Board of Peace Officer Standards and Training
1600 University Avenue, Suite 200, Saint Paul, MN 55104
(651) 643-3060 | www.mn.gov/post

Public Safety Advisory Council

MEETING AGENDA

Thursday, November 12, 2026, at 9:00 a.m.

This meeting will be held at the MN POST Board, 1600 University Ave, Ste 200, St. Paul, MN 55104

1. Call to Order.
2. Approval of the Agenda **ACTION.**
3. Approval of 9/10/26 Meeting Minutes **ACTION**
4. Model Policy Review: Racial Profiling and Public Assembly
5. PSAC Vacancies
6. Adjournment.

Minn. Stat. § 626.8435 PUBLIC SAFETY ADVISORY COUNCIL

(a) The purpose of the council is to assist the board in maintaining policies and regulating peace officers in a manner that ensures the protection of civil and human rights. The council shall provide for citizen involvement in policing policies, regulations, and supervision. The council shall advance policies and reforms that promote positive interactions between peace officers and the community.

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PUBLIC SAFETY ADVISORY COUNCIL MEETING MINUTES 10/8/26 9:00 a.m.

This HYBRID meeting was held at the MN POST Board office.

Members Present	Members Absent	Staff Present	Others Present
Nikki Engel	**Brady Juell**	**Erik Misselt**	
Sean Deringer	**Judy Seeburger**	**Sidney Bergum**	
Eder Castillo	**Elliot Butay**	**Jon Hoff**	
Brion Curran	**Bidal Duran**		
Carl Crawford	**Dave Titus**		
Ann Haines - Chair			

1. **Call to order:** Chair Haines called the meeting to order on Thursday, October 8, 2026, at 9:05 am.

2. **Approval of the agenda:** Chair Haines asked for a motion to approve the agenda.

    - **MOTION:** Carl Crawford moved the motion to approve the agenda. Eder Castillo seconded the motion. The motion passed via unanimous voice vote.

3. **Approval of the PSAC meeting minutes on 2/12/26:** Chair Haines asked for a motion to approve the 2/12/26 minutes.

    - **MOTION:** Erik Misselt moved the motion to approve the minutes. Nikki Engel seconded the motion. The motion passed via unanimous voice vote.

4. **Rebuilding Trust with the Latine Community (Eder Castillo):** Eder Castillo spoke to the council on rebuilding trust between the Latine Community and Minnesota Peace Officers. He proposed reviewing relevant model policies that came under spotlight during Operation Metro Surge. The Public Assembly and Racial Profiling Model Policies will be the first to be reviewed. Discussion ensued. Copies of both model policies will be sent to Council members, and the Council will reconvene at the next meeting to discuss possible revisions and subsequently passing along to the full board for consideration.

5. **Adjournment:**

    - **MOTION:** Eder Castillo moved the motion to adjourn, Erik Misselt seconded the motion. The motion passed via unanimous voice vote and the meeting adjourned at 9:49 am.

DRAFT

AVOIDING RACIAL PROFILING
[MODEL POLICY]

POLICY

The (*name of law enforcement agency*) is committed to impartial policing and reinforcing procedures that assure the public we are providing service and enforcing laws in a fair and equitable manner to all.

DEFINITIONS

Racial Profiling: has the same meaning given to it in MN Statute 626.8471, subdivision 2.

PROCEDURES

Pedestrian/vehicle stops, detentions, arrests, searches, and property seizures by peace officers shall be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. Peace officers must be able to articulate specific facts, circumstances, and conclusions that support reasonable suspicion or probable cause when conducting investigations or other law enforcement related functions.

Agency personnel shall be impartial when executing their job-related duties. This means [*officers*] shall not solely consider race, ethnicity, national origin, gender, sexual orientation, or religion in establishing reasonable suspicion or probable cause. [*Officers*] may consider the descriptors listed above when they relate to and/or specifically link to suspected unlawful or suspicious activity by a particular individual or group of individuals. In such instances, the above-mentioned attributes may be used in the same manner as age, height, weight, or other physical characteristics of specific suspects.

To prevent the perception of bias, when interacting with suspects, victims, or other members of the community, [*officers*] must:

- be respectful and professional,
- introduce or identify themselves to the citizen(s) and state the reason for the contact as soon as practical unless providing information compromises [*officer*] or public safety,
- ensure detentions are compliant with state and federal law,
- attempt to answer any relevant questions the citizen may have regarding the contact including relevant referrals to other agencies when appropriate,
- provide their last name or badge number when requested, and
- explain the basis and reason for the stop, especially when reasonable suspicion does not result in a finding of criminal or unlawful behavior/conduct.

 Revision approved by the POST Board on October 23, 2025.

