



**Minnesota Board
of Peace Officer
Standards and Training**

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

MEETING AGENDA

1600 University Avenue, Suite 200

Saint Paul, Minnesota

December 1, 2021

9:00-10:00 a.m.

Due to ongoing COVID-related restrictions for state meetings and CDC guidelines, this meeting will be held online. A link to observe the meeting will be on the POST website prior to the meeting. A recording will be available on the POST website after the meeting.

1. Call to Order
2. Approval of the Agenda **ACTION**
3. Approval of the September 13, 2021 minutes **ACTION**
4. Presentation/review of standards of conduct draft (presentation by Rules Coordinator Gaspard)
5. Executive Director's update
6. Round table
7. Adjournment



Minnesota Board of Peace Officer Standards and Training

Ensuring Police Excellence and Improving Community Relations Advisory Council September 13, 2021

9:00am

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

Members present:

Nick Muhammad (Chair), Biftuu Adam, Dave Titus, Sue Abderholden, Nikki Engel, Paul Novotny, Julia Zelaya, Mike Tusken, Tsua Xiong and Kaohly Her.

Members absent:

Sean Deringer, Anne Haines Holy Eagle and Cathy Spann.

Staff present:

Angie Rohow and Rebecca Gaspard.

Others present:

Scott Mueller, Bureau of Criminal Apprehension

Approval of the agenda:

The vote to approve the agenda was unanimous via a voice vote.

Approval of the minutes:

The motion to approve the meeting minutes for August 2, 2021 was made by Chair Muhammad and was approved unanimously via a voice vote.

Drug and alcohol testing of peace officers:

Presentation from Special Agent Scott Mueller of the BCA Force Investigations Unit regarding the process of drug and alcohol testing for peace officers involved in deadly force incidents. Almost all officers have voluntarily submitted to blood tests for toxicology when requested. In the cases handled by the BCA, only 2 percent of officers have refused to voluntarily provide a sample. Legally, officers have the same 5th amendment protections as any person and may refuse to voluntarily provide a sample.

Council members engaged in discussion regarding the rights of police officers in these situations. Discussion also took place about what should be done when an officer is involved in multiple deadly force incidents.

As follow-up to some questions from council members, Mr. Mueller will compile additional statistics and provide them to Ms. Adam to share with the council.

Duties and processes of CIC, difference between database data and complaint investigation data:

Ms. Rohow did a presentation explaining the different roles and scope of the POST Board Complaint Investigation Committee vs. the new POST Misconduct Database. A demonstration of the Misconduct Database was provided. The database is still in production and is not live yet. The full POST Board will be finalizing the data that is required to be collected by the system at its special meeting on September 30, 2021. Ms. Rohow explained that the next step after implementation of the system is for the EPEICR Advisory Council and the Board to determine what type of analytics and reporting they would like to have in order to inform the work of the Board and Advisory Council.

Suggestions for possible legislation discussion and Round table:

Mr. Muhammad initiated further discussion regarding the intersection between the rights of a public citizen and duty of a public servant when involved in a deadly force situation. No motions or action.

Ms. Abderholden brought up the existing legislation designed to assess effectiveness of training and inquired about the next steps for implementing the instructor criteria. Staff referred Ms. Abderholden to the Training Committee chair and staff liaison. No motions or action.

Ms. Abderholden inquired about any changes to POST licensing and discipline procedures based on the expanded information being collected via the misconduct database.

Ms. Gaspard advised the Post Board is currently working on a revised Standards of Conduct for Peace Officers through the comprehensive Rules overhaul and will be submitting a preliminary draft to the Board in early October of 2021. Ms. Abderholden requested a presentation to Council when the draft is ready.

Motion to adjourn was made by Ms. Abderholden and seconded by Mr. Novotny. Unanimous voice vote to adjourn.

Discussion of Possible Amendments to Standards of Conduct

Note: this material has not been approved by the POST Board

* = in current standards of conduct

Possible Violations of Standards of Conduct:

1. Anything that would bar licensure under minimum selection standards (felony or specific misdemeanor offenses)*
2. Theft, prostitution, controlled substances that are exceptions to minimum selection standards*
3. Driving under the influence*
4. Falsifying info to board*, a law enforcement agency, or court
5. Conduct related to potential impeachment disclosure or Brady-Giglio impairment
6. Failing to cooperate with board investigation*
7. Failing to comply with reporting requirements for officers and chief law enforcement officers
8. Failing to report bias crimes or alleged bias crimes
9. On or off duty discriminatory conduct
10. Undermining public trust in law enforcement by supporting or participating in extremist groups

For the purposes of this clause, "support" means:

- a) advocacy of white supremacist, or any extremist doctrine, ideology, group, organization, or cause as defined in 6700.0100 Subp. x;
- b) advocating or participating in illegal discrimination;
- c) advocating or participating in the use of force, violence, or criminal activity in efforts to deprive individuals of their civil rights; and
- d) advocating or participating in violence against the government or seditious activities.

For the purposes of this clause, "participating" means:

- a) dissemination of extremist material; cyber or social media posts, chats, forums, and other forms of promotion of the extremist group's ideology;
 - b) display or use of insignia, colors, tattoos, hand signs, slogans, or codes;
 - c) financial contributions;
 - d) physical or cyber presence in the extremist events; and
 - e) other conduct that could reasonably be considered advocacy or participation.
11. Misconduct of a public employee under 609.43
 12. Misuse of a peace officers authority
 13. Engage in sexual harassment*, as defined by Minnesota Statutes, section 363A.03, subd. 43;
 14. Commit misconduct of a public officer under MN Statutes sections 609.43;
 15. Misuse of a peace officer's authority
 16. Unnecessary or excessive use of force (currently standards only refer to deadly force violations)
 17. Having license or certification in another jurisdiction suspended/revoked
 18. Failing to comply with requirements to maintain a peace officer license
 19. Violating mandatory model policies
 20. Fail to meet the ethical and professional standards required of a peace officer; disrupts, diminishes, or otherwise jeopardizes public trust or confidence in the law enforcement profession; or demonstrates an inability or unwillingness to enforce the Constitution and laws of the United States and the state of Minnesota;
 21. Provision for revoking license if officer is unable to serve as an officer or is incapacitated due to mental illness, cognitive dysfunction