

# 2020 IADLEST Minnesota POST Audit



The International Association of Directors of Law Enforcement Standards and Training (IADLEST) is an international organization of training managers and executives dedicated to the improvement of public safety personnel. IADLEST serves as the national forum of Peace Officer Standards and Training (POST) agencies, boards, and commissions as well as statewide training academies throughout the United States.

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## SCOPE AND PURPOSE OF THE AUDIT

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The audit was conducted pursuant to a request for proposal (RFP) issued by the Minnesota Board of Peace Officers Standards and Training (POST). The Board requested the audit because:

- POST business processes have not changed significantly for many years and the recent retirement of several line, as well as management staff, provides an opportunity to conduct such a comprehensive review.
- The POST Board is currently reviewing and updating its strategic plan and an audit will provide relevant data for future planning.
- Concerns have been raised by external interested parties regarding POST processes/procedures to include the review and approval of peace officer continuing education (CE) courses, investigation of officer misconduct and resulting discipline and agency transparency.

Pursuant to the RFP, the Goal of the audit is:

- a. Provide the Board with actionable information that will inform its decision-making regarding:
  - The strategic planning process
  - Aligning Board processes with appropriate benchmarks and industry best-practices
  - Increase transparency of Board processes, including providing accurate information regarding the Board's role and authority

Specifically, the RFP requested that the following tasks be performed:

- Compare the following areas and business practices identified below to:
  - Other state POST Boards that oversee and administer the same or similar function:
    - Research the current enabling statutes, administrative rules, and function of the Minnesota POST Board.
    - Determine the comparative peace officer standards and training agencies within the United States to determine agencies with similar functions. Criteria for comparison will be include POST agency size, service population (i.e. number of law enforcement officers under jurisdiction), state population, and agency budget.

## AUDIT TEAM FINDINGS AND RECOMMENDATIONS

- Compare the current enabling statutes, administrative rules, and function of the Minnesota POST Board with: 1) national and IADLEST best practices and IADLEST model policies for POST agencies; and 2) IADLEST POST accreditation standards.
- o Provide recommendations to the Minnesota POST Board based on the analysis above to:
  - Change or modify current practice(s)
  - Maintain current practice
  - Eliminate current practice.
- o The recommendations will include examples, suggestions, and legal references to assist the Minnesota POST Board in taking action on the recommendations.
- Focus on the following areas and topics during the audit:
  - o Continuing education
    - Course or training approval process
  - o Pre-service education and training
    - Academy system
  - o Regulatory function
    - Requirements for notification of misconduct by licensee
    - Discipline
    - Complaint system and process

### **Recognition and Acknowledgements**

The IADLEST Audit Team appreciates the assistance and cooperation provided by Minnesota POST Board Interim Executive Director Erik Misselt, his staff and the POST Board members. Moreover, IADLEST commends Interim Executive Director Misselt and the POST Board for their proactive request for an audit. Such a philosophy is indicative of the high level of professionalism and honest intent to improve the law enforcement profession in the State of Minnesota. *It is critically important to note that this audit was proactively requested prior to the nationwide push to create police reform. This audit takes into consideration the SSHF1 (Reclaiming Community Oversight Act) passed during Minnesota's 91<sup>st</sup> Legislature, 2020 2<sup>nd</sup> Special Session, which became effective August 1, 2020.*

## **EXECUTIVE SUMMARY**

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### **Statutory and Administrative Rule Review**

The Audit Team systematically reviewed the Minnesota POST in a number of steps. The initial step was a review of the statute and related administrative rules. The purpose of this review was to determine the statutory authority for the Minnesota POST and its functions. The next step was a review of the administrative rules to determine if the rules were supported by the statute, to identify any potential conflicts between rules and statutes, to identify inconsistencies within the rules, and to identify any inconsistencies or ambiguous areas within rules. Follow-up questions were then posed to the Minnesota POST Interim Executive Director and his staff to achieve clarifications and additional information, as needed.

The Minnesota POST Board and staff are generally in compliance with statutory requirements to develop and provide training.<sup>1</sup> The Minnesota POST Board is and remains an independent body, free from undue influence from other public safety entities and political pressures and limiting potential conflicts of interest. The Board's membership was increased by two positions, both of which are to be filled by "members...from the general public." This allows for increased formal public input regarding police standards and training. Nonetheless, the Audit Team perceived that the Board member engagement and participation has been limited, as evidenced by a very limited response to the questions the Audit Team posed to the Board members. Further, the Audit Team did not find that the Board had agreed upon a collective mission and priorities for its statutory and regulatory mandates and for the POST Executive Director and the POST agency,

### **Comparison with similar POST agencies**

A comparison was conducted to compare Minnesota POST with similar POST agencies from other states. The purpose of the comparison was to provide recommendations to the Minnesota POST Board regarding potential changes or modifications to current practices.

Minnesota is to be commended for requiring a post-secondary educational degree as a prerequisite for becoming a police officer. The Minnesota POST staff is also commended for working diligently to meet the evolving expectations the public and legislators have for the police profession. While the Minnesota POST Board has broader authority than most POST agencies across the country, its statutory and regulatory functions can be expanded to create more oversight and accountability. In addition, the attached comparison with

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<sup>1</sup> This does not take into consideration the requirements imposed by the recently enacted *Reclaiming Community Oversight Act* which are in the process of being implemented at the time of this audit.

## AUDIT TEAM FINDINGS AND RECOMMENDATIONS

other state POST agencies should be utilized to incorporate other leading practices, especially in the areas of decertification, curriculum development, and instructor certification.

### **Continuing Education and Pre-Service Education and Training**

The IADLEST Audit Team reviewed statutory and regulatory requirements. In addition, Minnesota POST Board staff was queried regarding the development and implementation of continuing education and pre-service education and training. Commendably, the MN POST staff has taken its statutory responsibilities seriously, and all mandated training and policies have been developed and disseminated.

Nonetheless, the agency needs to develop a tracking and calendaring system for tracking lesson plan status, such as when it was developed and updated and by whom. In addition, the POST Board should not just mandate learning objectives; instead, it should develop and disseminate mandatory lesson plans for mandated topics to assure consistency and uniformity in the knowledge and skills being taught statewide. Moreover, an instructor certification process should be established to assure that all instructors are qualified in the respective topic area and competent trainers. It also should continue to petition for sufficient resources to meet the statutory requirement of auditing every agency annually pursuant to state statute.

Finally, because education remains a prerequisite to employment as a police officer, the State Legislature should consider establishing a scholarship/grant program to create more opportunities to ensure that economically disadvantaged candidates are able to attend the requisite Pre-Service Education and Training.

### **Regulatory Functions**

Likewise, the IADLEST Audit Team reviewed statutory and regulatory requirements and authority. It also reviewed internal documents and processes and requested clarifying information from Minnesota POST Board staff. It is commendable that the Minnesota POST Board has a record of denying, suspending, and revoking licenses and of having utilized injunctive relief as a tool to address misconduct and noncompliance to established minimum standards. In addition, the Board has developed a good foundation upon which to continue its evolution and to meet current public expectations for the agency's actions. Included in that evolution should be expanding mandatory reporting requirements and expanding the types of misconduct for which a license can be denied, suspended, or revoked to extend beyond criminal behavior, and into the realm of morally unfit behavior.

The following addresses the specific questions posed in the Request for Proposal (RFP).



## **AUDIT TEAM FINDINGS AND RECOMMENDATIONS**

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### **Continuing Education**

1. Tracking lesson plan development and revision (especially related to statutory and mandated requirements for training)
  - i. Although the lesson plans are included in the application process, POST does not keep copies of them.
  - ii. There is no system for tracking lesson plan development and updates, e.g. when the lesson plan was first developed, when it has been updated (and by whom), and when it should be next reviewed.
  - iii. RECOMMENDATIONS:
    - a. POST should create and maintain a database listing every lesson plan (Continuing Education and Pre-Service Education and Training) that shows the name of the lesson plan, the date it was initially developed, the dates for each revision, and the date it is due for the next revision.
    - b. POST should become a repository of all approved lesson plans. Lesson plans should be maintained as a public record and made available upon request.
2. Recordkeeping
  - i. 6700.0900 Subpart 8 requires sponsors to retain completion records, but does not require them to be submitted to the Board.
  - ii. RECOMMENDATION: Completion rosters should also be submitted to the Board. The Board should have a repository of all peace officer training statewide. Again these records should be retained as public records, and made available upon request. Ideally, sponsors would be able to upload them electronically into the Board's database.
3. Process utilized for identifying topics, instructional goals, and instructional objectives for continuing education training
  - i. 626.8458: Emergency Vehicle Operation – The Board developed a one-page document that outlines the required training, in both the classroom and in the vehicle.
    - a. RECOMMENDATION: The Board's document should include a mandated *minimum* lesson plan with performance objectives, plus require agencies to cover their own policies and allow agencies to layer their performance objectives on top of it.
  - ii. Crisis, Conflict and Implicit Bias/Diversity: The committee that developed the lesson plan included POST staff, community stakeholders, subject matter experts, and legislators.

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- a. This is an example of good inclusion of stakeholders in developing lesson plans and not just relying on peace officer instructors to develop them.
    - b. RECOMMENDATION: Consider having such classes co-taught by a peace officer and a field worker to allow officers to get both perspectives.
  - iii. RECOMMENDATION: All mandatory classes and topics should have statewide, standardized lesson plans approved by the Board for valid, consistent, uniform training and to assure EVERY officer gets the best training, and recognizes the transportable nature of a police officer's license. Lesson plans should be made publically available to aid in transparency.
  - iv. RECOMMENDATION: When lesson plans are being reviewed and updated, care should be taken to assure the update involves more than simply revising current lesson plans. To assure updated lesson plans incorporate the latest information and research, it is best practice to periodically start from zero and completely redevelop instructional goals, objectives, and content utilizing SMEs who are knowledgeable of national and international best practices. Otherwise, the revision will simply be a version of what has always been taught.
4. There are two types of sponsors that provide training for Minnesota licensed peace officers: general sponsors and accredited sponsors. Once approved, general sponsors can submit courses for approval.
- i. The following is required for course approval:
    - a. Instructor qualifications
    - b. Course overall learning goal
    - c. Specific performance objectives
    - d. Course timeline that shows a breakdown of the hours
    - e. The body of each major unit of instruction in outline form
    - f. Instructor evaluation form (if applicable)
    - g. Any additional information that may be useful in the evaluation of the course, such as handouts, equipment list, bibliography, and references.
  - ii. No approval will be granted unless the course:
    - a. Is law-enforcement related;
    - b. Is based on the knowledge, skills, and abilities needed to be a peace officer; and
    - c. Meets a law enforcement educational need
  - iii. These are solid criteria. RECOMMENDATIONS: The lesson plan should be required to be in narrative format (rather than an outline), and instructors should be certified (see below), rather than simply undergo a résumé review.
5. Instructors
- i. 626.85 Subdivision 3 allowing leaves of absences to be granted to officers who are assigned to temporary fulltime duty with POST is forward thinking and commendable.

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- ii. Currently there is no process or criteria for certifying instructors, and the staff concedes the process for reviewing qualifications to teach approved courses can be subjective when considering these qualifications:
  - a. Proof of professionally recognized training and experience in the assigned subject area
  - b. Instructor training or specialized academic preparation to teach in the assigned subject area
- iii. RECOMMENDATION: An instructor certification system should be established to formally set minimum standards and processes to ensure instructors are eminently qualified in the subject area and adept at imparting knowledge and skills. The following should be evaluated, with each topic area having a separate certification:
  - a. Years of service in the profession related to the topic
  - b. Years of experience within the topic area
  - c. Advanced training and specialized education related to the topic
  - d. Instructor development training that includes principles of adult learning and practice teaching/skill development
  - e. Time spent teaching and training
  - f. Instructor's service record (if applicable)
  - g. Consider having a two-step program wherein new instructors with limited or no teaching experience are required to perform an internship where they co teach with an experienced trainer who then mentors and evaluates the new instructor.
  - h. Development of a decertification process for certified instructors who have demonstrated inappropriate behaviors or ineffectiveness as an instructor.

### **Pre-Service Education and Training (PPOE)**

1. There are no state-run academies
  - i. Instead, there are thirty (30) PPOE programs at colleges or universities
  - ii. Some PPOE programs provide only the academic portion of the training
    - a. Students must then transfer to one of the ten (10) institutions that provides skills training
2. According to the 2017-2018 Annual Report, a job task analysis (JTA) was conducted in 2015 and was used to update the PPOE learning objectives.
  - i. RECOMMENDATION: It is time for another job task analysis for three reasons:
    - a. Best practices recommend JTAs every five years;
    - b. The communities' expectations of police officers has evolved greatly since 2015; and

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- c. The police profession is a dynamic profession, with new changes and challenges occurring regularly.
  - ii. The updated JTA should be used:
    - a. To identify learning objectives that are missing from the current curriculum,
    - b. To make adjustments to current learning objectives to keep them current with the profession, and
    - c. To eliminate learning objectives that are no longer relevant or critical.
3. Currently, there appears to be a solid process for approving PPOE training schools, including:
  - Proof of regional accreditation
  - Support from the school's system office and administration
  - Agreement from the POST Board that there is a need for the program.
  - Thorough review of the application and documentation
  - Conducting site visits before a staff recommendation is brought before the Board
  - Requirement for the Board's approval
4. Recertification –
  - i. POST Board Rules require board-certified schools submit an application for renewal of certification every five years. A school may be reviewed more often if a problem is brought to the attention of the board.
  - ii. Following review of the application and documentation, a site visit is conducted before a staff recommendation is brought before the Board's Training Committee and then to the full Board.
  - iii. RECOMMENDATION: While the requirement to recertify and the ability to address problems during the interim is good, a 3-year renewal/review cycle would better address potential and unseen issues in a timely manner to make sure programs continue to deliver education and training at an exemplary level.
5. PPOE RECOMMENDATIONS:
  - i. 6700.0300 Subpart 1 allows, "The organization of the curriculum...is the responsibility of the certified school's governing body."
    - a. RECOMMENDATION: While some latitude is necessary when scheduling complex training occurring over months and years, too much latitude creates different outcomes in learning and application. The Board should develop a template to better inform the educational and training institutions as to the optimum structure of the curriculum to achieve maximum retention and performance from the students as well as ensuring a basic foundational training is shared amongst all the State's officer regardless of their location of employing agency.