DUTY TO REPORT

[*Officers*] shall promptly report any suspected or known instances of bias-based policing to a supervisor. Agency personnel should, when reasonable to do so, intervene to prevent any biased-based actions by another [*officer*]. If a supervisor receives a report of biased-based policing, the supervisor shall inform the CLEO as soon as practical so the agency may, if warranted, initiate an internal investigation into the alleged conduct.

VIOLATIONS

Sustained violations of this policy will result in remedial training and/or disciplinary action up to termination. Confirmed violations of this policy must be reported to the POST Board in accordance with the reporting requirements in MN Statute 626.8457.

TRAINING

All agency personnel must review this policy annually.

STATUTORY REFERENCES

- MN STATUTE 626.8457 – Professional Conduct of Peace Officers
- MN STATUTE 626.8471 – Avoiding Racial Profiling; Policies and Learning Objectives Required
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

PUBLIC ASSEMBLY AND FIRST AMENDMENT ACTIVITY [MODEL POLICY]

PURPOSE

The purpose of this policy is to provide (*name of law enforcement agency*) personnel written guidelines regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment activity. The (*name of law enforcement agency*) supports the individual rights of freedom of speech, expression, and peaceful assembly, which are protected by the United States Constitution and the Minnesota State Constitution. However, neither constitution protects criminal activity or threats against citizens, businesses, or critical infrastructure.

When dealing with First Amendment activity, [*officers*] shall ensure their actions are within the scope of the constitutions.

- The First Amendment to the Constitution of the United States of America states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."
- The Bill of Rights in Article 1 of the Minnesota Constitution addresses the rights of free speech and the liberty of the press.

POLICY

The (*name of law enforcement agency*) will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority reasonably required to address a crowd management or crowd control issue. The policy of the (*name of law enforcement agency*) regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a public assembly or First Amendment activity. Agency personnel must not harass, intimidate, or discriminate against or unreasonably interfere with persons engaged in the lawful exercise of their rights. This policy concerning crowd management, crowd control, crowd dispersal, and [*police*] responses to violence and disorder applies to spontaneous demonstrations, crowd event situations, and planned demonstrations or crowd events regardless of the permit status of the event. This policy shall be reviewed annually by all personnel.

DEFINITIONS

Chemical Agent Munitions: refers to munitions designed to deliver chemical agents from a launcher or when hand thrown.

Control Holds: refers to soft empty hand control techniques that do not involve striking.

Crowd Management: means techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.

Crowd Control: means techniques used to address unlawful public assemblies.

Deadly Force: has the meaning given to it in MN Statute 609.066, subdivision 1.

Direct Fired Munitions: refers to less-lethal munitions designed to be fired at a specific target.

First Amendment Activities: First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the Minnesota State Constitution.

The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

Great Bodily Harm: has the same meaning given to it in MN Statute 609.02, subdivision 8.

Legal Observers: refers to individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests, and other activities. The following may be indicia of a legal observer: wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.

Less-lethal Munitions: has the same meaning given to it in MN Statute 609.066, subdivision 1.

Media: means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the

media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge, or some distinctive clothing that identifies the wearer as a member of the press.

PROCEDURES

This policy does not preclude [officers] from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

RESPONSE TO CROWD SITUATIONS

Operational Planning. For preplanned First Amendment events within this agency's jurisdiction, supervisory/command staff shall develop an operational plan. The plan shall be communicated to and should be followed by personnel involved in the operation. The operational plan, at a minimum, should include the following information:

- the event date, time, and location,
- the type of event and the groups involved (organizer information may be included, if available),
- a description of the anticipated weather conditions,
- agency personnel assignments,
- details regarding the equipment and additional resources available (including mutual support agencies), and
- any other operational information that would be helpful to involved personnel.

For unplanned First Amendment events, the first responding [*officer*] should assess the event without interfering with attendees. From the assessment, the [*officer*] shall relay the following information, if it is known, to dispatch and command staff:

- the location of the event,
- the approximate number of attendees,
- the purpose of the event,
- whether any indicators of unlawful activity are present, and
- the [officer's] predicted ability/need to continue monitoring the event.

Uniform. All [*officers*] responding to First Amendment assemblies must at all times, including when wearing protective gear, display their agency name and a unique personal identifier in compliance with this department's uniform policy. The chief law enforcement officer must maintain a record of any peace officer at the scene who is not in compliance with this requirement due to exigent circumstances.

Officer Conduct. All peace officers responding to public assemblies must be mindful of their personal conduct and remain professional.

- [*Officers*] shall avoid negative verbal engagement with members of the crowd. Verbal abuse against peace officers does not constitute a reason for an arrest or for any use of force against such individuals.
- [*Officers*] must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
- [*Officers*] must not act or fail to act based on the opinions being expressed.
- [*Officers*] must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity.

