

Research Memo – House DFL Police Accountability Legislation

June 12, 2020

The People of Color and Indigenous Caucus (POCI) worked with other legislators and allies to shape the ideas included in this package. This package of bills is made up of a combination of public safety proposals addressing the need for greater police oversight and accountability in Minnesota while also investing in the community resources and healing.

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2. Use of Force Reform: Modifications to Use of Deadly Force Standards - (Moran)
3. Public Safety Peer Counseling Debriefing; Law Enforcement Use of Force Data Reported - (Noor)
4. Retroactive Repeal of Statutes of Limitations for Wrongful Death Lawsuits - (Vang)
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The bills included in this package are just the first steps in a journey towards community healing and holding police officers accountable in Minnesota. Members of the Public Safety Committee, as well as others, have been working on these issues for years, the time is long overdue for change and with the world watching it is the time to advocate for a bold vision for how policing looks in Minnesota moving forward.

BILL SUMMARIES: A summary of each bill and a brief background is provided below.

1. Data Practices Modifications for Peace Officers - (Her)

This bill amends the data practices statute (Ch. 13) to prevent a civil penalty payout for publicly announced firing of police officers prior to a final determination (after arbitration). This modification is limited only to the disclosure of incidents involving peace officers. If enacted, this modification would be effective the day following final enactment and apply retroactively to personnel data on current and former peace officers created on or after Jan. 1, 2020.

2. Use of Force Reform: Modifications to Use of Deadly Force Standards - (Moran)

Current law ([MS 609.066](#)) lays out three conditions under which the use of deadly force by a peace officer is justified in Minnesota. Those three conditions include (1) to protect the officer or another person from death or great bodily harm, (2) to capture someone who the officer believes committed or attempted to commit a felony involving or threatening deadly force, and (3) to apprehend someone the officer believes will cause death or great bodily harm if they are not apprehended.

The current law relies heavily on an individual officer's subjective judgement of what is a threat, giving them wide discretion, and making it difficult to charge and prosecute officers who commit wrongful actions. The modifications made in this bill to current use of deadly standards adopt principles and ethics that are centered on advancing human rights and relying on standards of reasonableness. We must acknowledge and address the reality that implicit bias plays a role in decisions that are made under intense pressure, especially in racially diverse communities, and that those biases must be kept in check with an objective standard that values all human life.

- Establishes legislative intent by emphasizing that the authority to use deadly force by an officer is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life.
- Establishes that the use of deadly force by a peace officer in the line of duty is justified only when the *“officer reasonably believes, based on the totality of the circumstances, that such force is necessary”* and 1) to protect the peace officer or another from imminent death (current laws says *apparent* death), or 2) the officer has reasonable grounds to believe that someone has committed or attempted to commit a felony and *“the officer reasonably believes that the person will cause death or great bodily harm to another person unless immediately apprehended.”*
- Establishes that an officer cannot use *deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe the person does not pose an imminent threat of death or great bodily harm to the peace officer or to another person.*

The modifications made in this bill are consistent with the recommendations of the Minnesota Working Group on Police-Involved Deadly Force Encounters and the 21st Century Task Force on Policing.

3. Public Safety Peer Counseling Debriefing; Law Enforcement Use of Force Data Reported - (Noor)

This bill aims to encourage more public safety officials to participate critical incident stress management services and debriefing sessions after they have been involved in a critical incident while on the job by adding privacy protections for those who participate; and seeks to collect and track better data on officer-involved deadly force encounters.

Critical Incident Stress Management Team: This bill establishes a Critical Incident Stress Management Team that provides services for emergency service providers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult events. The Team may include peer members from any emergency service discipline, mental health professionals, and designated emergency service chaplains.

Any information or opinion disclosed in a debriefing session cannot be used as evidence in criminal, administrative, or civil proceeding against the person being debriefed. The Team can, however, disclose information if the member reasonably believes the disclosure is necessary to prevent harm to a person who received services or to prevent harm to another person.

Reporting requirement: Section 2 of the bill relates to “Use of Force Reporting.” This section requires a chief law enforcement officer of an agency to submit a monthly report to the BCA with information related to each use of force incident that resulted in serious bodily harm or death. The report must also include for each incident all of the information requested by the Federal Bureau of Investigation. The BCA is required to submit an annual report summarizing and analyzing the information provided to the legislature.

