

## MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

### Advisory Committee on POST Board Rules Overhaul Meeting Minutes

Hybrid Meeting via Board Room and Microsoft Teams

August 22, 2022

#### Members Present

Aaron Suomala-Fokerds  
Bill Bolt  
Bryan Litsey  
David Bicking  
Elisabeth Lee  
Elliot Butay  
Jean Cemensky  
Mark Fahning  
Michelle Gross  
Pat Nelson  
Raj Sethuraju  
Sara Edel  
Sherisse Truesdale-Moore  
Steven Soyka  
Theresa Paulson  
Tracy Stille

#### Members Absent

Gwen Degroff-Gunter  
Jack Serier  
Vincent Do

#### Staff Present

Mike Meehan  
Rebecca Gaspard  
Shari Mitchell

#### Others Present

Gary Luloff  
Mark Schneider

Ms. Gaspard began the meeting at 10:02am.

**Approval of the Agenda:** The Committee accepted the agenda.

**Approval of Meeting Minutes on 5/10/22:** The Committee accepted the minutes as drafted.

**Approval of Meeting Minutes on 6/21/22:** The Committee accepted the minutes as drafted.

**Received Comments:** Mr. Butay inquired about how many comments were received. Ms. Gaspard advised there were 1,695 or 1,697 comments received. Mr. Butay asked about how the responses were being handled. Ms. Gaspard advised that the Board is responsible for handling the responses. Further discussion will commence at the next Board meeting on September 22, 2022.

**Introduction of Potential Changes to the Rules:** Ms. Gaspard referred everyone to look at the 8/17 draft.

#### **1.1 6700-0100 DEFINITIONS**

##### **Subp. 26 Discriminatory conduct.**

**1.4** based on the **actor's** perception of a person's race, color, creed, religion, national origin, disability,

**1.7** person to ~~conclude that~~ **doubt** the individual may not **actor's ability to** perform the duties of a peace officer in a fair and impartial manner.

**Discussion:** Remove "doubt" and revert back to "conclude".

**Consensus was not reached.**

1.8 Membership in a religious organization as a lawful exercise of the freedom of religion is not discriminatory conduct

**Discussion:** Add the language of what the qualification of a religious organization is.

**Consensus was not reached.**

## 2.2 6700.0670 BACKGROUND INVESTIGATION

2.5 history statement with the application to the agency when the agency initiates a background investigation. The statement must include:

**Discussion:** Notation to correct typo of initiates. This is a clarification to the rule.

**Consensus approval reached.**

2.20 authorize the release to the employing law enforcement agency and board of the officer's applicant's personnel files,

2.22 information that are directly related to the applicant's fitness for or minimum selection requirements ?licensure.

**Discussion:** Accept the language of the applicant's fitness for licensure.

**Consensus approval reached.**

3.1 D. Each applicant who is currently or previously licensed as a peace officer must

3.2 disclose any ~~conduct that resulted or may result in an impeachment disclosure or~~

3.3 ~~Brady-Giglio impairment~~ disciplinary or court findings related to the applicant that involves:

- abuse of police authority;
- bias against a protected class;
- felony criminal conviction or finding of guilt;
- conviction or finding of guilt for a crime of dishonesty;
- mishandling of evidence or property;
- undisclosed or improper inducements to witnesses or suspects;
- excessive force; review terminology
- unauthorized access to or unlawful misuse of government data; or
- other conduct which required a Brady-Giglio disclosure by a prosecuting authority of which the applicant has personal knowledge.

**Discussion:** Accept the bullet point's language asking the applicant to disclose or go with the short listing on 3.1 and 3.2.

**Consensus was not reached.**

3.17 criminal records, histories, and warrant information through ~~current~~ state and federal systems

~~3.18 such as the Minnesota Crime Information System and the National Instant Criminal~~

~~3.19 Background Check System;~~

**Discussion:** Accept the recommendation of adding the word warrant and striking current along with 3.18 and 3.19 verbiage.

