

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

**Advisory Committee on POST Board Rules Overhaul Meeting
Draft Minutes
Electronic Meeting via Microsoft Teams
August 12, 2021**

Members Present

Mark Fahning
Elliot Butay
Michelle Gross
Elisabeth Lee
Raj Sethuraju
Bryan Litsey
Theresa Paulson
Steven Soyka
Tracy Stille
Jean Cemensky
Aaron Suomala-Fokerds
Vincent Do
Sara Edel
Bill Bolt
Craig Enevoldsen

Members Absent

Sherisse Truesdale-Moore
Pat Nelson
Gwen Degroff-Gunter
David Bicking
Jack Serier

Staff Present

Erik Misselt
Rebecca Gaspard

Others Present*

*Invitation to listen to the live meeting was listed on the website.

The meeting started at 9:30 am.

Approval of the Agenda: The committee accepted the agenda as presented.

Approval of the July 17, 2021 Meeting Minutes: The committee accepted the minutes as drafted without changes.

Standards of Conduct Draft

There was considerable discussion on the draft standards.

Focusing on the general list of standards of conduct:

Whether the standards of conduct would affect local control over officer conduct

If “any jurisdiction” would be understood to mean in and outside of Minnesota and the US

Discriminatory conduct, including first amendment issues, including or not including white supremacy, trust in Southern Poverty Law Center and the FBI, Minnesota Human Rights Act, display of insignia, whether an ALJ would reject this portion of the proposed rules, etc. Theresa Paulson will draft alternative language, consulting with others on Item F under standards of conduct in the AV11 draft.

The meeting was adjourned at 11:51 am.

MN Statutes section 214 identifies standard of proof for discipline, which is “reasonable grounds”.

There was concern regarding a standard that officers would comply with laws (item E), that it would include many minor issues.

Discussion ensued about whether the standards of conduct should address issues raised in a civil charge. It was noted that there is a financial incentive to settle civil

cases without addressing whether the charge was warranted. Issues that might be raised in a civil suit could be raised directly with the board if the issue was addressed in standards of conduct.

Whether requiring procedural justice could be added

Concern about reducing public trust in #9 on page 21 - Adding intention to an act that reduces public trust in peace officers

There was discussion about making allowance for officers who become chemically dependent and have a license revocation resulting from actions related to the chem dep status.

Regarding civil disposition of cases alleging wrong-doing, it could be added under discretionary discipline. Persons filing a civil complaint would be advised by their attorney(s) that a complaint could also be filed with the board. Should board look at cases that come to the board's attention regarding civil complaints that are not brought to the board by the complainant?

Gaspard will revise the draft to address the committee's comments and concerns, and to reduce the duplication in some areas.

The meeting adjourned at 12:30.