



Minnesota Board of Peace Officer Standards and Training

CLEO and Command Academy

Presented: February 7, 2024

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Standards Coordinator Supervisor Angie Rohow

- Overview of POST
- Responsibilities of the CLEO
 - Mandatory Model Policies
 - Hiring (HR) Requirements
 - Annual Training Requirements/Renewal/Reimbursement
 - Reporting Officer Misconduct Allegations
 - Compliance Reviews
- Questions



Minnesota Board of Peace Officer Standards and Training

POST Overview

POST Board Introduction

- Created by legislation in 1977
- 626.84: Enabling Legislation
- 214: Governs Licensing Boards Generally
- Chap. 6700: Administrative Rules

- Licensing and Regulatory agency:
 - Executive Branch
 - Members appointed by the Governor
 - Oversees:
 - Pre-service education
 - Testing
 - Licensing
 - Continuing Education
 - Violations of standards of conduct and licensure

POST Board Members

17 Members Appointed by the Governor to 4-year staggered terms

- BCA Supt. (only ex-officio member)
- 2 Police Chiefs
- 2 Sheriffs
- 4 Peace Officers (one trooper)
- 2 Former Officers current LE faculty members
- 1 College Administrator
- 4 Public Members
- 1 Elected Official (Community outside of metro <5,000)

POST Stakeholders

- Peace Officers
- Citizens
- MPPOA, MCPA, MSA (assoc.)
- Courts
- LMC
- Other state agencies
- Governor's Office
- Legislature
- Special interest groups
- Media

407 law enforcement agencies

- Municipal PDs 297
- Sheriffs' Offices 87
- Tribal PDs 9
- Non-municipal PDs 8
- State Agencies 6



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Mandated Model Policies

15 Mandated Model Policies

1. Use of Force (annually)
2. Eyewitness Identification Procedures
3. Allegations of Misconduct (investigate)
4. Professional Conduct (agency policy)
5. Domestic Abuse
6. Avoiding Racial Profiling
7. Investigation of Sexual Assault
8. Missing and Endangered Persons

15 Mandated Model Policies

9. Predatory Offender Notification
10. Vehicle Pursuit / EVOG (every 5 years)
11. Criminal Conduct on School Buses
12. Lighting exemptions for LE vehicles
13. Administrative Forfeiture
14. Confidential Informants
15. Public Assembly/First Amendment Activity

Provisional Model Policies

- Supervision of Part-time licensed officers (Model policy available)
- Automated License Plate Reader Policy (No POST model policy)
- Portable Recording Systems (BWC, Squad video) (No POST model policy)
- Use of Unmanned Aerial Vehicles (No POST model policy)



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HR Requirements and Duties

Minn. Rule 6700.0700 Minimum Selection Standards:

- A U.S. citizen or eligible to work in the U.S. under federal law.
- Possess a valid driver's license.
- Complete a written personal history form.
- May not be a convicted felon.
- May not be convicted of certain misdemeanors.
- May not be a registered Predatory Offender.
- Fingerprints must be submitted to BCA and FBI.
- Must be examined by a licensed medical professional.

Minn. Rule 6700.0700 Minimum Selection Standards:

- Participate in an oral interview.
- Have completed EMR training or equivalent
- Not be listed on the NDI or have had license or certification in any state revoked or rescinded.
- Be free of discriminatory conduct.
- Have no record of conduct with:
 - A hate or extremist group (def. 6700.0100, subp. 29)
 - A criminal gang (MSS. 609.229 Subd. 1)

Hiring Requirements/HR Duties

Some applicants are “grandfathered in” and exempt from certain minimum selection standards

§ Subp. 1a. **Exempt officers.** An officer with a current active or current inactive license on June 1, 2023, is exempt, as applied to conduct that occurred before June 1, 2023, from minimum selection requirements under items A and B, unless that license was inactive for a period of more than 12 consecutive months at any time after June 1, 2023:

- A. subpart 1, item D, subitem (3), units (b), (d) to (j), and (p) to (u); and
- B. subpart 1, items E, F, G, and K.

Subp. 1b. **Exempt unlicensed applicants.** Unlicensed applicants who enrolled in a professional peace officer education program or an agency cadet or training program prior to January 1, 2023, and completed the program and passed the licensing exam before December 31, 2028, are exempt from the following minimum selection requirements for conduct that occurred prior to January 1, 2023, when applying for a law enforcement position:

- A. subpart 1, item D, subitem (3), units (b), (d) to (j), and (p) to (u); and
- B. subpart 1, items E, F, G, and K.