**Consensus approval reached.**

3.23 (5) ~~behavior indicative of~~ discriminatory conduct as defined in part 6700.0100;

**Discussion:** to remove phrase.

**Consensus approval reached.**

4.11 (13) inquiry to the local prosecuting authority and law enforcement agencies  
4.13 applicant prosecuting authority or law enforcement agency has any knowledge of potential impeachment disclosure or Brady-Giglio impairment conduct, records, investigations, or disciplinary or court findings related to the applicant that involves:

- abuse of police authority;
- bias against protected class;
- felony criminal conviction or finding of guilt;
- conviction or finding of guilt for a crime of dishonesty;
- mishandling of evidence or property;
- undisclosed or improper inducements to witnesses or suspects;
- excessive force; unsure of wording, recommended by MCA
- unauthorized access to or unlawful misuse of government data; or
- other conduct which required a Brady-Giglio disclosure by a prosecuting authority of which the applicant has personal knowledge.

**Discussion:** Two questions; ok with removing the language potential impeachment disclosure or Brady-Giglio impairment. Second are you wanting to remove the list or keep it.

**Consensus approval reached.**

5.12 a background investigation as having a disqualifying offense, the board must notify the each law enforcement agency employing that officer.

**Discussion:** accept language change.

**Consensus approval reached.**

6.2 of a predisposition on the part of the applicant's history of to engage in discriminatory conduct as defined

**Discussion:** maintain the language or change the language.

**Consensus was not reached.**

7.14 have been be a felony if committed in Minnesota;

**Discussion:**

**Consensus approval reached.**

8.7 (i) Never have been required or be required to register any offense that would require the applicant to be registered as a predatory offender under Minnesota Statutes, section 243.166 or 243.167; or required to register as a sex offender in any other state at any point in time

**Discussion:** accept language clarification.

**Consensus approval reached.**

9.23 H. have no record or indication of participation or support of an extremist or hate

9.24 group as described in part 6700.1600, subpart 1(H)-(I);

**Discussion:** To revisit this as it is also referenced in another section.

10.7 L. have undergone training equivalent to or exceeding ~~an~~ the requirements for emergency medical responder registration under Minnesota Statutes section 144E.27, subdivision 2(1)-(2) or

10.8 higher, or to be completed within the first six months of employment; and

**Discussion:** accept the language change.

**Consensus approval reached.**

## 6700.1600 STANDARDS OF CONDUCT

~~10.21~~ Subpart 1. **Standards.** A licensed peace officer is subject to discipline up to and ~~10.22~~ including license revocation under part 6700.1710 when the board finds that the officer has The board may impose disciplinary action as described in Minnesota Statute Section 626.8432, subdivision 1(a) or part 6700.1710 based on a violation of ~~10.23~~ violated one or more of the standards of conduct. It is a violation of standards of conduct **Discussion:** accept the language change.  
**Consensus approval reached.**

11.2 (1) conduct any offense that would bar licensure under the minimum selection standards **Discussion:** accept the language change.  
**Consensus was not reached.**

~~11.14~~ agency, or a court or engage in other conduct that may lead to an impeachment disclosure ~~11.15~~ or Brady-Giglio impairment; reasonably result in or does result in disciplinary or court findings related to the licensee which involves mishandling of evidence or property, undisclosed or improper inducements to witnesses or suspects, unauthorized access to or unlawful misuse of government data, and/or conduct which required a Brady-Giglio disclosure by a prosecuting authority; **Discussion:** accept the language change.  
**Consensus was not reached.**

12.1 (3) engage in unreasonable, unauthorized or excessive use of force against a person, or the ~~12.2~~ illegal unauthorized use of deadly force; **Discussion:** Update misspelling of unauthorized from 12.1. Accept the language change.  
**Consensus was not reached.**

Ms. Gaspard noted that the meeting ends in 4 minutes and will be skipping over the little changes. She invited feedback for areas of concern.

Much discussion ensued on sections H, I and J.

Ms. Gaspard asked if the Committee members would like to stay for further discuss. Multiple members indicated they needed to end the meeting. Ms. Gaspard then concluded the meeting that she will report on what was discussed today at tomorrow's Rules Committee meeting. The Rules Committee will then take the information and make some recommendations to the full Board meeting in September. The Board will then make their decisions. She also invited members that still have concerns that have not been addressed at today's meeting to attend and participate in the hearings in October. She indicated that they can also participate in the POST hearing comment period that is 20 days. Ms. Gaspard invited the Committee members to email her by midnight tonight with their concerns or any input.

Meeting adjourned at 12:42pm.