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- ii. Lesson plan development:
  - a. 6700.0300 Subpart 4 mandates that schools utilize the learning objectives as set by the Board, but it allows the school to develop the content to address those objectives.
  - b. Page 28 of the 2017-2018 Annual Report states, “It is important to know that what is covered in skills varies from school to school depending on the contract so students can’t just pick any skills provider.”
    - 1. This means that not all officers are trained in the same skills and to the same level of proficiency. And worse yet, a department can have officers who have just graduated from training who have different skill and competency levels creating gaps and disconnects within that department.
    - 2. This also raises the distinct possibility of inconsistency in the training of specific tactics. This can lead to adverse consequences in multi-agency responses.
  - c. Even with consistent learning objectives, course content can vary greatly, as personally observed by members of the audit team. This means that it is possible (and likely) that peace officers who graduate from different schools have nuanced differences in their training and knowledge. This can be exacerbated when those officers work in the same department. Moreover, if content varies from school to school, this means that no two schools are providing the very best training.
  - d. Best practices would have the Board create lesson plans that are the foundation for PPOE training and education. Institutions could layer on top of them, but should be required to deliver the mandated lesson plan as the foundation. This assures that every graduate statewide gets the same base level of knowledge, and training is valid and consistent statewide. In addition, the state licensing examination should be based upon these foundational lesson plans, so the Board can attest with some degree of confidence that the officer possesses the basic knowledge necessary to perform the job.
  - e. We recognize that Minnesota takes a great deal of pride in its requirement that all police officers have a degree. This is, indeed, commendable because officers who have participated in post-secondary education have been exposed to broader perspectives, experiences, and knowledge. However, the state should evaluate the potential disparate impact this requirement may have on economically challenged and underrepresented communities, who are less likely to seek secondary education for a variety of reason, including economic hardship. In other words there may be an inadvertant barrier created on who is able or willing to get into the profession. The state should consider creating a scholarship and/or grant program to address and hopefully eliminate the

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- barrier to entering policing that is caused by an inability to afford college tuition costs.
- iii. 6700.0300 Subpart 6, paragraph B mandates that “peace officer education be retained for five years.”
    - a. RECOMMENDATION: These should be permanent records – or at least 50-year records to make sure they span an officer’s career and any lasting impacts of a career. Records should be made available for public inspection upon request.
  - iv. 6700.0300 Subpart 8, paragraph C requires written documentation for any student injuries, but Subpart 10 only requires that the school maintain the records.
    - a. RECOMMENDATION: Subpart 10 does not address how long these records should be retained. It is recommended that they be retained for at least ten (10) years.
    - b. RECOMMENDATION: These injury records should be sent to the Board, who should have a staff person tasked with reviewing them for patterns and commonalities. This serves two purposes: One is to see if a specific school is having an abnormally high frequency of injury and to work with that school to address the causation factors. The other is to allow for adjustments of the curriculum and lesson plans statewide, if warranted, to reduce risks of injury because of a statewide pattern.
6. Licensing exam process used for developing, validating, and updating the licensing examination
- i. The process for developing and testing the validity of the questions used in the licensure examination used best practices by starting with a job task analysis that focused on critical knowledge, skills, and abilities (KSAs). The following steps were utilized to develop the question bank:
    - a. Development of a test plan to determine the desired number of questions per learning objective related to critical KSAs
    - b. Utilization of subject matter experts to develop proposed test questions
    - c. Review of test items for clarity, accuracy, and objectivity
    - d. Validation of the test items to assure they were directly tied to the learning objectives and the foundational lesson plans, and included only one correct answer
    - e. Creation of a question bank with multiple questions addressing the same learning objective, allowing for randomized questioning
    - f. Annual review of test items for currency, to add new questions to address new learning objectives, and to address statistical anomalies.

- ii. RECOMMENDATIONS:
  1. Need to assure a process is in place to update any questions related to statutes and case law in real time/immediately, rather than awaiting the annual review process.
  2. Test performance should be correlated to the PPOE program from which the candidate graduated to determine if there are patterns of deficiencies in knowledge or performance from specific institutions, either as a whole or in certain topic areas. This would allow the Board to work with that institution to address the deficiencies or to take other actions, as appropriate.

## Regulatory Functions

### Background investigation

- i. 626.87 requires that law enforcement agencies conduct a thorough background investigation on all peace officer applicants to ensure POST and CJIS standards are met. 6700.0700 details the requirements of the background investigation. The CLEO of the hiring agency is required to maintain the investigation and make it available for POST inspection at the request of the Board.
- ii. Pre-Employment Background Investigation forms:
  - a. It is commendable that POST requires notification that a background investigation is being conducted and also offers a checklist to guide the investigation.
  - b. It is also commendable that police agencies are able to freely share background investigation information with each other.
  - c. RECOMMENDATION; Rather than simply offering the “Minimum Selection Standards and Thorough Background for Hiring” as a guide, MN POST should mandate minimum background investigation steps and criteria to assure critical information is gathered and vetted.
  - d. It is commendable that the list of conduct barring a candidate from becoming a police officer includes misdemeanors.
  - e. It is also commendable that the criteria does not require a conviction (6700.0700 MINIMUM SELECTION STANDARDS states “existence of any criminal record *or conduct* [emphasis added] which would adversely affect the performance by the applicant of peace officer duties.”).
    - RECOMMENDATION: However, the ability to use non-conviction conduct should be more clearly articulated in statute and/or regulation.
  - f. RECOMMENDATION: The list should be expanded to include noncriminal behaviors that indicate a person may not be suited for police work. For example, dishonesty or patterns of discriminatory behavior is not generally criminal in nature, but a pattern of it can wreak havoc within the profession.

Discipline/Revocation

- i. Effective regulation requires a robust compliance arm. A POST agency must be able to establish minimum standards of conduct for peace officers, and to enforce those standards through denial, suspension or revocation of POST certifications. A review of the published Minnesota Peace Officer License Revocation list shows that the Minnesota POST has revoked 85 licenses in 20 years.
  - a. RECOMMENDATION: As mentioned above, the list of conduct for which licenses may be denied, suspended, or revoked is focused mainly on criminal activity. It should be expanded to include more noncriminal conduct that demonstrates violations of public trust that may not be criminal in nature.
- ii. It is commendable that the POST has the ability to move forward on pleas or findings of guilt; not just convictions, allowing the license review to focus on an officer's behavior, and not the outcome in a court proceeding.
- iii. It is commendable that revocations are required to be reported to National Decertification Index.
- iv. It is commendable that final disciplinary action taken against a licensee is classified as public and is listed on the agency website.
- v. It is commendable that the Board utilizes POST Standards Coordinators to make the initial determination as to whether the misconduct falls within the POST Board's jurisdiction, rather than relying on a CLEO determination.
- vi. 6700.1500: It is commendable that this section says the Board does not intervene in internal disciplinary processes or actions, but reserves and retains the right to act against an officer's license independent of agency authority.
- vii. Investigations:
  - a. RECOMMENDATION: Recognizing that POST does not conduct its own investigations and relies upon designated agencies, as appointed by the Executive Director, nonetheless, there should be a written procedure and set of criteria for initiating and conducting investigations and for adjudicatory hearings.
  - b. RECOMMENDATION: The Board should also invoke or seek authority to utilize subpoena powers consistent with state statutes.

POST/Licensee records

Transparency of POST records is essential towards increasing the public's trust in the capability and competence of its law enforcement officers. RECOMMENDATION: Best practices for protection from identity theft suggest keeping date of birth information confidential. On the other hand, there is significant public interest in making POST records available for public inspection, to include training, certification and



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employment records and utilizing a date of birth as a unique identifier. Nonetheless, it is possible to create an identification system that utilizes unique identifiers other than dates of birth and Social Security numbers.

### Compliance and monitoring

- i. 626.8471 Subdivision 6 requires the Board to “evaluate and monitor in-service training courses [regarding racial profiling] to ensure they satisfy the learning objectives.” Currently this is not being done. Only new courses are reviewed when being submitted for continuing education credit, and the Standards Coordinators look for the racial profiling policies during their audits, but no evaluating and monitoring of current in-service racial profiling training courses is being done.
  - a. RECOMMENDATION: Courses should be monitored periodically to assure learning objectives are being delivered as intended and classes are utilizing approved lesson plans. Recognizing that this is a staffing issue, the Minnesota POST Board should pursue adequate staffing or task realignment to assure monitoring can occur. (See Staffing section for more.)
- ii. 626.8459 requires, “*Each year*, the Board *shall* conduct compliance reviews of all state and local law enforcement agencies. The compliance reviews must ensure that the agencies are complying with all requirements imposed on them by statute and rule...” [Emphasis added.] The 2017-2018 Annual Report states only 123 compliance reviews were conducted in a two-year period.
  - a. According to Board staff, compliance reviews are completed on each agency every five years – using a five year rotating plan.
  - b. RECOMMENDATION: The Board should be given sufficient funding, resources, and staffing to enable it to comply with the statutory requirement of annual compliance reviews.
- iii. Protocols:
  - a. It is commendable that the POST agency has a checklist for performing agency audits. The following items are reviewed:
    - Training roster
    - Lesson plans
    - Mandated policies
    - Background investigations
    - Part-time officer time logs
  - b. It is commendable that the auditor does not merely confirm the presence of training rosters, but also assures that each officer has met training requirements.

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- c. It is commendable that the auditor does not just confirm the presence of a lesson plan, but also compares the learning objectives to the POST-mandated learning objectives.
  - d. It is commendable that background checks are pulled from past records for review.
  - e. It is commendable that the auditor is required to visit with the CLEO regarding the auditor's findings before departing the agency.
  - f. RECOMMENDATION: The current goal is for an auditor to inspect 4 to 5 agencies per day. While this is likely efficient from a travel perspective, it seems to be an aggressive schedule that could create pressure to take shortcuts during the audit. POST should be allocated sufficient staffing to allow for audits to be given more time, as deemed necessary.
- iv. Injunctive relief
- a. It is commendable that the Board has had the administrative courage to utilize its injunctive relief powers as a tool to gain compliance when cooperation was lacking.
  - b. The Board has issued numerous suspensions over the years for failure to train, failure to have required policies, and other infractions and has called agency administrators to appear before the Board to answer for these infractions. While the vast majority of these suspensions are stayed pending compliance with special requirements, the Board, nonetheless, is actively exercising its full powers to gain compliance and cooperation.
- v. Requirements for notification of misconduct by licensee:
- a. 6700.1400 Subpart 1 RECOMMENDATION: The notification to the Board should also include the reason for the separation. Records relating to the reason for separation should be made publically available upon request for transparency purposes. This information should also be made available to any future employer to assist with background investigations.
  - b. 6700.1600 RECOMMENDATION: Prohibited conduct should include sustained allegations of intimidation, coercion, and other abuses of power and abusing the power of the badge.
  - c. MN Statute 626.845 Subdivision 1, section (9) allows the board "to obtain criminal conviction data for persons seeking a license..." POST agencies not having access to national criminal history information outside of the repeated submission of fingerprints is a known issue, one not likely to change without federal intervention. Still it is important that POST agencies be aware of an officer's criminal history in order to ensure all certification standards are met and maintained. RECOMMENDATION: The Board should have a proactive requirement for departments to report and provide "criminal conviction data" to the Board.

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- d. Required reporting
  1. 6700.1610 Subpart 2 requires a licensee to report allegations of misconduct to the Board and chief law enforcement officer, according to POST staff, most frequently the reports come from the Chief Law Enforcement Officer or designee.
  2. It is commendable that MN POST also utilizes media reports as another source.
  3. It is also commendable that a Standards Coordinator is designated to follow the case through the court system and obtain conviction records when the case is closed.
  4. RECOMMENDATION: Although it can be argued that the chief law enforcement officer is a licensee, the regulation should clearly state that the CLEO is also be required to report to the Board any allegations of misconduct of which they becomes aware.
  5. RECOMMENDATION: The reporting requirement in Rule 6700.1610 Subpart 2 should be rewritten to clearly articulate that *any* licensee who becomes aware of potential misconduct be required to report it to the POST Board and the CLEO, unless the conduct involves the CLEO.
  6. RECOMMENDATION: As stated reporting requirement should be rewritten to clearly articulate that *any* licensee who becomes aware of potential misconduct be required to report it to the POST Board and the CLEO, (only the POST Board if the conduct involves the CLEO.)
  7. Summary data RECOMMENDATION: The annual summary data should be expanded to include more detailed information regarding the allegations of misconduct, to include the allegation and the disposition of any subsequent investigation. A Board staff member should be tasked with reviewing the annual summary data submitted by CLEOs to look for cases or matters that potentially should have been reported to the Board pursuant to rule and statute.

### Complaint system/process:

- a. 6700.1700 establishes a three-member Complaint Committee, responsible for the processing of complaints. RECOMMENDATION: Although it is understandable that formal complaints must be in writing; even verbal and anonymous complaints should be investigated. Complaints should also be cataloged to allow for the establishment of patterns and be made available for public inspection.
- b. It is commendable that the Attorney General's Office provides counsel and assures the Board is complying with statutory and regulatory requirements when conducting hearings.

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- c. The in-house “Complaint Process” should be incorporated into the formal “POST Board Complaint Process” policy document.
  1. Item 3 should include a statement to the complainant that even though the allegations did not fall within the purview of the Board, the allegations are cataloged and are forwarded to the CLEO of the licensee, and provide contact information for the CLEO. (Best community engagement practices.)
- d. RECOMMENDATION: Currently, complaints determined to be “unfounded” are not retained. This practice should be revisited, and ALL allegations of misconduct should be retained. Unfortunately, there are too many examples of allegations of misconduct that were initially deemed unfounded, only to later be found to be a pattern of behavior.