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Background Investigations

Minn. Statute 626.87:

- The applicant shall submit to a thorough background investigation...
 - This was not defined until the most recent rulemaking created a new section, 6700.0670 which lays out everything a CLEO needs to know about background investigation requirements.

Background Investigation

Rule 6700.0670:

- **Background investigations initiated 6/1/23 or later must meet new requirements**
- A background investigation is required for every new hire, including currently licensed officers (one exemption)
- Completed investigations are valid for only 6 months, then must be “refreshed”
- Retention: Hired = length of employment, not hired = 6 years or agency retention schedule (which ever is longer)
- CLEO must ensure POST is notified:
 - When you start a background
 - When you discover a disqualification under 6700.0700, or
 - You uncover a violation of standards of conduct under 6700.1600

Background Investigation

- **Applicants must, at a minimum, provide:**
 - Residential history
 - Names and aliases
 - Agencies applied at in past 6 years
 - Social Media accounts/platforms (not log in information)
 - Any court findings or discipline
 - Any other information as requested by agency

Background Investigation

- **Your agency must address/investigate the following:**

- Applicant is U.S. Citizen or legal to work in U.S.
- Criminal history & fingerprints
- Driving record of all applicable states
- Applicants use of alcohol and drugs
- History of discriminatory conduct
- History of activity with extremist group or criminal gang
- Employment, military, social media, education, and financial history
- **Records from previous LE employers** and inquiry with “prosecuting authorities” for Brady issues for lateral transfers/licensed individuals

Exemption to Full Background Investigation

- For a seasonal or temporary position (see definitions in 6700.0100), when the agency selects a currently licensed and currently employed officer, the agency may decide to limit the investigation to a criminal history check and driving records check. Requires written confirmation from current employing agency. Review MN Rule 6700.0670 Subp. 2(B) for specifics.

Other POST HR Duties

1. As CLEO, there are several personnel related duties that you have. You will either handle these or have a delegate that you appoint take care of it.
2. Duties
 1. Submitting a request for license (initial hire, new officer)
 2. Submitting a personnel notification form (lateral transfer – already has a license)
 3. Termination (covers retirement, resignation, termination for cause, etc.)



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Psychological Screening

New Section 6700.0675:

- **Psychs initiated 6/1/23 or later must meet new requirements**
 - Be conducted by licensed psychologist
 - Include written test battery relevant to LE
 - Interview
 - Psychologist must provide a written report and speak on applicant's history of discriminatory conduct, evaluation of emotional and mental conditions not conducive to LE
 - Screenings are required for every new hire for both new applicants and licensed officers.
- **The agency is not required to screen the applicant when:**
 - The position being filled meets the definition of a temporary or seasonal position as defined in Minnesota Rules 6700.0100; **and** the new hire is a currently licensed officer, as verified in writing by the current employing agency

Rule Changes – Psychological Screening

- Results of screening must be retained by agency
 - If hired, keep as long as person is employed
 - If not hired, keep for 6 years or per agency's retention schedule (whichever is longer)



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Annual Training Requirements/Renewal/Reimbursement

CLEO Responsibilities - License Renewal

POST sends notice and reminders regarding renewal the beginning of February

1. In January-February of each year, review your roster for accuracy, submit personnel notifications/terminations as needed.
2. Ensure that your officers due for renewal have:
 1. All of their mandated training completed. Beginning in 2022, if the system does not show that the officer has completed the mandated training credits, they will not be able to renew.
 2. A minimum of 48 credits **in the POST system**. If the system does not have 48 credits for the officer in the POST system, they will not be able to renew.
 3. All of this can be checked within the portal under your agency license.

CLEO Responsibilities - License Renewal

3. If your agency pays for officer renewal, you can control when you do renewal.
 1. The best way to renew all of your officers is to do it online through your portal.
 1. The system will automatically only allow you to renew officers who have met the credit requirements.
4. If your agency requires officers to pay for their own licenses, get on them early and often to get it done.
5. Regardless of which scenario applies, **DO NOT PROCRASTINATE!**

CLEO Responsibilities - License Renewal

Any officer due for renewal, that does not renew by midnight on June 30th will be expired and is not allowed to work. If that officer is found to have worked a shift without their license, not only are they subject to sanctions but the CLEO is as well.

