



Minnesota Board of Peace Officer Standards and Training

1600 University Avenue, Suite 200
St. Paul, MN 55104-3825
(651) 643-3060 • Fax (651) 643-3072
www.post.state.mn.us

February 1, 2022

Senator Warren Limmer, Chair, Senate
Judiciary and Public Safety Finance Policy
Committee sen.warren.limmer@senate.mn

Representative Carlos Mariani, Chair, Public
Safety and Criminal Justice Reform Finance
and Policy Committee
rep.carlos.mariani@house.mn

Senator Ron Latz, Ranking Minority
Member, Senate Judiciary and Public Safety
Finance Policy Committee
sen.ron.latz@senate.mn

Representative Brian Johnson, Ranking
Minority Member, Public Safety and Criminal
Justice Reform Finance and Policy
Committee rep.brian.johnson@house.mn

Ms. Elizabeth Lincoln, Director, Legislative
Reference Library
elizabeth.lincoln@lrl.leg.mn

Subject: Annual Report on Ensuring Police Excellence and Improving Community Relations Advisory Council Minn. Stat. 626.8435, Subd. 6.

Dear Senators, Representatives, Director Lincoln:

Minnesota Statutes, section 626.8435, subdivision 6, requires the council to submit a report by February 15 of each year to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and the board.

The Ensuring Police Excellence and Improving Community Relations Advisory Council held nine meetings during calendar year 2021.

Minn. Stat. 626.8435, Subd. 6 (1) *all recommendations presented to the board and how the board acted on those recommendations:*

Recommendation 1:

Immediately require that police officers follow their own local policies for public assembly response or face licensure action (as a minimum standard) in preparation for the Derek Chauvin trial.

POST Board Action:

This was first discussed at the April 22, 2021 full board meeting, staff was directed to seek clarification regarding the ability of the POST board to take licensing sanctions against individual officers for policy violations. Under current POST rule, the POST board enforces policy adoption, dissemination and training on the Chief Law Enforcement Officer (CLEO) and violations of those policies are the responsibility of the CLEO and the agency. At the July 22, 2021 POST Board meeting, it was confirmed by staff, in discussion with Board counsel that the POST Board does not have the authority to enforce model policy violations against individual officers. No further action taken.

Recommendation 2:

By December 15, 2021, the board, in consultation with the legislative councils of color, the American Civil Liberties Union, community organizations that lead direct action campaigns, the Minnesota Chiefs of Police Association, the Minnesota Sheriffs' Association and other interested parties, must develop a comprehensive model policy on responding to public assemblies. The policy must be based on best practices in public gathering management drawn from both domestic and international sources. The board must distribute the model policy to all chief law enforcement officers.

Agency policies required:

- By March 15, 2022, the chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy that is identical or substantially similar to the board's model policy described in subdivision 1.
- Every state and local law enforcement agency must certify to the board that it has adopted a written policy in compliance with this subdivision.
- The board must assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing policies under this subdivision.

POST Board Action:

At the April 22, 2021 POST Board meeting, staff were directed to create an ad-hoc working group to develop a best-practices model policy on Public Assembly/First Amendment Activity. That group was convened, completed its work and the final draft of the policy was adopted by the POST Board at its July 22, 2021 meeting. Making this policy a required model policy requires legislation and/or rule making. It is currently being considered as a part of the rules overhaul that is ongoing in calendar year 2022.

Recommendation 3:

Require that the POST Board call an emergency special meeting to take place prior to the Chauvin trial in order to put the first recommendation into rule.

POST Board Action:

This was an unrealistic request due to the length of time necessary to engage in rule-making or passing legislation which would have been necessary in order for recommendation one to be enforceable. As a result, the request to call an emergency special meeting for this purpose as well as prior to the Chauvin trial was rejected.

Minn. Stat. 626.8435, Subd. 6 (2) *recommendations for statutory reform or legislative initiatives intended to promote police-community relations*: None.

Minn. Stat. 626.8435, Subd. 6 (3) *updates on the council's review and determinations*: None.

Please do not hesitate to contact me at 651-201-7789 or email erik.misselt@state.mn.us with questions or if I can provide further assistance.

Sincerely,



Erik Misselt