



**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  
May 3, 2021  
9:00-10:30 a.m.**

**This meeting will be held online due to COVID-19 emergency, a link to observe the meeting will be on the POST website prior to the meeting.**

1. Call to Order
2. Approval of the Agenda **ACTION**
3. Approval of the April 5, 2021 minutes **ACTION**
4. IADLEST Audit Recommendations (Summary Attachments) **DISCUSSION**
5. POST Update
6. Round table
7. Adjournment

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

**Ensuring Police Excellence and Improving Community Relations Advisory Council  
Electronic Meeting VIA Microsoft Teams  
April 5, 2021**

**Members Present**

Rep. Kaohly Her (Interim  
Chair)  
Nick Muhammad (Newly  
Elected Chair)  
Anne Haines Holy Eagle  
Biiftuu Ibrahim Adam  
Dave Titus  
Sue Abderholden  
Nikki Engel  
Rep. Paul Novotny  
Cathy Spann  
Sean Deringer  
Julio Zelaya

**Members Absent**

Sen. Andrew Mathews  
Mike Tusken  
Tsua Xiong

**Staff Present**

Erik Misselt  
Jeff Winger  
Abby Brown  
Angie Rohow  
Rebecca Gaspard

**Others Present**

Kelly McCarthy  
Matthew Seawood  
Jalen Travis

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

**Call to Order:** Interim Chair Her called the meeting to order at 9:02 am.

**Approval of the Agenda:** The motion to approve the agenda was made by Councilmember Engel. The vote to approve the amended agenda was unanimous via a voice vote.

**Approval of the Minutes:** The motion to approve the meeting minutes for March 1, 2021 was made by Councilmember Deringer. The vote to approve was unanimous via a voice vote.

**Introduction of POST Board Chair Kelly McCarthy:** Executive Director Misselt introduced Chair McCarthy to the council. Chair McCarthy welcomed the Council to open and honest discussion. She introduced the idea of collaborating many different Minnesota stakeholders and meeting with POST Boards from other states that have found success in creating bipartisan reform.

**Just Action Coalition (JAC) Presentation:** Matthew Seawood and Jalen Travis from the JAC serve to elevate youth voices in conversations regarding community safety. The JAC has come up with a proposal to build stronger relationships between the community and the officers who serve them. The key points to the proposal are as follows:

1. Measuring and recording police behaviors
  - a. Defining Officer Conduct and Misconduct
  - b. Utilize three tiers of a community complaint
    - Level 1 (Red Flag): Internal Investigation conducted by department of complaint origin with POST Board to review findings

- Level 2 (Yellow Flag): Internal Investigation completed by department of complaint origin
  - Level 3 (Blue Flag): Non-substantiated claims recorded in officer's file
2. Establishing grounds for review
  3. Community recognition and review
  4. Establishing a searchable public database

Included in the presentation, was the recommendation that every time an officer unholstered their firearm a report should to be filed to track the reason for this action. A few members on the council sought clarification as to whether this was a practical process and whom would review and retain these reports. The JAC will address the discussion points that were brought up and look forward to coming in front of the advisory council again in the future.

**Election of a Permanent Chair:** Executive Director Misselt opened up the nominations for a permanent chair of the council. Councilmember Muhammad nominated himself. Rep. Novotny nominated Interim Chair Her to become the permanent chair. She respectfully declined in the interest of allowing an unelected representative to chair the council. Councilmember Muhammad stated that his interest in becoming chair stems from the desire to be a voice for the community. By a voice vote, the majority of the council voted in Chair Muhammad.

**Discussion regarding Future Agenda Items:** The council members determined that they would like to take a deep dive into the IADLEST audit in the next two meetings to assist in creating actionable proposals to bring to the full POST Board. If a council member would like to see a presenter come before the council, they should notify the Chair and Executive Director of this desire.