Training Fund Reimbursement

There are two different sources of training reimbursement funds available to local and county police agencies

- POST Continuing Education Grants (2.9 million)
 - Continually appropriated
- Philando Castile Memorial Training Fund (6 million)
 - Has been re-authorized every few years but is not guaranteed
- State agencies are excluded from reimbursement

Training Fund Reimbursement

- Eligibility for the training reimbursement:
 - Training must occur between July 1st and June 30th
 - Funds must actually be expended in order to be reimbursed
 - Correctly completed forms must be submitted by deadline established by POST
- Reimbursement is calculated at a “per officer” rate
 - The rate is determined by dividing the total amount available by the number of eligible officers state-wide.
 - That amount has been roughly in the \$900 to \$1,000 range per officer

Training Fund Reimbursement Examples

- Agency A spends \$80,000 on training 80 officers
 - 80 officers X \$900.00 = \$72,000
- Agency B spends \$50,000 on training 80 officers
 - 80 officers X \$900.00 = \$72,000 HOWEVER they will only receive reimbursement for the \$50,000 they actually spent.
- If an agency does not report any money spent on officer training, they will not receive any reimbursement



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Reporting Officer Misconduct Complaints

Reporting Officer Misconduct Complaints

Minnesota Statute 626.8457 was enacted, in part to:

- evaluate the effectiveness of statutorily required training;
- assist the Ensuring Police Excellence and Improving Community Relations Advisory Council in accomplishing the council's duties; and
- allow for the board, the Ensuring Police Excellence and Improving Community Relations Advisory Council, and the board's complaint investigation committee to identify patterns of behavior that suggest an officer is in crisis or is likely to violate a board-mandated model policy.

Reporting Officer Misconduct Complaints

Reporting of officer misconduct complaints under MN Stat. 626.8457 was required beginning July 1, 2021.

- Staff consulted with the various LE Associations to identify how to define what would be reported to POST
 - The statute did not provide a specific definition
- The board finalized what must be reported by CLEOs in 2021:
 - Alleged violations of the Standards of Conduct
 - Alleged violations of POST mandated model policies
 - Reports must be submitted in “real-time” and updated within 30 days of disposition.

- Standards of Conduct (selected excerpts)
 - Excessive, unauthorized or unreasonable force
 - Misuse of authority
 - Driving under the influence
 - Engaging in sexual harassment
 - Failure to intercede and report excessive force

POST Board Mandatory Policies

- Most frequently reported policy violation allegations:
 - Professional conduct of officers
 - Use of force
 - Emergency vehicle operations and pursuit

Reporting Officer Misconduct Complaints

6700.2000 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this part the terms defined have the meanings given them.

Subp. 2. **Data.** "Data" means personnel data as defined in Minnesota Statutes, section [13.43](#), subdivision 1, which is public if it falls within the categories listed in subdivision 2 of that statute.

Subp. 3. **Misconduct.** "Misconduct" means an act or omission by an employee or appointee of an agency licensed by the board which may result in disciplinary action by the agency or appointing authority.

Statutory Authority: *MS s [626.843](#); [626.845](#)*

History: *8 SR 2145*

Published Electronically: *July 9, 2008*

Login through your existing POST dashboard
<https://mnitservices.my.site.com/license/>

MINNESOTA
License Minnesota

*DO NOT CLICK THE BROWSER BACK BUTTON
[My Account](#) | [Logout](#)

Dashboard

Licenses

License Number	Type	Status	Licensee	Expiration Date
[REDACTED]	Peace Officer	Active	[REDACTED]	6/30/2025
[REDACTED]	Law Enforcement Agency	Active	[REDACTED]	

Applications

You have no Applications in our system at this time.

Exams

Application Date	Exam Type	Exam Date
6/15/2016	PPOE Exam	June 15, 2001

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- [Claim Your License](#)
- [PPOE/Reciprocity/Military Reciprocity Exam Applications](#)
- [Reinstatement Exam Application](#)

Actions

- Select an option -

- Select an option -
- Misconduct Reporting System**
- Manage Agency Roster
- Request for License
- Personnel Notification Request
- Termination Request
- Renew Officer Licenses
- Update Agency Address
- Manage Delegates
- Approve Applications Submitted by Delegate
- Annual Policy and Training Compliance Form
- Annual Alleged Misconduct Form
- Seasonal or Temporary License

Select "Misconduct Reporting System" from your LEA Actions list.



