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Peace Officer Standards and Training Board

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dps.mn.gov/entity/post/Pages/default.aspx

AT A GLANCE

- License more than 12,000 peace officers and part-time peace officers.
- Certify the Professional Peace Officer Education programs at 29 colleges and universities.
- Conduct law enforcement agency compliance reviews.
- Process complaints of peace officer misconduct.
- The POST Board serves more than 430 law enforcement agencies, 29 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.

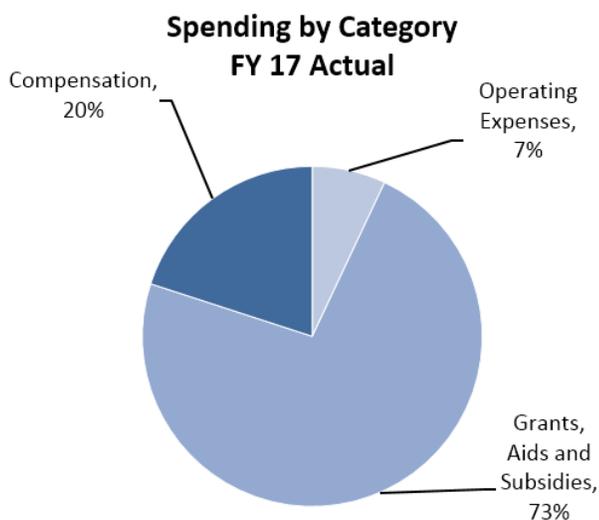
PURPOSE

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/?id=626.84>), the purpose of the POST Board is to regulate and enhance the profession of law enforcement throughout the state of Minnesota.

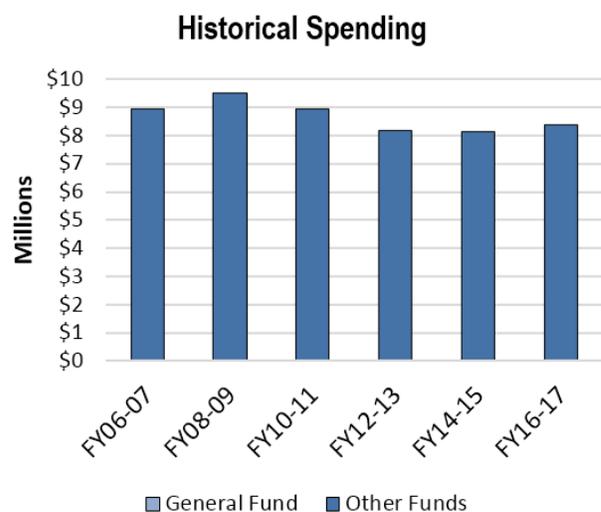
The POST Board supports the following statewide outcomes.

- **Minnesotans have the education and skills needed to achieve their goals**
- **People in Minnesota are safe**
- **Efficient and accountable government services**

BUDGET



Source: Budget Planning & Analysis System (BPAS)



Source: Consolidated Fund Statement

The POST Board is funded through a special revenue account from a surcharge on certain criminal and traffic offences. Although the law directs the state treasurer to credit 39% of the proceeds of the first \$25 of that surcharge to the Peace Officer Training Account, POST’s budget cannot exceed the legislated base appropriation. Minnesota Statutes 171.20 Subdivision 4 (d) (<https://www.revisor.mn.gov/statutes/cite/171.20>) requires that certain non-DUI (Driving Under the Influence) reinstatement fees be deposited in a special revenue account and

appropriates those proceeds to POST for training reimbursements to local government. The POST Board also received a General Fund appropriation in FY 18-19. The budget for FY 18-19 from all these sources is \$20,480,000 and it is allocated as follows:

- Training reimbursements to local governments (includes \$12,000,000 from the General Fund):
 \$17,718,000
- General operating costs:..... \$2,382,000
 Training reimbursements to local governments from non-DUI
 Related Driver’s License Reinstatements \$180,000
- Special Revenue for Training (one time appropriation) \$200,000
- The POST Board has 10 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 431 law enforcement agencies every 4-5 years
- process allegations of misconduct and impartial policing complaints

