

**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

August 2, 2021

9:00-10:30 a.m.

Open to the public

1. Call to Order
2. Approval of the Agenda **ACTION**
3. Approval of the July 12, 2021 minutes **ACTION**
4. POST Course approval process **Discussion**
5. Drug and Alcohol testing of peace officers **Discussion**
6. Consider/review complaint process updates from the Board's Special Committee
Discussion
7. Round table
8. Adjournment

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

**Ensuring Police Excellence and Improving Community Relations Advisory Council
Electronic Meeting VIA Microsoft Teams
July 12, 2021**

Members Present

Nick Muhammad, Chair
Biiftuu Ibrahim Adam
Dave Titus
Sue Abderholden
Nikki Engel
Paul Novotny
Sean Deringer
Julio Zelaya
Mike Tusken
Tsua Xiong

Members Absent

Andrew Mathews
Kaohly Her
Anne Haines Holy Eagle
Cathy Spann

Staff Present

Erik Misselt
Abby Brown
Angie Rohow
Rebecca Gaspard

Others Present

Matthew Seawood
Jalen Travis
Umeran Hailu

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

Call to Order: Chair Muhammad called the meeting to order at 9:01 am.

Approval of the Agenda: The motion to approve the agenda was made by Councilmember Xiong and was seconded by Ms. Engel. The vote to approve the agenda was unanimous via a voice vote.

Approval of the Minutes: The motion to approve the meeting minutes for June 7, 2021 was made by Councilmember Engel and was seconded by Ms. Abderholden. The vote to approve was unanimous via a voice vote.

Just Action Coalition (JAC) Presentation: Matthew Seawood, Jalen Travis and Umeran Hailu from the JAC came back in front of the Council to discuss amendments made to their original proposal presented on April 5, 2021. The amended proposal is posted to the MN POST Board website for review. Discussion between the JAC and the Council ensued, no action was taken by the Council.

Update on Model Policy on Public Assembly: Executive Director Misselt updated the group that a model policy on public assembly has been drafted and will be brought to the full Board during the July 22, 2021 meeting.

Legislative Update: Executive Director Misselt updated the council on the legislative changes that occurred during the 2021 Special Session. The changes included the requirement for Law Enforcement Agencies to share private data with the POST Board as it pertains to officer involved complaints. A reclassification was also created such that an officer's employment with an agency is now considered public data. Personal emails and personal phone numbers of officers are now classified as private data. An approved list of Alzheimer's Training Sponsors will be created by the MN POST Board.

Discussion regarding future meetings: As the Covid 19 Emergency Order has ended by Governor Walz, discussion began in regards to how to proceed with meetings that would still allow the group to follow open meeting laws. It was determined that for the next meeting, MN POST Board will host an in person meeting, however the Councilmembers will be able to attend remotely if desired.

The council meeting adjourned at 10:34 am.

The Ensuring Police Excellence and Improving Community Relations Advisory Council approved the foregoing minutes when it met on Monday August 2, 2021.

Nick Muhammad
Council Chair

Erik Misselt
Executive Director

Subd. 1a. Crisis intervention and mental illness crisis training.

(a) The board, in consultation with the commissioner of human services and mental health stakeholders, shall create a list of approved entities and training courses to instruct peace officers in techniques for responding to a mental illness crisis. A course must include scenario-based instruction and cover most of the following issues:

- (1) techniques for relating to individuals with mental illnesses and the individuals' families;
- (2) techniques for crisis de-escalation;
- (3) techniques for relating to diverse communities and education on mental illness diversity;
- (4) mental illnesses and the criminal justice system;
- (5) community resources and supports for individuals experiencing a mental illness crisis and for the individuals' families;
- (6) psychotropic medications and the medications' side effects;
- (7) co-occurring mental illnesses and substance use disorders;
- (8) suicide prevention; and
- (9) mental illnesses and disorders and the symptoms.

(b) A course must also include training on children and families of individuals with mental illnesses to enable officers to respond appropriately to others who are present during a mental illness crisis. The board shall update the list of approved entities and training courses periodically as it considers appropriate.