The provisions in this bill come from the Attorney General’s Police-Involved Deadly Force Encounters Report (recommendation 4.7 and 4.4).

4. Retroactive Repeal of Statutes of Limitations for Wrongful Death Lawsuits - (Vang)

In the 2020 session members of the Public Safety Committee heard from families who’s loved ones had been killed by police. These families never received justice for the loss of their loved one. By eliminating the SOL to file a wrongful death lawsuit, families will have the opportunity to make a case before the court without the pressure of the clock winding down. This is important because all too often families are unable to get their day in court while there is a pending investigation, forcing

them to hold off on filing a civil suit, and ultimately running out of time due to the slow nature of investigations.

This bill eliminates statute of limitations (SOL) for civil actions against police officers by:

- Eliminating the civil statute of limitations for suits alleging sexual assault by a peace officer;
- Tolling the limitations period for suits alleging any police misconduct that gives rise to the cause of action during a criminal investigation/prosecution of the officer, or during an investigation by a political subdivision or POST Board; and
- Eliminating the civil statute of limitations for wrongful death claims alleging damages caused by a peace officer.
- These provisions would go into effect the day following final enactment and apply to causes of action that arise on or after that date, these provisions would also apply retroactively to any causes of action that arose before that date.

5. Warrior Training Prohibited - (Richardson)

This bill prohibits the use of warrior-style training by law enforcement. It also states that the POST board (Board) may not certify a continuing education course that includes warrior-style training; the Board may not grant continuing education credit to a peace officer for a course that includes warrior-style training; and the Board may not reimburse a law enforcement agency or a peace officer for a course that includes warrior-style training.

Police accountability advocates have repeatedly shared that warrior-style training breeds paranoia that increases the likelihood of police officers using unnecessary force. The [City of Minneapolis](#) has attempted to ban this type of training in the past, sharing that this type of training goes against the values of community policing. The attempt to ban this type of training was met with opposition from [Bob Kroll](#), President of the MPD Police Union, who offered free warrior-style training to any officer who wants it.

6. Prohibit Use of Chokeholds - (Moran)

This bill prohibits a peace officer from using certain types of physical restraints. Peace officers would no longer be able to use (1) lateral vascular neck restraint, (2) choke holds, (3) neck holds, (4) tying all of a person's limbs together behind the person's back to render the person immobile, or (5) securing a person in any way that results transporting the person face down in a vehicle. The only time a peace officer can restrict free movement of a person's neck or head is to protect the peace officer or another from imminent harm.

According to [NBC news](#), since 2015, the Minneapolis Police Department used neck restraints 237 times with 44 people falling unconscious. Of those subjected to neck restraints, 60% were black, 30%

were white, two were Native American, and almost all were male. In the wake of the death of George Floyd more and more police departments across the country are receiving calls to re-examine their policies and to ban chokeholds. The Minneapolis City Council voted on June 5, 2020 to ban the use of chokeholds by peace officers.

7. Duty to Intercede and Report - (Becker-Finn)

Currently, 81 of 87 Sheriff's offices in Minnesota have a policy that requires officers to intercede to prevent the use of unreasonable force. The current policy these departments use comes from Lexipol, a customized policy manual for law enforcement agencies. The three officers, other than Officer Chauvin, in the George Floyd case were fired from the Minneapolis Police Department because of an in-house policy that requires officers to intercede. Currently, there is no such policy found in state statute.

This bill codifies the duty to intercede and requires the POST Board to adopt a duty to intercede model policy that will be distributed to all Chief Law Enforcement Officers. It also empowers the POST Board to ensure compliance with establishing a model policy.

The bill lays out that peace officers must intercede when (1) present and observing another peace officer using force that is clearly beyond that which is objectively reasonable under the circumstance to prevent the use of unreasonable force; and (2) in position to do so. Lastly, this bill establishes a duty to report excessive use of force incidents and provides that failure to comply with either duty is grounds for POST Board discipline under the Board's rules.

