

S.F. No. 304 – Confidential Informant Model Policy

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Section 1 titles the act as “Matthew’s Law.”

Section 2, subdivision 1 defines terms for the purposes of the bill.

Subdivision 2 requires the Peace Officer Standards and Training Board to adopt a model policy addressing the use of confidential informants by the law enforcement. In developing the policy, the Board shall consult representatives of the Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriffs Association, Minnesota Police and Peace Officers Association, Minnesota County Attorneys Association, treatment centers for substance abuse and mental health organizations. The policy must be adopted by January 1, 2022, and include the following:

- personal information law enforcement agencies must maintain about confidential informants, including emergency contact information in the event of harm or death;
- a process to advise the informant of the conditions, restrictions, and procedures of participation in investigative or intelligence gathering activities;
- procedures for compensation;
- procedures for oversight of the use of informants;
- procedures for consultation with informant probation officers or supervised release agents, if applicable;
- restrictions on off-duty association or interaction by law enforcement with informants;
- restrictions on informants engaging in controlled purchase or sale of controlled substances;

- exclusion of underage informants from engaging in purchase or sale of controlled substances;
- consideration of informant diagnosis or history of mental illness, substance abuse, or disability;
- access and referral to county social services for informants in need of services;
- protective measures for informants by law enforcement;
- guidelines of training and briefing of informants;
- procedures to protect the identity of informants;
- procedures for deactivation of informants, and
- guidelines for written agreements between informants and law enforcement.

Subdivision 3 requires every chief law enforcement officer in the state to establish and enforce a written policy governing the use of confidential informants. The policy must be identical to or substantially similar to the policy adopted by the Board.

Subdivision 4 requires in-service training in the recruitment, control, and use of confidential informants to every peace officer involved in using confidential informants.

Subdivision 5 authorizes the Board to review state and local law enforcement policies to ensure compliance with this section.

Subdivision 6 authorizes the Board to impose licensing sanctions and seek injunctive relief for failure to comply with the requirements of this section.

The bill is effective the day following final enactment.