**Amendment of a previous motion:** Chair Muhammad sought to amend the vote from the meeting of March 1, 2021. This amendment of the motion would remove of the step to convene a committee to design specific language to forward the recommendations. The majority of the council voted in favor of sending the specified language as noted in the second motion of the full board without a subcommittee creation.

**Notes and Updates:**

- If a councilmember will be absent for a meeting, they should notify Chair Muhammad, Executive Director Misselt and Ms. Brown via email of their upcoming absence.
- The draft of the agenda will be sent out early to give members an opportunity to add to the agenda as needed.
- Executive Director Misselt announced that an Assistant Executive Director has been hired and will be introduced in a future meeting.

The council meeting adjourned at 10:37 am.

The Ensuring Police Excellence and Improving Community Relations Advisory Council approved the foregoing minutes when it met on Monday May 3, 2021.

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Nick Muhammad

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Erik Misselt

Council Chair

Executive Director

ITEM # 4

## Continuing Education

- A. **POST should create and maintain a database listing every lesson plan** (Continuing Education and Pre-Service Education and Training) that shows the name of the lesson plan, the date it was initially developed, the dates for each revision, and the date it is due for the next revision.
- B. **POST should become a repository of all approved lesson plans.** Lesson plans should be maintained as a public record and made available upon request.
- C. **Completion rosters should also be submitted to the Board.** The Board should have a repository of all peace officer training statewide. Again these records should be retained as public records, and made available upon request. Ideally, sponsors would be able to upload them electronically into the Board's database.
- D. **Emergency Vehicle Operation** – The Board developed a one-page document that outlines the required training, in both the classroom and in the vehicle. The Board's document should include a mandated *minimum* lesson plan with performance objectives, plus require agencies to cover their own policies and allow agencies to layer their performance objectives on top of it.
- E. **Crisis, Conflict and Implicit Bias/Diversity** –
  - a. Consider having such classes co-taught by a peace officer and a field worker to allow officers to get both perspectives.
  - b. All mandatory classes and topics should have statewide, standardized lesson plans approved by the Board for valid, consistent, uniform training and to assure EVERY officer gets the best training, and recognizes the transportable nature of a police officer's license. Lesson plans should be made publically available to aid in transparency.
  - c. When lesson plans are being reviewed and updated, care should be taken to assure the update involves more than simply revising current lesson plans. To assure updated lesson plans incorporate the latest information and research, it is best practice to periodically start from zero and completely redevelop instructional goals, objectives, and content utilizing SMEs who are knowledgeable of national and international best practices. Otherwise, the revision will simply be a version of what has always been taught.

**F. Lesson Plans:**

- a. The lesson plan should be required to be in narrative format (rather than an outline), and instructors should be certified (see below), rather than simply undergo a résumé review.

**G. Instructors:**

- a. An instructor certification system should be established to formally set minimum standards and processes to ensure instructors are eminently qualified in the subject area and adept at imparting knowledge and skills. The following should be evaluated, with each topic area having a separate certification:
  1. Years of service in the profession related to the topic
  2. Years of experience within the topic area
  3. Advanced training and specialized education related to the topic
  4. Instructor development training that includes principles of adult learning and practice teaching/skill development
  5. Time spent teaching and training
  6. Instructor's service record (if applicable)
  7. Consider having a two-step program wherein new instructors with limited or no teaching experience are required to perform an internship where they co teach with an experienced trainer who then mentors and evaluates the new instructor.
  8. Development of a decertification process for certified instructors who have demonstrated inappropriate behaviors or ineffectiveness as an instructor.

## **Pre-Service Education and Training (PPOE)**

### **A. Job task analysis**

- a. According to the 2017-2018 Annual Report, a job task analysis (JTA) was conducted in 2015 and was used to update the PPOE learning objectives.
  1. It is time for another job task analysis for three reasons:
    - a. Best practices recommend JTAs every five years;
    - b. The communities' expectations of police officers has evolved greatly since 2015; and
    - c. The police profession is a dynamic profession, with new changes and challenges occurring regularly.
  2. The updated JTA should be used:
    - a. To identify learning objectives that are missing from the current curriculum,
    - b. To make adjustments to current learning objectives to keep them current with the profession, and
    - c. To eliminate learning objectives that are no longer relevant or critical.