8. Police Residency Reform - (Hassan)

This bill lifts the ban on city and county residence requirement for peace officers in St. Paul and Minneapolis. This may be one of the more controversial bills in this package. Residency laws were common in Minnesota until they were banned in 1981 (for the metro) and 1984 (for the rest of Minnesota) in section 415.16. They were later reinstated in the metro with session laws passed in [1993](#) and [1994](#). Those session laws permitted Minneapolis and St. Paul to established residency requirements for all city employees. The 1993 and 1994 exceptions were repealed in [1999](#). For years these types of residency requirements have been tested in court and there is both case law in Minnesota and nationally that address this issue. This bill is drafted in a way that is presumed to pass constitutional muster.

Community members argue that there is a recruitment problem and that there is a shortage of officers policing in communities where they live. This bill eliminates one of the barriers to encouraging police officers to live in and represent the communities they serve.

9. Data Collection and Regulatory Reform - (Mariani)

The Minnesota Peace Officers Standards and Training Board (Board) has the authority and oversight to establish licensing and training requirements that all law enforcement agencies and officers must abide by. They have the ability to shape how policing is practiced and how it impacts the quality of life of every Minnesotan. Currently, 10 of the 15 seats on the Board are held by law enforcement. This makes it difficult for the community to have a voice in both shaping how policing impacts public safety and holding officers accountable for their actions. This bill expands the membership of the POST Board, establishes a Police-Community Relations Council and collects peace officer community policing excellence data.

POST Board Membership: This bill expands POST Board memberships from 15 members to 19 by appointing additional members from the community. Currently there are only two members from the community who sit on the Board. This bill modifies who from the public is appointed. The four members of the community will include at least one representative from a statewide crime victim coalition, at least one person of color, and at least one member must be a resident of a county other than a metro county. This bill also gives authority to the Dept. of Human Rights to appoint two members. One must be a community organizer from that organizes direct action campaigns and the other must have experience serving on a law enforcement civilian review board.

Establishing a Police-Community Relations Council

Requires the POST Board (Board) to establish a 15-member Police-Community Relations Council (Council) by August 1, 2020. The Council will consist of a representative from the BCA, the POST Board, the Minnesota Police and Peace Officers Association, the Minnesota Sheriff's Association, and the Minnesota Chiefs of Police Association. Ten members from the community will sit on the Council. Four members who represent the community-specific boards established under current law - Community-Specific Boards (MS257.0768), one appointment made by each board; two mental health advocates, one appointed by the MN Chapter of the National Alliance on Mental Illness (NAMI-MN) and one by the Governor's Council on Mental Health; two victim-survivor advocates appointed by Violence Free Minnesota and the Minnesota Coalition Against Sexual Assault; and two members appointed by the Dept. of Human Rights.

The purpose of the Council is to (1) make recommendations on police-community relations to the POST Board, (2) to review and make disciplinary and policy recommendations on civilian-initiated police misconduct complaints filed with the Board and (3) monitor and make recommendations on peace officer community policing excellence data collected.

Recommendations made related to police misconduct complaints must be implemented unless the Board votes to reject the recommendation within three months of receiving the recommendation from

the Council. The Council will be organized under the same provisions (except Subd. 2) of the Advisory Councils and Committees statute (MS 15.059) and will be governed by Minnesota's Government Data Practices laws (MN CH. 13D).

Data Collection Reform: This section authorizes the Office of Justice Programs (OJP), in consultation with the Police-Community Relations Council (as described above), to select a qualified community-based research organization that will collect on-going data related to peace officer complaints. Any data collected by the research organization is subject to Ch.13 data privacy laws and must remain confidential. Law enforcement agencies and political subdivisions cannot enter any sort of confidentiality agreement that would prevent law enforcement agencies from submitting data to the research organization. The research organization is required to release an annual report to the public that summarizes the peace officer data received from law enforcement agencies. The summary of data will not include peace officer's names and license numbers and any other nonpublic data as defined in Ch.13.

This section also requires the research organization to monitor incoming data on officer complaints so that any officers with multiple complaints and excessive use of force incidents are tracked. In consultation with the Police-Community Relations Council, the research organization will establish criteria for notifying an officer's employer when it has been determined the officer has an excessive number of complaints and intervention should take place. Information regarding an officer who is subject to intervention would not be available to the public.

The purpose of collecting peace officer complaint data is (1) to provide stakeholders with necessary information to make appropriate recommendations that drive improvements in police effectiveness, training, accountability and community relations, (2) for police departments to manage risks and improve transparency, and (3) for community members, advocates, policy makers and funders to have accurate and relevant information to help improve policing practices in Minnesota.