Efficiency

- administer new 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	605	596	FY 17/FY18
Quantity	Administered peace officer exams	1,013	899	FY 17/FY18
Quantity	Conducted on-site law enforcement agency compliance reviews	76	47	FY 17/FY18

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

Peace Officer Standards and Training Board

Agency Expenditure Overview

(Dollars in Thousands)

	Actual FY16	Actual FY17	Actual FY18	Estimate FY19	Forecast Base FY20 FY21		Governor's Recommendation FY20 FY21	
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Expenditures by Fund

1000 - General			6,000	6,000	6,000	6,000	6,000	6,000
2000 - Restrict Misc Special Revenue	4,180	4,204	4,029	4,448	4,246	4,246	4,401	4,401
Total	4,180	4,204	10,029	10,448	10,246	10,246	10,401	10,401
Biennial Change				12,093		15		325
Biennial % Change				144		0		2
Governor's Change from Base								310
Governor's % Change from Base								2

Expenditures by Program

Peace Officers Standards & Training	4,180	4,204	10,029	10,448	10,246	10,246	10,401	10,401
Total	4,180	4,204	10,029	10,448	10,246	10,246	10,401	10,401

Expenditures by Category

Compensation	921	851	781	988	988	988	1,143	1,143
Operating Expenses	206	269	195	208	208	208	208	208
Grants, Aids and Subsidies	3,053	3,063	9,046	9,251	9,049	9,049	9,049	9,049
Capital Outlay-Real Property				1	1	1	1	1
Other Financial Transaction	0	20	7					
Total	4,180	4,204	10,029	10,448	10,246	10,246	10,401	10,401

Full-Time Equivalents

	10.44	9.19	8.16	10.00	10.00	10.00	11.00	11.00
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Peace Officer Standards and Training Board

Agency Financing by Fund

(Dollars in Thousands)

	Actual FY16	Actual FY17	Actual FY18	Estimate FY19	Forecast Base FY20 FY21		Governor's Recommendation FY20 FY21	
1000 - General								
Direct Appropriation			6,000	6,500	6,000	6,000	6,000	6,000
Transfers Out				500				
Expenditures			6,000	6,000	6,000	6,000	6,000	6,000
Biennial Change in Expenditures				12,000		0		0
Biennial % Change in Expenditures						0		0
Governor's Change from Base								0
Governor's % Change from Base								0

2000 - Restrict Misc Special Revenue

Balance Forward In	97	151		202				
Direct Appropriation	4,112	4,129	4,144	4,156	4,156	4,156	4,311	4,311
Receipts	0							
Transfers In	122	104	87	90	90	90	90	90
Transfers Out		180						
Cancellations			0					
Balance Forward Out	151		202					
Expenditures	4,180	4,204	4,029	4,448	4,246	4,246	4,401	4,401
Biennial Change in Expenditures				93		15		325
Biennial % Change in Expenditures				1		0		4
Governor's Change from Base								310
Governor's % Change from Base								4
Full-Time Equivalent	10.44	9.19	8.16	10.00	10.00	10.00	11.00	11.00

(Dollars in Thousands)

	FY19	FY20	FY21	Biennium 2020-21
Direct				
Fund: 1000 - General				
FY2019 Appropriations	6,000	6,000	6,000	12,000
Forecast Base	6,000	6,000	6,000	12,000
Change Items				
Deficiency Funding Request	500			
Total Governor's Recommendations	6,500	6,000	6,000	12,000
Fund: 2000 - Restrict Misc Special Revenue				
FY2019 Appropriations	4,156	4,156	4,156	8,312
Forecast Base	4,156	4,156	4,156	8,312
Change Items				
Rulemaking Initiative		155	155	310
Total Governor's Recommendations	4,156	4,311	4,311	8,622
Dedicated				
Fund: 2000 - Restrict Misc Special Revenue				
Planned Spending	90	90	90	180
Forecast Base	90	90	90	180
Total Governor's Recommendations	90	90	90	180
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 (POST Board)