### **B. Recertification of schools**

- a. While the requirement to recertify and the ability to address problems during the interim is good, a 3-year renewal/review cycle would better address potential and unseen issues in a timely manner to make sure programs continue to deliver education and training at an exemplary level.

### **C. PPOE curriculum**

- a. The Board should develop a template to better inform the educational and training institutions as to the optimum structure of the curriculum to achieve maximum retention and performance from the students as well as ensuring a basic foundational training is shared amongst all the State's officer regardless of their location of employing agency.
- b. Lesson plan development: 6700.0300 Subpart 4 mandates that schools utilize the learning objectives as set by the Board, but it allows the school to develop the content to address those objectives.
  1. Best practices would have the Board create lesson plans that are the foundation for PPOE training and education. Institutions could layer on top of them, but should be required to deliver the mandated lesson plan as the foundation. This assures that every graduate statewide gets the same base level of knowledge, and training is valid and consistent statewide.
  2. The state should consider creating a scholarship and/or grant program to address and hopefully eliminate the barrier to entering policing that is caused by an inability to afford college tuition costs.

**D. PPOE records**

- a. 6700.0300 Subpart 6, paragraph B mandates that “peace officer education be retained for five years.” These should be permanent records – or at least 50-year records to make sure they span an officer’s career and any lasting impacts of a career. Records should be made available for public inspection upon request.

**E. PPOE student injuries**

- a. 6700.0300 Subpart 8, paragraph C requires written documentation for any student injuries, but Subpart 10 only requires that the school maintain the records. Subpart 10 does not address how long these records should be retained. It is recommended that they be retained for at least ten (10) years.
- a. These injury records should be sent to the Board, who should have a staff person tasked with reviewing them for patterns and commonalities.

**F. Licensing exam**

- a. Need to assure a process is in place to update any questions related to statutes and case law in real time/immediately, rather than awaiting the annual review process.
- b. Test performance should be correlated to the PPOE program from which the candidate graduated to determine if there are patterns of deficiencies in knowledge or performance from specific institutions, either as a whole or in certain topic areas. This would allow the Board to work with that institution to address the deficiencies or to take other actions, as appropriate.



## **Regulatory Functions**

### **A. Minimum Selection Standards**

- a. 626.87 requires that law enforcement agencies conduct a thorough background investigation on all peace officer applicants to ensure POST and CJIS standards are met. 6700.0700 details the requirements of the background investigation. The CLEO of the hiring agency is required to maintain the investigation and make it available for POST inspection at the request of the Board.
  1. Rather than simply offering the “Minimum Selection Standards and Thorough Background for Hiring” as a guide, MN POST should mandate minimum background investigation steps and criteria to assure critical information is gathered and vetted.
- b. 6700.0700 MINIMUM SELECTION STANDARDS states “existence of any criminal record *or conduct* [emphasis added] which would adversely affect the performance by the applicant of peace officer duties.”).
  1. The ability to use non-conviction conduct should be more clearly articulated in statute and/or regulation.
  2. The list should be expanded to include noncriminal behaviors that indicate a person may not be suited for police work. For example, dishonesty or patterns of discriminatory behavior is not generally criminal in nature, but a pattern of it can wreak havoc within the profession.

### **B. Discipline/Revocation**

- a. As mentioned above, the list of conduct for which licenses may be denied, suspended, or revoked is focused mainly on criminal activity. It should be expanded to include more noncriminal conduct that demonstrates violations of public trust that may not be criminal in nature.
- b. Recognizing that POST does not conduct its own investigations and relies upon designated agencies, as appointed by the Executive Director, nonetheless, there should be a written procedure and set of criteria for initiating and conducting investigations and for adjudicatory hearings.
- c. The Board should also invoke or seek authority to utilize subpoena powers consistent with state statutes.