Fiscal Impact: Funding is provided from the General Fund in FY21 to OJP for a grant to a qualified community-based research organization to develop a system to classify and report peace officer discipline by category, severity type, and demographic data of those involved in the incident. The research organization is also required to build in safeguards to the system to protect the classified and personal information of each peace officer. Any system that is developed by the research organization must be done in consultation with the Police-Community Relations Council.

The MPD officer involved in the death of George Floyd had 18 prior complaints against him. According to the MPD internal affairs public summary, only two of the 18 complaints were closed with discipline. Unfortunately, the data included in the summary does not include dates or descriptions of the complaints. The lack of transparency and accountability is why the public does not

trust the current system and are demanding more comprehensive data collection in order to hold officers accountable and to build greater trust between police and the community.

10. Prosecutorial Reform - (Becker-Finn)

This bill gives sole jurisdiction to the Attorney General to prosecute cases of peace officers alleged to have caused an officer-involved death. At the request of the Attorney General, a county attorney may appear for the state in any of these cases. Each law enforcement agency with jurisdiction over the area involving the alleged officer-involved death is required to cooperate with the Attorney General.

For several years there have been calls to change the current system of prosecuting police-involved deaths. Research has shown that county attorneys may be biased toward cases involving police officers in their own jurisdiction where they are constantly working together on other cases.

On June 4, 2020 the Minnesota County Attorneys Association [voted](#) to recommend giving the Attorney General's Office the authority to take on all cases of police-involved killings. Other states that have enacted similar legislation being proposed include Maine, Connecticut, North Carolina, Vermont, California, and New York.

11. Police Officer Critical Incident Review Team - (Kunesh-Podein)

Police accountability and criminal justice reform advocates have called out the need for critical incident review boards. These boards have the ability to increase transparency and accountability between police departments and the communities they serve.

This bill requires the POST Board to establish a Critical Incident Review Team to investigate a police shooting and/or a police-involved death once all related criminal investigations are concluded in an incident. The Team will consist of at least three members and must include a peace officer, either active or retired, and a member of the community where the incident occurred. If the person injured in the incident is a person of color, at least one member of the Team must be the same race as the injured person. A member of the Team may not be a current or former employee of the agency that is the subject of review. The agency that employs the officer involved in the incident must pay for the costs of the Team's investigation.

The Team is responsible for identifying and analyzing the causes of the incident. A report must be submitted to the POST Board within 60 days of the director appointing the team. The report should include either 1) a recommendation of implementation of a corrective action plan by the agency under review, or 2) explains why corrective actions are not required. If the report warrants, the Team shall make recommendations to the POST Board for changes in statewide training of peace officers.

The POST Board is also required to post the report on their public website. The posted report must comply with Ch. 13 and any data that is not public must be redacted.

It is important to note that a new Team would be appointed after each incident, and the appointment is not contingent upon criminal charges. The intent of the bill is to determine the cause of each incident and to work towards forms that can avoid similar outcomes in the future.

12. Promoting Community-Led Policing - (Gomez)

This bill establishes an Office of Community-Led Public Safety Coordination within the Dept. of Public Safety, establishes grants to promote co-responder teams, and establishes grants to promote community healing. \$15 million dollars is appropriated in FY 20 from the General Fund to DPS to promote community-led public safety. A breakdown of how the funds will be distributed is below.

The Office of Community-Led Public Safety Coordination (Office): This office would be housed in the Dept. of Public Safety (DPS) and led by a Coordinator and staff as necessary. The purpose of the office is to (1) promote and monitor alternatives to traditional policing models, (2) identify effective forms of community-led intervention to promote public safety, (3) strengthen connections between community and law enforcement agencies, (4) encourage use of restorative justice programs, (5) administer grants to promote co-responder models of crisis intervention and promote community healing.

Community-Led Public Safety Grants: The Office will provide grants to local government or tribal governments that form a partnership with community-based organizations to develop and establish independent crisis-response teams. The teams will work with law enforcement to de-escalate situations, respond to mental health crisis, promote community-based safety and wellness efforts, and support community-based strategies to interrupt, intervene in, or respond to violence.

- \$100,000 is to be used to hire a Coordinator position within DPS.
- \$7,450,000 is for grants to promote co-responder teams.

