



Minnesota Board of Peace Officer Standards and Training

1600 University Avenue, Suite 200
Saint Paul, MN 55104-3825
(651) 643-3060
www.post.state.mn.us

Ensuring Police Excellence and Improving Community Relations Advisory Council

MEETING AGENDA
1600 University Avenue, Suite 200
Saint Paul, Minnesota
April 5, 2021
9:00-10:30 a.m.

This meeting will be held online due to COVID-19 emergency, a link to observe the meeting will be on the POST website prior to the meeting.

1. Call to Order
2. Approval of the Agenda **ACTION**
3. Approval of the March 1, 2021 minutes **ACTION**
4. Introduction of POST Board Chair Kelly McCarthy
5. Just Action Coalition (presentation by JAC members) **DISCUSSION**
6. Elect a permanent Chair **ACTION**
7. Advisory Council future agendas **DISCUSSION**:
 - A. make recommendations to full Board from IADLEST audit report
 - B. participate in Job Task Analysis update
8. POST Update
9. Round table
10. Adjournment

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

**Ensuring Police Excellence and Improving Community Relations Advisory Council
Electronic Meeting VIA Microsoft Teams
March 1, 2021 SPECIAL MEETING**

Members Present

Rep. Kaohly Her (Interim
Chair)
Biiftuu Ibrahim Adam
Dave Titus
Mike Tusken
Nick Muhammad
Sue Abderholden
Nikki Engel
Rep. Paul Novotny
Cathy Spann
Tsua Xiong
Sean Deringer
Anne Haines Holy Eagle
Julio Zelaya

Members Absent

Andrew Mathews

Staff Present

Erik Misselt
Abby Brown
Rebecca Gaspard
Angie Rohow

Others Present

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

Call to Order: Interim Chair Her called the meeting to order at 9:00 am. Ms. Brown conducted roll call. An introduction was made for Councilmember Julio Zelaya. Councilmember Zelaya currently sits as the Chair for the Board of Directors for the MN Council on Latino Affairs.

Approval of the Agenda: The motion to approve the agenda was made by Councilmember Abderholden. The vote to approve the amended agenda was unanimous via a voice vote.

Approval of the December 15, 2020 Minutes: A motion to approve the minutes as distributed was made by Councilmember Adam. The vote was unanimously approved through a voice vote.

Approval of the February 19, 2021 Minutes: A motion to approve the minutes as distributed was made by Councilmember Abderholden. The vote was unanimously approved through a voice vote.

Discussion of letter submitted by the Council of Minnesotans of African Heritage (CMAH): There were five testifiers that were scheduled to testify regarding the letter. Executive Director Linda Sloan from CMAH spoke in support of the First Amendment Minimum Standard for Public Assembly Response. The three requested actions within the letter include:

1. Immediately require that police officers follow their own local policies for public assembly response or face licensure action (as a minimum standard) in preparation for the Derek Chauvin trial.

2. Require that the POST Board work with community organizations (and follow domestic and international best practices) this year to develop a model policy for public assembly response, which all state and local enforcement agencies must adopt by March 2022.
3. Require that the POST Board call an emergency special meeting to take place prior to the Chauvin trial in order to put the first recommendation into rule.

Angela Rose Myers, the President of the Minneapolis NAACP, testified that the CMAH recommendations are recommendations that communities have been requesting for a number of years and that the communities should have a seat at the table for these discussions.

Lars Negstad, Policy Director for a community group of congregations known as ISIAAH, spoke in support of the recommendations put forth by CMAH in light of the the community's violation of trust in regards to police response after the civil unrest in 2020.

Brian Fullman, Lead Organizer of the Barbershop & Black Congregation Cooperative, spoke regarding their "Listen and Lead" sessions that have been happening in 2020. These sessions revealed strong feedback of distrust, disrespect and lack of value felt by the disenfranchised communities of Minneapolis.

Councilmember Muhammad spoke as the Executive Director of the Black Civic Network and thanked the testifiers for taking the time to support the recommendations as put forth by CMAH. Councilmember Muhammad stated that CMAH's recommendations are the solution to the lack of confidence, consistency and accountability felt by the community. These recommendations would provide safer policing for the public and police, better informed public and better informed Licensees.

Discussion between the Councilmembers ensued. Many spoke in support of the recommendations however there was concern over the POST Board jurisdiction to enforce policies and the timing involved in making these recommendations prior to the Chauvin trial. Interim Chair Her requested that all Councilmembers refrain from assuming motive on any councilmembers part during council discussions.

