bureau
1.16 of Investigation.

1.17 Subd. 2. Use of information collected. A chief law enforcement officer must file the
1.18 report under subdivision 1 once a month in the form required by the superintendent. The
1.19 superintendent must summarize and analyze the information received and submit an annual
1.20 written report to the chairs and ranking minority members of the house of representatives
1.21 and senate committees with jurisdiction over public safety. The superintendent shall submit
1.22 the information to the Federal Bureau of Investigation.

2.1 Subd. 3. Independent investigations required. (a) When an incident of law enforcement
2.2 use of force results in death or a person dies while in law enforcement custody, an
2.3 investigation of the incident must be undertaken by either the Bureau of Criminal
2.4 Apprehension's Independent Use of Force Investigations Unit established under section
2.5 299C.80 or a law enforcement agency that does not employ an officer who was involved
2.6 in the incident. If a peace officer employed by the Bureau of Criminal Apprehension is
2.7 involved in the incident or detention, a law enforcement agency other than the Independent
2.8 Use of Force Investigations Unit must conduct the investigation.

2.9 (b) Each local law enforcement agency must enter into an interagency agreement, as
2.10 provided for in section 626.76, with a local law enforcement agency from a nonadjoining
2.11 jurisdiction to conduct investigations required under paragraph (a). An agreement entered
2.12 into under this subdivision must require the parties to conduct investigations mandated
2.13 under paragraph (a) when the Bureau of Criminal Apprehension's Independent Use of Force
2.14 Investigations Unit does not undertake the investigation. Each local law enforcement agency
2.15 must post the required interagency agreement on the agency's publicly available website.

2.16 (c) A law enforcement agency must fully cooperate with and promptly respond to requests
2.17 for information from the entity conducting an investigation mandated under paragraph (a).

2.18 (d) An entity that conducts an investigation under this subdivision must prepare a report
2.19 detailing the entity's investigation, findings, and recommendations, and promptly deliver
2.20 the report to the Attorney General's Office, the prosecutor for the county in which the
2.21 incident occurred, and the Board of Peace Officer Standards and Training. Within six months
2.22 of receiving a report under this paragraph, a prosecuting authority must release the report
2.23 to the public if a law enforcement officer involved in the incident is not charged with a
2.24 crime. If a prosecuting authority determines that there is no basis to file charges against a
2.25 peace officer involved in the incident prior to six months elapsing from the date of receiving
2.26 the report, the prosecutor must publicly disclose the prosecutor's determination and
2.27 simultaneously release the report to the public.

2.28 (e) The attorney general may petition a court for a writ of mandamus to compel an agency
2.29 to comply with the requirements of this subdivision.