Sec. 28.

Minnesota Statutes 2020, section 626.8469, is amended by adding a subdivision to read:

Subd. 1b.

Crisis intervention and mental illness crisis training; dementia and Alzheimer's.

The board, in consultation with stakeholders, including but not limited to the Minnesota Crisis Intervention Team and the Alzheimer's Association, shall create a list of approved entities and training courses primarily focused on issues associated with persons with dementia and Alzheimer's disease. To receive the board's approval, a training course must:

- (1) have trainers with at least two years of direct care of a person with Alzheimer's disease or dementia, crisis intervention training, and mental health experience;
- (2) cover techniques for responding to and issues associated with persons with dementia and Alzheimer's disease, including at a minimum wandering, driving, abuse, and neglect; and

(3) meet the crisis intervention and mental illness crisis training standards established in subdivision 1a.



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COMPLAINT ADVISORY

The POST Board's authority to impose discipline on a peace officer's license is limited by Minnesota Statutes [626.8431](#), [626.8432](#), and [626.845](#). These statutes provide that the POST Board may take action against the license of a peace officer who has:

- 1) been convicted of a felony;
- 2) obtained a license by fraud or misrepresentation;
- 3) failed to meet licensure requirements;
- 4) committed a violation of the standards of conduct set forth in Minnesota Rule [6700.1600](#);
- 5) failed in his/her duties as the Chief Law Enforcement Officer to implement and enforce legislatively [mandated policies](#).

Violation of any of the following standards of conduct by a licensee constitutes grounds for disciplinary action. Check any that apply to your complaint.

<input type="checkbox"/>	Obtaining a license from the Board by fraud or cheating, or attempting to subvert the examination process.
<input type="checkbox"/>	Being convicted of a felony or gross misdemeanor in this state, or in any other state or federal jurisdiction.
<input type="checkbox"/>	Having been the subject of revocation, suspension, or surrender of a peace officer license or certificate by another jurisdiction.
<input type="checkbox"/>	Failing to report the revocation, suspension, or surrender of a license or certificate by another jurisdiction.
<input type="checkbox"/>	Being convicted of a state or federal narcotic or controlled substance law.
<input type="checkbox"/>	Being adjudicated by a court in this or any other state as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, having a psychopathic personality, or required to register as a predatory offender.
<input type="checkbox"/>	Violating any order issued by the Board
<input type="checkbox"/>	Practicing law enforcement duties without a license.
<input type="checkbox"/>	Making an intentional false statement or misrepresentation to the Board.
<input type="checkbox"/>	Engaging in sexual penetration or contact without consent as defined in MSS 609.341 to 609.3451; or engaging in conduct that violates MSS 617.23 (Indecent Exposure)
<input type="checkbox"/>	Being convicted of: DWI, Violation of an Order for Protection, Assault, Domestic Assault, Mistreatment of Persons Confined, Mistreatment of Residents or Patients, Criminal Sexual Conduct, Misconduct of a Public Officer or Employee, Presenting False Claims to Public Officer or Body, Medical Assistance Fraud, Theft, Receiving Stolen Property, Violation of a Restraining Order, or Failure to Report Maltreatment of Vulnerable Adults.
<input type="checkbox"/>	Failing to cooperate with an investigation of the Board.
<input type="checkbox"/>	Engaging in sexual harassment as defined by MSS 363A.03, subdivision 43.
<input type="checkbox"/>	Using deadly force when not authorized by MSS 609.066.
<input type="checkbox"/>	Being convicted of solicitation, inducement or promotion of prostitution.



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COMPLAINT FORM

If you are disabled and need assistance with completing this form, please contact our office.

