



# Minnesota Board of Peace Officer Standards and Training

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## Special Committee on POST Complaint Processes MEETING AGENDA 1600 University Avenue, Suite 200 Saint Paul, Minnesota June 3, 2021 9:00 a.m.

**This meeting will be held online due to COVID-19 emergency, a link to observe the meeting will be on the POST website prior to the meeting.**

1. Call to Order
2. Approval of the Agenda **ACTION**
3. Approval of Minutes from May 18, 2021 meeting **ACTION**
4. Review of side-by-side spreadsheet and discussion of information obtained from other boards **DISCUSSION**
5. Adjournment

**MINNESOTA BOARD OF  
PEACE OFFICER STANDARDS AND TRAINING**

**Special Committee on POST Complaint Process  
POST Board Office  
Electronic Meeting VIA Microsoft Teams  
May 18, 2021**

**Members Present**

Justin Page  
Liz Richards  
Shelly Schaefer  
Justin Terrell  
Jim Yang

**Staff Present**

Erik Misselt  
Abby Brown  
Angie Rohow

Invitation to listen to the live meeting was listed on the website.

**Call to Order:** Director Misselt called the meeting to order at 9:00am. As this was the first meeting, introductions were made with brief backgrounds of each member's profile.

**Approval of the Agenda:** Director Misselt looked for a motion to approve the agenda.

- **MOTION:** Mr. Terrell moved to approve the agenda, the motion was seconded by Mr. Page. The agenda was approved through a voice vote.

**Purpose of the Committee and Assignment of Tasks:** The discussion began by to defining the difference between compliance and complaints and what the scope of the charge was specifically as it relates to this special committee. Recommendations that came out of the discussion included:

- POST Board should publicize the complaint process and the self-reporting requirement in place currently.
- The Complaint Investigative Committee (CIC) should flag and address the self-reporting aspect any time there is a violation.
- Define communication allowed legally with regards to the watch list that is currently being used by POST staff. Depending on privacy laws, the chief law enforcement officer (CLEO), should be made aware of publically obtained potential violations.

Mr. Terrell recommended taking a side by side comparison between other MN State Boards as well as how other states handle the law enforcement complaint process. Director Misselt will create a spreadsheet that can help determine the process that is currently used by other State of Minnesota agencies.

The meeting was adjourned at 10:00 am.

The foregoing minutes were approved by the Board of Peace Officer Standards and Training when it met on June 3, 2021.

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Erik Misselt  
Executive Director

	MN POST Board	Professional Educator Licensing and Standards Board	MN Lawyers Professional Responsibility Board
Number of Active Licensees	11,000		
Total number of staff	14	21	
Method(s) for receiving complaints	Mail, in person, phone	In writing	Written complaint form, Documents may be submitted with complaint
Sources for complaints	Unlimited, citizen, licensee, CLEO, media reports	Citizens or officials, must be in writing	
Time limit for filing complaint? If so, how long	None		
Intake process for complaints (screening)	Reviewed by standards coordinator, initial determination made as to jurisdiction, refer to complaints committee or recommend executive director order investigation.	Once PELSB receives a complaint (noting most complaints are reported by the district) an investigation is opened. A letter (written request per statute) is sent to the district, along with a questionnaire that asks specific questions about the districts investigation and the material is turned over to the Board. PELSB (one FTE) reviews all of the material, allows the licensee to respond to the complaint, then information is turned over to the disciplinary committee for recommendations. At this level, most of the investigation is done by the district, not the PELSB	Initial screening done in approximately two weeks, Attorney receives a copy of complaint whether investigated or not
Who is required to report?	Licensees. Persons with knowledge of potential violation MAY report.	School districts if discipline is administered on a licensee	Lawyers obligated to report lawyers violate Rules of Prof. Conduct
Jurisdiction-Scope of authority	Standards of conduct violations, mostly criminal convictions with some non-criminal behaviors included.	Teacher Standards of Conduct: 122A.20 outlines grounds refuse to issue, refuse to renew, suspend, or revoke a teacher's license to teach for any of the following causes. (1) immoral character or conduct; (2) failure, without justifiable cause, to teach for the term of the teacher's contract; (3) gross inefficiency or willful neglect of duty; (4) failure to meet licensure requirements; or (5) fraud or misrepresentation in obtaining a license. Additionally, there are specific criminal convictions that allow the board to non-renew, automatically revoke, etc.	<ul style="list-style-type: none"> <li>• Rules of Professional Conduct</li> <li>• Neglect &amp; delay</li> <li>• Getting file returned</li> <li>• Money and accounting</li> <li>• Conflicts of interest</li> <li>• Dishonesty</li> <li>• Fraud &amp; criminal offenses</li> </ul>

<p>How are investigations conducted?</p>	<p>Executive Director orders investigation by a non-involved law enforcement agency. Investigation to be completed in 30 days by rule but most run longer.</p>	<p>Board staff</p>	<ul style="list-style-type: none"> <li>• Most investigations referred to District Ethics Committee to investigate. DEC has attorney and non-lawyer public members. Volunteer committees.</li> <li>• DEC appoint investigator. Investigator contacts attorney and may contact complainant if more information is necessary. Investigator makes a recommendation to the Board Director.</li> <li>• Investigation usually takes 3 months.</li> <li>• Complainant notified of final disposition in writing.</li> </ul>
<p>Classification of investigation data</p>	<p>Private/confidential until and if final discipline is administered at which point the data becomes public.</p>	<p>Private/confidential until and if final discipline is administered at which point the data becomes public.</p>	<p>[Redacted]</p>
<p>Types of discipline available</p>	<p>Deny license, revoke, suspend, impose limitations on practice, impose conditions on licensee, censure or reprimand the licensee.</p>	<p>Deny license, revoke, suspend, impose limitations on practice, impose conditions on licensee, censure or reprimand the licensee.</p>	<ul style="list-style-type: none"> <li>• Private admonitions</li> <li>• Public discipline (suspension or loss of license) MN Supreme Court. Public proceedings.</li> </ul>