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Minnesota Board of Peace Officer Standards and Training

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<https://dps.mn.gov/entity/post/Pages/default.aspx>

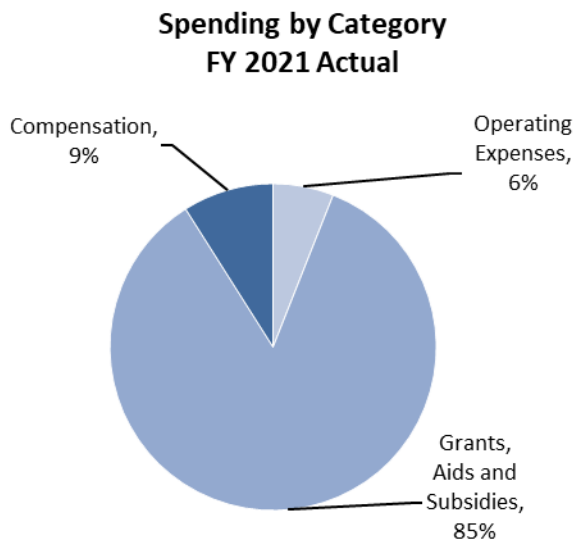
AT A GLANCE

- License more than 11,000 peace officers and part-time peace officers.
- Certify the Professional Peace Officer Education programs at 30 colleges and universities.
- Conduct law enforcement agency compliance reviews.
- Process complaints of peace officer misconduct.
- The POST Board serves more than 420 law enforcement agencies, 30 colleges and universities, legislators and Governor’s office, local elected officials, other state agencies, as well as special interest groups, individual citizens and the media.

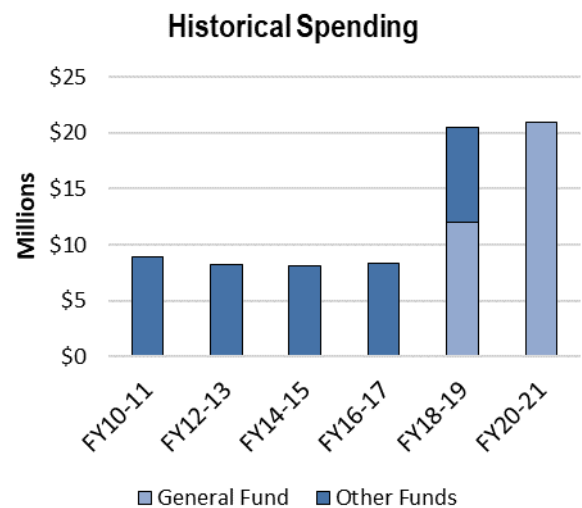
PURPOSE

The mission of the Minnesota Board of Peace Officer Standards and Training (POST Board) is to advance the professionalism of Minnesota’s peace officers by adopting and regulating education, selection, licensing and training standards. Established in 1978 by M.S. 626.84 (<https://www.revisor.mn.gov/statutes/cite/626.84>) the purpose of the POST Board is to regulate and enhance the profession of law enforcement throughout the state of Minnesota.

BUDGET



Source: Budget Planning & Analysis System (BPAS)



Source: Consolidated Fund Statement

The POST Board is completely funded through the general fund starting in FY 2020.

The budget for FY 20-21 from the general fund is \$20,692,000 and it is allocated as follows:

- Training reimbursements to local governments: \$18,298,000
- General operating costs:..... \$2,594,000
- The POST Board has 15 full-time employees.

