

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

**BOARD MEETING  
Post Board Office  
Electronic Meeting via Microsoft Teams  
September 22, 2022**

**Members Present**

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

**Staff Present**

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

**Others Present**

Abdoulaye Camara  
Trey Williams

**Counsel Present**

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

**Call to Order:** Chair McCarthy called the meeting to order on September 22, 2022 at 10:00am.

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

**Approval of the Agenda:**

- **MOTION:** Chair McCarthy made a motion to approve the agenda with the understanding that for number 9 the hearing is in public and the deliberations will be in the closed session. Ms. Stier seconded the motion. The motion was approved via unanimous voice vote.

**Approval of the July 21, 2022 Board Meeting Minutes:** Chair McCarthy asked for a motion to approve the July 21, 2022 minutes.

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

**Reviewing the Modifications (Rules Coordinator Report) Discussion:** Ms. Gaspard began the discussion on how to handle applying the application of the new rules. Discussion ensued on the following new rules:

- **Minimum Selection Standards:** Unlicensed persons who are in the pipeline (enrolled in PPOE or cadet programs) but may not meet new minimum selection standards :
  - Option A:** Apply the new standards even if it disqualifies someone in the pipeline who met the previous standards.
  - Option B:** Apply the old standards to persons in the process of school/LEA cadet programs and only meet the old standards.
- **Minimum Selection Standards:** Currently licensed officers who may apply for a new law enforcement position and not meet the new more stringent minimum selection standards:
  - Option A:** Apply the new selection standards, so officers who can't meet the new ones would have to stay at current agency or apply for a variance, or
  - Option B:** Create an exemption for currently licensed officers and apply the old Standards.
- **Standards of Conduct:** Currently licensed officers whose previous conduct is a violation of new standards of conduct:
  - Option A:** Apply rules retroactively (this could be challenged).
  - Option B:** Apply standards in effect when the conduct occurred.

Ms. Richards asked about the process on selecting Option A or B prior to the October hearings. Confirming that this language is included in the Rules and asked if by the conclusion of the hearings the language can be altered? Ms. Gaspard confirmed that the changes to the Rules draft can be requested by the Board before and at the hearing. Ms. Richards also asked that if nothing is done prior to the October hearings and there is no language built in then the assumption goes into effect on the date the rules are adopted? Ms. Gaspard confirmed that is correct. Ms. Richards suggested going with Option B for all three points for now so that the Board can have the option for going back to this at the conclusion of the hearings.

There was consensus from the Board that Option B for all three points gives agencies the most discretion.

**Proposed Modifications ACTION:** Ms. Gaspard began asking if everyone wanted to go with the responses or the rules first. She suggested going with the rules first and asked everyone to refer to the handout. Chair McCarthy advised that a lot of responses were received from stakeholders. The comments and concerns were taken to the Advisory Committee. The Advisory Committee reviewed changes to the Proposed Rules based upon the comments that were received from stakeholders. The Proposed Rule changes were taken to the Rules Committee. The Rules Committee reviewed all of the changes and listened to what the stakeholders said. Changes were made based directly on stakeholder feedback. Discussion then ensued.

## **1.1 6700.0100 DEFINITIONS.**

- 1.2 Subp. 26. Discriminatory conduct. "Discriminatory conduct" means a pattern of
- 1.3 conduct or a single egregious act that evidences knowing and intentional discrimination
- 1.4 based on the actor's perception of a person's race, color, creed, religion, national origin, disability,
- 1.8 fair and impartial manner. Membership in a religious organization as a lawful exercise of the freedom of religion is not discriminatory conduct.
- 1.9 Subp. 27. **Seasonal position.** "Seasonal position" means a position which is necessary
- 1.10 due to recurring seasonal fluctuations in staffing needs and does not exceed 16 consecutive

- 1.11 weeks in duration.
- 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:
- 2.20 authorize the release to the employing law enforcement agency and board of the officer's applicant's personnel files,
- 3.2 disclose any conduct that resulted or may result in an impeachment disclosure or 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;
  - unreasonable or excessive use of force;
  - 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.
- 3.5 the law enforcement agency must complete a background investigation on the applicant that meets the requirements of this part, except as stated in item B. ~~The b~~ Background investigations ~~must be completed no earlier than~~ are valid for only 6 months after completion. If the applicant is not hired during the 6 months, the background investigation must be updated before a final prior to the agency's offer of employment to ~~an~~ the applicant.
- 3.14 criminal records, histories, and warrant information through current state and federal systems
- 3.20 (5) ~~behavior indicative of~~ discriminatory conduct as defined in part 6700.0100;
- 4.8 (13) inquiry to the local prosecuting authority and law enforcement agencies
- 4.10 ~~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;
  - unauthorized, unreasonable, or excessive use of force;
  - unauthorized access to or unlawful misuse of government data; or
  - other conduct which required a Brady-Giglio disclosure by a prosecuting authority.
- 5.6 (2) a background investigation identifies:
- 5.7 (a) a ~~disqualifying offense~~ disqualification under the minimum selection standards in part 6700.0700, identifying the disqualification(s); or and