Officer(s):	
Agency or Agencies:	

COMPLAINANT

First Name	Middle Name	Last Name
Street Address	City	State / Zip Code
Cellular Number	Home Number	Email

WITNESS (If more than one witness, attach additional pages)

First Name	Middle Name	Last Name
Street Address	City	State / Zip Code
Cellular Number	Home Number	Email

INCIDENT

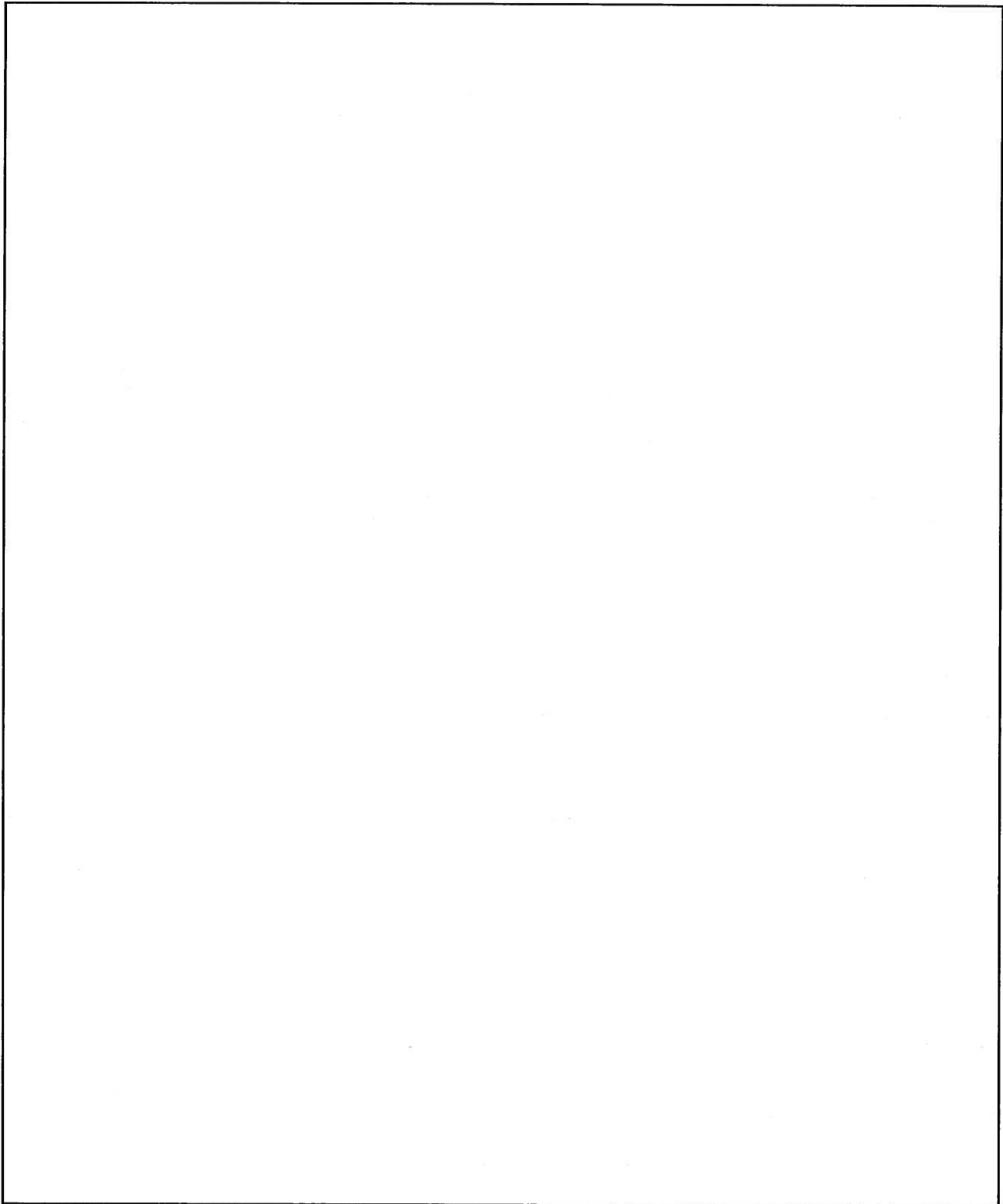
Date	Time	Location
Name(s) of Principle Officer(s), if unknown, provide a physical description		
Badge Number(s)	Squad Number(s)	
Law Enforcement Agency or Agencies	Citation or Case Number	

SIGNATURE: _____ **DATE:** _____

SUMMARY OF ALLEGED MISCONDUCT

This should be completed by the complainant and signed. Include all relevant information, i.e., the reason you had contact with the law enforcement officer(s), and a narrative of the events. Include an explanation if you believe misconduct has occurred. If needed, you may include additional pages. Include copies of any supporting documents you may have. Please sign and date all pages.