STRATEGIES

The POST Board's mission is implemented through the following functions:

Education

- establish and maintain pre-service education learning objectives
- manage a training reimbursement fund for law enforcement agencies

Licensing and Compliance

- administer license exams (peace officer, interstate reciprocity and military reciprocity)
- license peace officers
- renew and restore peace officer licenses
- ensure compliance with standards of conduct
- ensure compliance with in-service continuing education requirements
- conduct annual on-site compliance reviews of the state's 418 law enforcement agencies every 4-5 years
- process allegations of misconduct and impartial policing complaints
- Collect allegations of misconduct from law enforcement agencies in real time and promulgate reports per Minn. Stat. 626.8457(<https://www.revisor.mn.gov/statutes/cite/626.8457>)

Efficiency

- administer on-line examination process and administer current computer system enhancements to data collection, processing and data storage
- manage the in-house e-licensing system
- manage the in-house continuing education tracking system for licensees
- perform other duties and services as mandated by the legislature

RESULTS

While Board and staff members are comfortable and experienced in their role as the State's regulatory agency for law enforcement, POST also serves a parallel role as a resource to law enforcement officers, chiefs, sheriffs and state agency directors.

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Awarded new peace officer license	538	706	FY 21/FY22
Quantity	Administered peace officer exams	859	983	FY 21/FY22
Quantity	Conducted on-site law enforcement agency compliance reviews	2	165	FY 21/FY22

POST's enabling legislation was created in 1977 session law and later codified under M.S. 626.84 (<https://www.revisor.mn.gov/statutes/cite/626.84>), which provides the legal authority for the POST Board.

(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base		Governor's Recommendation	
					FY24	FY25	FY24	FY25
<u>Expenditures by Fund</u>								
1000 - General	10,084	11,240	11,093	12,024	11,554	11,554	12,428	12,282
Total	10,084	11,240	11,093	12,024	11,554	11,554	12,428	12,282
Biennial Change				1,794		(9)		1,593
Biennial % Change				8		(0)		7
Governor's Change from Base								1,602
Governor's % Change from Base								7

Expenditures by Program

Peace Officers Standards & Training	10,084	11,240	11,093	12,024	11,554	11,554	12,428	12,282
Total	10,084	11,240	11,093	12,024	11,554	11,554	12,428	12,282

Expenditures by Category

Compensation	944	982	1,203	1,600	1,637	1,684	2,283	2,382
Operating Expenses	217	799	932	1,469	962	915	1,190	945
Grants, Aids and Subsidies	8,923	9,459	8,949	8,949	8,949	8,949	8,949	8,949
Capital Outlay-Real Property				1	1	1	1	1
Other Financial Transaction		0	9	5	5	5	5	5
Total	10,084	11,240	11,093	12,024	11,554	11,554	12,428	12,282

Full-Time Equivalent

	8.83	9.25	11.61	15.00	15.00	15.00	19.00	19.00
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(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base FY24 FY25		Governor's Recommendation FY24 FY25	
1000 - General								
Balance Forward In		298		470				
Direct Appropriation	10,346	14,110	11,563	11,554	11,554	11,554	12,428	12,282
Transfers Out		175						
Cancellations		2,993						
Balance Forward Out	262		470					
Expenditures	10,084	11,240	11,093	12,024	11,554	11,554	12,428	12,282
Biennial Change in Expenditures				1,794		(9)		1,593
Biennial % Change in Expenditures				8		(0)		7
Governor's Change from Base								1,602
Governor's % Change from Base								7
Full-Time Equivalents	8.31	9.25	11.61	15.00	15.00	15.00	19.00	19.00
2000 - Restrict Misc Special Revenue								
Full-Time Equivalents	0.52							

(Dollars in Thousands)

	FY23	FY24	FY25	Biennium 2024-25
Direct				
Fund: 1000 - General				
FY2023 Appropriations	11,554	11,554	11,554	23,108
Forecast Base	11,554	11,554	11,554	23,108
Change Items				
Maintain Current Service Levels		54	105	159
Additional Staffing		592	593	1,185
Space Needs for Business Operations		228	30	258
Total Governor's Recommendations	11,554	12,428	12,282	24,710
Revenue Change Summary				
Non-Dedicated				
Fund: 1000 - General				
Forecast Revenues	450	450	450	900
Total Governor's Recommendations	450	450	450	900

Minnesota Board of Peace Officer Standards and Training

FY 2024-25 Biennial Budget Change Item

Change Item Title: Maintain Current Service Levels

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	54	105	105	105
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	54	105	105	105
FTEs	0	0	0	0

Recommendation:

The Governor recommends additional funding of \$54,000 in FY 2024 and \$105,000 in each subsequent year from the general fund to maintain the current level of service delivery at the POST Board.