FY 20-21 Biennial Budget Change Item

Change Item Title: Deficiency Funding Request

Fiscal Impact (\$000s)	FY 2019			
General Fund				
Transfer Out	500			
Revenues	0			
Net Fiscal Impact = (Expenditures – Revenues)	500			
FTEs	0			

Recommendation:

The Governor recommends a general fund appropriation of \$500,000 in FY 2019 for the Minnesota Board of Peace Officer Standards and Training (POST Board). This funding would be transferred to the peace officer training account in the special revenue fund to ensure adequate revenues in the account to cover the agency’s total direct appropriation of \$4,156,000 in FY 2019.

Rationale/Background:

The POST Board’s operating budget as well as the base budget for peace officer training reimbursement of local law enforcement is appropriated directly from the special revenue account fund. This account is funded from a surcharge on criminal and traffic convictions. Currently, Minnesota Statute § 357.021, subdivision 7 (2) directs 39% of the first \$25 of the surcharge to be credited to the peace officer training account in the special revenue fund. The percentage directed to the POST Board is based on the original \$25 surcharge. Proceeds from that portion of the surcharge breakdown as follows: 39% to the peace officer training account, 60% to the general fund and the remaining 1% to the DNR to fund game warden training. The surcharge portion directed to the POST Board has declined over time and now no longer covers the appropriated amount.

Proposal:

This proposal to transfer \$500,000 from the general fund to the peace officer training account will ensure that there are sufficient revenues in that account to cover the existing appropriation to the POST Board for its operating expenses and a portion of the training reimbursement funding for peace officers.

The deficiency in the account is projected to increase significantly in the FY 2020-21 biennium. The Governor’s proposal addressing the deficiency after FY 2019 is included in a separate recommendation.

Board of Peace Officer Standards and Training

FY 20-21 Biennial Budget Change Item

Change Item Title: Increase Dedicated Funding Source to Maintain Appropriations

Fiscal Impact (\$000s)	FY 2020	FY 2021	FY 2022	FY 2023
General Fund				
Expenditures	0	0	0	0
Revenues	(1,897)	(2,097)	(2,003)	(1,915)
Transfers In	1,390	1,496	1,244	1,007
Net Fiscal Impact GF	507	601	759	908
Special Revenue Fund				
Expenditures	0	0	0	0
Revenues	1,897	2,097	2,003	1,915
Transfer Out	1,390	1,496	1,244	1,007
Net Fiscal Impact SF	(507)	(601)	(759)	(908)
Net Fiscal Impact = (Expenditures – Revenues)	0	0	0	0
FTEs	0	0	0	0

Recommendation:

The Governor recommends a significant increase to the percentage credited to the peace officer training account from the criminal and traffic surcharge which is used to fund expenditures of the Board of Peace Officers Standards and Training (POST Board). This recommendation would increase the percentage of funds going into the account from 39 percent to 62 percent of the first \$25 collected under Minnesota Statute § 357.021, subdivision 7(2). It would likewise reduce the portion of the proceeds deposited into the general fund by the same amount. The amount of funding deposited into this account under current law has decreased substantially since the surcharge was enacted and no longer covers the agency's appropriations out of it.

Rationale/Background:

The POST Board's operating budget as well as the base budget for peace officer training reimbursement to local law enforcement is appropriated directly from the special revenue account. This account receives funding from a surcharge on certain criminal and traffic convictions. Under current law, Minnesota Statute § 357.021, subdivision 7(2) directs 39% of the first \$25 of the surcharge to be credited to the peace officer training account in the special revenue fund. Proceeds from that \$25 portion of the surcharge are now deposited as follows: 39% to the peace officer training account, 60% to the general fund and the remaining 1% to the DNR to fund game warden training.