Misconduct Reporting Data

- What does POST do with this data?
 - Statutory mandate to report the data in summary form to the legislature and the public annually
 - Any violations of standards of conduct are reviewed for potential further investigation if necessary
 - POST mandated policy violations are not subject to licensure action unless they overlap with a standards of conduct violation, i.e. using unauthorized or excessive force.

Who Can Access Misconduct Data?

- Most of the data on individuals in the Misconduct Reporting System (MRS) is either private or confidential.
- If the data is private; the data can be released to the subject of the data, or to a third party if the licensee signs a release of information allowing disclosure.
- Private data on individual licensees is available to your background investigators with a signed release of information from the licensee authorizing release of the data.



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Licensure Discipline Process

Licensure Discipline Process

- POST has authority to take disciplinary action for violations of the Standards of Conduct set forth in Minn. Rules 6700.1600 and for other violations indicated in statute.
- Disciplinary investigations can be initiated via complaint from the public, a self-report from a licensee, a report from the CLEO or agency representative, and from POST staff discovering a violation during a compliance review.
- The Board has delegated authority to handle disciplinary matters to a 4-member Complaint Investigation Committee (CIC). There are 3 licensed peace officers and one public member on the committee as required by law. However, the full Board has final say in any disciplinary decision.

Effect of the Expanded Standards of Conduct

- The Rules update that took effect 6/1/2023 brought a lot of conduct into POST's jurisdiction that was previously handled only by the agency.
- Previously, almost all standards of conduct violations required a conviction for a specific crime. That is no longer the case.
- We are now beginning to see cases of excessive force and misuse of authority come before the complaint committee under the new rules.

Agency's Role

- The employing agency will likely find themselves in the middle of, and simultaneously left out of, the POST disciplinary investigation process. Agencies have the obligation to share data with POST, but POST is restricted from sharing information back to the agency unless and until discipline is imposed.
- Minn. Stat. 626.8457 Subd. 4 was added in 2023, enabling POST to obtain data from law enforcement agencies upon request if it pertains to a disciplinary matter.
- There are exemptions to complying with the request if there is an active criminal proceeding for the same incident, or if an active internal investigation exists regarding the same incident that is being investigated by the board during 45 days from the time the request was made by the board. The chief law enforcement officer, or city, county, or public official must comply with this subdivision upon completion of the internal investigation or once 45 days has passed.

- Other licensed peace officers at your agency may be interviewed by POST or an assigned investigating agency.
- Licensees have a duty to cooperate fully with an investigation, as described in Minn. Rules 6700.1610 Subd. 4:

§ Subp. 4. **Cooperation by licensee.** A licensee who is the subject of an investigation, or who is questioned in connection with an investigation, must cooperate fully with the investigation. Cooperating includes responding fully and promptly to questions raised by or on behalf of the board relating to the subject of the investigation, providing copies of records in the licensee's possession relating to matters under investigation, assisting the board in its investigation which includes executing releases for records as requested by the board, and appearing at conferences or hearings scheduled by the board.



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Compliance Reviews

POST Agency Compliance Reviews

Minn. Stat. 626.8459: “Each year the Board shall conduct compliance reviews on all law enforcement agencies.”

Currently:

- Approximately 100-120 agencies are visited by POST annually
- All agencies should expect to be visited by POST at least once every four years

POST Agency Compliance Reviews

What will be reviewed?

- Policies mandated by the legislature.
- Initial and annual training records for Use of Force and Firearms for the previous calendar year (minimally).
- Training Records for EVOC/Pursuit Driving.
- Records indicating minimum selection standards have been met.
- Three or more recently completed background investigations.
- Comparison of complaints reported to agency vis-à-vis complaints reported to the board under MN Stat. 626.8457

POST Agency Compliance Reviews

What if my policies are deficient?

- The Coordinator will assist you in understanding where, why and how your policies are deficient, and how to correct them.
- You will be given time to modify your policies.

POST Agency Compliance Reviews

Training in use of force

- Use of force and firearms training must be accomplished initially, before a peace officer is licensed and annually thereafter.
- Use of force policy training in PPOE (skills) does not meet the mandate at initial hire.
- What if I have an officer out on medical and they can't get their hands-on use of force training done during the year as required?
 - Document that fact in your training files. POST assesses the missed training on a case-by-case basis. Most agencies have the officer complete the missed training as soon as they are cleared and BEFORE they go back on regular duty.

POST Agency Compliance Reviews

Training Records:

- You must maintain training records on your officers, even if you regularly submit these records to POST.
- This is in rule and is a best practice to defend yourself against legal action or when officer training records are subpoenaed for court.

Questions?