Rationale/Background:

Each year, the cost of doing business rises—employer-paid health care contributions, FICA and Medicare, along with other salary and compensation-related costs increase. Other operating costs, like rent and lease, fuel and utilities, and IT and legal services also grow. This cost growth puts pressure on agency operating budgets that remain flat from year to year.

Agencies face challenging decisions to manage these costs within existing budgets, while maintaining the services Minnesotans expect. From year to year, agencies find ways to become more efficient with existing resources. For the POST Board, the following efficiency has been implemented to help offset rising operating costs:

- Retrofitting existing office space for an expanding office staff’s use instead of renting additional space.

However, cost growth typically outstrips efficiencies, and without additional resources added to agency budgets, service delivery erodes.

For POST Board, operating cost pressures exist in multiple categories—increases in compensation and insurance costs at the agency, increasing costs to maintain our current staff complement in a challenging labor market, and increasing IT costs. If an operational increase is not provided, the services the POST Board delivers to Minnesotans will be impacted. Some examples of potential impacts include:

- Delays in the completion of compliance reviews of all state and local Minnesota law enforcement agencies.
- Delays in responding to complaints received by the POST Board regarding law enforcement regulations and operations.

Proposal:

The Governor recommends increasing agency operating budgets to support maintaining the delivery of current services. For the POST Board, this funding will cover maintaining the same level of service that the office provides without having to decrease FTEs.

Results:

This proposal is intended to allow the POST Board to continue to provide current levels of service and information to the public.

Minnesota Board of Peace Officer Standards and Training

FY 2024-25 Biennial Budget Change Item

Change Item Title: Additional Staffing

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	592	593	576	576
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	592	593	576	576
FTEs	4	4	4	4

Recommendation:

The Governor recommends funding for the Minnesota Board of Peace Officer Standards and Training (POST) to increase staffing. The basis for this request is to address an anticipated increase in the duties and responsibilities of POST Board staff due to the broadening of the POST Board’s jurisdiction; and, because of rulemaking, real-time complaint reporting, and to improve the annual law enforcement agency compliance review capacity to more closely align with statutory requirements.

Rationale/Background:

POST Board rules have not undergone any significant updates since they were originally promulgated in 1977 with the creation of the POST Board. At that time, the POST Board had a limited scope in terms of its regulatory authority over peace officer licensing. As expectations from citizens, governing authorities and police agencies themselves have changed, POST rules have not similarly been adjusted.

As a result, the POST Board began the process of a comprehensive overhaul of the rules contained in Chapter 6700 beginning in 2020. Additionally, the POST Board commissioned an audit by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) to assess POST Board business practices in the areas of police pre-service education, continuing education and regulation. The results of that audit served to inform rulemaking and are incorporated in the need for additional staffing.

Since 2020, the legislature has passed several articles of legislation that impact POST. While not all are directly related to POST’s regulatory function, these laws have impacted POST’s overall workload. Specifically, the passage of Minn. Stat. 626.8457, requiring real-time reporting of misconduct complaints against peace officers, has required almost exclusive management by one of POST’s three Standards Coordinators. The management duties require diligent administration of system maintenance, user education and reviewing reports of potential misconduct submitted by Chief Law Enforcement Officers (CLEOs). This requirement to report in real time, combined with the expected increase in number complaints that is expected with the proposed rule changes, supports the need for additional POST Standards Coordinators.