Community Healing Grants: \$7,450,000 is appropriated for grants to promote healing support in the black, indigenous, and communities of color in Minnesota. The Office will provide grants to community-based organizations that provide programs and direct intervention to promote wellness and healing justice. Grants would be made available for, but not limited to, the expansion of community organizations that provide healing and wellness services, providing healing circles, restorative justice circles, and community coach certification programs.

An annual report must be submitted to the Legislature that contains information regarding the number of grants issued, the amount of funds awarded for each project, a description of the programs and

services funded, plans for long-term sustainability of the projects, and any data outcomes for the programs or services.

Communities across Minnesota and the country are asking their elected officials to reimagine policing and public safety and to redistribute funds equitably and to invest in community needs that address the broader crisis of racial injustice, social and economic inequalities, and institutionalized racism. This bill is just the start of addressing the needs that are being demanded by communities across Minnesota.

13. Mental Health Training - (Richardson)

This bill addresses the need to invest in more effective training that will equip officers with the tools and experience to respond to mental health crisis calls, instead of escalating the situation to a place where force is needed.

Too many Minnesotans' with mental illness become entangled within the criminal justice system, largely due to the lack of treatment options, failure to complete treatment, or the stigma associated with having a mental illness. Minnesota county jails and prisons are overburdened by persons with mental illness because the state lacks a fully funded infrastructure to stabilize their lives, including access to crisis services, treatment, healthcare, housing, employment, other therapeutic services, and community supports.

Because police are usually the first to respond to an emergency, it is critical that they have a working knowledge of the different types of mental illness and the various behaviors someone may exhibit so that we don't keep filling up our jails with individuals who need medical or mental health professionals instead of incarceration.

This bill modifies current statute related to training in crisis response, conflict management, and cultural diversity (MS 626.8469). It requires the POST Board to consult with the Dept. of Human Services and other mental health stakeholders to create a list of approved training courses related to responding to mental health crisis.

Training: Training courses must include scenario-based instruction and incorporate response techniques for at least one of the following issues, (1) mental illness, (2) crisis de-escalation, (3) mental illness and diversity, (4) the intersect between mental illness and the criminal justice system, (5) mental health community resources, (6) psychotropic medications and their side effects, (7) co-occurring mental illness and substance use disorders, (8) suicide prevention, (9) symptoms of mental illnesses and disorders, and (10) autism training. Lastly, there must be a training course on how to interact with families of individuals with mental illnesses during a mental illness crisis.

Reporting: The head of every law enforcement agency must keep written records of compliance with the new training requirements and they must keep documentation related the trainings that were provided. The POST Board is required to conduct compliance reviews and evaluations for effectiveness to determine if the in-service training reduces officer use of force and to learn if people with mental illnesses are provided community support instead of being arrested.

Fiscal Impact: This bill appropriates funding in FY 21 from the General Fund. The funds will be given to the POST Board, which will then be disbursed as reimbursements to law enforcements agencies for expenses related to training. Lastly, funding is appropriated in FY 21 from the General Fund to the POST Board for the development of a Police and Mental Health Crisis Team Collaboration pilot project. The appropriations will be used to purchase tables and video conferencing telehealth services to allow peace officers to connect quickly with members of the mobile crisis mental health team (MS 245.569) to assist individuals in crisis. Any law enforcement agency awarded a grant under this provision is required to submit a report containing its expenditures and an evaluation to the POST Board by Sept. 2021. The POST Board must submit a report to the Legislature that evaluates the pilot project by January 2022.

14. Autism Training - (Richardson)

This bill requires the POST Board to develop learning objectives related to working with individuals with autism, and to then develop and provide preservice and in-service training related to the learning objectives established by the POST Board. The POST Board is required to meet with individuals with autism, family members with autism, autism experts, and police officers to address the following topics:

- Autism overview and behavioral understanding
- Best practices for interventions and de-escalation strategies
- Prevention and crisis reduction models
- Review of technology and other tools available

Similar to the Mental Health Training bill, this bill seeks to equip officers with the tools and experience to respond to calls where someone with autism is in crisis.

15. Investigatory Reform - (Mariani)

This bill establishes an independent Use of Force Investigations Unit with the Bureau of Criminal Apprehension (BCA). The purpose of the independent investigation unit is to conduct officer-involved death investigations.

