



**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
July 28, 2021
9:00 a.m.**

This meeting will be held online 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 July 1, 2021 meeting **ACTION**
4. Review final draft of complaint process recommendations and complaint form update
DISCUSSION
5. Round Table
6. Adjournment

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

**Special Committee on POST Complaint Process
POST Board Office
Electronic Meeting VIA Microsoft Teams
July 1, 2021**

Members Present

Justin Page
Liz Richards
Shelly Schaefer
Justin Terrell
Jim Yang

Staff Present

Erik Misselt
Abby Brown
Angie Rohow
Rebecca Gaspard

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

Call to Order: Director Misselt called the meeting to order at 9:01 am.

Approval of the Agenda: The meeting was approved through a voice vote.

Approval of the June 3, 2021 Meeting Minutes: Director Misselt looked for a motion to approve the minutes with the only change being that the last sentence would state that the minutes were approved on July 1, 2021 instead of June 24, 2021. The minutes were approved with the above change by a voice vote.

Review of Questionnaire: The questionnaire was discussed and each member of the committee had opportunity to make recommendations regarding how the MN POST Board should be receiving and processing complaints. Director Misselt will create the summarized document as discussed. Ms. Schaefer requested that once there is agreement on a final draft that the document be presented to the Advisory Council for review.

The meeting was adjourned at 10:04 am. The foregoing minutes were approved by the Board of Peace Officer Standards and Training when it met on July 28, 2021.

Erik Misselt
Executive Director

Recommendations for updating the POST Board complaint process

Special Committee on POST Complaint Process

(Board Members: Chou (Jim) Yang, Justin Terrell, Liz Richards, Shelly Schaefer, Justin Page)

1. Complaint Intake:

- Submission of complaint form in writing
- Submission in person, postal mail or email
- Verbal submission (requires consent from complainant for staff to write complaint on their behalf)

2. Source of Complaints:

- Unlimited: Citizen, licensee, chief law enforcement officer, other agency, media reports

3. Time Limit for Filing Complaint:

- None

4. Screening Process for Complaints:

The Board has delegated the authority to review complaints and make determinations of jurisdiction to the Complaint Investigation Committee (CIC). The CIC may receive a preliminary assessment from Standards Coordinators however, the CIC makes the final determination as to jurisdiction.

- See attached Flowchart

5. Required Reporters:

- Licensee must report by rule
- Chief Law Enforcement Officer (CLEO) must report under statute, all complaints that may fall under Board jurisdiction
- Others, including licensees with knowledge of a possible violation MAY report (rule or statutory changes would be required to make this mandatory for non-involved licensees)

6. Types of complaints/issues that should be within POST's jurisdiction:

- Standards of conduction violations
- Violations of POST Board model policy standards
- Criminal convictions, non-criminal behaviors including "immoral character or conduct" (rule or statutory changes would be required to define terms)
- Violations of protective order convictions to include Misdemeanor Domestic Abuse No-Contact Order (DANCO) (rule or statutory changes would be required)
- Cases where charges are in jurisdiction but ultimate conviction is for a lesser, non-jurisdictional offense (plea negotiations to avoid licensing issues) (rule or statutory changes would be required)
- Model policy violations (rule or statutory changes would be required)

7. Responsibility for investigations of misconduct that are within POST's jurisdiction:

- POST Executive Director can order an agency to conduct POST investigations; done upon recognition of a possible violation or at the behest of the CIC
- Select POST staff should have the same authority as law enforcement to conduct investigations, including accessing criminal history (currently restricted by national Criminal Justice Information System (CJIS) rules)
- Agencies must be required to turn over all internal affairs investigative data to POST upon request (rule or statutory changes would be required)

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8. Types of discipline options available to the Board:

- Deny license
- Revoke
- Suspend
- Impose limitations on practice
- Impose conditions on licensee
- Censure or reprimand the licensee

9. Data Sharing

- Private/confidential data cannot be shared with the public, this includes complaint and/or investigative data unless and until, discipline is imposed. Specific information on dismissed/out of jurisdiction complaints is confidential

10. How should the public information regarding complaints be made available?

- All public data, including final discipline, should be readily accessible on a public website. (This does not require rulemaking or legislation but will require expertise and financial resources to accomplish)