Finally, Minn. Stat. 626.8459 requires that the board conduct annual compliance reviews on all state and local law enforcement agencies. Currently, there are over 400 law enforcement agencies in the State of Minnesota. In its history, POST has never been accordingly staffed to conduct comprehensive and in-person compliance reviews on an annual basis. To date, the annual self-reporting by agencies of policy compliance and allegations of misconduct is accomplished. This process has been the standard for POST to maintain compliance with state statute. POST does perform in-person/site visit compliance reviews; however, the comprehensive nature of the process and the

limited staffing of Standards Coordinators has resulted in agencies receiving a visit from POST approximately once every five years. While the increase in Standard Coordinator staffing identified in this request would not allow for an annual compliance review of every agency, it will allow POST to narrow the gap and provide for an agency visit bi-annually as opposed to the current five-year cycle.

Projected increase in allegations

With adoption of the new rules specifically related to new standards of conduct, POST predicts the potential for a ten-fold increase in allegations that will now be within POST jurisdiction. As an example, POST and police agencies receive a large number of complaints alleging excessive use of force by officers. Under previous POST rules, only allegations of unauthorized use of deadly force fell within POST jurisdiction. The new rules bring allegations of excessive force under POST jurisdiction and subject to licensing sanctions. This change alone is expected to have a significant impact on the number of allegations POST will be expected to process, and significantly increases the need for additional staff resources. The inclusion of the “conduct unbecoming standard” within POST jurisdiction is likely to have an even greater impact on POST workload.

The following chart provides data on the number of reports and allegations that POST has received through the misconduct reporting database, as required by Minn. Stat. 626.8457, from July of 2021 to September of 2022.

Mandatory Policy Violation	# of Reports	# of Allegations
Allegations of Misconduct Model Policy - MN RULES 6700.2200	29	37
Avoiding Racial Profiling Model Policy - MN STAT 626.8471, subd. 4	15	22
Domestic Abuse Model Policy - MN STAT 629.342	7	7
Investigation of Sexual Assault Model Policy - MN STAT 626.8442	4	7
Portable Recording Systems Adoption - MN STAT 626.8473	3	3
Predatory Offender Registration and Community Notification Model Policy - Minnesota Session Laws 1996, Chapter 408, Art. 5, Sec. 7	1	1
Professional Conduct of Officers (Conduct Unbecoming Model Policy) - MN STAT 626.8457	280	365
Use of Force Model Policy - MN STAT 626.8452, subd. 1, 1a	80	115
Vehicle Pursuit and Emergency Vehicle Operations Model Policy - MN RULES 6700.2700-6700.2704 MN STAT 626.8458, subd. 2	61	94

Previously, the majority of the existing POST standards of conduct first required criminal convictions in order to be within POST jurisdiction. As an example, for the Board to impose licensing sanctions regarding the professional conduct of officers, a conviction was necessary under Minn. Stat. 609.43, Misconduct of a Public Officer or Employee. Presently, under the new rule standards, neither a conviction nor even a charge is required to bring the matter under POST jurisdiction. This will result in many of the reports listed above now being within POST jurisdiction and will significantly increase the demand on POST staff.

To provide additional context for the information above, the Complaint Investigation Committee (CIC) currently addresses about 30 in-jurisdiction disciplinary cases per year. Based upon actual numbers reported above, it is not unreasonable to predict that 30 in-jurisdiction cases could become 375. POST Standards Coordinators are the staff primarily tasked with gathering and organizing information, obtaining relevant documents, and liaising with agencies that have been ordered to conduct investigations on POST’s behalf, as well as working with the home agency of the officer that is alleged to have violated a POST standard of conduct.

Despite the strong evidence of a ten-fold increase in workload for Standards Coordinators, POST cannot completely predict what the actual final numbers will be. However, it is POST’s position that asking for an increase of three new coordinators, in addition to the three that are currently authorized, is not unreasonable.

