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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **883**

February 16, 2009

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to public safety; requiring collection and analysis of race and other data
1.3 during traffic stops by law enforcement; requiring reports; requiring improvement
1.4 plans; requiring law enforcement business cards; appropriating money; amending
1.5 Minnesota Statutes 2008, sections 13.871, subdivision 6; 626.9517, subdivisions
1.6 1, 2; proposing coding for new law in Minnesota Statutes, chapter 626.

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

1.8 Section 1. Minnesota Statutes 2008, section 13.871, subdivision 6, is amended to read:

1.9 Subd. 6. **Training; investigation; apprehension; reports.** (a) **Reports of gunshot**
1.10 **wounds.** Disclosure of the name of a person making a report under section 626.52,
1.11 subdivision 2, is governed by section 626.53.

1.12 (b) **Child abuse report records.** Data contained in child abuse report records are
1.13 classified under section 626.556.

1.14 (c) **Interstate data exchange.** Disclosure of child abuse reports to agencies of
1.15 another state is classified under section 626.556, subdivision 10g.

1.16 (d) **Release to family court services.** Release of child abuse data to a court services
1.17 agency is authorized under section 626.556, subdivision 10h.

1.18 (e) **Release of data to mandated reporters.** Release of child abuse data to mandated
1.19 reporters who have an ongoing responsibility for the health, education, or welfare of a
1.20 child affected by the data is authorized under section 626.556, subdivision 10j.

1.21 (f) **Release of child abuse investigative records to other counties.** Release of
1.22 child abuse investigative records to local welfare agencies is authorized under section
1.23 626.556, subdivision 10k.

1.24 (g) **Classifying and sharing records and reports of child abuse.** The classification
1.25 of child abuse data and the sharing of records and reports of child abuse by and between

local welfare agencies and law enforcement agencies are governed under section 626.556, subdivision 11.

(h) **Disclosure of information not required in certain cases.** Disclosure of certain data obtained from interviewing a minor is governed by section 626.556, subdivision 11a.

(i) **Data received from law enforcement.** Classifying child abuse data received by certain agencies from law enforcement agencies is governed under section 626.556, subdivision 11b.

(j) **Disclosure in child fatality cases.** Disclosure of information relating to a child fatality is governed under section 626.556, subdivision 11d.

(k) **Reports of prenatal exposure to controlled substances.** Data on persons making reports under section 626.5561 are classified under section 626.5561, subdivision 3.

(l) **Vulnerable adult report records.** Data contained in vulnerable adult report records are classified under section 626.557, subdivision 12b.

(m) **Adult protection team information sharing.** Sharing of local welfare agency vulnerable adult data with a protection team is governed by section 626.5571, subdivision 3.

(n) **Child protection team.** Data acquired by a case consultation committee or subcommittee of a child protection team are classified by section 626.558, subdivision 3.

(o) **Child maltreatment reports peer review panel.** Sharing data of cases reviewed by the panel is governed under section 626.5593, subdivision 2.

(p) **Peace officer discipline procedures.** Access by an officer under investigation to the investigating agency's investigative report on the officer is governed by section 626.89, subdivision 6.

(q) **Racial profiling study data.** Racial profiling study data is governed by section ~~626.951~~ 626.9522.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 2. Minnesota Statutes 2008, section 626.9517, subdivision 1, is amended to read:

Subdivision 1. ~~Grants; Cameras described. The commissioner of public safety shall make grants to law enforcement agencies participating in the racial profiling study described in section 626.951 for the purchase, installation, and maintenance of video cameras on police vehicles designed to record traffic stops. A video camera installed pursuant to a grant under this section~~ authorized by Laws 2001, First Special Session chapter 8, article 7, must:

(1) be automatically activated during every traffic stop;

3.1 (2) contain an audio feature; and

3.2 (3) be designed and installed so as to record the stop in its entirety.

3.3 Cameras may not be equipped with manual shut-off switches and must be activated
3.4 for the entirety of a traffic stop.

3.5 **EFFECTIVE DATE.** This section is effective July 1, 2009.

