



# Minnesota Board of Peace Officer Standards and Training

## **Ensuring Police Excellence and Improving Community Relations Advisory Council**

December 1, 2021

9:00 am

*This meeting was held online via Teams due to the COVID-19 emergency.*

### **Members Present:**

Nick Muhammad (Chair), Biiftuu Adam, Dave Titus, Sean Deringer, Mike Tusken, Julia Zelaya, Sue Abderholden, Nikki Engel, Kaohly Her, Paul Novotny, Andrew Matthews and Cathy Spann.

### **Members Absent:**

Anne Haines Holy Eagle

### **Staff Present:**

Angie Rohow, Erik Misselt, Rebecca Gaspard, Mike Meehan and Shari Mitchell.

### **Others Present:**

Eric Rice Esquire, Cedric Frazier and Mike Tusken

**Call to Order:** Chair Muhammad called the meeting to order at 9:00 am. Roll call was taken by Mr. Misselt.

### **Approval of the Agenda:**

Ms. Her addressed Chair Muhammad noting that two community members are present and are asking for motion to amending the agenda for adding a discussion. Roll call vote motion approved with exception to Mr. Titus who voted no to the motion.

### **Approval of the Minutes: Review:**

The motion to approve the meeting minutes for September 13, 2021 was made by Ms. Her and was seconded by Ms. Abderholden. The vote to approve was unanimous via a voice vote.

### **Added Discussion:**

Chair Muhammed opened discussion for Mr. Rice. Mr. Rice started discussion on the following;

#### **Language**

1. Excessive Force Rule Draft
  - a. Intent
    - i. Adopt an 'Excessive Force Standard' into the standard of conduct.
  - b. Statutory Authority
    - i. MN STAT 626.843 RULES, STANDARDS; EXECUTIVE DIRECTOR.

ii. MN STAT 609.06 AUTHORIZED USE OF FORCE.

c. Draft Language

i. **Minnesota Rule 6700.1600 (L):** using deadly force when not authorized by Minnesota Statutes, section 609.066 or using excessive force when not authorized by Minnesota Statutes section 609.06;

2. Removing the Conviction Requirement from the Standard of Conduct Rule Draft

a. Intent

i. Remove a conviction requirement for any offense from the standard of conduct.

b. Statutory Authority

i. MINN STAT 626.843 RULES, STANDARDS; EXECUTIVE DIRECTOR.

c. Draft Language

i. **Minnesota Rule 6700.1600 (Q):** engaging in conduct considered a crime, as defined by Minnesota Statutes, section 609.02, that is listed as grounds for disciplinary action under this chapter, notwithstanding a conviction.

d. Suggested Amendment

j. **Minnesota Rule 6700.1600 (Q):** engaging in conduct considered a crime, as defined by Minnesota Statutes, section 609.02, that is listed as grounds for disciplinary action under this chapter, ~~notwithstanding a conviction~~ whether or not a licensee is prosecuted or convicted.

Much discussion ensued.

**Adjournment:**

Chair Muhammed noted that there will be more discussion on what was talked about today at the next meeting as the council is out of time today. He noted that the next meeting needs to be scheduled and extended the invitation to the next meeting for the guests that attended today's meeting. Chair Muhammed moved to adjourn the motion was seconded by Mike Tusken. With no further discussion, the council meeting adjourned at 10:02 am.