### Further review of Minnesota statutes

- 626.559 (Specialized Training and Education Required Subdivision 2 requires joint training regarding “child abuse assessment and investigation.” However, this mandate pertains to the Department of Public Safety and not the Minnesota POST Board.
- 626.8471 (Avoiding Racial Profiling; Policies and Learning Objectives) Subdivision 6 requires the Board to “evaluate and monitor in-service training courses [regarding racial profiling] to ensure they satisfy the learning objectives.”: Currently this is not being done. Only new courses are reviewed when being submitted for continuing education credit, and the Standards Coordinators look for the racial profiling policies during their audits, but no evaluating and monitoring of current in-service racial profiling training courses is being done. RECOMMENDATION: Courses should be monitored periodically to assure learning objectives are being delivered as intended and classes are utilizing approved lesson plans. Recognizing that this is a staffing issue, the Minnesota POST Board should pursue adequate staffing or task realignment to assure monitoring can occur. (See Staffing section for more.)
- 626.843 (Rules, Standards; Executive Director) Subdivision 1, section (6) requires updates to the “minimum standards of conduct” to be made every three (3) years. These were last updated January 2018.
- 626.845 (Powers and Duties) Subdivision 1, section (9): The Board does *not* have a requirement for departments to proactively report and provide “criminal conviction data” to the Board, instead, the Board is required to request it.
- 626.8451 (Training in Identifying and Responding to Certain Crimes) Subdivision 1 requires periodic updates to training regarding “identifying and responding to crimes motivated by the victim’s race, religion, national origin, sex, age, disability, or

## REVIEW OF STATUTES, REGULATIONS, AND ANNUAL REPORT

characteristics identified as sexual orientation.” RECOMMENDATION: There was no evidence presented that this training has been revisited. If it has not, it needs to be to comply with the statutory requirement. If it has, this further demonstrates the need to have a lesson plan database that lists such information.

- 626.8451 (Training in Identifying and Responding to Certain Crimes) Subdivision 2 requires this training as part of pre-service training and Subdivision 3 requires instructional materials to be provided to departments.
- 626.8452 (Deadly Force and Firearms Use; Policies and Instruction Required) Subdivision 5 allows the Board to utilize injunctive relief for who have not received the required training regarding deadly force and firearms. Has this ever been invoked?
- 646.8457 (Professional Conduct of Peace Officers): RECOMMENDATION: The requirement that the Chief Law Enforcement Officer must report allegations and investigation of misconduct should have checks and balances. Currently, there is no check of the reported data to see if any of the reported allegations should have been reported to the Board’s Complaint Investigation Committee. According to the Executive Director, this will be one of the goals for the new tracking database being implemented pursuant to recent legislation.
- 626.8459 requires the Board to “conduct compliance reviews of all state and local law enforcement agencies.” The annual report states only 123 compliance reviews were conducted in a two-year period. RECOMMENDATION: As stated previously, the Board should be given sufficient funding, resources, and staffing to enable it to comply with the statutory requirement of annual compliance reviews.
- 626.85 (Instructors; Donations) Subdivision 3 allowing leaves of absences to be granted to officers who are assigned to temporary fulltime duty with POST is forward thinking and commendable.

### **Review of Minnesota Board of Peace Officers Standards and Training regulations**

- 6700.0300 (Professional Peace Officer Education) Subpart 1 allows, “The organization of the curriculum...is the responsibility of the certified school’s governing body.” RECOMMENDATION: There should be a standardized basic curriculum statewide that includes standardized instruction goals, objectives, and lesson plans for consistency and uniformity.
- Subpart 6, paragraph B mandates that “peace officer education be retained for five years.” RECOMMENDATION: These should be permanent records – or at least 50-year records.
- Subpart 8, paragraph C: RECOMMENDATION: These injury records should be sent to the Board, who should have a staff person tasked with reviewing them for patterns

## REVIEW OF STATUTES, REGULATIONS, AND ANNUAL REPORT

and commonalities to allow for adjustments of the curriculum and lesson plan, if warranted, to reduce risks of injury.

- 6700.0500 (Peace Officer Licensing Examination): RECOMMENDATION: Since each certified school writes its own lesson plans, we are concerned about consistency and validity and whether all students are getting the best information. Further licensing test scores should be sorted by institution and evaluated to determine which institutions are consistently preparing the officers for success better than others. There should then be an assessment of the programs to share best practices statewide and to aid and address underperforming academies.
- 6700.0900 (Continuing Education) Subpart 8: RECOMMENDATION: Completion rosters should also be submitted to the Board.
- 6700.1110 (Supervision of Part-Time Peace Officer): RECOMMENDATION: In addition to the other requirements listed, the written policy for part-time officers should require a list of circumstances when a part-time officer *must* contact a supervising officer.
- 6700.1400 (Inactive Status of Peace Officer Licenses) Subpart 1: RECOMMENDATION: The notification to the Board should also include the reason for the separation.
- 6700.1500 (Standards of Conduct for Peace Officers): We like how this section says the Board does not intervene in internal disciplinary processes or actions, but reserves and retains the right to act against an officer's license independent of agency authority.
- 6700.1600 (Violations of Standards of Conduct): RECOMMENDATION: Prohibited conduct should include intimidation, coercion, and other abuses of power and abusing the power of the badge.
- 6700.1610 (Reporting Obligations and Cooperation) Subpart 1: RECOMMENDATION: The chief law enforcement officer should also be required to report to the Board any allegations of misconduct of which she or he becomes aware.
- 6700.1710 (Disciplinary Actions for Violations of Administrative Rules): RECOMMENDATION: There should be a written procedure for initiating and conducting investigations and for adjudicatory hearings. The Board should also invoke or establish subpoena powers consistent with state statutes.
- 6700.1710 (Disciplinary Actions for Violations of Administrative Rules): It is commendable that there is a requirement to enter decertified officers into the National Decertification Index (NDI).

### **Review of internal processes and requirements**

From the 2017-2018 Annual Report:

- Page 25: Since each school writes its own lesson plans, how is consistency achieved? In other words, when officers from a police department have graduated from several different programs, there may be conflicting information and applications of the law within that department.
- Page 28 states, “It is important to know that what is covered in skills varies from school to school depending on the contract so students can’t just pick any skills provider.” This means that not all officers are trained in the same skills and to the same level of proficiency. And worse yet, a department can have officers who have just graduated from training who have different skill and competency levels creating gaps and disconnects within that department.
- Page 50 states, “[L]icensees themselves and persons with knowledge of the licensee’s conduct which would be grounds for disciplinary action *must* [italics added] report the violation to the Board.” This is in opposition to the rules (6700.1610) that does require licensees to report, but says others “may report the violation to the board.”

## **ORGANIZATIONAL STRUCTURE AND STAFFING**

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### **POST Board**

Pursuant to Minnesota Revised Statute the Board of Peace Officer Standards and Training is to be composed of 17 members, with the number of public members appointed by the Governor being increased from two to four following the enactment of recent legislation. This is a number comparable to many other states. The addition of two more community members is commendable.

RECOMMENDATION: Since most of the members are appointed by the governor, the governor is encouraged to ensure the appointments represent diverse points of view to encourage and promote critical thinking and innovation.

### **Organizational Structure and Staffing**

626.843 Subdivision 2 provides, “An executive director shall be appointed by and serve...at the pleasure of the board. The executive director shall perform such duties, on behalf of the board, as the board shall prescribe. The board shall appoint such employees, agents and consultants as deemed necessary...”

The statute does not clearly delineate who supervises and provides direction to the executive director.

Since its inception the Minnesota POST Board’s responsibilities and funding have grown exponentially. Additional substantive statewide legislatively mandated programs have been added.

RECOMMENDATION 1: The statute should be amended to provide for a single person tasked with providing supervision of the executive director. In some states, this is the Governor, or the director of public safety; in others it is the attorney general to provide autonomy to the agency. Regardless, the executive director needs to have a clear supervisor. Otherwise, each Board member will feel they have the ability to provide direction to the executive director and the agency.

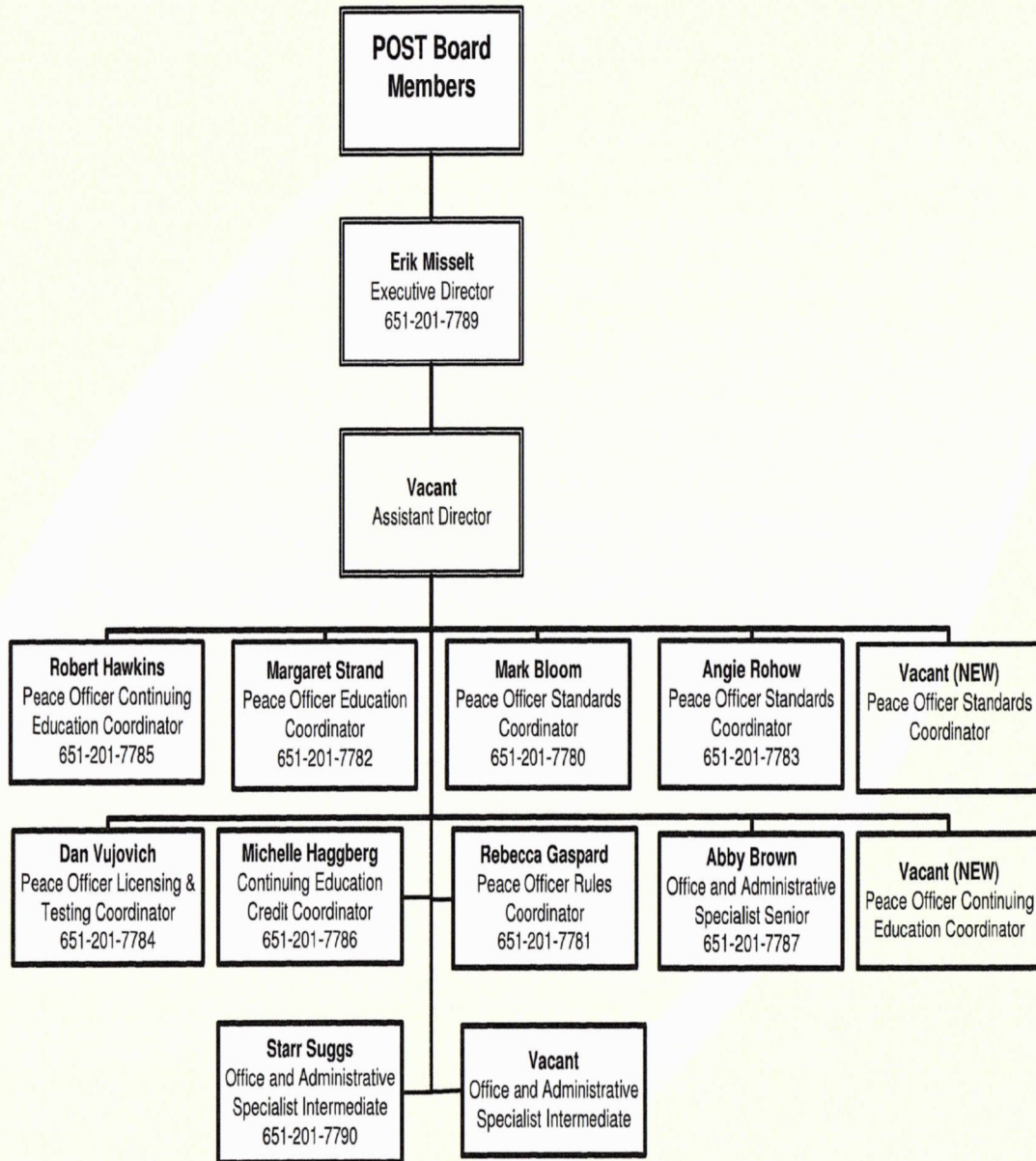
RECOMMENDATION 2: A desk audit of POST staff should be conducted to determine current duties and workload. The audit should be compared to statutory requirements for the POST Board. The results should help with assigning tasks appropriately and eliminating outdated and superficial assignments, as identified. Deficiencies should be addressed with reallocated assignments and additional staff.



## ORGANIZATIONAL STRUCTURE AND STAFFING

RECOMMENDATION 3: Based on the increase in mandated training, and its ancillary funding and compliance requirements, in comparison to other POST agencies around the country it appears there is currently a lack of staff to complete the duties of both appropriately managing and auditing the training and funding components of POST.

# Minnesota Board of Peace Officer Standards and Training



Rev. 09/20

ORGANIZATIONAL STRUCTURE AND STAFFING

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## **Audit Conclusion**

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This audit report is intended to be utilized as a resource for possible improvements in operations of the POST. The Audit Team understands that some of the recommendations may take time to implement or may never be implemented due to financial or other restraints and priorities. However, this resource will be useful for future planning and a good tool to utilize for the next strategic plan development process.

Again, we thank the Minnesota POST staff and for the support they provided, their patience with the myriad questions, and their quick responses. We also commend them for their professionalism and dedication to their mission.

Respectfully submitted by:

**Mark Damitio**, Manager of the IADLEST Law Enforcement Academy and POST Agency Accreditation and Audits Program

**Linsay Hale**, Director of Professional Standards/Interim Director of Training; Oregon Department of Public Safety Standards and Training

**Dan Zivkovich**, Past President of IADLEST; MA POST Director (ret.)

## **ADDENDUM 1 STATUTORY and ADMINISTRATIVE RULE CONSIDERATIONS**

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- Part-Time Officers
  - 6700.1110 RECOMMENDATION: In addition to the other requirements listed, the written policy for part-time officers should require a list of circumstances when a part-time *must* contact a supervising officer.
- Develop and implement an instructor certification and recertification process:
  - Several states have model instructor certification processes and criteria; although no two of them are just alike.
  - The instructor certification criteria should include IADLEST's Nationally Certified Instructor criteria and qualifications.
- Clarify the supervision of the POST Board's Executive Director in statute or rule.
- Clarify or establish in statute or rule the POST Board's subpoena powers.
- Omit unrelated statutory references in POST Rules that are not directly related.

