

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

**BOARD MEETING
Post Board Office
Electronic Meeting via Microsoft Teams
October 27, 2022**

Members Present

Kelly McCarthy, Chair
Andrew Evans
Jason Bennett
Jennifer Foster
Jim Yang
Justin Page
Justin Terrell
Liz Richards
Luke Hennen
Nigel Perrote
Pilar Stier
Scott Kent
Shawn Williams
Shelly Schaefer
Tanya Gladney
Troy Wolberson

Staff Present

Alex Xiong
Andrew Burth
Angie Rohow
Bob Barli
Erik Misselt
Katie Cederstrom
Michael Meehan
Michael Monsrud
Michelle Haggberg
Peggy Strand
Rebecca Gaspard
Robert Skoro
Sarah Zastrow
Shari Mitchell
Tahami Danial

Others Present

Ben Klinger
Joshua Walton
Keith Ternes

Counsel Present

Christopher Kaisershot, A.G. Office
David Cullen, A.G. Office
Mark Schneider

Members Absent

Jay DeCoux

Call to Order: Chair McCarthy called the meeting to order on October 27, 2022 at 10:00am.

Forum: Ms. Mitchell indicated there was no one attending the forum.

Approval of the Agenda: Chair McCarthy asked for a motion to approve the agenda.

- **MOTION:** Mr. Evans made a motion to approve the agenda. Mr. Wolbersen seconded the motion. Agenda was approved via unanimous voice vote.

Approval of the September 22, 2022 Board Meeting Minutes: Chair McCarthy asked for a motion to approve the September 22, 2022 minutes. Mr. Yang asked to be added to the Members Present section of the meeting minutes.

- **MOTION:** Mr. Kent made a motion to approve the minutes. Mr. Williams seconded the motion. Minutes were approved via unanimous voice vote.

Request from EPEICR Advisory Council to Consider Updating the Learning Objectives (Executive Director DISCUSSION/ POSSIBLE ACTION: Mr. Misselt provided a summary of the presentation that was given at the last EPEICR Advisory Council meeting. He spoke about the Advisory Council asking the Board to consider updating the learning objectives in regards to the removal of children from their household, protective orders as it relates to tribes and how this is done with tribal members. Discussion then ensued.

- **MOTION:** Mr. Evans made a motion to forward this to the Training Committee for discussion and contemplation as to how to incorporate the request in this particular instance and then incorporate it in the training objectives. The intent is to ensure a culturally appropriate response in consultation with our tribal nations across Minnesota when we are moving children that are affiliated with their tribal nations. Mr. Hennen seconded the motion. The motion was approved via unanimous voice vote.

Mr. Misselt spoke about the EPEICR Advisory Council asking the Board to discuss how DNA is collected from juveniles without parental involvement or consent. There was discussion on whether the POST would have any jurisdiction or say on this matter.

- **MOTION:** Chair McCarthy made a motion to send this back to the EPEICR Advisory Council asking them to either form a working group or to clarify the scope of the problem and what the “ask” is. When the “ask” has been clarified they can bring that back for a full Board discussion. Mr. Bennett seconded the motion. The motion was approved via unanimous voice vote.

Establishing Hours of Instruction in PPOE Skills Programs DISCUSSION: Mr. Misselt began the discussion noting that the IADLEST audit recommended there should be set hours for pre-service training in the State of MN. He advised that the schools currently have learning objectives that they deliver in the manner they see fit. This varies from school to school on the amount of hours. He recommended starting with skills and getting subject experts to determine what is needed. Discussion ensued. Mr. Williams spoke about having the skills defined. Mr. Misselt spoke about giving this to the Training Committee.

- **MOTION:** Ms. Schaefer made a motion to add this to the Training Committee agenda for consideration. Ms. Gladney seconded the motion. The motion was approved via unanimous voice vote.

Rules #4641 Update (Rules Coordinator report):

- Updated Timeline: Ms. Gaspard provided details of the hearings that have been rescheduled for November 15 and 16 of 2022.
- Approving Responses and possible changes to Rules Post Dec 1 Board Meeting: The Board agreed the next Board meetings will be held on 12/1/22 and 12/9/22 at 10:00am.
- Board Access to Public Comments: Ms. Gaspard spoke about the public comments and referred the Board to view the comments on POST Board website under the Rules tab.