- 5.8 (b) for a licensed peace officer, a disqualification under the minimum selection standards in part 6700.0700, even if the officer is exempt under Subp. 1A, and any conduct that would be a violation of standards of conduct under this chapter.
- 5.11 notify the each law enforcement agency employing that officer.
- 6.2 ~~of a predisposition on the part~~ of the applicant's history of to engage in discriminatory conduct as defined
- 6.7 affect the performance of the duties as a peace officer including discriminatory conduct.
- 6.21 F. Psychological Screenings initiated before January 1, 2023 are not subject to the requirements of this part.
- 7.14 ~~have been~~ be a felony if committed in Minnesota;
- 8.7 ~~any offense that would require the applicant~~ required at any point in time 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;
- 8.11 ~~(l) criminal sexual conduct in the fifth degree under Minnesota Statutes,~~
- 8.12 ~~section 609.3451 duplicate of j~~
- 9.24 group as described in part 6700.1600, subpart 1(H)-(I);
- 10.4 J. be free from any physical condition that might would adversely affect the
- 10.7 K. have passed a psychological screening that ~~was conducted under that meets the requirements of~~ part 6700.0675;
- 10.8 L. have undergone completed training equivalent to or exceeding an the
- 10.9 requirements for emergency medical responder registration under Minnesota
- 10.10 Statutes section 144E.27, subdivision 2(1)-(2) or to be completed within the first
- 10.13 Subp. 1A. Exempt officers. An officer with a current active license on January 1, 2023 or a current inactive license on January 1, 2023 that has been inactive for less than 12 months, is exempt from the following minimum selection standards for conduct that occurred prior to January 1, 2023 when applying for a law enforcement position:
- 10.14 A. Subp.1, E(2): b, d, e, f, g, h, j, k m, r, s, t, u, v, w, *highlighted in purple above*
- 10.15 B. Subp.1, Items F, G, H, and L. *highlighted in purple above*
- 10.16 Subp. 1B. Exempt Unlicensed Applicants. Unlicensed applicants who enrolled in a PPOE
- 10.17 program or an agency cadet program prior to January 1, 2023, and who completed the program

- 10.18 and passed the licensing exam before July 1, 2025, are exempt from the following
- 10.19 minimum selection requirements for conduct that occurred prior to January 1, 2023 when applying for a law enforcement position:
- 10.20 A. Subp.1, E(2): b, d, e, f, g, h, i, j, k m, r, s, t, u, v, w; and  
*highlighted in purple above*
- 10.21 B. Subp.1, Items F, G, H, and L. *highlighted in purple above*
- 10.30 Subp. 4. **More rigid standards.** A law enforcement agency may require an its
- 10.31 applicants to meet more rigid standards than those prescribed in this part.
- 10.33 **6700.1600 STANDARDS OF CONDUCT.**
- 10.34 Subpart 1. **Standards.** ~~A licensed peace officer is subject to discipline up to and~~
- 10.35 ~~including license revocation under part 6700.1710 when the board finds that the officer has~~ -
- 10.36 The board may impose disciplinary action as described in Minnesota Statute Section 626.8432,
- 10.37 subdivision 1(a) or part 6700.1710 based on a violation of ~~violated~~ one or more of the
- 11.2 (1) ~~conduct any offense that would bar licensure under the minimum~~
- 11.3 ~~selection standards~~ identified in part 6700.0700, subpart 1, item E, regardless
- 11.11 (7) carrying a pistol while ~~under the influence~~ impaired by an intoxicating substance;
- 11.12 (8) driving while impaired ~~under the influence~~ impaired by an intoxicating substance;
- 11.15 ~~disclosure or Brady-Giglio impairment;~~ intentionally;
- 11.16 (1) mishandle evidence or property;
- 11.17 (2) Make undisclosed or improper inducements to witnesses or suspects; or
- 11.18 (3) Gain unauthorized access to or unlawful misuse of government data; or
- 11.25 Minnesota Statutes, section 626.84745; or
- 12.1 (3) engage in unreasonable or excessive use of force; unauthorized use of force; against a person, or ~~the illegal~~ unauthorized use of deadly force;
- 12.17 G. engage in ~~on-duty or off-duty~~ discriminatory conduct ~~based on a perception of~~
- 12.18 ~~a person's race, color, creed, religion, national origin, disability, sex, sexual orientation,~~
- 12.19 ~~gender identity, public assistance or any other protected class as defined in Minnesota~~
- 12.20 ~~statutes, or federal law;~~
- 12.21 H. undermine or jeopardize public trust in law enforcement, establish a