SIGNATURE: _____ **DATE:** _____



SIGNATURE: _____ **DATE:** _____

Recommendations for updating the POST Board complaint process

Special Committee on POST Complaint Process

(Board Members: Chou (Jim) Yang, Justin Terrell, Liz Richards, Shelly Schaefer, Justin Page)
(Suggested changes are highlighted)

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1. Complaint Intake:

- Submission of complaint form in writing
- Submission in person, postal mail or email
- Verbal submission (requires consent from complainant for staff to write complaint on their behalf)

2. Source of Complaints:

- Unlimited: Citizen, licensee, chief law enforcement officer, other agency, media reports

3. Time Limit for Filing Complaint:

- None

4. Screening Process for Complaints:

The Board has delegated the authority to review complaints and make determinations of jurisdiction to the Complaint Investigation Committee (CIC). The CIC may receive a preliminary assessment from Standards Coordinators however, the CIC makes the final determination as to jurisdiction.

- See attached Flowchart

5. Required Reporters:

- Licensee must report by rule
- Chief Law Enforcement Officer (CLEO) must report under statute, all complaints that may fall under Board jurisdiction
- Others, including licensees with knowledge of a possible violation MAY report (rule or statutory changes would be required to make this mandatory for non-involved licensees)

6. Types of complaints/issues that are/should be within POST's jurisdiction:

- Standards of conduct violations
- Failure to adopt, adhere to POST Board mandatory model policy standards (CLEOs only)
- Criminal convictions, non-criminal behaviors including "immoral character or conduct" (rule or statutory changes would be required to define terms)
- In cases where CLEOs run a criminal history check on officers at renewal or for any reason, and an arrest or conviction that constitutes a potential violation of Board standards of conduct is discovered, it must be reported to POST.
- Violations of protective order convictions to include misdemeanor Domestic Abuse No-Contact Order (DANCO) (rule or statutory changes would be required)
- Cases where charges are in jurisdiction but ultimate conviction is for a lesser, non-jurisdictional offense (plea negotiations to avoid licensing issues) (rule or statutory changes would be required)
- Model policy violations against officers (rule or statutory changes would be required)

7. Responsibility for investigations of misconduct that are within POST's jurisdiction:

Recommendations for updating the POST Board complaint process

Special Committee on POST Complaint Process

(Board Members: Chou (Jim) Yang, Justin Terrell, Liz Richards, Shelly Schaefer, Justin Page)

(Suggested changes are highlighted)

- POST Executive Director can order an agency to conduct POST investigations; done upon recognition of a possible violation or at the behest of the CIC
 - Select POST staff should have the same authority as law enforcement to conduct investigations, including accessing criminal history (currently restricted by national Criminal Justice Information System (CJIS) rules)
 - Agencies must be required to turn over all internal affairs investigative data to POST upon request (rule or statutory changes would be required)
- 8. Types of discipline options available to the Board:**
- Deny license
 - Revoke
 - Suspend
 - Impose limitations on practice
 - Impose conditions on licensee
 - Censure or reprimand the licensee
- 9. Data Sharing**
- Private/confidential data cannot be shared with the public, this includes complaint and/or investigative data unless and until, discipline is imposed. Specific information on dismissed/out of jurisdiction complaints is confidential
- 10. How should the public information regarding complaints be made available?**
- All public data, including final discipline, should be readily accessible on a public website. (This does not require rulemaking or legislation but will require expertise and financial resources to accomplish)