3.6 Sec. 3. Minnesota Statutes 2008, section 626.9517, subdivision 2, is amended to read:

3.7 Subd. 2. **Storage of video.** Notwithstanding section 138.163 or 138.17, chief law
3.8 enforcement officers of agencies ~~receiving grants under this section~~ that received grants
3.9 authorized by Laws 2001, First Special Session chapter 8, article 7, for video cameras
3.10 in police vehicles shall ensure that the videotape or disk from the camera be stored
3.11 for a minimum of 60 days after use. If the chief law enforcement officer has not been
3.12 instructed by the board or the attorney general to maintain the tape or disk beyond that
3.13 period, the chief law enforcement officer may reuse it. Tapes and disks must be stored
3.14 and maintained under this subdivision in an accessible manner. The tapes and disks must
3.15 be clearly labeled and ordered.

3.16 **EFFECTIVE DATE.** This section is effective July 1, 2009.

3.17 Sec. 4. **[626.952] DEFINITIONS.**

3.18 As used in sections 626.9522 and 626.9523, the following terms have the meanings
3.19 given.

3.20 (a) "Board" means the Board of Peace Officer Standards and Training.

3.21 (b) "Law enforcement agency" has the meaning given in section 626.84.

3.22 (c) "Law enforcement officer" means any peace officer as defined in section 626.84.

3.23 (d) "Outside expert" means the Institute on Race and Poverty or an organization,
3.24 university, independent research facility, company, person, or other entity with expertise
3.25 in the field of statistics.

3.26 (e) "Racial profiling" has the meaning given in section 626.8471, subdivision 2.

3.27 (f) "Traffic stop" means any time a law enforcement officer:

3.28 (1) causes the operator of a motor vehicle being operated on any street or highway
3.29 in the state to stop the motor vehicle; or

3.30 (2) detains an occupied motor vehicle that is already stopped in any public or
3.31 private place.

3.32 Traffic stop does not include a checkpoint or roadblock stop, or a stop of multiple
3.33 vehicles due to a traffic accident or emergency situation.

4.1 **EFFECTIVE DATE.** This section is effective July 1, 2009.

4.2 Sec. 5. **[626.9522] COLLECTION AND ANALYSIS OF TRAFFIC STOP**
4.3 **STATISTICS; REPORT REQUIRED.**

4.4 Subdivision 1. **Duty of law enforcement officers to record information.** A law
4.5 enforcement officer who conducts a traffic stop shall record and forward the following
4.6 data to the chief law enforcement officer of the officer's agency:

4.7 (1) the date and time of the stop;

4.8 (2) the location of the stop;

4.9 (3) the alleged traffic violation or reason that led to the stop;

4.10 (4) the name, address, gender, and the officer's subjective determination of the race of
4.11 the person stopped; the person's race shall be selected from the following list: Caucasian,
4.12 African-American, Hispanic, Native American/Alaska Native, or Asian/Pacific Islander;

4.13 (5) the year and make of the vehicle;

4.14 (6) whether the driver was asked to exit the vehicle;

4.15 (7) whether a search was conducted of the driver, passengers, or vehicle;

4.16 (8) the authority for the search: consent, probable cause, or outstanding warrant;

4.17 (9) whether any contraband was discovered or seized in the course of the search
4.18 and the nature of the contraband;

4.19 (10) the duration of the stop;

4.20 (11) the outcome of the stop: release, warning, violation, arrest, or charge; and

4.21 (12) the officer's badge number.

4.22 Subd. 2. **Submission to the board.** (a) The board shall provide a standardized law
4.23 enforcement data compilation form on its Web site.

4.24 (b) Every law enforcement agency shall, by March 1, with regard to data collected
4.25 during July through December of the previous calendar year and by August 1 with regard
4.26 to data collected during January to June of the current calendar year, compile the data
4.27 described in subdivision 1 on the board's standardized law enforcement data compilation
4.28 form and transmit the data to the Department of Public Safety.

4.29 (c) The commissioner of public safety shall:

4.30 (1) ensure that data forwarded to the Department of Public Safety under this section
4.31 is entered into a central database in a timely manner;

4.32 (2) cooperate with the board and the outside expert to facilitate the ability of the
4.33 expert to fulfill its duties under this section, including allowing the expert sufficient access
4.34 to the compiled data; and

5.1 (3) develop and distribute to law enforcement agencies the means by which to
5.2 collect the data.