Variance – Keith Ternes: Mr. Ternes was present for the meeting. Ms. Gaspard introduced Mr. Ternes as a former Fargo, ND CLEO applying for a variance to take the reciprocity licensing exam. His law enforcement experience is more than 6 years ago which disqualifies him from taking the exam. Mr. Ternes spoke about his current and former employment history.

- **MOTION:** Mr. Bennett made a motion “The Board approves Keith Ternes’s request for a discretionary variance of Minnesota Rule 6700.0501 Subp. 7. This variance is granted because:
 - a. Application of the rule would result in hardship or injustice to the petitioner;
 - b. It would be consistent with public interest; and
 - c. It would not negatively impact the legal or economic rights of others and ensures the protection of public health, safety, and the environment.

Chair McCarthy made an amendment to the variance with the condition of being able to take the reciprocity exam one time. Mr. Hennen seconded the motion. Ms. Schaefer and Ms. Gladney opposed the motion. The motion was approved via voice vote.

Chair McCarthy restated the motion with before the end of the year and the same conditions apply. Mr. Evans made the motion. Mr. Yang seconded the motion. Ms. Schaefer and Ms. Gladney opposed the motion. The motion was approved via voice vote.

Variance – Paul Smith: Mr. Smith was not present for this meeting. Ms. Gaspard spoke about Mr. Smith’s variance request. Applicant applied to take the reciprocity exam, but was denied because tribal law enforcement is not recognized in law.

- **MOTION:** Mr. Evans made a motion “The Board approves Paul Smith’s request for a variance of Minnesota Rule 6700.0501, Subp. 3 because application of the rule in this instance does not serve any of the purposes of the rule. The variance is granted for/until he has taken the reciprocity exam and has passed the exam successfully. Mr. Terrell seconded the motion. The motion was approved via unanimous voice vote.

Variance – Ben Klinger: Mr. Klinger attended the meeting virtually. Ms. Gaspard introduced Mr. Klinger as being a licensed part-time officer who is requesting a variance to take the licensing exam to become a full-time licensed officer. Has been working as a part-time officer with Goodview Police Department since 2007. He is also a full-time Emergency Management Director for Winona County. He is asking for a variance to take the exam so that he can be a full-time officer and have a more flexible work schedule for the Goodview Police Department.

- **MOTION:** Mr. Evans made a motion “The Board approves Ben Klinger “The Board approves Bernard Klinger’s request for a discretionary variance of Minnesota Rule 6700.0500 Subp. 3. This variance is granted because:
 - a. Application of the rule would result in hardship or injustice to the petitioner;
 - b. It would be consistent with public interest; and
 - c. It would not negatively impact the legal or economic rights of others and ensures the protection of public health, safety, and the environment.The variance is granted until successful completion of the full-time licensure test. Mr. Wolbersen seconded the motion. Mr. Bennett opposed the motion. The motion was approved via voice vote.

Variance – Joshua Walton: Mr. Walton was present for the meeting with his counsel Mark Schneider. Ms. Gaspard introduced Mr. Walton as being a former police officer for Merced Police Department and then Stanislaus County Sheriff's Office located in California. She noted he is roughly 60 days short from having 5 years work experience required to take the reciprocity exam.

- **MOTION:** Mr. Terrell made a motion to grant the discretionary variance. "The Board approves Joshua Walton's request for a discretionary variance of Minnesota Rule 6700.0501 Subp. 7. This variance is granted because:
 - a. Application of the rule would result in hardship or injustice to the petitioner;
 - b. It would be consistent with public interest; and
 - c. It would not negatively impact the legal or economic rights of others and ensures the protection of public health, safety, and the environment.The variance is granted for/until he has taken the reciprocity exam and has passed the exam successfully. Ms. Schaefer seconded the motion. The motion was approved via unanimous voice vote.

Executive Director's Report: Mr. Misselt introduced the new PPOE Coordinator, Robert Skoro. He advised he will be working on the establishment of hours for skills among many other things.

Mr. Misselt spoke about the successful public data portal that is online for the public to search for public data on peace officers.

Licensure Matters (closed to the public):

Adjournment:

- **Motion:** Mr. Yang made a motion to adjourn at 1:00pm. Ms. Schaefer seconded the motion.