### **C. Licensee records**

- a. Best practices for protection from identity theft suggest keeping date of birth information confidential. On the other hand, there is significant public interest in making POST records available for public inspection, to include training, certification and employment records and utilizing a date of birth as a unique

identifier. Nonetheless, it is possible to create an identification system that utilizes unique identifiers other than dates of birth and Social Security numbers.

#### **D. Compliance and monitoring**

- a. 626.8471 Subdivision 6 requires the Board to “evaluate and monitor in-service training courses [regarding racial profiling] to ensure they satisfy the learning objectives.” Currently this is not being done. Courses should be monitored periodically to assure learning objectives are being delivered as intended and classes are utilizing approved lesson plans. Recognizing that this is a staffing issue, the Minnesota POST Board should pursue adequate staffing or task realignment to assure monitoring can occur.
- b. 626.8459 requires, “*Each year, the Board shall conduct compliance reviews of all state and local law enforcement agencies. The compliance reviews must ensure that the agencies are complying with all requirements imposed on them by statute and rule...*”
  1. The Board should be given sufficient funding, resources, and staffing to enable it to comply with the statutory requirement of annual compliance reviews.
  2. The current goal is for an auditor to inspect 4 to 5 agencies per day. While this is likely efficient from a travel perspective, it seems to be an aggressive schedule that could create pressure to take shortcuts during the audit. POST should be allocated sufficient staffing to allow for audits to be given more time, as deemed necessary.

#### **E. Requirements for notification of misconduct by licensee**

- a. 6700.1400 Subpart 1 The notification to the Board should also include the reason for the separation. Records relating to the reason for separation should be made publically available upon request for transparency purposes. This information should also be made available to any future employer to assist with background investigations.
- b. 6700.1600 Prohibited conduct should include sustained allegations of intimidation.
- c. The Board should have a proactive requirement for departments to report and provide “criminal conviction data” to the Board.
- d. Required Reporting
  1. 6700.1610 Subpart 2 requires a licensee to report allegations of misconduct to the Board and chief law enforcement officer, according to POST staff, most frequently the reports come from the Chief Law Enforcement Officer or designee.
  2. Although it can be argued that the chief law enforcement officer is a licensee, the regulation should clearly state that the CLEO is also be required to report to the Board any allegations of misconduct of which they becomes aware.

3. The reporting requirement in Rule 6700.1610 Subpart 2 should be rewritten to clearly articulate that *any* licensee who becomes aware of potential misconduct be required to report it to the POST Board and the CLEO, unless the conduct involves the CLEO.
4. As stated reporting requirement should be rewritten to clearly articulate that *any* licensee who becomes aware of potential misconduct be required to report it to the POST Board and the CLEO, (only the POST Board if the conduct involves the CLEO.)
5. The annual summary data should be expanded to include more detailed information regarding the allegations of misconduct, to include the allegation and the disposition of any subsequent investigation. A Board staff member should be tasked with reviewing the annual summary data submitted by CLEOs to look for cases or matters that potentially should have been reported to the Board pursuant to rule and statute.

**F. Complaint system/process**

- a. Although it is understandable that formal complaints must be in writing; even verbal and anonymous complaints should be investigated. Complaints should also be cataloged to allow for the establishment of patterns and be made available for public inspection.
- b. The in-house "Complaint Process" should be incorporated into the formal "POST Board Complaint Process" policy document. The letter should include a statement to the complainant that even though the allegations did not fall within the purview of the Board, the allegations are cataloged and are forwarded to the CLEO of the licensee, and provide contact information for the CLEO. (Best community engagement practices.)
- c. Currently, complaints determined to be "unfounded" are not retained. This practice should be revisited, and ALL allegations of misconduct should be retained. Unfortunately, there are too many examples of allegations of misconduct that were initially deemed unfounded, only to later be found to be a pattern of behavior.