The BCA, in consultation with DPS will select a special agent in charge of the unit. The unit will employ peace officers and staff to conduct the investigations. The BCA will develop and implement

policies and procedures to ensure no conflict of interest exists with agents assigned to investigate a particular incident. When a peace officer employed by the BCA is the subject of an officer-involved death investigation the Attorney General will select an investigatory agency to conduct the investigation.

The unit is also given the authority to investigate cases where there might be a conflict of interest involving peace officers and other public officials accused of crimes, including but not limited to sexual assault.

This bill also lays out two reporting requirements. First, the BCA is required to make all case files publicly available on their website within 30 days of the end of the last criminal appeal of a subject of an investigation, as provided for in MN data privacy laws (Ch.13). Second, the BCA must submit an annual report to the Legislature with information about the Use of Force Investigations Unit. The annual report must include: the number of investigations initiated, the number of incidents investigated, the outcomes or status of each investigation, the charging decision made by the prosecutor, the number of plea agreements reached, and any other relevant information.

The provisions in this bill come from the Attorney General's Police-Involved Deadly Force Encounters Report (recommendation 3.1). The public is also demanding changes to who investigates officer-involved deaths because the community has lost trust in the current system. By establishing a new independent investigation unit, the hope is to restore public confidence in the BCA.

16. Arbitration Reform – (Her)

This bill modifies how, and which arbitrators are used in peace officer grievance arbitration by establishing an arbitrator selection procedure. These changes apply to all peace officer grievance arbitrations for written disciplinary action, discharge, or termination, and must be included in the grievance procedure for all collective bargaining agreements covering peace officers negotiated on or after the enactment date.

Roster of Arbitrators: The Governor, in consultation with community and law enforcement stakeholders, is required to appoint a roster of at least 25 qualified arbitrators. Any arbitrator seeking appointment to this roster must complete training in culture competency, racism, implicit bias, and recognize the value in community diversity and cultural differences. The Bureau of Mediation Services may adopt rules establishing training requirements for the pool of arbitrators.

Arbitration Process: Once a peace officer grievance is filed, the Bureau of Mediation Services appoints either at random or on a rotating basis, from the roster, an arbitrator or a panel of arbitrators to the case. All parties involved cannot be involved in selecting the arbitrator. The arbitrator or panel

will decide the grievance, and the decision is binding subject to provisions of the Uniform Arbitration Act (Ch. 572B).

The changes made in this bill only apply to peace officer grievances and do not apply to other public employees. Peace officers cannot agree to a collective bargaining agreement or grievance arbitration selection procedure that is not consistent with the changes in this bill.

Over the years police departments across the nation and here in Minnesota have been criticized for not holding officers accountable in fatal shootings or other misconducts. One reason for this is because when a police chief fires an officer they are often overruled by arbitrators. Arbitrators act as the final judge of law and fact disputes covered by collective bargaining agreements made between employers and a union. [[Washington Post Article](#)]

Legislators have advocated for changes to the current arbitration process involving peace officers after seeing the Minnesota Supreme Court rule in favor of a fired officer, reversing the decision of the Court of Appeals that found the termination of the officer justified in his district. [[Star Tribune Article](#)]

17. Cash Bail Reform - (Noor)

Under current law, a person charged with a crime may be released with or without bail. A person may be released: (1) on their personal recognizance, i.e., without bail or any other conditions; (2) with certain conditions, which, per the MN Constitution, requires the court to set an alternative bail; or (3) by posting bail.

This bill eliminates cash bail for persons charged with a misdemeanor offense. Specifically, when a person is charged with a misdemeanor other than domestic assault or certain DWI violations, this bill would require the court to release them on the person's own personal recognizance unless the court determines that there is a substantial likelihood that the person will not appear at future court appearances or they pose a threat to a victim's safety. If the court determines there is a substantial likelihood the person will not appear, the court must impose the least restrictive means to assure that the person returns to court and cannot impose a financial condition that results in the detention of the person. For example, if a person is experiencing homelessness and has \$5 to their name, the court cannot impose bail in excess of \$5.

This bill is necessary because the cash bail system criminalizes poverty, as people who are unable to afford bail are detained while awaiting trial for weeks, months and even years. Holding them in prison because they cannot pay does not serve the goal of public safety. Instead, it often perpetuates a cycle of crime and punishment rather than one of rehabilitation.