Lawful Assembly. Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting, and loitering.

Unlawful Assembly. According to MN Statute 609.705, an assembly is considered unlawful when three or more persons assemble 1) with the intent to commit an unlawful act by force; 2) with intent to carry out any purpose in a manner that will disturb or threaten the public peace; or 3) without an unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace. It is a misdemeanor for an individual to participate in an unlawful assembly.

- The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly.
- The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
- Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or [*officers*] are threatened with dangerous circumstances.
- Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

Declaration(s) of Unlawful Assembly. If the on-scene supervisor/incident commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) must be recorded. The declaration and dispersal order must be announced to the assembly. The name(s) of the [*officers*] announcing the dispersal order should be recorded, with the time(s) and date(s) documented. The dispersal order must include:

- the name and rank of the person and agency giving the order,
- a declaration of "unlawful assembly" and the reason(s) for the declaration,
- information regarding egress or escape routes that may be used by individuals to disperse,
- the specific consequences that will result due to a failure to comply with the dispersal order, and
- how long individuals have to comply with the dispersal order.

Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements must be made from different locations when the demonstration is large and noisy. The dispersal announcements should be repeated after commencement of the dispersal operation so that individuals who were not present for the original broadcast will understand that they must leave the area. The announcements must specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. [*Officers*] must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.

Crowd Dispersal. Crowd dispersal techniques should not be initiated until [*officers*] have made repeated announcements to the crowd, or are aware that repeated announcements have been made, asking members of the crowd to voluntarily disperse. The dispersal orders should have also informed individuals in the crowd of the specific consequences that will result due to a failure to disperse (i.e., arrest). Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with a peace officer's commands before action is taken. If verbal announcements to disperse do not result in voluntary movement by the crowd, peace officers may utilize additional crowd dispersal tactics. Additional crowd dispersal tactics must be approved and ordered by the on-scene supervisor/incident commander before agency staff may deploy additional crowd dispersal tactics/tools. The use of these crowd dispersal tactics shall be consistent with department policy. Peace officers must use the minimal amount of intervention reasonably necessary to address a crowd management or control issue.

If a group or crowd subsequently participates in another assembly at a different geographical location after receiving a dispersal order, so the participants are not engaged in unlawful activity, the assembly cannot be dispersed. A secondary assembly may only be dispersed after a determination of unlawful assembly and new declarations and dispersal orders have been issued.

TACTICS AND WEAPONS TO DISPERSE OR CONTROL A NON-COMPLIANT CROWD

The purpose of this section is to provide [*officers*] guidance on use of force determinations when dealing with non-compliant crowds and/or crowd dispersals. Nothing in this policy

prohibits an [*officer*] from using appropriate force in order to defend themselves or others as outlined by this agency's Use of Force policy or MN Statute.

Contact Weapons. Contact weapons shall be used only when soft and hard empty hand controls have failed to bring the subject or situation under control, and it reasonably appears other such methods would be ineffective. Contact weapons may only be used in the manner described herein, unless the use of deadly force is warranted.

- Batons may be visibly displayed and held in a ready position during squad or platoon formations.
- When reasonably necessary for the protection of peace officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons or other contact weapons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
- Contact weapons may be used to defend [*officers*] from an actively aggressive suspect.
- Contact weapons may be used to strike an actively aggressive suspect for the purpose of rendering that person temporarily incapacitated in order to bring the situation under control. [*Officers*] may only strike areas of the body identified in their training that result only in incapacitation.
- Intentionally striking an individual in the head or neck with a contact weapon is only justified in the use of deadly force.
- Indiscriminately swinging or striking individuals in a crowd is prohibited.

Direct Fired Munitions. Direct fired munitions may never be used indiscriminately against a group or crowd even if some individuals are involved in violent or disruptive behavior/criminal activity. A(n) [*officers*] use of direct fired munitions must be in alignment with this policy.

- Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of direct fired munitions.
- [*Officers*] using munitions must be trained and qualified in their use per department policy.
- [*Officers*] are authorized to deploy direct fire munitions in accordance with their training and manufacturer specifications.
- [*Officers*] shall not discharge direct fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force is justified.
- When circumstances permit, the on-scene supervisor/incident commander must attempt to accomplish the policing goal without the use of direct fired munitions as described above, and, if practical, an audible warning shall be given to a subject before deployment of the weapon.

Aerosol Chemical Agents. Aerosol chemical agents must be used during a crowd event in accordance with this agency's policies.