Motion: A motion was made by Councilmember Muhammad to the recommendations below:

1. Immediately require that police officers follow their own local policies for public assembly response or face licensure action (as a minimum standard) in preparation for the Derek Chauvin trial.
2. Require that the POST Board work with community organizations (and follow domestic and international best practices) this year to develop a model policy for public assembly response, which all state and local enforcement agencies must adopt by March 2022.
3. Require that the POST Board call an emergency special meeting to take place prior to the Chauvin trial in order to put the first recommendation into rule.

The motion was put to a vote and was approved by the majority.

Motion: A motion was made by Councilmember Muhammad to convene a committee to approve specific language to forward to the POST Board as submitted for the February 19, 2021 meeting to include:

Section 2 of the A6 Amendment to H.F. 445

Model Policy required:

By December 15, 2021, the board, in consultation with the legislative councils of color, the American Civil Liberties Union, community organizations that lead direct action campaigns, the Minnesota Chiefs of Police Association, the Minnesota Sheriffs' Association and other interested parties, must develop a comprehensive model policy on responding to public assemblies. The policy must be based on best practices in public gathering management drawn from both domestic and international sources. The board must distribute the model policy to all chief law enforcement officers.

Agency polices required:

- (a) By March 15, 2022, the chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy that is identical or substantially similar to the board's model policy described in subdivision 1.
- (b) Every state and local law enforcement agency must certify to the board that it has adopted a written policy in compliance with this subdivision.
- (c) The board must assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing policies under this subdivision.

The motion was put to a vote and was approved by the majority.

The council meeting adjourned at 10:30 am.

The Ensuring Police Excellence and Improving Community Relations Advisory Council approved the foregoing minutes when it met April 5, 2021.

Kaohly Her
Interim Council Chair

Erik Misselt
Executive Director



The Just Action Coalition Minnesota State Peace Officer Oversight Policy Proposal

Prepared for: The Minnesota State Peace Officers Standards and Training Board

Prepared by: The Just Action Coalition

October 29, 2020

Proposal number: 1 of 1

THE JUST ACTION COALITION

EXECUTIVE SUMMARY

Goal

The Just Action Coalition's main goal with this proposal, similar to our purpose, is to be able to coherently measure incidences of officer misconduct that occur with community members. With this goal in mind, we believe that this proposal is vital to building stronger relationships between officers and the communities in which they serve.

THE JUST ACTION COALITION

Purpose

The Just Action Coalition serves the purpose of elevating the voice of the youth in conversations regarding the safety of our communities and community members. We propose this policy with the intention of turning police oversight into a proactive form of rule making and policy setting. We currently hold the position that the recent incidents that have happened with police come as a result of an oversight process that is not meant to focus on prevention, but rather discipline. We concede that those who commit such an offenses require discipline by the department, however we introduce this proposal with the intention of turning the data collected from these categorical incidences into data that can be recorded and tracked by the Peace officer governing Board. We believe that by implementing the policy proposal that we lay out, municipal departments and state agencies will be able to expand policing oversight, and be able to take the essential steps forward in creating safer and more vibrant communities. The most essential part of this proposal is the community aspect. We believe that communities all throughout the state of Minnesota feel disempowered, helpless, and unheard, when it comes to officer misconduct and abuse of authority. In this proposal, we have the intention of reclaiming the community's voice through citizen complaints. We believe that these complaints, which are already instituted state wide, are not being handled appropriately in accordance with the severity level of the complaint, and are not handled uniformly on all levels of policing and policy - from departments to the POST Board. This proposal serves the purpose of making a more coherent and uniform system of complaints, which will allow the oversight system to take on a proactive role.

Specifics

Policy Criteria

1. Measuring and recording police behaviors
 - Officer conduct is defined as the enumerated responsibilities granted to them by the Peace Officers governing body, known as the POST Board, as well as the duties and responsibilities given to them by their local municipal government. Officer misconduct is the violation and/ or blatant disregard for these enumerated responsibilities -
 - The violation of a citizens civil rights and/ or civil liberties
 - The lack of the officer(s) to act under the complete and total lawful scope of their employment
 - Discrimination
 - Race
 - Gender or gender presentation
 - Religion
 - Sexual Orientation
 - Ethnic Orientation
 - Etc.
 - Every time an officers weapon is unholstered, a report must be filled by the officer with the department regarding the person in question
 - The report must include -
-