## **ADDENDUM 2 – Minnesota POST Board Survey**

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The IADLEST Audit Team posed the following questions to the Minnesota POST Board:

*The International Association of Directors of Law Enforcement Standards and Training (IADLEST) Audit Team would appreciate input from the members of the Minnesota Board of Peace Officer Standards and Training (POST) about the requested audit which includes several aspects of the Board's jurisdiction, business processes and procedures. The audit is being conducted pursuant to a Request for Proposal (RFP) issued by the Board in March, 2020. As expressed in the RFP, the audit was requested to:*

- *Compare the following areas and business practices identified below to:*
  - *Other state POST Boards that oversee and administer the same or similar function:*
    - *Research the current enabling statutes, administrative rules, and function of the Minnesota POST Board.*
    - *Determine the comparative peace officer standards and training agencies within the United States to determine agencies with similar functions. Criteria for comparison will be include POST agency size, service population (i.e. number of law enforcement officers under jurisdiction), state population, and agency budget.*
    - *Compare the current enabling statutes, administrative rules, and function of the Minnesota POST Board with: 1) national and IADLEST best practices and IADLEST model policies for POST agencies; and 2) IADLEST POST accreditation standards.*
- *Provide recommendations to the Minnesota POST Board based on the analysis above to:*
  - *Change or modify current practice(s)*
  - *Maintain current practice*
  - *Eliminate current practice.*
- *The recommendations will include examples, suggestions, and legal references to assist the Minnesota POST Board in taking action on the recommendations.*
  
- *Focus on the following areas and topics during the audit:*
  - *Continuing education*
    - *Course or training approval process*
  - *Pre-service education and training*
    - *Academy system*
  - *Regulatory function*
    - *Requirements for notification of misconduct by licensee*
    - *Discipline*
    - *Complaint system and process*

*In your own words, please explain the role and mission of the Board with respect to the following:*

- The continuing education of Minnesota's law enforcement officers;*
- The establishment of law enforcement pre-service education and training; and*
- The regulation of Minnesota law enforcement officers to include the investigation and disposition of allegations of misconduct of currently employed law enforcement officers.*

*Recognizing the narrow scope of this audit, do you feel there are any obstacles that prevent or hinder the Board's ability to effectively fulfill its role or mission in the three areas listed above? If so what?*

*Again, recognizing the narrow scope of the audit, do you have any additional questions or concerns about the audit?*

*Thank you for your assistance. Please send your responses to:[markdamitio@iadlest.org](mailto:markdamitio@iadlest.org). The deadline for responses is the close of business on Monday, August 24, 2020.*

The following responses were received:

The continuing education of Minnesota's law enforcement officers;

The POST Board should be using data to recognize trends to put out yearly training objectives. The Board should vet any class that it "approves". There should be a complete feedback loop regarding the content and presentation of each training.

The establishment of law enforcement pre-service education and training;

The Board should be setting consistent standards throughout all pre-service learning providers. Learning objectives should be reviewed and updated based on current law enforcement issues and failures.

The regulation of Minnesota law enforcement officers to include the investigation and disposition of allegations of misconduct of currently employed law enforcement officers.

The Board should be as robust as the medical licensing boards.

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**ADDENDUM 3 – Comparison to representative POST agencies in other states**

**MINNESOTA AND OREGON**

Data Query	Minnesota	Oregon
<b>State Population</b>	5.6 Million	4.2 Million
<b>Number of Police Officers</b>	11,000	5,700
<b>Number of Training Hours for Basic Certification</b>	<p>Undetermined. The Board is responsible for adopting a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement;</p> <p>"Professional peace officer education" means a postsecondary degree program, or a nondegree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board.</p>	640

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Other pre-requisites for Basic certification</b></p>	<p>In addition to completion of a PPOE – professional peace officer education - A Licensing examination is required</p> <p>and</p> <p>Before appointment as a peace officer the person must meet the following standards. Certification is applied for and granted following appointment.</p> <ul style="list-style-type: none"> <li>• US citizenship</li> <li>• Valid driver’s license</li> <li>• Completion of a comprehensive written application</li> <li>• Submit to a thorough background search</li> <li>• Not be required to register as a predatory offender</li> <li>• Not have been convicted of             <ul style="list-style-type: none"> <li>o a felony</li> <li>o [specific crimes involving assault, mistreatment, abuse, negligence, fraud and drugs, among others] under Minnesota Statutes, section 609.224, 609.2242, 609.231, 609.2325, 609.233, 609.2335, 609.234, 609.324, 609.465, 609.466, 609.52, or 609.72, subdivision 3; or convicted under any state or federal narcotics or controlled substance law irrespective of any proceeding under Minnesota Statutes, section 152.18, or any similar law of another state or federal law; or</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Be a citizen of the United States.</li> <li>• Be at least 21 years of age</li> <li>• Have been fingerprinted by employing agency</li> <li>• Meet moral fitness standards as defined in rule</li> <li>• Have a high school diploma or equivalent</li> <li>• Pass an academic proficiency test as determined by the employing agency</li> <li>• Meet physical standards through an examination conducted by a physician or surgeon</li> <li>• Complete a psychological screening</li> <li>• Employing agency must complete a background investigation</li> <li>• Be full-time employees as defined in OAR 259-008-0005 or part-time parole and probation officers, as defined in OAR 259-008-0005;</li> <li>• Subscribe to and swear or affirm to abide by the Board-approved Criminal Justice Code of Ethics; and</li> <li>• Have valid first aid and cardiopulmonary resuscitation (CPR) certification.</li> </ul>
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## ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

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- Must be fingerprinted by employer, employer must report if a felony conviction is discovered
- Medical examination by a licensed physician or surgeon
- Evaluation by a licensed psychologist to determine applicant is free from emotional or mental condition which might adversely affect performance of duties
- Job-related exam of physical strength and agility
- Complete oral exam conducted by employer to demonstrate communication skills

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

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<p><b>Who/Which body establishes Basic training curriculum?</b></p>	<p>Academy = curriculum POST BOARD= learning requirements for an approved educational program through a certified academy</p> <p>The Board is responsible for adopting a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement.</p>	<p>Oregon Board on Public Safety Standards and Training</p>
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<b>How are curriculum changes made?</b>	Undetermined. Would change based on POST changes to minimum training standards.	Curriculum changes must be approved by the Board.
<b>Are instructors POST certified?</b>	No	Yes
<b>How many Academies in the State?</b>	30	1

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<b>Who "runs" the academy/academies?</b>	Colleges and universities certified by POST Board.	The Department of Public Safety Standards and Training
<b>Are there Continuing education requirements for certification?</b>	<p>48 hours of CE due June 30th of every third year of certification. Required to renew certification.</p> <p>16 of those hours must include: Board approved learning objectives for training in crisis intervention and mental illness crises, conflict management and mediation and recognizing and valuing community diversity and cultural differences, to include implicit bias</p> <p>Other training standards include annual use of force training and 8 hours of EVOC police pursuit every five years – undetermined if these count toward the 3-year requirement.</p>	<p>84 hours due every three years. Of the 84 hours: 8 hours, due every year, must be related to Use of Force or Firearms; 1 hour, due every year, must be related to Ethics; and 3 hours, due every three years, must be related to Mental Health or Crisis Intervention. In addition to training hours, all police officer must maintain current First aid and CPR certifications. Police Officers with supervisory certification must also complete 24 hours of Leadership training, every three years, which can be applied to the 84 hours.</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

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<b>Who reviews/approves relevance for CE courses?</b>	POST Board	Employing Agency

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

7	POST maintains record of CE which are reported to POST by the training sponsor within 2 weeks after each training session.	Employing agencies maintain a copy of the completed training record and submit a copy to the Department. The Department tracks completed hours in a central records database.
<b>Impact of failure to complete CE?</b>	License will not be renewed.	Failure to complete a CE requirement makes the officer's certifications subject to suspension. An officer is prohibited from performing the duties of office while the certification is suspended.
<b>Who/Which body establishes certification standards?</b>	Minnesota Board of Peace Officer Standards and Training (POST)	Oregon Board on Public Safety Standards and Training



ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>What type of behavior lead to decertification?</b></p>	<p>Automatic revocation for conviction of a felony</p> <p>May deny, revoke, suspend for:</p> <ul style="list-style-type: none"> <li>• Fraud or misrepresentation in obtaining a license (by rule, includes cheating in the exam)</li> <li>• Failure to meet licensing requirements</li> <li>• Violation of the standards of conduct set forth in rule</li> </ul> <ul style="list-style-type: none"> <li>o engaging in conduct that violates any statute/rule enforced by the board;</li> <li>o conviction of a gross misdemeanor</li> <li>o having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in another jurisdiction;</li> <li>o failing to report the revocation, suspension, or surrender of a license or certificate taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;</li> <li>o being convicted of a state or federal narcotics or controlled substance law;</li> <li>o being adjudicated by a court as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender;</li> <li>o violating any order issued by the board;</li> </ul>	<p>Mandatory denial/revocation:</p> <ul style="list-style-type: none"> <li>• Felony convictions;</li> <li>• Conviction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug;</li> <li>• Convictions involving domestic violence or child abuse;</li> <li>• A requirement to register as a sex offender; and</li> <li>• Discharges for cause, as defined in rule.</li> </ul> <p>Discretionary denial/revocation:</p> <p>A finding of a Moral Fitness violation involving Dishonesty, Misuse of Authority, or Misconduct (terms defined in rule) caused by a review under any of the following circumstances-</p> <ul style="list-style-type: none"> <li>• All other non-mandatory criminal dispositions (pleas or findings of guilt);</li> <li>• All other non-mandatory separations from employment;</li> <li>• Falsification;</li> <li>• Dismissal from the Academy; or</li> <li>• Complaints (under specific circumstances)</li> </ul>
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

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o practicing outside the scope of Minnesota Statutes, section 626.863;  
o making an intentional false statement or misrepresentation to the board;  
o engaging in sexual penetration or contact without consent, or indecent exposure;  
o being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a violation of Minnesota Statutes, [specific crimes involving assault, mistreatment, abuse, negligence, fraud, drugs, criminal sexual conduct driving impaired, among others] sections 169A.27; 518B.01, subdivision 14; 609.224; 609.2242; 609.23; 609.231; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.43; 609.465; 609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557;  
o failing to cooperate with an investigation of the board;  
o engaging in sexual harassment,;  
o using deadly force when not authorized by Minnesota Statutes, section 609.066;  
or  
o being convicted of solicitation, inducement, or promotion of prostitution.

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Who/How is required to report misconduct?</b></p>	<p>Persons with knowledge of a violation may report to the Board. Licensed Officers shall self-report to the Board and their chief law enforcement officer any action, inaction or condition that the licensee reasonably believes would constitute grounds for disciplinary action.</p>	<p>Employing agencies must report separations to the Department. Officers must report arrests to the Department.</p>
<p><b>Who investigates alleged misconduct?</b></p>	<p>The Employing Agency. In accordance with a policy adopted by the agency in compliance with statute and the model policy provided by the POST Board.</p>	<p>The Department of Public Safety Standards and Training. In mandatory cases compliance staff administratively process the denial/revocation based on the criminal conviction or the employing agency's records relating to the discharge for cause. In discretionary cases compliance staff collect records and present findings of fact to the Police Policy Committee for disposition. The Police Policy Committee's recommendation to deny/revoke or not to deny/revoke must be approved by the Board. Department compliance staff conduct independent investigations under limited circumstances.</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

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<b>How are complaints/allegations of misconduct received?</b>	The complaint is made directly to the agency by a citizen or another officer; or the complaint is made to the POST Board and then forwarded to the agency.	Complaints – standardized form; phone call; reports from other agency partners Misconduct – officer report of arrest, agency notification of separation, other sources of information including media
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>How are complaints vetted?</b></p>	<p>Complaints which allege misconduct by a licensee shall be processed according to the agency's written procedures.</p>	<p>Review the complaint.          Forward the complaint and any supporting documentation to the agency that employs the public safety officer.          File and maintain the complaint and any supporting documentation as a public record.          Initiate a professional standards review upon report of a criminal conviction or separation from employment.</p>
<p><b>How are results communicated?</b></p>	<p>Agencies are required to report annually to the POST Board regarding the investigation and disposition of cases involving alleged unprofessional conduct by peace officers based on department's allegations of misconduct policy.</p>	<p>Individuals filing a complaint with DPSST will receive verification of receipt of a complaint and will be given any further instructions by return mail, if appropriate. The individual or employer of the individual subject to any complaints filed with DPSST may be provided with copies of this complaint and any enclosures.</p>
<p><b>Are results of investigations/complaints made public? How?</b></p>	<p>Data is compiled into a statewide report on the disposition of cases alleging unprofessional conduct based on the law enforcement agency's Professional Conduct of Peace Officers.          The annual summary reports are maintained on the Board's website.</p>	<p>Online Database of certification actions.          Ethics Bulletins.          Public Records requests.</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

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**What role does the POST agency play in hiring of police?**

Maintain a database of applicants and the agencies that have conducted a pre-employment background on the applicant.

Minimum standards for background investigations require contacting the Department to determine if there are any records regarding certification actions, pending cases, or complaints.