5.3 Subd. 3. **Monitoring and compliance.** The board or the attorney general may
5.4 devise and implement an auditing system of optional, unannounced spot checks to ensure
5.5 that all law enforcement agencies and their officers are accurately collecting the data
5.6 required by this section.

5.7 Subd. 4. **Analysis of data.** (a) Beginning in 2011, the board shall hire an outside
5.8 expert to analyze the data provided by law enforcement agencies under this section
5.9 and submit a report of the previous year's findings to the governor and the house of
5.10 representatives and senate committees having jurisdiction over public safety and shall
5.11 publish the report on its Web site not later than July 1 of each year.

5.12 (b) In analyzing the data collected under this section, the outside expert shall
5.13 scrutinize the data for evidence of statistically significant trends. Areas in which
5.14 statistically significant aberrations may be found include, but are not limited to, areas
5.15 where:

5.16 (1) the percentage of minority drivers or passengers being stopped in a law
5.17 enforcement jurisdiction is substantially higher than the proportion of the overall minority
5.18 population in or traveling through the law enforcement jurisdiction;

5.19 (2) a substantial number of stops do not result in the issuance of a traffic ticket or
5.20 an arrest;

5.21 (3) there is a disparity between the proportion of citations issued to minorities and
5.22 proportion of minorities in the population; and

5.23 (4) there is a disparity between the frequency of searches performed on minority
5.24 drivers and the frequency of searches performed on nonminority drivers.

5.25 (c) Data collected under this section that are on the law enforcement officer
5.26 who makes a stop or the individual who is the subject of the stop are private data on
5.27 individuals, as defined in section 13.02. Other data collected or generated under this
5.28 section are public data.

5.29 Subd. 5. **Data collection.** Data shall be collected beginning January 1, 2010.

5.30 **EFFECTIVE DATE.** This section is effective July 1, 2009.

5.31 Sec. 6. **[626.9523] MANDATED IMPROVEMENT PLANS; NOTIFICATION;**
5.32 **MODEL PLAN.**

5.33 Subdivision 1. **Improvement plans.** When data indicates for two years in a row that
5.34 a law enforcement agency has made a disproportionate number of stops involving racial

6.1 minorities, the law enforcement agency must adopt and implement an improvement plan
6.2 within six months of notification by the board. The board must approve the plan.

6.3 Subd. 2. **Criteria.** By January 1, 2011, the board shall establish the statistical criteria
6.4 for determining when a law enforcement agency must implement an improvement plan.
6.5 The board may hire or consult with an outside expert to establish the statistical criteria.

6.6 Subd. 3. **Model plan.** By January 1, 2011, the board, in consultation with the
6.7 Council on Black Minnesotans, the Council on Asian-Pacific Minnesotans, the Chicano
6.8 Latino Affairs Council, the Council on Indian Affairs, the Minnesota Police and Peace
6.9 Officers Association, and the Minnesota Sheriffs' Association, shall draft a model
6.10 improvement plan. At the time of notification, a copy of the board's model plan must be
6.11 provided to all law enforcement agencies that are required to implement an improvement
6.12 plan.

6.13 Sec. 7. **STANDARDIZED FORM.**

6.14 By August 15, 2009, the board, with the advice of the outside expert defined under
6.15 Minnesota Statutes, section 626.952, shall develop and distribute to law enforcement
6.16 agencies a standardized form that law enforcement officers may use to record the
6.17 information described under Minnesota Statutes, section 626.9522, subdivision 1.

6.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.19 Sec. 8. **USE OF BUSINESS CARDS.**

6.20 All law enforcement officers must carry business cards approved and printed by the
6.21 officers' law enforcement agencies. The primary response officer on scene must provide
6.22 that officer's business card at all traffic stops. The cards must state the officer's name,
6.23 badge number, the name of the officer's agency, and the toll-free number maintained by
6.24 the attorney general for racial profiling complaints.

6.25 Sec. 9. **FUNDING.**

6.26 Funding to implement this section shall come from federal highway safety funds
6.27 available to Minnesota.