

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

**BOARD MEETING
Post Board Office
Electronic Meeting via Microsoft Teams
December 16, 2021**

Members Present

Kelly McCarthy, Chair
Andrew Evans
Jennifer Foster
Tanya Gladney
Luke Hennen
Justin Page
Nigel Perrote
Sara Rice
Liz Richards
Shelly Schaefer
Pilar Stier
Rebecca Swanson
Justin Terrell
Troy Wolbersson
Jim Yang
Jason Bennett

Staff Present

Rebecca Gaspard
Angie Rohow
Michael Monsrud
Andrew Burth
Shari Mitchell
Peggy Strand

Counsel Present

David Cullen, A.G. Office
Jamal Zayed
Michael Freeman (HCA)

Members Absent

Jay DeCoux

Others Present

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

John Klaus
Denise Klaus
Michelle Gross

Call to Order: Chair McCarthy called the meeting to order on 12/16/2021 at 10:00am.

Forum: There were no forum requests.

Approval of the Agenda: Chair McCarthy looked for a motion to approve item 3 the agenda. Mr. Misselt proposed to move up item 9 to item 7 before the standards of conduct section.

- **MOTION:** Motion to move and approve agenda by Mr. Terrell and seconded by Mr. Bennett via role call with a unanimous vote.

Approval of the October 28, 2021 Board Meeting Minutes: Chair McCarthy looked for a motion to approve the minutes from October 28, 2021.

- **MOTION:** Ms. Stier motioned to approve the minutes and was seconded by Mr. Terrell via role call with a unanimous vote.

Review and approve new model policy on Confidential Informants (required by legislation)

ACTION. Mr. Burth provided a synopsis of the adopted policy. Mr. Klaus spoke on some areas of concern. Much discussion ensued. Mr. Zayed stated the statute at the top of the policy is showing

626.8474 should be corrected to 626.8476. Chair McCarthy acknowledged the needed update for this section.

- **MOTION:** Chair McCarthy asked for a motion to accept the confidential informants model policy as presented in the packet with the caveat that another work meeting is held with stakeholder groups to consider the recommendations that are clarified in the memo from NAMI and that those changes be brought back to the April board meeting for consideration before pushing out the policy to the law enforcement agencies. The motion also corrected the statute reference error. Motion by Mr. Bennett, seconded by Mr. Wolberson. Motion passed unanimously.

Review of letter from Hennepin County Attorney reference the POST pursuit policy (presentation by HCA Mike Freeman) **DISCUSSION.** Mr. Freeman gave a presentation in regards to the pursuit policy and certain occurrences. The presentation included suggested changes to the existing POST Board model policy. Mr. Freeman asked the board to appoint a special committee. Ms. Stier agreed to be a part of the special committee. Discussion ensued.

- **MOTION:** Motion made by Chair McCarthy motioned to create a special committee to review both the model policy, training and different technologies to employ to reduce the amount of police pursuits while preserving safety for everyone. Chair McCarthy asked Ms. Stier to chair that committee and pick additional members. Foster seconded motion. Motion passed unanimously.

Mr. Freeman volunteered to assist the subcommittee.

Executive Director's report Mr. Misselt spoke on the status and progress of the new Benchmark database. He spoke on the newly created spreadsheet of recommendations from both IADLEST and the Legislature. The spreadsheet provides information on the recommendations and notes the current status percentage til completion. Once ready he will then distribute to the Board and post on the website. A mini RFP is underway for an evaluation of Sales Force functionality and what will be needed for a larger RFP to come to build a public facing database that will allow searches of public data on licensees, modeled after the Board of Nursing database. He is working on coming up with a survey of law enforcement agencies that will ask questions about their experience with the current PPOE system. Questions include; feedback on how it is working? Is there consistency? Do they see a variation between programs? This information is needed for a later discussion on standardizing curriculum and how peace officers are trained in pre-service. He then spoke on investigations and private data. When doing an investigation, there on what information can be shared with POST. He will be drafting legislative language to address this and propose to lawmakers.

Review and approve draft rules on Standards of Conduct (attachment) ACTION Ms. Gaspard provided an overview. Mr. Bennett spoke on updating the wording for section D subpart 1 to strike and replace with or. Rebecca agreed it should be or and that Revisor will catch wording that is incorrect. Mr. Evans suggested to take out section H, item 2; committing misconduct under MN Statutes section 609.43 and make it separate. Ms. Gaspard agreed in making it separate. There was discussion on section H item 4 by Mr. Evans, Mr. Terrell and Ms. Gaspard. Ms. Swanson spoke on section H item 4 to update unnecessary, excessive to unreasonable. Chair McCarthy directed this work be sent to the Rules Committee for review.

Variance Request – Peter Toe (attachment) ACTION

Chair McCarthy invited Mr. Toe to speak on his variance request.

- **MOTION:** Mr. Yang motioned to decline Mr. Toe's variance request. Mr. Wolberson seconded the motion. Mr. Yang moved to deny the request for a discretionary variance of rule 6700.0501. Board took roll call 13 voted to decline. 3 were to approve. Variance request was declined.

Adjournment

- **MOTION:** Chair McCarthy motioned to adjourn at 1:15pm. Unanimous vote achieved to close at 1:16pm