

**MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING**

**STANDARDS COMMITTEE MEETING
POST Board Office
1600 University Avenue, Suite 200
Saint Paul, MN 55104**

September 28, 2017

Committee Members

Present

Mr. Clarence Castile
Mr. Mark Fahning
Mr. Kevin Stenson
Mr. Kent Wilkening, Chair
Mr. Jim Yang

Staff Present

Mr. Nate Gove
Mr. Mark Raquet
Ms. Deb Soderbeck

Committee Members

Absent

Mr. Dave Bentrud
Mr. Joel Olejnicak
Mr. Dave Titus

Chair Wilkening called the meeting to order at 9:04 a.m. He asked if everyone had a chance to review the December 15, 2016 Standards Committee Meeting minutes. He then entertained a motion for approval.

- **MOTION:** Mr. Fahning moved to approve the minutes. Mr. Yang seconded the motion. The minutes were approved.

Announcements: Chair Wilkening said this was his first meeting serving as chair of the Standards Committee and thanked everyone for committing to attend on short notice (2 weeks) to accommodate his schedule.

Standards of Conduct Review: Chair Wilkening told the committee the POST Board is required by law to review the Standards of Conduct every three years. He turned the floor over to Standards Coordinator Mark Raquet and Executive Director Nate Gove. Mr. Raquet referenced MN Stat. 626.843 that requires the review. He distributed a one-page document that summarized the Minnesota Rules and Statutes by number versus the large quantity of material that was sent out to the committee. He commented that the Minimum Selection Standards for those wishing to enter a law enforcement program and the Standards of Conduct for those already licensed should be consistent, and they are not. Mr. Gove told the committee in order to adjust the selection standards, there are two avenues, one being Administrative Rulemaking. POST does not have the internal capacity to accomplish this which can be very expensive and time consuming to hire someone to do it. The other avenue is statutory change via the Legislature. Mr. Yang clarified the Domestic Assault conviction of an officer is only in POST's purview if an Order for Protection (OFP) was in place and added that an officer's agency is typically harsher regarding discipline than is POST. However, Mr. Gove pointed out that prior to licensing, Domestic Assault is a disqualifier to licensure. Mr. Raquet said an officer may lose his/her job due to Domestic Assault with an OFP,

but another agency may take a chance and hire that officer. "I think it puts us in a difficult spot when there is a lack of consistency. Some of these almost seem backwards. You can't have that (on your record) to get into the profession, but once you are (licensed), a domestic or a 5th degree assault does not require you to come in front of the Board," said Mr. Gove. Mr. Raquet added, "Lawyers that represent law enforcement are really good at getting the judges to get creative in their sentencing - a lot of stays of adjudication, Alford pleas, and pleas to lesser degrees (of conviction)." Chair Wilkening thought the standards were originally set-up in the 1970's - 80's. Mr. Gove explained the administrative rulemaking process versus the legislative process and added, "Legislation is the most efficient and cost effective way to change things. We no longer have the staff with the expertise to do rulemaking." Discussion ensued. Should more misdemeanors come before the Board? Statutory language change(s) could provide POST with the authority to review an expanded list of Standards of Conduct violations for sworn officers, i.e., 5th Degree Assault and Domestic Assault. Legislative authority trumps everything. The full Board will need to determine if POST wants to pursue this.

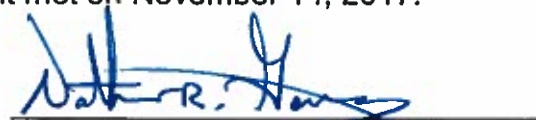
Chair Wilkening asked staff to review and provide historical background as to "why we are where we are." Mr. Raquet added, "The thing to keep in mind as you are contemplating this is the (employing) agency really has the biggest impact on an officer - that's where they get their biggest hit - suspension, termination, whatever it is. We are on the tail end of it." Mr. Gove added, "We are not the statewide Internal Affairs department and officers are held accountable, but it is just not publicized every time an officer is disciplined. We have an obligation to the profession to do this." Chair Wilkening said, "It may have been quite some time since the Standards of Conduct were looked at and we need to do our due diligence." Mr. Castile said, "We all know the landscape of the world has changed." Mr. Raquet added, "And we need to change with it."

Chair Wilkening would update the Board about this subject at the October 26th meeting and the committee set two more meeting dates prior to the January 25, 2018 Board meeting in hopes of bringing a recommendation to the Board at that time.

With no further business to be considered, Chair Wilkening thanked everyone for their attendance and adjourned the meeting at 10:25 a.m.

The foregoing minutes were approved by the Standards Committee of the Minnesota Board of Peace Officer Standards and Training when it met on November 14, 2017.


Kent Wilkening
Committee Chair


Nate Gove
Executive Director