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

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<b>Any jurisdiction over agency operations?</b>	Statute requires certain statewide model policies. Agencies must certify that they have adopted a written policy in compliance with the model policy provided by POST Board.	Employment reporting requirements. Training reporting requirements.
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**MINNESOTA AND PENNSYLVANIA**

Data Query	Minnesota	Pennsylvania
<b>State Population</b>	5.6 Million	12.8 Million
<b>Number of Police Officers</b>	11,000	25,000
<b>Number of Training Hours for Basic Certification</b>	<p>Undetermined. The Board is responsible for adopting a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement;</p> <p>"Professional peace officer education" means a postsecondary degree program, or a non-degree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board.</p>	859
<b>Other pre-requisites for Basic certification</b>	<p>In addition to completion of a PPOE – professional peace officer education - A Licensing examination is required</p> <p>and</p> <p>Before appointment as a peace officer the person must meet the following standards. Certification is applied for and granted following appointment.</p> <ul style="list-style-type: none"> <li>• US citizenship</li> </ul>	<p>Persons who are to be employed as police officers must:</p> <ul style="list-style-type: none"> <li>• Be 18 years of age or older</li> <li>• Possess a high school diploma or GED equivalency</li> <li>• Be citizens of the United States</li> <li>• Be free from convictions of disqualifying criminal offenses</li> <li>• Be able to read at no less than the ninth grade level, as established through the administration of the Nelson-Denny Reading Test</li> </ul>



ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

	<ul style="list-style-type: none"> <li>• Valid driver’s license</li> <li>• Completion of a comprehensive written application</li> <li>• Submit to a thorough background search</li> <li>• Not be required to register as a predatory offender</li> <li>• Not have been convicted of             <ul style="list-style-type: none"> <li>o a felony</li> <li>o [specific crimes involving assault, mistreatment, abuse, negligence, fraud and drugs, among others] under Minnesota Statutes, section 609.224, 609.2242, 609.231, 609.2325, 609.233, 609.2335, 609.234, 609.324, 609.465, 609.466, 609.52, or 609.72, subdivision 3; or convicted under any state or federal narcotics or controlled substance law irrespective of any proceeding under Minnesota Statutes, section 152.18, or any similar law of another state or federal law; or</li> </ul> </li> <li>• Must be fingerprinted by employer, employer must report if a felony conviction is discovered</li> <li>• Medical examination by a licensed physician or surgeon</li> <li>• Evaluation by a licensed psychologist to determine applicant is free from emotional or mental condition which might adversely affect performance of duties</li> <li>• Job-related exam of physical strength and agility</li> <li>• Complete oral exam conducted by employer to demonstrate communication skills</li> </ul>	<ul style="list-style-type: none"> <li>• Be personally examined by a physician, physician’s assistant, or certified nurse practitioner who is licensed in this Commonwealth [includes examination requirements]</li> <li>• Be personally examined by a Pennsylvania licensed psychologist and found to be psychologically capable to exercise appropriate judgment or restraint in performing the duties of a police officer [includes examination requirements]</li> <li>• Be evaluated to determine physical fitness using the standards developed by the Cooper Institute for Aerobics Research in Dallas, Texas [includes evaluation requirements]</li> <li>• Certify whether they have taken a physical examination or psychological evaluation conducted in conjunction with an application for police employment within the previous year and the outcome of the examination or evaluation</li> <li>• Be subject to a thorough background investigation conducted by the applicant’s employing police department [includes background investigation requirements]</li> <li>• Successfully complete a basic police training course given at a Commission-certified school or obtain a waiver of training [defines successful completion standards]</li> </ul>
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Who/Which body establishes Basic training curriculum?</b></p>	<p>Academy = curriculum POST BOARD= learning requirements for an approved educational program through a certified academy</p> <p>The Board is responsible for adopting a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement.</p>	<p>Municipal Police Officers' Education and Training Commission</p>
<p><b>How are curriculum changes made?</b></p>	<p>Undetermined. Would change based on POST changes to minimum training standards.</p>	<p>Undetermined</p>
<p><b>Are instructors POST certified?</b></p>	<p>No</p>	<p>YES</p>
<p><b>How many Academies in the State?</b></p>	<p>30</p>	<p>24</p>
<p><b>Who "runs" the academy/academies?</b></p>	<p>Colleges and universities certified by POST Board.</p>	<p>Post-secondary education schools, institutions or entities; or an academy operated by an employing agency. Must be certified through the Municipal Police Officers' Education and Training Commission.</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Are there Continuing education requirements for certification?</b></p>	<p>48 hours of CE due June 30th of every third year of certification. Required to renew certification. 16 of those hours must include: Board approved learning objectives for training in crisis intervention and mental illness crises, conflict management and mediation and recognizing and valuing community diversity and cultural differences, to include implicit bias</p> <p>Other training standards include annual use of force training and 8 hours of EVOG police pursuit every five years – undetermined if these count toward the 3-year requirement.</p>	<ul style="list-style-type: none"> <li>• Annual qualification on a police firearms course with any firearms, shotguns, or rifles authorized for use, including personal weapons carried in lieu of issued weapons or as a second weapon. A weapon may not be carried on duty for which an officer is not qualified.</li> <li>• Maintenance of a first aid and CPR certification issued by the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health.</li> <li>• 12 training hours each year consisting of MPOETC-approved courses.</li> </ul>
<p><b>Who reviews/approves relevance for CE courses?</b></p>	<p>POST Board</p>	<p>The Municipal Police Officers’ Education and Training Commission. Certified municipal police officers are required to complete twelve (12) hours of continuing education (in-service training) each year which can consist of both MPOETC-developed training and Continuing Law Enforcement Education (CLEE) courses. MPOETC-developed courses are available either in the classroom at Certified Police Academies or online through the PA Virtual Training Network. CLEE courses are other law enforcement related courses submitted by academies or training vendors and approved by MPOETC to count toward required hours.</p>
<p><b>7</b></p>	<p>POST maintains record of CE which are reported to POST by the training sponsor within 2 weeks after each training session.</p>	<p>The employing police department enters credit for completion of approved courses into their officers’ training records through a web-based training and certification system.</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Impact of failure to complete CE?</b></p>	<p>License will not be renewed.</p>	<p>Loss of authority to act as a police officer.                      Certification is good for two years. Certification provides the authority. The continuing education must be completed to be issued a renewal certificate for the next two years.</p> <p>Certification may be revoked.</p> <p>The required renewal certificate                      Make up training for hours missed in a previous year is accomplished by completing the MPOETC In-service Training Hours (MIST).</p>
<p><b>Who/Which body establishes certification standards?</b></p>	<p>Minnesota Board of Peace Officer Standards and Training (POST)</p>	<p>Municipal Police Officers' Education and Training Commission</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>What type of behavior lead to decertification?</b></p>	<p>Automatic revocation for conviction of a felony</p> <p>May deny, revoke, suspend for:</p> <ul style="list-style-type: none"> <li>• Fraud or misrepresentation in obtaining a license (by rule, includes cheating in the exam)</li> <li>• Failure to meet licensing requirements</li> <li>• Violation of the standards of conduct set forth in rule             <ul style="list-style-type: none"> <li>o engaging in conduct that violates any statute/rule enforced by the board;</li> <li>o conviction of a gross misdemeanor</li> <li>o having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in another jurisdiction;</li> <li>o failing to report the revocation, suspension, or surrender of a license or certificate taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;</li> <li>o being convicted of a state or federal narcotics or controlled substance law;</li> <li>o being adjudicated by a court as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender;</li> <li>o violating any order issued by the board;</li> <li>o practicing outside the scope of Minnesota Statutes, section 626.863;</li> <li>o making an intentional false statement or misrepresentation to the board;</li> <li>o engaging in sexual penetration or contact without consent, or indecent exposure;</li> </ul> </li> </ul>	<p>Grounds for revocation:</p> <ul style="list-style-type: none"> <li>• Failure to maintain employment as a police officer under the act.</li> <li>• Failure to maintain first aid or CPR certification.</li> <li>• Failure to qualify with firearms as specified in the Commission newsletter.</li> <li>• Failure to successfully complete annual mandatory in-service training as specified in the Commission newsletter.</li> <li>• Physical or psychological impairment which renders the officer permanently unable to perform his duties.</li> <li>• Conviction for a disqualifying criminal offense.</li> <li>• Submission to the Commission of a document that the police officer knows contains false information including fraudulent application.</li> <li>• A certification issued in error.</li> <li>• Cheating.</li> </ul>
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

	<p>o being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a violation of Minnesota Statutes, [specific crimes involving assault, mistreatment, abuse, negligence, fraud, drugs, criminal sexual conduct driving impaired, among others] sections 169A.27; 518B.01, subdivision 14; 609.224; 609.2242; 609.23; 609.231; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.43; 609.465; 609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557;</p> <p>o failing to cooperate with an investigation of the board;</p> <p>o engaging in sexual harassment,;</p> <p>o using deadly force when not authorized by Minnesota Statutes, section 609.066; or</p> <p>o being convicted of solicitation, inducement, or promotion of prostitution.</p>	
<b>Who/How is required to report misconduct?</b>	<p>Persons with knowledge of a violation may report to the Board. Licensed Officers shall self-report to the Board and their chief law enforcement officer any action, inaction or condition that the licensee reasonably believes would constitute grounds for disciplinary action.</p>	<p>An employing agency must report:</p> <ul style="list-style-type: none"> <li>• An officer’s termination of employment.</li> <li>• An officer who has been determined to have a permanent physical or psychological condition which renders the officer unable to perform his duties.</li> <li>• An officer’s arrest for a disqualifying offense within 15 days from the date of arrest.</li> </ul>
<b>Who investigates alleged misconduct?</b>	<p>The Employing Agency. In accordance with a policy adopted by the agency in compliance with statute and the model policy provided by the POST Board.</p>	<p>Undetermined</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<b>How are complaints/allegations of misconduct received?</b>	The complaint is made directly to the agency by a citizen or another officer; or the complaint is made to the POST Board and then forwarded to the agency.	State Standard Undetermined. Process for Pennsylvania State Police outlined in this document, <a href="https://www.psp.pa.gov/contact/Pages/Compliment-Complaint-Procedures.aspx">https://www.psp.pa.gov/contact/Pages/Compliment-Complaint-Procedures.aspx</a>
<b>How are complaints vetted?</b>	Complaints which allege misconduct by a licensee shall be processed according to the agency's written procedures.	Undetermined
<b>How are results communicated?</b>	Agencies are required to report annually to the POST Board regarding the investigation and disposition of cases involving alleged unprofessional conduct by peace officers based on department's allegations of misconduct policy.	Undetermined
<b>Are results of investigations/complaints made public? How?</b>	Data is compiled into a statewide report on the disposition of cases alleging unprofessional conduct based on the law enforcement agency's Professional Conduct of Peace Officers. The annual summary reports are maintained on the Board's website.	Undetermined
<b>What role does the POST agency play in hiring of police?</b>	Maintain a database of applicants and the agencies that have conducted a pre-employment background on the applicant.	Undetermined
<b>Any jurisdiction over agency operations?</b>	Statute requires certain statewide model policies. Agencies must certify that they have adopted a written policy in compliance with the model policy provided by POST Board.	None Identified

**MINNESOTA AND KANSAS**

Data Query	Minnesota	Kansas
<b>State Population</b>	5.6 Million	2.9 Million
<b>Number of Police Officers</b>	11,000	7,800
<b>Number of Training Hours for Basic Certification</b>	<p>Undetermined. The Board is responsible for adopting a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement;</p> <p>"Professional peace officer education" means a postsecondary degree program, or a non-degree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board.</p>	560
<b>Other pre-requisites for Basic certification</b>	<p>In addition to completion of a PPOE – professional peace officer education - A Licensing examination is required</p> <p>and</p> <p>Before appointment as a peace officer the person must meet the following standards. Certification is</p>	<ul style="list-style-type: none"> <li>• Be a United States citizen;</li> <li>• have been fingerprinted and a search of local, state and national fingerprint files made to determine whether the applicant has a criminal record;</li> <li>• not have been convicted of a crime that would constitute a felony under the laws of this state,</li> <li>• not have been convicted of a crime that would constitute a misdemeanor crime of domestic violence</li> </ul>



ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

	<p>applied for and granted following appointment.</p> <ul style="list-style-type: none"> <li>• US citizenship</li> <li>• Valid driver’s license</li> <li>• Completion of a comprehensive written application</li> <li>• Submit to a thorough background search</li> <li>• Not be required to register as a predatory offender</li> <li>• Not have been convicted of             <ul style="list-style-type: none"> <li>o a felony</li> <li>o [specific crimes involving assault, mistreatment, abuse, negligence, fraud and drugs, among others] under Minnesota Statutes, section 609.224, 609.2242, 609.231, 609.2325, 609.233, 609.2335, 609.234, 609.324, 609.465, 609.466, 609.52, or 609.72, subdivision 3; or convicted under any state or federal narcotics or controlled substance law irrespective of any proceeding under Minnesota Statutes, section 152.18, or any similar law of another state or federal law; or</li> </ul> </li> <li>• Must be fingerprinted by employer, employer must report if a felony conviction is discovered</li> <li>• Medical examination by a licensed physician or surgeon</li> <li>• Evaluation by a licensed psychologist to determine applicant is free from emotional or mental condition which might adversely affect performance of duties</li> <li>• Job-related exam of physical strength and agility</li> <li>• Complete oral exam conducted by employer to demonstrate communication skills</li> </ul>	<p>or</p> <p>not have been convicted of a crime that would constitute a misdemeanor offense that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission;</p> <p><a href="https://www.kscpost.org/regulations/106-2-2%20Misdemeanors%20disqualifying%20applicants.pdf">https://www.kscpost.org/regulations/106-2-2%20Misdemeanors%20disqualifying%20applicants.pdf</a> &amp; <a href="https://www.kscpost.org/regulations/106-2-2a%20Misdemeanors%20constituting%20grounds%20for%20discipline.pdf">https://www.kscpost.org/regulations/106-2-2a%20Misdemeanors%20constituting%20grounds%20for%20discipline.pdf</a></p> <ul style="list-style-type: none"> <li>• have completed a high school education or obtained equivalent</li> <li>• be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer;</li> </ul> <p><a href="https://www.kscpost.org/regulations/106-2-4%20%20Good%20Moral%20Character.pdf">https://www.kscpost.org/regulations/106-2-4%20%20Good%20Moral%20Character.pdf</a></p> <ul style="list-style-type: none"> <li>• have completed an assessment, including psychological testing approved by the commission, to determine that the applicant does not have a mental or personality disorder that would adversely affect the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment;</li> <li>• be free of any physical or mental condition which adversely affects the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• be at least 21 years of age.</li> </ul>
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Who/Which body establishes Basic training curriculum?</b></p>	<p>Academy = curriculum POST BOARD= learning requirements for an approved educational program through a certified academy</p> <p>The Board is responsible for adopting a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement.</p>	<p>The Law Enforcement Training Center. The director of police training shall be responsible for determining the curriculum of the program, subject to such changes and modification as are directed by the commission.</p>
<p><b>How are curriculum changes made?</b></p>	<p>Undetermined. Would change based on POST changes to minimum training standards.</p>	<p>Must be approved by the commission.</p>
<p><b>Are instructors POST certified?</b></p>	<p>No</p>	<p>NO</p>
<p><b>How many Academies in the State?</b></p>	<p>30</p>	<p>7</p>
<p><b>Who "runs" the academy/academies?</b></p>	<p>Colleges and universities certified by POST Board.</p>	<p>1 statewide academy - The primary law enforcement training center is operated under the University of Kansas by the Director of Police Training. (established by statute)</p> <p>The Director of Police Training can certify regional training programs. 2 appear to be regional and based at post-secondary institutions 4 appear to be agency specific</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Are there Continuing education requirements for certification?</b></p>	<p>48 hours of CE due June 30th of every third year of certification. Required to renew certification. 16 of those hours must include: Board approved learning objectives for training in crisis intervention and mental illness crises, conflict management and mediation and recognizing and valuing community diversity and cultural differences, to include implicit bias</p> <p>Other training standards include annual use of force training and 8 hours of EVOC police pursuit every five years – undetermined if these count toward the 3-year requirement.</p>	<p>40 Hours every year</p> <p>Must successfully complete firearms qualification at least once annually</p> <p>Under a separate law, annual racial or other biased-based policing training is required – no hours set – can be used toward the annual 40 requirement</p>
<p><b>Who reviews/approves relevance for CE courses?</b></p>	<p>POST Board</p>	<p>The training must directly relate to law enforcement and must be approved by the employing agency in advance.</p>
<p><b>7</b></p>	<p>POST maintains record of CE which are reported to POST by the training sponsor within 2 weeks after each training session.</p>	<p>Reported by submitting completion records to the Commission, tracked in Central Registry.</p>
<p><b>Impact of failure to complete CE?</b></p>	<p>License will not be renewed.</p>	<p>Certification subject to suspension, revocation, loss of office or position.</p>
<p><b>Who/Which body establishes certification standards?</b></p>	<p>Minnesota Board of Peace Officer Standards and Training (POST)</p>	<p>The Kansas Commission on Peace Officers' Standards and Training (KS-CPOST)</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>What type of behavior lead to decertification?</b></p>	<p>Automatic revocation for conviction of a felony</p> <p>May deny, revoke, suspend for:</p> <ul style="list-style-type: none"> <li>• Fraud or misrepresentation in obtaining a license (by rule, includes cheating in the exam)</li> <li>• Failure to meet licensing requirements</li> <li>• Violation of the standards of conduct set forth in rule             <ul style="list-style-type: none"> <li>o engaging in conduct that violates any statute/rule enforced by the board;</li> <li>o conviction of a gross misdemeanor</li> <li>o having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in another jurisdiction;</li> <li>o failing to report the revocation, suspension, or surrender of a license or certificate taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;</li> <li>o being convicted of a state or federal narcotics or controlled substance law;</li> <li>o being adjudicated by a court as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender;</li> <li>o violating any order issued by the board;</li> <li>o practicing outside the scope of Minnesota Statutes, section 626.863;</li> <li>o making an intentional false statement or misrepresentation to the board;</li> <li>o engaging in sexual penetration or contact without consent, or indecent exposure;</li> </ul> </li> </ul>	<p>The commission may suspend, condition or revoke; reprimand or censure; or deny the certification of a police officer or law enforcement officer who:</p> <ul style="list-style-type: none"> <li>• Fails to meet and maintain minimum standards for certification/training</li> <li>• has knowingly submitted false or misleading documents or willfully failed to obtain any certification under the Kansas law enforcement training act;</li> <li>• provides false information or otherwise fails to cooperate in a commission investigation to determine a person's continued suitability for law enforcement certification;</li> <li>• fails to complete the annual continuing education required or otherwise fails to comply with the requirements of the Kansas law enforcement training act;</li> <li>• engaged in conduct which, if charged as a crime, would constitute a felony crime, a misdemeanor crime of domestic violence or a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission; misdemeanors identified in rule: <a href="https://www.kscpost.org/regulations/106-2-2%20Misdemeanors%20disqualifying%20applicants.pdf">https://www.kscpost.org/regulations/106-2-2%20Misdemeanors%20disqualifying%20applicants.pdf</a> &amp; <a href="https://www.kscpost.org/regulations/106-2-2a%20Misdemeanors%20constituting%20grounds%20for%20discipline.pdf">https://www.kscpost.org/regulations/106-2-2a%20Misdemeanors%20constituting%20grounds%20for%20discipline.pdf</a></li> <li>• has used racial or other biased-based policing prohibited by law; or</li> <li>• has engaged in unprofessional conduct as defined by rules and regulations of the commission.</li> </ul>
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

	<p>o being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a violation of Minnesota Statutes, [specific crimes involving assault, mistreatment, abuse, negligence, fraud, drugs, criminal sexual conduct driving impaired, among others] sections 169A.27; 518B.01, subdivision 14; 609.224; 609.2242; 609.23; 609.231; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.43; 609.465; 609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557;</p> <p>o failing to cooperate with an investigation of the board;</p> <p>o engaging in sexual harassment,;</p> <p>o using deadly force when not authorized by Minnesota Statutes, section 609.066; or</p> <p>o being convicted of solicitation, inducement, or promotion of prostitution.</p>	<p><a href="https://www.kscpost.org/regulations/106-2-3%20Unprofessional%20Conduct.pdf">https://www.kscpost.org/regulations/106-2-3%20Unprofessional%20Conduct.pdf</a></p>
<p><b>Who/How is required to report misconduct?</b></p>	<p>Persons with knowledge of a violation may report to the Board. Licensed Officers shall self-report to the Board and their chief law enforcement officer any action, inaction or condition that the licensee reasonably believes would constitute grounds for disciplinary action.</p>	<ul style="list-style-type: none"> <li>• violations are most commonly reported to KSCPOST when an officer is terminated or resigns while under investigation and the agency sends the required Status Change form</li> <li>• complaints</li> <li>• it is unprofessional conduct to willfully fail to report to the appointing authority (employer) knowledge gained through observation that another officer engaged in conduct that would be grounds for discipline by the commission</li> </ul>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Who investigates alleged misconduct?</b></p>	<p>The Employing Agency. In accordance with a policy adopted by the agency in compliance with statute and the model policy provided by the POST Board.</p>	<p>Investigators employed by the Commission. Investigators only investigate and collect information and evidence to document the potential violation. They do not conduct criminal investigations. When complete, the investigation is presented to the Investigative Committee (IC) to determine if a certification action will be taken.</p>
<p><b>How are complaints/allegations of misconduct received?</b></p>	<p>The complaint is made directly to the agency by a citizen or another officer; or the complaint is made to the POST Board and then forwarded to the agency.</p>	<p>Investigators only investigate and collect information and evidence to document the potential violation. They do not conduct criminal investigations. When complete, the investigation is presented to the Investigative Committee (IC) to determine if a certification action will be taken.</p>
<p><b>How are complaints vetted?</b></p>	<p>Complaints which allege misconduct by a licensee shall be processed according to the agency's written procedures.</p>	<p>These complaints are always reviewed and documented. Most often these complaints document dissatisfaction with the officer or agency because of performance issues. Occasionally a complaint will result in a KLETA investigation.</p>
<p><b>How are results communicated?</b></p>	<p>Agencies are required to report annually to the POST Board regarding the investigation and disposition of cases involving alleged unprofessional conduct by peace officers based on department's allegations of misconduct policy.</p>	<p>Undetermined</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Are results of investigations/complaints made public? How?</b></p>	<p>Data is compiled into a statewide report on the disposition of cases alleging unprofessional conduct based on the law enforcement agency’s Professional Conduct of Peace Officers. The annual summary reports are maintained on the Board’s website.</p>	<p>Yes. Certification actions are posted on website. <a href="https://www.kscpost.org/certactions.html">https://www.kscpost.org/certactions.html</a> And listed in integrity bulletins, also available online.</p>
<p><b>What role does the POST agency play in hiring of police?</b></p>	<p>Maintain a database of applicants and the agencies that have conducted a pre-employment background on the applicant.</p>	<p>Require and process fingerprints as a part of the certification process. Maintain a Central Registry. The purpose of the registry is to be a resource for all agencies who appoint or elect police or law enforcement officers to use when reviewing employment applications of such officers. Agencies may file an agency request form with KSCPOST and receive an employment history and status change forms for currently certified officers prior to hiring to determine the conditions under which the officer left employment. For example, were they terminated for performance reasons or for a KLETA violation? KSCPOST received 514 agency requests in FY2019.</p>
<p><b>Any jurisdiction over agency operations?</b></p>	<p>Statute requires certain statewide model policies. Agencies must certify that they have adopted a written policy in compliance with the model policy provided by POST Board.</p>	<p>Employment reporting requirements. Training reporting requirements.</p>

**MINNESOTA AND FLORIDA**

Data Query	Minnesota	Florida
<b>State Population</b>	5.6 Million	21.48 Million
<b>Number of Police Officers</b>	11,000	48,600
<b>Number of Training Hours for Basic Certification</b>	<p>Undetermined. The Board is responsible for adopting a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement;</p> <p>"Professional peace officer education" means a postsecondary degree program, or a non-degree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board.</p>	770
<b>Other pre-requisites for Basic certification</b>	<p>In addition to completion of a PPOE – professional peace officer education - A Licensing examination is required</p> <p>and</p> <p>Before appointment as a peace officer the person must meet the following standards. Certification is applied for and granted following appointment.</p> <ul style="list-style-type: none"> <li>• US citizenship</li> </ul>	<p>Persons who are to be employed as police officers must:</p> <ul style="list-style-type: none"> <li>• Be at least 19 years of age.</li> <li>• Be a citizen of the United States.</li> <li>• Have earned a high school graduate or equivalent (GED).</li> <li>• Have not been convicted of any felony or of any misdemeanor involving perjury or a false statement.</li> <li>• Have never received a dishonorable discharge from any of the Armed Forces of the United States.</li> </ul>



ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

	<ul style="list-style-type: none"> <li>• Valid driver’s license</li> <li>• Completion of a comprehensive written application</li> <li>• Submit to a thorough background search</li> <li>• Not be required to register as a predatory offender</li> <li>• Not have been convicted of             <ul style="list-style-type: none"> <li>o a felony</li> <li>o [specific crimes involving assault, mistreatment, abuse, negligence, fraud and drugs, among others] under Minnesota Statutes, section 609.224, 609.2242, 609.231, 609.2325, 609.233, 609.2335, 609.234, 609.324, 609.465, 609.466, 609.52, or 609.72, subdivision 3; or convicted under any state or federal narcotics or controlled substance law irrespective of any proceeding under Minnesota Statutes, section 152.18, or any similar law of another state or federal law; or</li> </ul> </li> <li>• Must be fingerprinted by employer, employer must report if a felony conviction is discovered</li> <li>• Medical examination by a licensed physician or surgeon</li> <li>• Evaluation by a licensed psychologist to determine applicant is free from emotional or mental condition which might adversely affect performance of duties</li> <li>• Job-related exam of physical strength and agility</li> <li>• Complete oral exam conducted by employer to demonstrate communication skills</li> </ul>	<ul style="list-style-type: none"> <li>• Have good moral character.</li> <li>• Have passed a Commission approved Basic Abilities Test.</li> <li>• Have successfully completed the Florida Basic Recruit Training Program or completed the Equivalency of Training process.</li> <li>• Have achieved a passing score on the State Officer Certification Examination.</li> <li>• Have been fingerprinted by the employing agency with prints processed by the FDLE and the FBI.</li> <li>• Have successfully passed a background investigation, to include drug testing.</li> <li>• Have passed a physical examination by a licensed physician, physician assistant, or certified advanced registered nurse practitioner.</li> </ul>
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Who/Which body establishes Basic training curriculum?</b></p>	<p>Academy = curriculum POST BOARD= learning requirements for an approved educational program through a certified academy</p> <p>The Board is responsible for adopting a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement.</p>	<p>Criminal Justice Standards &amp; Training Commission (CJSTC) of the Florida Department of Law Enforcement</p>
<p><b>How are curriculum changes made?</b></p>	<p>Undetermined. Would change based on POST changes to minimum training standards.</p>	<p>The Commission must approve new and revised curricula.</p> <p>Additional:</p> <ul style="list-style-type: none"> <li>• Upon approval of new or revised curricula, the Commission shall establish an effective date for implementation.</li> <li>• A course description of approved new or revised curricula shall be published on the Active CJSTC Curricula web page within 10 days of Commission approval.</li> <li>• Each course description shall include, at a minimum, the course code, name, hours, and effective date. Each basic recruit program description shall include, at a minimum, an outline of courses by name, course number, and hours.</li> </ul>
<p><b>Are instructors POST certified?</b></p>	<p>No</p>	<p>YES</p>
<p><b>How many Academies in the</b></p>	<p>30</p>	<p>40</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<b>State?</b>		
<b>Who "runs" the academy/academies?</b>	Colleges and universities certified by POST Board.	Post-secondary education schools, institutions or entities; or an academy operated by an employing agency. These training schools are certified by the Commission.
<b>Are there Continuing education requirements for certification?</b>	<p>48 hours of CE due June 30th of every third year of certification. Required to renew certification. 16 of those hours must include: Board approved learning objectives for training in crisis intervention and mental illness crises, conflict management and mediation and recognizing and valuing community diversity and cultural differences, to include implicit bias</p> <p>Other training standards include annual use of force training and 8 hours of EVOC police pursuit every five years – undetermined if these count toward the 3-year requirement.</p>	<p>40 hours over 4 years; As a condition of continued employment or appointment as officers, continuing training or education shall be required at the rate of 40 hours every 4 years.</p> <p>The 40 hours must include:</p> <ul style="list-style-type: none"> <li>• Human Diversity Interpersonal Skills</li> <li>• Officer Use-of-Force Training</li> <li>• Dart-Firing Stun Gun – if authorized by the employer to carry and use this weapon</li> <li>• Firearms Qualification Standard</li> <li>• Domestic Violence</li> <li>• Juvenile Sexual Offender Investigation</li> <li>• Discriminatory Profiling and Professional Traffic Stops</li> </ul>
<b>Who reviews/approves relevance for CE courses?</b>	POST Board	Employing Agency
<b>7</b>	POST maintains record of CE which are reported to POST by the training sponsor within 2 weeks after each training session.	The employing agency maintains records and must submit a record of the courses the officer completed to the Commission. Submission/Documentation can be completed electronically or by form.