States and cities that have eliminated cash bail include Washington D.C., New Jersey, New York, and Harris County, Texas. California passed a similar law in 2018 but is now on [hold](#) awaiting a vote this November.

18. Restore the Vote - (Moran)

Restoring voting rights would be a crucial step toward helping felons reintegrate into society in a state with one of the nation's highest rates of people on probation. This bill would restore the vote for those who have been released from prison but are still on parole or on probation. Under current law, those convicted of a felony are not eligible to vote until they have completed post-incarceration supervision.

The bill also requires the Secretary of State's office to prepare an informational publication on voting rights for individuals convicted of a crime and require each state and local correctional facility to designate an official to give notice to individuals whose voting rights have been restored along with a voter registration application. This bill also requires updates to the certification signed by voters in a polling place attesting to their eligibility to vote to reflect the restoration of the civil right to vote provided by this bill.

Under current law and the current reading of our Constitution, Minnesotans convicted of a felony lose the right to vote until they have been released from supervision. This includes time when they are living in the community, even if they never spent any time in prison or only served a short jail sentence. Minnesota is one of 22 states where felons cannot vote until they complete post-incarceration supervision, such as probation or parole.

Felony disenfranchisement laws are firmly rooted in the Jim Crow era and were intended to bar minorities from voting. It wasn't until the end of the Civil War and the expansion of suffrage to black men, that felony disenfranchisement became a significant barrier to U.S. ballot boxes. At that point, two interconnected trends combined to make disenfranchisement a major obstacle for newly enfranchised black voters. First, lawmakers—especially in the South—implemented a slew of criminal laws designed to target black citizens. And nearly simultaneously, many states enacted broad disenfranchisement laws that revoked voting rights from anyone convicted of any felony. The intended effects of these laws continue today: nationwide 2 million African Americans are disenfranchised. Since 1974, the percentage of voting-age Minnesotans disenfranchised as a result of a criminal conviction has increased over 400%.

Fourteen states (and Wash. DC) already allow people to vote upon release – Hawaii, Illinois, Indiana, Maryland, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, and Utah.

19. Law Enforcement Citizen Oversight Council – (Gomez)

This bill both modifies the Peace Officer Discipline Procedures Act to allow for civil oversight councils to have the authority to conduct investigations into police misconduct and requires a governing body of each local unit of government that oversees a law enforcement agency to establish a citizen oversight council.

The Local Citizen Oversight Council must reflect a broad group of community stakeholders. The purpose of the Council is to encourage and provide community participation in the operation of the law enforcement agency it oversees. In collaboration with local units of government and the Chief Law Enforcement Officer (CLEO), the Council will have the authority to make recommendations for, but not limited to:

- Law enforcement tactics and strategies
- The budget for the agency
- Training of peace officers
- Employment policies
- The substantive operation of the agency (i.e. use of force, profiling, diversion, data collection, etc.)
- Personnel decisions

This bill also gives the authority to the Council to investigate allegations of peace officer misconduct. Upon completion of an investigation, the Council may recommend appropriate discipline. The CLEO is under no obligation to agree with individual recommendation of the Council and may oppose a recommendation. If the CLEO chooses not to implement a recommendation, they must provide the underlying reasons for not doing so. Lastly, the Council is required to release an annual report that addressed its activities.

STAKEHOLDER ENGAGEMENT: The majority of the bills were shared with stakeholders in order to solicit feedback. The following stakeholders who provided input so far include:

- MN County Attorney’s Association
- MN Association of Criminal Defense Lawyers
- MN Association of Black Lawyers
- MN Sheriff’s Association
- MN Police and Peace Officers Association
- MN Association of Community Corrections
- The POST Board
- MAPE
- The Wilder Foundation
- League of Minnesota Cities
- The Dept. of Public Safety
- The Dept. of Corrections
- The Walz Administration
- The Judicial Branch
- The Minnesota Coalition Against Sexual Assault
- Violence Free Minnesota
- Education Minnesota

- Communities United Against Police Brutality
- St. Paul Mayor's Office
- The Attorney General's Office
- NAMI
- Minneapolis NAACP
- Council for Minnesotan's of African Heritage
- Reclaim the Block
- The Advocates for Human Rights

RESOURCES:

- [21st Century Task Force on Policing](#)
- [MN AG Working Group Report on Police Involved Deadly Force Encounters](#)