The surcharge portion dedicated to the peace officer training account no longer covers the POST Board appropriation, creating a deficiency in the account. The amount of proceeds has generally declined each year since the surcharge was enacted and has become more volatile in the last couple years. As an example, the amount available for POST Board spending declined from \$5.258 million in FY 2009 to \$3.984 million in FY 2018. Base level funding for expenditures out of this account are \$4.156 million each year in the FY 2020-21 biennium, while current forecast revenues available are estimated at \$3.891 million in FY 2020 and \$3.719 million in FY 2021. Without the additional funding, POST Bd. expenditures would have to be reduced so as not to exceed the actual revenues collected, regardless of the appropriated amount.

Proposal:

This proposal would allow the POST Board to continue with the dedicated funding source it has used since the creation of the criminal and traffic surcharge. The proposal to increase the funding percentage from 39% to 62% is calculated to allow for potential modest increases in appropriations made from the peace officer training account and for further fluctuations in the revenues.

Surcharges in excess of the appropriation are transferred back to the general fund, so the impact to the general fund also accounts for the estimated transfer.

Statutory Change(s):

Minnesota Statute § 357.021, subd. 7(2).

Board of Peace Officer Standards and Training (POST Board)

FY 20-21 Biennial Budget Change Item

Change Item Title: Rulemaking Initiative

Fiscal Impact (\$000s)	FY 2020	FY 2021	FY 2022	FY 2023
General Fund				
Expenditures	0	0	0	0
Transfers In	(155)	(155)	(155)	(155)
Special Revenue Fund				
Expenditures	155	155	155	155
Transfers Out	(155)	(155)	(155)	(155)
Net Fiscal Impact = (Expenditures – Revenues)	155	155	155	155
FTEs	1	1	1	1

Recommendation:

The Governor recommends increasing the appropriation to the Board of Peace Officer Standards and Training (POST Board) by \$155,000 each year from the peace officer training account in the special revenue fund to cover the costs of administrative rulemaking. The agency has requested this investment to more effectively carry out its statutory authority to promulgate and update rules pertaining to the selection, training, licensing and standards of conduct of peace officers and part-time peace officers to ensure the most effective and professional peace officers serve our communities. This funding will allow the POST Board to re-establish the internal capacity and expertise to develop, write and update administrative rules relating to the law enforcement profession.

Rationale/Background:

The role of the POST Board is to advance the professionalism of Minnesota’s licensed peace officers through education, selection, licensing, and on-going training standards.

The POST Board is requesting to re-establish a rules coordinator position to build long term approaches and outcomes on behalf of the state by positioning itself to efficiently and effectively promulgate rules pursuant to its statutory authority. The lack of a rules coordinator on staff with the experience and technical expertise for such rulemaking has been challenging for the agency. To achieve this goal, the POST Board must restore its internal capacity and capability to effectively and comprehensively update its administrative rules to reflect current best practices and appropriate law enforcement standards. The POST Board has been without a rules coordinator since 2010 and has done little rulemaking since that time. This is an important strategic initiative for the Board given the ongoing focus in Minnesota on police practices, training and standards.

Proposal:

The primary objectives of this initiative is to:

- Restore POST’s internal capacity to promulgate rules
- Interpret, analyze and report on bills, statutes or rules that impact the POST Board and that may require amending board rules

The POST Board is proactively seeking increased staffing to handle current board rulemaking initiatives and future executive and legislative initiatives and requirements concerning the law enforcement profession that require administrative rulemaking. This position would also conduct research to address issues raised by the legislature, the POST Board, or POST Board committees. The staffing costs for this position are estimated at \$100,000 each year.

Internal staff work for the board's rulemaking initiative has begun. The board will also incur non-staffing costs associated with this initiative. Those costs are estimated by using the MN Administrative Rulemaking Manual and are relative to legal fees to the Office of Attorney General, Office of Administrative Hearings, and fees for state register publication, transcripts and other miscellaneous fees.

This increase in the POST Boards appropriation results in an equivalent decrease in revenues to the general fund.

Results:

Re-establishing this permanent position will enable POST to build long term approaches and outcomes on behalf of the state by positioning POST to efficiently and effectively promulgate rules and respond to legislative initiatives and inquiries concerning the law enforcement profession.