- The gender (if applicable), race/ ethnicity, height, weight, and any other general details that are physically obvious to the officer
 - If multiple people, the officer must include that in the same report
- Why the officer felt that it was necessary to draw his weapon
- Whether or not the person was armed or unarmed, and whether the officer saw the weapon(s) or not
- If compelled to do so, the individual, or individuals, involved in the incident with the officer, will have the opportunity to file a citizen's complaint with the department, which will be required to be posted in the officers file
 - If citizen complaints fall under the three following Red Flag level one categories, and the complaint is substantial, then the complaint shall be sent by the department of origin to the Minnesota state Peace Officers Standards and Training Board (POST Board) for review

A. Establishing a substantial complaint

- A complaint is to be substantial if it is filled by the individual(s) who was the subject of the interaction with the officer, or if the person filing the complaint was physically present and was witness to the events that the complaint is filled upon

B. The three tiers of community complaints

- Level 1 Red Flag Category Complaint - is a complaint that must be reviewed by the POST Board and requires the department of origin to conduct an internal investigation - which is detailed in the level 2 category complaint description
 - Excessive use of force
 - Racial bias
 - Gender bias
-

- Level 2, Yellow Flag, Category Complaint - require an internal investigation that must be completed by the department of origin - with the intention of drawing a punitive conclusion if the citizen complaint is factually supported by the given officer(s) body camera footage
 - An officer lacks to intercede upon witnessing a partner(s) committing a level 1 offense
 - Abuse of power for personal gain (meeting quotas, sexual exploitation, efforts to secure promotions, and all other forms of coercion or abuse with the purpose of benefiting the officer(s))
 - Unlawful search and seizure of property without clear and evident probable cause violating a citizens civil rights
 - Level 3, Blue Flag, Category Complaint - these complaints must be recorded on the officers file, but do not require an internal investigation by the department
 - All general complaints that do not fall under a level one or level two category complaint
 - All claims disputed by one or more parties involved in the interaction. Disputed is defined as all claims lacking sufficient evidence.
 - All claims lacking substantive evidence in the form of complete reports?
Conclusive body cam footage?
-

2. Establishing grounds for review

- If a citizen complaint is filed on the basis of at least one Red Flag category, which are stated above, than the complaint shall be sent, along with the officers file that includes all previous citizen complaints, the officers body cam footage regarding the incident of the complaint, internal department complaints against the officer, as well as the personal officer reports, to the POST Board for review
 - The POST Board will serve the purpose of examining these level one complaints/ reports as a means to take a proactive approach to rule making and reform, and to give the Board vital information to include in the Board's annual report to the Minnesota State House of Representatives Committee on Public Safety
 - All level one reports must be included in the annual report done by the POST Board
 - The report must be sent to the committee for review and discussion by the board before the last day the legislature convenes in the month of January
 - When the Board's annual report is released to the Minnesota State House Committee on Public Safety, it shall simultaneously be released to the public
 - The POST Board complaint/ review process will be used to identify trends in specific categories of a level one complaint and will be tasked to distinguish whether the trend can be addressed on the agency level or if it has to be addressed by the legislature
 - For example, if the state of Minnesota POST Board receives ten substantiated citizen complaints in the level one category of racial biases, and they are able to identify a common occurrence that officers
-

are using deadly force on African American individuals who are unarmed and are able to identify other instances throughout the complaints/ investigations where racial biases played a role in the way the officer handled the situation, they would then be compelled to move forward with implementing a policy, rule, training, or procedure that directly addresses the trend - if that power is not directly given to them in the enumerated powers of the Board, they shall make an official recommendation to the Minnesota House Committee on Public Safety in the annual report

- The POST Board is not responsible for handing down punitive punishments to individual officers, but does have the power to grant or strip an officer from their license as a result
-

3. Community recognition and revitalization

- Each municipal police department shall release factual reports to the public on an annual basis in coherence with the POST Board's report that is sent to the legislature
 - Each municipal department must hold an annual information session in coherence with the release of the annual trends/ complaint report
 - These informational sessions must be open to the public and must be attended by the municipal Mayor, Police Chief, and other ranking public safety personnel. These annual reports by municipal governments will require an explanation of the reports findings, and must allow at least one hour for open community questioning per 250,000 persons in the municipal boundaries
 - If no level one complaints are filed with in a municipal population, the annual information session is to still be required by the department to address trends in all other categorical complaints, that are to be addressed in the annual department report to begin with
-