Uncertainty of data-sharing legislation

Other boards have statutes in place that allow and even require local government officials and agencies to share private data with the board having jurisdiction, including data that falls under Minn. Stat. 13.43, personnel data. As an example, Minn. Stat. 112A.20 requires local school boards, directors, superintendents, etc. to provide information from, among other things, investigatory files, to the Professional Educator Licensing and Standards Board (PELSB). In fact, much like POST, PELSB does not conduct their own investigations but instead requires the school district to conduct the investigation and then forward the report to PELSB. In most cases that come before POST, the agency employing the licensee has already completed an internal investigation, collecting much of the same data that the POST Board needs in order to determine whether or not a violation that justifies licensing sanctions has occurred.

Currently, as POST has tried to investigate alleged licensee misconduct by ordering investigations that are in its jurisdiction, local government entities and agencies, on advice of counsel, have refused to provide investigatory file information, body-worn camera files, etc. In doing so, they often cite data practices restrictions under Minn. Stat. 13.43. This has even occurred in cases where the Chief Law Enforcement Officer has reported licensee misconduct, asked for POST Board review and desired to cooperate with the investigation.

In response, the POST Board has had to issue subpoenas and obtain court orders in many cases in order to obtain the relevant not-public data from employing agencies. Standards Coordinators are required to complete that process because the agency ordered to do the investigation on POST's behalf does not have the authority to do so. Standards Coordinators, working with the Attorney General's Office, must shepherd the entire process, including ensuring proper document service, communication with all parties, etc. This is a labor-intensive process and if the increase in jurisdictional complaints occurs as predicted, it provides additional justification for the increase in staffing requested in this proposal.

While POST will seek legislative action to create a data-sharing statute similar to those available to other regulatory boards, it is unclear whether the legislature would provide the necessary authorization. Without this statute, it will fall to POST staff to coordinate the re-investigation of allegations of officer misconduct. Even if a data-sharing statute is passed, POST staff will still be required to coordinate the additional investigations and lead the process. The statute will only eliminate the added burden of requiring an independent agency to complete a separate investigation.

Unworkable supervisory span of control

Included in this proposal is a request for an additional supervisory/middle manager position. Currently, there are only two supervisory positions at POST: the Executive Director (ED) and the Assistant Executive Director (AED). The AED reports directly to the ED, while the remaining 13 staff members directly report to the AED. Arguably, 13 direct reports already exceed what is best practice, but increasing that number to 16 direct reports is untenable. The addition of a supervisor, who would also act as a case coordinator for the Standards Coordinators, would alleviate this span of control issue.

Proposal:

This proposal will add four staff positions to the POST board to address a predicted increase in workload due to significant expansion of POST board jurisdiction through recent rulemaking. Additionally, this proposal will enhance the ability of POST to more closely adhere to its statutory responsibilities under Minn. Stat. 626.8459 that requires annual compliance reviews of law enforcement agencies.

The addition of these staff positions will:

- Allow POST to address the predicted increase of in-jurisdiction cases in a professional and timely manner.
 - Minn. Stat. 214.10 subd. 10 allows the ED to order a designated agency to investigate complaints and requires that agency to submit a report to the board within 30 days of the order. POST

Standards Coordinators are the lead staff person in these investigations and must work with the investigating agency to ensure statutory timelines are met.

- This will ensure that officers accused of misconduct that falls within POST jurisdiction are afforded a speedy resolution to their case versus having the complaint languish at the state level, leaving them uncertain as to their licensure status for an extended period of time.
- Increase POST capacity to conduct agency compliance reviews as required by Minn. Stat. 626.8459 to an extent that will allow a review by POST bi-annually versus approximately once every five years as is currently the case.
- Improve supervisory span of control and specifically designate a manager to not only oversee the compliance and regulatory function carried out by the Standards Coordinators, but also to assist them with case management.

Proposal detail:

The estimated cost of the proposal is an increase of \$592,000 in FY2024, \$593,000 in FY2025, and \$576,000 every year thereafter over the current POST base budget. This includes start up and equipment/IT costs in FY2024 and maintenance in subsequent years.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

- Yes
- No

IT Costs

No project specific IT costs are anticipated or included in this funding request. Regular IT expenditures are included and detailed in the proposal detail.