- 12.22 ~~Brady Giglio impairment~~, create an appearance of impropriety, or disrupt the cohesive
- 13.1 operation of law enforcement by supporting, advocating, or participating ~~in any form as identified in part 6700.1600, subpart 1(I)~~, in the activities of a white supremacist, hate, or extremist group or criminal gang that, ~~as demonstrated by its official statements or principles, the statements of its leaders or members, or its activities~~ :
- 13.15 (1) dissemination of ~~hate or~~ extremist material;
- 14.3 ~~J. A violation under item H or I does not apply when the conduct is sanctioned by the law enforcement agency as part of the officer's official duties. Moved from below~~
- 14.10 ~~A violation under item H or I does not apply when the conduct is sanctioned by the law~~
- 14.11 ~~enforcement agency as part of the officer's official duties. Moved up to new J~~
- 14.17 ~~Subp. 3. Prior Conduct. Conduct of law enforcement officers that occurred before January 1, 2023 is subject to standards of conduct in effect at the time the conduct occurred.~~
- 15.12 based on ~~a the~~ board's model policy. An agency may incorporate additional agency specific
- 15.14 ~~specific identical or substantially similar~~ provisions of the board's model policy. The board is not responsible for enforcing

Chair McCarthy asked the Board if they had any questions in regards to the Rules draft that had been agreed upon by the Rules Committee.

- **MOTION:** Mr. Terrell made a motion to approve the draft that was reviewed today, recirculate it and advise community members and stakeholders to provide comment at the hearing after it is rescheduled. Ms. Schaefer seconded the motion. Motion passed unanimously via voice vote.

**Draft Preliminary Response ACTION:** Ms. Gaspard provided an overview of the responses. Chair McCarthy asked the Board if anyone had any questions, comments or concerns. Hearing none. Chair McCarthy asked for a motion to approve or deny the responses as written.

- **MOTION:** Ms. Gladney made a motion to approve the responses as written. Ms. Schaefer seconded the motion. Motion passed unanimously via voice vote.

**Variance – Abdoulaye Camara:** Mr. Camara was present for the meeting. Ms. Gaspard spoke about Mr. Camara's variance request on the definition of "school". She indicated that Mr. Camara is asking for his Russian master's degree in Electronic Engineering (from Vladimir State University) be recognized as meeting the licensure requirement for a post-secondary degree. Mr. Camara's master's credentials were evaluated by International Education Evaluation as equivalent to a U.S. master's degree, and IEE noted that Vladimir State University is regionally accredited. Minneapolis PD is backgrounding Mr. Camara for a

community service officer position and may consider Mr. Camara for a police cadet position if Camara met the post-secondary degree requirement. Mr. Camara is serving in the National Guard and is a US Citizen.

Chair McCarthy asked for a motion to approve or deny Mr. Camara's variance request.

- **MOTION:** Ms. Schaefer made a motion to approve Abdoulaye Camara's request for a discretionary variance of Minnesota Rule 6700.0100 Subd. 20. 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 Mr. Camara becomes licensed.

Ms. Gladney seconded the motion. The motion passed unanimously via voice vote.

**Variance – Trey Williams:** Mr. Williams was present for the meeting and withdrew his variance request.

**Hearing for Albert Kuehne:** Mr. Kuehne was not present for this meeting. Mr. Kaisershot introduced himself as the Assistant Attorney General for the Complaint Investigation Committee and provided a summary of the case. He advised that Mr. Kuehne was convicted after pleading guilty for a gross misdemeanor of disseminating private sexual images. This subjects him to the Board's discipline as a gross misdemeanor is a violation of the Standards of Conduct. Mr. Kuehne had multiple opportunities to be heard by the Committee, the ALJ and by the Board and he declined to appear. The Office of Administrative Hearings granted the Committee's default motion. This matter is now for the Board to decide on approving the default motion and what disciplinary action should be taken. The Committee believes that Mr. Kuehne's license should be revoked.

Chair McCarthy excused the Complaint Committee members that were present for the Kuehne case at the Complaint Investigation Committee meeting.

- **MOTION:** Mr. Terrell made a motion to go into a closed session. Ms. Gladney seconded the motion. Motion passed unanimously via voice vote.

**Licensure Matters (closed to the public)**

**Adjournment:** Meeting adjourned at 12:48pm.