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Impact of failure to complete CE?</b></p>	<p>License will not be renewed.</p>	<p>Failure to comply with the CE requirement results in an inactive certification status and the officer may not be employed or appointed as an officer until he or she complies with the CE requirement.</p>
<p><b>Who/Which body establishes certification standards?</b></p>	<p>Minnesota Board of Peace Officer Standards and Training (POST)</p>	<p>Criminal Justice Standards &amp; Training Commission (CJSTC) of the Florida Department of Law Enforcement</p>
<p><b>What type of behavior lead to decertification?</b></p>	<p>Automatic revocation for conviction of a felony</p> <p>May deny, revoke, suspend for:</p> <ul style="list-style-type: none"> <li>• Fraud or misrepresentation in obtaining a license (by rule, includes cheating in the exam)</li> <li>• Failure to meet licensing requirements</li> <li>• Violation of the standards of conduct set forth in rule                             <ul style="list-style-type: none"> <li>o engaging in conduct that violates any statute/rule enforced by the board;</li> <li>o conviction of a gross misdemeanor</li> <li>o having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in another jurisdiction;</li> <li>o failing to report the revocation, suspension, or surrender of a license or certificate taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;</li> <li>o being convicted of a state or federal narcotics or controlled substance law;</li> <li>o being adjudicated by a court as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Conviction of a felony or misdemeanor involving perjury or false statement</li> <li>• dishonorable discharge from any of the armed forces</li> <li>• moral character violations as defined by rule (see link to access full content) (partial list follows) <a href="https://www.flrules.org/gateway/RuleNo.asp?ID=11B-27.0011">https://www.flrules.org/gateway/RuleNo.asp?ID=11B-27.0011</a></li> </ul> <p>some of the moral character violations include:</p> <ul style="list-style-type: none"> <li>-unlawful use of controlled substances</li> <li>-any felony offense, whether criminally prosecuted or not</li> <li>-a plea of guilty, an adjudication of guilt, or a verdict of guilty after a criminal trial for any of the following misdemeanor or criminal offenses [statute reference list omitted] whether criminally prosecuted or not</li> <li>-excessive use of force</li> <li>-misuse of official position</li> <li>-discriminatory conduct</li> <li>-sexual harassment</li> </ul>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

	<p>the public, or as having a psychopathic personality, or required to register as a predatory offender;</p> <ul style="list-style-type: none"><li>o violating any order issued by the board;</li><li>o practicing outside the scope of Minnesota Statutes, section 626.863;</li><li>o making an intentional false statement or misrepresentation to the board;</li><li>o engaging in sexual penetration or contact without consent, or indecent exposure;</li><li>o being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a violation of Minnesota Statutes, [specific crimes involving assault, mistreatment, abuse, negligence, fraud, drugs, criminal sexual conduct driving impaired, among others] sections 169A.27; 518B.01, subdivision 14; 609.224; 609.2242; 609.23; 609.231; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.43; 609.465; 609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557;</li><li>o failing to cooperate with an investigation of the board;</li><li>o engaging in sexual harassment,;</li><li>o using deadly force when not authorized by Minnesota Statutes, section 609.066; or</li><li>o being convicted of solicitation, inducement, or promotion of prostitution.</li></ul>	
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Who/How is required to report misconduct?</b></p>	<p>Persons with knowledge of a violation may report to the Board. Licensed Officers shall self-report to the Board and their chief law enforcement officer any action, inaction or condition that the licensee reasonably believes would constitute grounds for disciplinary action.</p>	<p>Employing agencies are required to report the following to the Commission:</p> <ul style="list-style-type: none"> <li>• Separations of employment</li> <li>• Internal investigations and findings/documentation conducted by the employing agency when the officer is suspected of noncompliance with certification standards for [moral fitness, felony or misdemeanor conviction involving perjury or false statement, or dishonorable discharge from any of the armed forces].</li> </ul>
<p><b>Who investigates alleged misconduct?</b></p>	<p>The Employing Agency. In accordance with a policy adopted by the agency in compliance with statute and the model policy provided by the POST Board.</p>	<p>Employing agencies and/or the Commission.</p>
<p><b>How are complaints/allegations of misconduct received?</b></p>	<p>The complaint is made directly to the agency by a citizen or another officer; or the complaint is made to the POST Board and then forwarded to the agency.</p>	<p>The commission will initiate a disciplinary case based on:</p> <ul style="list-style-type: none"> <li>• information received from the employing agency in the form of a sustained violation of the officer’s minimum standards to be certified, or a sustained violation of good moral character;</li> <li>• notification of an officer’s termination under undesirable circumstances involving a violation of the officer’s minimum standards to be certified, or a violation of good moral character;</li> <li>• notification of an officer’s arrest;</li> <li>• Staff documentation of a violation of the minimum standards to be certified, or a violation of good moral character;</li> <li>• verifiable complaints received from citizens alleging a violation of the officer’s minimum standards to be certified, or a violation of good moral character; or</li> <li>• by order of the Governor.</li> </ul>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

		<p>By the employing agency:                  If an officer commits an act of misconduct, and the officer’s employing agency has cause to believe that the officer has not maintained the minimum standards to be certified and/or has committed a violation of good moral character, then the employing agency must conduct an internal investigation concluding with an official disposition (e.g., sustained, not sustained, exonerated, unfounded). If the internal investigation sustains the allegation, then the agency shall submit the investigative findings and all supporting documentation to the Commission. An investigation must be conducted and concluded, and shall contain an official disposition, even though the officer resigns, retires or is terminated while under investigation.</p>
<b>How are complaints vetted?</b>	Complaints which allege misconduct by a licensee shall be processed according to the agency's written procedures.	Undetermined. Receipt of a signed verifiable complaint that contains specific allegations of non-compliance by an officer that includes the complainant’s name and return address, may result in initiation of a disciplinary case.
<b>How are results communicated?</b>	Agencies are required to report annually to the POST Board regarding the investigation and disposition of cases involving alleged unprofessional conduct by peace officers based on department’s allegations of misconduct policy.	Undetermined.

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Are results of investigations/complaints made public? How?</b></p>	<p>Data is compiled into a statewide report on the disposition of cases alleging unprofessional conduct based on the law enforcement agency’s Professional Conduct of Peace Officers. The annual summary reports are maintained on the Board’s website.</p>	<p>Quarterly Reports available on the website or through email subscription.</p>
<p><b>What role does the POST agency play in hiring of police?</b></p>	<p>Maintain a database of applicants and the agencies that have conducted a pre-employment background on the applicant.</p>	<p>Required by statute to establish background investigation procedures. The employing agency retains the hiring decision making authority.</p> <p>Requires training academy to make sure that applicants/students meet the minimum qualifications.</p> <p>943.14 Commission-certified criminal justice training schools; (7) Each criminal justice training school that offers law enforcement, correctional, or correctional probation officer basic recruit training, or selection center that provides applicant screening for criminal justice training schools, shall conduct a criminal history background check of an applicant prior to entrance into the basic recruit class. ... Applicants found through fingerprint processing to have pled guilty to or been convicted of a crime which would render the applicant unable to meet the minimum qualifications for employment as an officer as specified in s. 943.13(4) shall be removed from the pool of qualified candidates by the criminal justice training school or selection center.</p>



ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

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<b>Any jurisdiction over agency operations?</b>	Statute requires certain statewide model policies. Agencies must certify that they have adopted a written policy in compliance with the model policy provided by POST Board.	None Identified
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**MINNESOTA AND ARIZONA**

Data Query	Minnesota	Arizona
<b>State Population</b>	5.6 Million	7.2 Million
<b>Number of Police Officers</b>	11,000	14,500
<b>Number of Training Hours for Basic Certification</b>	<p>Undetermined. The Board is responsible for adopting a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement;</p> <p>"Professional peace officer education" means a postsecondary degree program, or a non-degree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board.</p>	585
<b>Other pre-requisites for Basic certification</b>	<p>In addition to completion of a PPOE – professional peace officer education - A Licensing examination is required</p> <p>and</p> <p>Before appointment as a peace officer the person must meet the following standards. Certification is applied for and granted following appointment.</p> <ul style="list-style-type: none"> <li>• US citizenship</li> </ul>	<p>Before appointment or attendance at an academy, an individual must meet the following standards.</p> <ul style="list-style-type: none"> <li>• Be a United States citizen</li> <li>• Be at least 21 years of age</li> <li>• Have a high school diploma, GED or a degree</li> <li>• Undergo a background investigation</li> <li>• Undergo a medical exam (conducted by a Board-trained physician)</li> <li>• Not have been convicted of a felony</li> <li>• Not have been dishonorably discharged</li> </ul>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

	<ul style="list-style-type: none"> <li>• Valid driver’s license</li> <li>• Completion of a comprehensive written application</li> <li>• Submit to a thorough background search</li> <li>• Not be required to register as a predatory offender</li> <li>• Not have been convicted of             <ul style="list-style-type: none"> <li>o a felony</li> <li>o [specific crimes involving assault, mistreatment, abuse, negligence, fraud and drugs, among others] under Minnesota Statutes, section 609.224, 609.2242, 609.231, 609.2325, 609.233, 609.2335, 609.234, 609.324, 609.465, 609.466, 609.52, or 609.72, subdivision 3; or convicted under any state or federal narcotics or controlled substance law irrespective of any proceeding under Minnesota Statutes, section 152.18, or any similar law of another state or federal law; or</li> </ul> </li> <li>• Must be fingerprinted by employer, employer must report if a felony conviction is discovered</li> <li>• Medical examination by a licensed physician or surgeon</li> <li>• Evaluation by a licensed psychologist to determine applicant is free from emotional or mental condition which might adversely affect performance of duties</li> <li>• Job-related exam of physical strength and agility</li> <li>• Complete oral exam conducted by employer to demonstrate communication skills</li> </ul>	<ul style="list-style-type: none"> <li>• Not have been denied, revoked, suspended or have surrendered certification in any state</li> <li>• Not have illegally possessed, produced, cultivated, or transported marijuana for sale or sold marijuana;</li> <li>• Not have illegally possessed or used marijuana for any purpose within the past three years;</li> <li>• Not have ever illegally possessed or used marijuana other than for experimentation;</li> <li>• Not have ever illegally possessed or used marijuana while employed or appointed as a peace officer;</li> <li>• Not have illegally sold, produced, cultivated, or transported for sale a dangerous drug or narcotic;</li> <li>• Not have illegally used a dangerous drug or narcotic, other than marijuana, for any purpose within the past seven years;</li> <li>• Not have ever illegally used a dangerous drug or narcotic other than for experimentation;</li> <li>• Not have ever illegally used a dangerous drug or narcotic while employed or appointed as a peace officer;</li> <li>• Not have a pattern of abuse of prescription medication;</li> <li>• Undergo a polygraph examination;</li> <li>• Not have been convicted of or adjudged to have violated traffic regulations governing the movement of vehicles with a frequency within the past three years that indicates a disrespect for traffic laws or a disregard for the safety of others on the highway;</li> <li>• Read the code of ethics in subsection (E) and affirm by signature the individual understands and agrees to abide by the code.</li> </ul>
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Who/Which body establishes Basic training curriculum?</b></p>	<p>Academy = curriculum POST BOARD= learning requirements for an approved educational program through a certified academy</p> <p>The Board is responsible for adopting a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement.</p>	<p>The Board prescribes by rule the required topics. The academy creates the curriculum. The Board maintains a copy of curricula that meet the standards.</p>
<p><b>How are curriculum changes made?</b></p>	<p>Undetermined. Would change based on POST changes to minimum training standards.</p>	<p>Undetermined. But by rule there is a curriculum format standard.</p>
<p><b>Are instructors POST certified?</b></p>	<p>No</p>	<p>No, but minimum standards for instructors are established in rule</p>
<p><b>How many Academies in the State?</b></p>	<p>30</p>	<p>11</p>
<p><b>Who "runs" the academy/academies?</b></p>	<p>Colleges and universities certified by POST Board.</p>	<p>Post-secondary (community colleges), standalone/dedicated law enforcement training centers, and agency operated academies.</p> <p>Per website, The agency will enroll newly appointed peace officer trainees in the basic training academy of the agency's choice.</p> <p>By rule, there are minimum standards for operation of an academy, academy curriculum and records requirements, inspection of an academy, but no "certification" status.</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Are there Continuing education requirements for certification?</b></p>	<p>48 hours of CE due June 30th of every third year of certification. Required to renew certification.          16 of those hours must include: Board approved learning objectives for training in crisis intervention and mental illness crises, conflict management and mediation and recognizing and valuing community diversity and cultural differences, to include implicit bias</p> <p>Other training standards include annual use of force training and 8 hours of EVOC police pursuit every five years – undetermined if these count toward the 3-year requirement.</p>	<p>Eight hours of continuing training each year beginning January 1 following the date the officer is certified.</p> <p>Eight hours of proficiency training every three years beginning January 1, following the date the peace officer is certified.</p> <p>Annual firearms qualification</p>
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Who reviews/approves relevance for CE courses?</b></p>	<p>POST Board</p>	<p>Courses of continuing training may be conducted by the Board, an agency, or an outside provider. (The Board’s confirmation that a continuing training course conducted by an outside provider meets the requirements is not an evaluation of the content of the course. Rather, confirmation indicates only that the topic of the course is consistent with requirements.)</p> <p>Proficiency requirements (conducted by the agency?):</p> <ul style="list-style-type: none"> <li>• physical demonstration of one or more performance objectives included in the 585- hour peace officer basic training course and demonstration of the use of judgment in the application of the physical act.</li> <li>• curriculum consists of advanced or remedial instruction on one or more of the following topic areas:             <ol style="list-style-type: none"> <li>i. Arrest and control tactics,</li> <li>ii. Tactical firearms (not the annual firearms qualification required under this Section),</li> <li>iii. Emergency vehicle operations,</li> <li>iv. Pursuit operations,</li> <li>v. First aid and emergency care,</li> <li>vi. Physical conditioning, and</li> <li>vii. High-risk stops;</li> </ol> </li> </ul> <p>Board prescribed firearms qualification course</p>
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