- Aerosol hand-held chemical agents shall be used in accordance with the [*officer's*] training and manufacturer specifications.
- High volume OC delivery systems, such as a MK9, are designed for and may be used during a crowd event against individuals and/or groups of individuals engaged in unlawful acts or endangering public safety and/or security.
- Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
- [*Officers*] shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
- When possible, persons should be removed quickly from any area where chemical agents have been used. [*Officers*] must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent. If/when possible, decontamination efforts must be made.
- Subjects who have been affected by chemical agents shall be placed in the recovery position if a seated or standing position cannot be achieved.
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Chemical Munitions. Chemical munitions may be used for crowd control and dispersal when:

- a threat of imminent harm or serious property damage is present, or other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,
- sufficient egress exists to safely allow the crowd to disperse, and
- the use of chemical munitions is approved by the on-scene supervisor/incident commander.

When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions. Additionally, each chemical munition round deployed must be recorded. The information that shall be recorded for each chemical munition round deployed and be available to the public upon request includes:

- the name the chemical munition used,
- the location the munition was deployed,
- the time the munition was deployed, and
- the safety data sheets (SDS) for the type of chemical agent used.

When chemical munitions are used and when feasible, an emergency responder will be on standby at a safe distance near the target area. Chloroacetophenone (CN) chemical munitions are prohibited.

Conducted Energy Weapons (CEWs). CEWs must not be used for the purposes of

crowd control, crowd containment, or crowd dispersal.

MEDIA

The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums. The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble. [*Officers*] will not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity. The media must not be targeted for dispersal or enforcement action because of their media status. Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

LEGAL OBSERVERS

Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen. Legal observers and monitors must comply with all dispersal orders unless the on-site supervisor/incident commander chooses to allow individual legal observers and monitors to remain in an area after a dispersal order. Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

STATUTORY REFERENCES

- FIRST AMENDMENT OF THE US CONSTITUTION
- MINNESOTA CONSTITUTION
- MN STATUTE 609.06 – Authorized Use of Force
- MN STATUTE 609.066 – Authorized Use of Deadly Force by Peace Officers
- MN STATUTE 609.705 – Unlawful Assembly
- MN STATUTE 609.71 – Riot
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies

Public Safety Advisory Council

The Public Safety Advisory Council was established during the 2020 2nd Special Session. By statute, the 15 member Council consists of:

- Superintendent of the Bureau of Criminal Apprehension (or designee).
- Executive Director of the POST Board.
- Executive Director of the Minnesota Police and Peace officers Assoc.
- Executive Director of the Minnesota Sheriff's Assoc.
- Executive Director of the Minnesota Chiefs of Police Assoc.
- 6 community members:
    - 4 representing community-specific boards under MN Statutes sections 15.0145 and 3.922.
    - 1 advocate for victims appointed by Violence Free Minnesota.
    - 1 mental health advocate appointed by Minnesota Chapter of the National Alliance on Mental illness.
- 4 members appointed by the legislature.

More information about the Public Safety Advisory Council, including council members and meeting dates, will be posted here as soon as the information is available.

Current Members

Minnesota Indian Affairs Council	Chair Anne Haines Holy Eagle	ann@icwlc.org (mailto:ann@icwlc.org)
Bureau of Criminal Apprehension	(Vacant)	
POST Executive Director	Erik Misselt	erik.misselt@state.mn.us (mailto:erik.misselt@state.mn.us)
Minnesota Police and Peace Officers Association	Dave Titus	dtitus@mppoa.com (mailto:dtitus@mppoa.com)
Minnesota Sheriff's Association	Sheriff Sean Deringer	sean.deringer@co.wright.mn.us (mailto:sean.deringer@co.wright.mn.us)
Minnesota Chief's of Police Association	Chief Brady Juell	bjuell@savagemn.gov (mailto:BJuell@SavageMN.gov)
Violence Free Minnesota	Nikki Engel	nengel@vfmn.org (mailto:nengel@vfmn.org)
Minnesota Council on Latino Affairs	Eder Castillo	eder.castillo@hennepin.us (mailto:eder.castillo@hennepin.us)
Council for Minnesotans of African Heritage	Carl Crawford	crawfordc@stlouiscountymn.gov (mailto:crawfordc@stlouiscountymn.gov)
National Alliance on Mental Illness	Elliot Butay	ebutay@namimn.org (mailto:ebutay@namimn.org)
Council on Asian-Pacific Minnesotans	(Vacant)	
Speaker of the House (Designee)	Bidal Duran	rep.bidal.duran@house.mn.gov (mailto:rep.bidal.duran@house.mn)
House Minority Leader (Designee)	Brion Curran	rep.brion.curran@house.mn.gov (mailto:rep.brion.curran@house.mn.gov)
Senate Majority Leader (Designee)	Judy Seeberger	sen.judy.seeberger@mnsenate.gov (mailto:sen.judy.seeberger@mnsenate.gov)
Senate Minority Leader (Designee)	(Vacant)	