Results:

Performance measures:

Without the additional staffing, POST capacity to handle in-jurisdiction disciplinary cases is likely capped at 60 cases. This will result in a considerable backlog of cases and the processing of complaints and allegations will be significantly delayed or entirely screened out as not serious enough of an allegation to warrant further review, e.g., dismissed. In terms of agency compliance reviews, lack of additional staffing will result in the maintenance of POST’s current capacity, meaning that most agencies will receive a compliance review approximately once every five years.

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Current Value</i>	<i>Date</i>	<i>Projected Value (without)</i>	<i>Projected Value (with)</i>	<i>Date</i>
Quantity	In-jurisdiction disciplinary cases annually	30	2022	60 annually	300+ annually	Ongoing
Quantity	Agency compliance Reviews	~100	2021-2022	~100 annually	~250 annually	Ongoing

Minnesota Board of Peace Officer Standards and Training

FY 2024-25 Biennial Budget Change Item

Change Item Title: Space Needs for Business Operations

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	228	30	30	30
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	228	30	30	30
FTEs	0	0	0	0

Recommendation:

The Governor recommends funds for the Minnesota Board of Peace Officer Standards and Training (POST) to address space needs for business operations. The basis for this request is to address an anticipated increase in the duties and responsibilities of POST Board staff due to the broadening of the POST Board’s jurisdiction; and, as a result of rulemaking, real-time complaint reporting, and to improve the annual law enforcement agency compliance review capacity to more closely align with statutory requirements. The additional space will address office space needs for existing staff, the increase in the number of POST Board members and office space needs for additional staff (requested in a separate FY2024-25 change item).

Rationale/Background:

POST Board rules have not undergone any significant updates since they were originally promulgated in 1977 with the creation of the POST Board. At that time, the POST Board had a limited scope in terms of its regulatory authority over peace officer licensing. As expectations from citizens, governing authorities and police agencies themselves have changed, POST rules have not similarly been adjusted.

As a result, POST has undertaken a comprehensive rulemaking effort and other operational changes. The legislature has passed a number of pieces of legislation that have, and likely will continue to, increase the POST Board’s workload. As articulated in a separate FY2024-25 change item, POST has requested four additional staff to address the anticipated workload increase.

In 2020, the legislature passed a number of pieces of legislation that had the effect of increasing the POST Board’s workload. As a part of those efforts, two additional positions were appropriated with a third position added in the 2021 legislative session. They also increased the number of POST Board members from 15 to 17.

POST did not expand its facility with these staff and board additions, instead retrofitting a storage room and a small conference room to create additional office space for the new staff. The addition of the third staff member required POST to create a shared space in an existing office with two staff members alternating days in the office because of the limited space. The Board room, which was already under-sized for 15 board members, is now inadequate with the addition of two new positions on the board.

In summary, POST has need of additional office space based on current conditions as well as to accommodate an additional four staff members to address an increased projected workload.

Proposal:

This proposal will add approximately 1,200 square feet of space to accommodate existing space needs and future staff expansion.

The POST Board currently occupies approximately 4,485 square feet. This proposal would increase office space to approximately 5,671 square feet and allow POST to:

- Provide appropriate dedicated office space to all staff.
- Provide appropriate dedicated meeting space for the full board, all sub-committees, and working groups that the board engages with on a regular basis.

Proposal detail:

The estimated cost of the proposal is an increase of \$198,485 in FY2024 and \$30,000 in FY2025 and every year thereafter over the current POST base budget. This includes moving and remodel costs in FY2024 and the increase in monthly rent in subsequent years.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

Yes

No

IT Costs

No project specific IT costs are anticipated or included in this funding request.

Results:

Approval of this change item will result in POST's ability to alleviate current space needs and accommodate additional staffing capacity. This will allow POST to continue to carry out its peace officer regulatory and licensing duties in a professional and timely manner.