7	POST maintains record of CE which are reported to POST by the training sponsor within 2 weeks after each training session.	Employing agencies must maintain records of all continuing training, proficiency training, and firearms qualifications, and make the records available to the Board or staff upon request. (There may be a Board-hosted database where agency's log-in to track training.)
<b>Impact of failure to complete CE?</b>	License will not be renewed.	<p>The Board shall restrict certified status for failure to complete certification retention requirements.</p> <p>“Restriction” means the Board’s limitation on duties allowed to be performed by a certified peace officer.</p> <p>If a peace officer fails to satisfy certification retention requirements, the peace officer shall not engage in enforcement duties, carry a firearm, wear or display a badge, wear a uniform, make arrests, perform patrol functions, or operate a marked police vehicle.</p>
<b>Who/Which body establishes certification standards?</b>	Minnesota Board of Peace Officer Standards and Training (POST)	Arizona Peace Officer Standards and Training Board

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>What type of behavior lead to decertification?</b></p>	<p>Automatic revocation for conviction of a felony</p> <p>May deny, revoke, suspend for:</p> <ul style="list-style-type: none"> <li>• Fraud or misrepresentation in obtaining a license (by rule, includes cheating in the exam)</li> <li>• Failure to meet licensing requirements</li> <li>• Violation of the standards of conduct set forth in rule</li> </ul> <p>o engaging in conduct that violates any statute/rule enforced by the board;</p> <p>o conviction of a gross misdemeanor</p> <p>o having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in another jurisdiction;</p> <p>o failing to report the revocation, suspension, or surrender of a license or certificate taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;</p> <p>o being convicted of a state or federal narcotics or controlled substance law;</p> <p>o being adjudicated by a court as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender;</p> <p>o violating any order issued by the board;</p> <p>o practicing outside the scope of Minnesota Statutes, section 626.863;</p> <p>o making an intentional false statement or misrepresentation to the board;</p> <p>o engaging in sexual penetration or contact without consent, or indecent exposure;</p>	<p>Must revoke for: Conviction of a felony</p> <p>May deny/suspend/revoke for:</p> <ul style="list-style-type: none"> <li>• Failing to satisfy a minimum qualification for appointment;</li> <li>• Willfully providing false information in connection with obtaining or reactivating certified status;</li> <li>• Having a medical, physical, or mental disability that substantially limits the individual’s ability to perform the duties of a peace officer effectively, or that may create a reasonable probability of substantial harm to the individual or others, for which a reasonable accommodation cannot be made;</li> <li>• Violating a restriction or requirement for certified status</li> <li>• Illegally possessing or using marijuana, a dangerous drug, or a narcotic;</li> <li>• Using or being under the influence of spirituous liquor on duty without authorization;</li> <li>• Committing a felony, an offense that would be a felony if committed in this state, or an offense involving dishonesty, unlawful sexual conduct, or physical violence;</li> <li>• Committing malfeasance, misfeasance, or nonfeasance in office;</li> <li>• Performing the duties or exercising the authority of a peace officer without having active certified status;</li> <li>• Making a false or misleading statement, written or oral, to the Board or its representative;</li> <li>• Failing to furnish information in a timely manner to the Board or its representative on request; or</li> <li>• Engaging in any conduct or pattern of conduct that</li> </ul>
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ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

	<p>o being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a violation of Minnesota Statutes, [specific crimes involving assault, mistreatment, abuse, negligence, fraud, drugs, criminal sexual conduct driving impaired, among others] sections 169A.27; 518B.01, subdivision 14; 609.224; 609.2242; 609.23; 609.231; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.43; 609.465; 609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557;</p> <p>o failing to cooperate with an investigation of the board;</p> <p>o engaging in sexual harassment,;</p> <p>o using deadly force when not authorized by Minnesota Statutes, section 609.066; or</p> <p>o being convicted of solicitation, inducement, or promotion of prostitution.</p>	<p>tends to disrupt, diminish, or otherwise jeopardize public trust in the law enforcement profession.</p>
<p><b>Who/How is required to report misconduct?</b></p>	<p>Persons with knowledge of a violation may report to the Board. Licensed Officers shall self-report to the Board and their chief law enforcement officer any action, inaction or condition that the licensee reasonably believes would constitute grounds for disciplinary action.</p>	<p>A report of the termination of a peace officer. The report shall be submitted to the Board within 15 days of the termination and include:</p> <ul style="list-style-type: none"> <li>a. The nature of the termination and effective date;</li> <li>b. A detailed description of any termination for cause; and</li> <li>c. A detailed description of, and supporting documentation for, any cause existing for suspension or revocation of certified status.</li> </ul>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>Who investigates alleged misconduct?</b></p>	<p>The Employing Agency. In accordance with a policy adopted by the agency in compliance with statute and the model policy provided by the POST Board.</p>	<p>Upon receipt of information that cause exists to deny certification, or to cancel, suspend, or revoke the certified status of a peace officer, the Board shall determine whether to initiate action regarding the retention of certified status. The Board may conduct additional inquiries or investigations to obtain sufficient information to make a fair determination.</p>
<p><b>How are complaints/allegations of misconduct received?</b></p>	<p>The complaint is made directly to the agency by a citizen or another officer; or the complaint is made to the POST Board and then forwarded to the agency.</p>	<p>generally - receipt of information &amp; reports on separations from employment</p>
<p><b>How are complaints vetted?</b></p>	<p>Complaints which allege misconduct by a licensee shall be processed according to the agency's written procedures.</p>	<p>Undetermined. Board standards and compliance staff.</p>
<p><b>How are results communicated?</b></p>	<p>Agencies are required to report annually to the POST Board regarding the investigation and disposition of cases involving alleged unprofessional conduct by peace officers based on department's allegations of misconduct policy.</p>	<p>Undetermined.</p>
<p><b>Are results of investigations/complaints made public? How?</b></p>	<p>Data is compiled into a statewide report on the disposition of cases alleging unprofessional conduct based on the law enforcement agency's Professional Conduct of Peace Officers. The annual summary reports are maintained on the Board's website.</p>	<p>Undetermined. Some info found in Board meeting records and integrity bulletins posted on-line</p>

ADDENDUM 3 – COMPARISON TO REPRESENTATIVE POST AGENCIES IN OTHER STATES

<p><b>What role does the POST agency play in hiring of police?</b></p>	<p>Maintain a database of applicants and the agencies that have conducted a pre-employment background on the applicant.</p>	<p>The Board/POST provides the personal history statement form which also serves as the application for certification. The employing agency verifies the personal history and certifies the applicant meets standards.</p>
<p><b>Any jurisdiction over agency operations?</b></p>	<p>Statute requires certain statewide model policies. Agencies must certify that they have adopted a written policy in compliance with the model policy provided by POST Board.</p>	<p>Agency records and reporting requirements.</p>

## **IADLEST Auditor Biographies**

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### **Linsay Hale**

Linsay Hale began her employment with the State of Oregon in 2005. She has served as Department of Public Safety Standards and Training's (DPSST) Professional Standards Division Director since 2014. In the position she is responsible for the regulation of Oregon's 45,000 public and private safety providers, to include all police officers, corrections officers, parole & probation officers, liquor/marijuana regulatory specialists, 9-1-1 dispatchers, emergency medical dispatchers, fire service professionals, private security providers, private investigators and polygraph examiners. In addition to this role she has been serving as the Acting Training Division Director since September, 2019, assuming responsibility for the development and delivery of Basic training to all of Oregon's public safety providers. Prior to these current positions, Linsay served in Security Administration with the Department of Corrections, as a trainer with Oregon's Government Ethics Commission and as an Administrative Rules Coordinator for the DPSST.

Linsay's professional experiences in State government have afforded her extensive experience developing, interpreting and implementing laws and rules, facilitating legislative and constituent workgroups and addressing the challenges of the ever changing landscape of public safety.

Linsay holds a Bachelor's Degree in Criminology, a Master's Degree in Public Administration, and Advanced Certificates in the American Justice System and Crime Analysis from the Portland State University. She has also proudly served on the Governor's Law Enforcement Medal of Honor Commission since 2014.

### **Dan Zivkovich**

Dan Zivkovich has 38 years of policing experience that includes oversight of training and training standards and administrative oversight of agencies and systems. Dan began his policing career as a state trooper in Wyoming, where he spent eight years in charge of the agency's hiring and promotional processes and its training programs, including recruit trooper training. Dan then became the director of the Wyoming Law Enforcement Academy, the state's only police training facility. The facility included classrooms, firearms ranges, defensive tactics room, driving pad, dormitory rooms, and a cafeteria.

After five years at the law enforcement academy, Dan was appointed as the chief of police in Jackson, Wyoming. There he oversaw the police department of a tourist town with daily populations estimated at almost 100,000 people. The department had 24 sworn officers and included a victim/witness unit, canine units, a mounted police unit, a bomb technician, the town's animal shelter, a school resource officer, and community service (civilian) officers.

In 2009, Dan was named the executive director of the Massachusetts Municipal Police Training Committee. There, he oversaw the agency tasked by statute with setting training standards for and delivering training to the Commonwealth's municipal, University of Massachusetts, and environmental police officers. He participated in various committees and made multiple presentations regarding Peace Officer Standards and Training (POST) systems. He retired from that position in 2019.

Dan has a Bachelor of Science degree in Criminal Justice Administration from Bellevue University and is a graduate of the FBI National Academy. He is also a life member of the International Association of Directors of Law Enforcement Standards and Training (IADLEST), serving two terms as its president. He is a member of various other policing organizations and has consulted on police training and standards nationally and internationally.

### **Mark Damitio**

Mark Damitio manages the Law Enforcement Academy and POST Agency Accreditation and Audits program for IADLEST and provides project management for the current USDOJ COPS Every Officer is a Leader, Regional Training Hubs and Agency Certification projects plus the USDOT NHTSA Below 100 project. He also serves as the IADLEST webinar administrator. Mark collaborates with staff and partners on potential grant applications. Mark began his involvement with law enforcement in 1971 with the Thurston County Sheriff's Office, Olympia, Washington, as a volunteer. In 1978, he was hired as a police officer by the Kent, Washington, Police Department. He graduated as the top academic student of the Seattle Police Academy class #104. In 1982, he was appointed as the department Training Coordinator.

From 1988 to 1997, Mark served with the Washington State Criminal Justice Training Commission beginning as an Assistant Training Coordinator and rising to Division Manager for In-service Training. He was appointed Deputy Director of the New Mexico Department of Public Safety Training & Recruiting Division in July 1997. He supervised the day-to-day operations of the New Mexico Law Enforcement Academy and was responsible for the licensing and POST compliance of ten satellite law enforcement academies. From 2004 to 2015, Mark was a Deputy Assistant Director at the Kansas Law Enforcement Training Center, where he was responsible for the Continuing Education program. Mark is a graduate of Highline Community College with an associate degree in Administration of Justice, and from the University of Washington with a bachelor's degree in Society and Justice.

He is a graduate of the FBI Northwest Law Enforcement Command College and the Central States LEEDS. He holds Law Enforcement Executive Certifications from the Washington State Criminal Justice Training Commission and the New Mexico Law Enforcement Academy.

## Resources

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- 2019 Minnesota Statutes: <https://www.revisor.mn.gov/statutes/>
  - Specifically Chapter 214 (Examining and Licensing Boards) and Chapter 626 (Peace Officers, Searches, Pursuit, Mandatory Reporting)
- Minnesota Rules, Chapter 6700: Board of Peace Officer Standards and Training – Training and Licensing
- Minnesota Board of Peace Officer Standards and Training By-laws
- Minnesota Board of Peace Officers Standards and Training Biennial Report for Fiscal Years 2017-2018
- Minnesota Board of Peace Officer Standards and Training Website: <https://dps.mn.gov/entity/post/Pages/default.aspx>
- Minnesota Board of Peace Officer Standards and Training “POST Board Complaint Process” policy
- Minnesota Board “Complaint Process” in-house document
- Application for Certification to Provide the Professional Peace Officer Education (PPOE)
- Minnesota POST Board “Agency Compliance Review”
- Minnesota POST Board “Minimum Selection Standards and Thorough Background for Hiring”
- Application for Certification to Provide the Academic Component of the Professional Peace Officer Education (PPOE) - Updated 07/2016
- PPOE Recertification Evaluation form
- MN State System Office Approval Form
- MN OHE System Office Approval Form
- School Support Form