



# The Just Action Coalition Community Accountability of Minnesota Police Policy Proposal

Prepared for: The Minnesota State Peace Officers Standards and Training Board

Prepared by: The Just Action Coalition

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Proposal number: 1 of 1

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**THE JUST ACTION COALITION**

## EXECUTIVE SUMMARY

### **Goal**

The Just Action Coalitions main goal with this proposal is to establish a public searchable statewide data base to coherently measure incidences of officer misconduct that occur with community members. The goal of this data base is to increase transparency between municipal police departments and the communities they serve.

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## THE JUST ACTION COALITION

### Purpose

The Just Action Coalition serves to elevate the voice of the youth in conversations regarding the safety of our communities. We propose this policy with the intention of turning police oversight into a proactive form of rule making and policy setting. The recent incidents that have happened with police come as a result of an oversight process that is not meant to focus on prevention, but rather discipline. Those who commit such offenses require discipline by the department, however we introduce this proposal to turn the data collected from these categorical incidences into data that can be recorded and tracked by the Peace Officer Services and Training Board. Implementing the policy proposal as suggested would aid municipal departments and state agencies in expanding police oversight, and create essential steps forward in creating safer and more vibrant communities. The most essential part of this proposal is the community aspect. Communities all throughout the state of Minnesota feel disempowered, helpless, and unheard when it comes to officer misconduct and abuse of authority. Reclaiming the community's voice through citizen complaints, which currently are not being handled appropriately by the severity of the complaint, on all levels of policing and policy. This proposal serves to make a more coherent and uniform system of complaints, which will allow the oversight system to take on a proactive role.

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# Specifics

## Policy Criteria

1. Measuring and recording peace officer misconduct
    - Specifics
      - The violation of a citizens civil rights and/ or civil liberties
      - The lack of the officer(s) to act under the complete and total lawful scope of their employment
      - Discrimination based misconduct. Including:
        - Race, Gender or gender presentation, Religion, Sexual Orientation, Ethnic Orientation, etc.
    - Every time a peace officers weapon is unholstered during an interaction with a community member, a report must be filled. The report must include:
      - The perceived gender (if applicable), race/ ethnicity, height, weight, and any other general details that are objectively obvious to the officer
        - If multiple people, the officer must include that in the same report
      - Why the officer felt that it was necessary to draw his weapon
        - Whether or not the person was armed or unarmed, and whether the officer saw the weapon(s) or not
    - If compelled to do so, the individual, or individuals, involved in the incident with the officer, will have the opportunity to file a citizen's complaint with the department, which will be required to be posted in the officers file
      - If citizen complaints fall under the three following Red Flag level one categories, and the complaint is substantial, then the complaint shall be sent by the department of origin to the Minnesota state Peace Officers Standards and Training Board (POST Board) for review
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A. Establishing a substantial complaint

- A complaint is to be substantial if it is filled by the individual(s) who was the subject of the interaction with the officer, or if the person filing the complaint was physically present and was witness to the events that the complaint is filled upon
- A distinction to be noted next to each complaint filled within the database

B. The three tiers of community complaints

- Level 1 Red Flag Category Complaint - is a substantial complaint that must be reviewed by the POST Board and requires the department of origin to conduct an internal investigation - which is detailed in the level 2 category complaint description
    - Excessive use of force (Including Improper Dosage), Racial bias, Religious, Socioeconomic bias, Physical, mental, and developmental disability bias, Gender, Gender Presentation, Sexuality, Perceived Sexuality based bias, Sexual exploitation, Unlawful questioning regarding citizenship
  - Level 2, Yellow Flag, Category Complaint - require an internal investigation that must be completed by the department of origin - with the intention of drawing a punitive conclusion if the citizen complaint is factually supported by the given officer(s) body camera footage
    - An officer lacks to intercede, intervene, and report upon witnessing a partner(s) committing a level 1 offense
    - Abuse of power for personal gain (meeting quotas, efforts to secure promotions, and all other forms of coercion or abuse with the purpose of benefiting the officer(s) not gender or sexuality based)
    - Unlawful search and seizure of property without clear and evident probable cause violating a citizens civil rights
  - Level 3, Blue Flag, Category Complaint - these complaints must be recorded on the officers file, but do not require an internal investigation by the department
    - All general complaints that do not fall under a level one or level two category complaint
    - All claims disputed by one or more parties involved in the interaction. Disputed is defined as all claims lacking sufficient evidence
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- All claims lacking substantive evidence in the form of complete reports (including conclusive body cam footage)

## 2. Establishing grounds for review

- If a citizen complaint is filed on the basis of one or more Red Flag category, which are stated above, then the complaint shall be sent, along with the officers file that includes all previous citizen complaints, the officers body cam footage regarding the incident of the complaint, internal department complaints against the officer, as well as the personal officer reports, any other evidence pertaining to the incident, to the POST Board for review
  - The POST Board will serve the purpose of examining these level one complaints/ reports as a means to take a proactive approach to rule making and reform, and to give the Board vital information to include in the annual report to the Minnesota State House of Representatives Committee on Public Safety
    - All level one reports must be included in the annual report done by the POST Board
    - The report must be sent to the committee for review and discussion by the board before the last day the legislature convenes in the month of January
    - When the Board's annual report is released to the Minnesota State House Committee on Public Safety, it shall simultaneously be released to the public
  - The POST Board complaint/ review process will be used to identify trends in specific categories of level one complaints and will be tasked to distinguish whether the trend can be addressed on the agency level or if it has to be addressed by the legislature
    - For example, if the state of Minnesota POST Board receives ten substantiated citizen complaints in the level one category of racial biases, and they are able to identify a common occurrence that officers are using deadly force on African American individuals who are unarmed and are able to identify other instances throughout the complaints/ investigations where racial biases played a role in the way the officer handled the situation, they would then be compelled to move forward with implementing a policy, rule, training, or procedure that

directly addresses the trend - if that power is not directly given to them in the enumerated powers of the Board, they shall make an official recommendation to the Minnesota House Committee on Public Safety in the annual report

- The POST Board is not responsible for handing down punitive punishments to individual officers, but does have the power to grant or strip an officer from their license as a result

### 3. Community recognition and revitalization

- Each municipal police department shall release factual reports to the public on an annual basis in coherence with the POST Board's report that is sent to the legislature
    - Each municipal department must hold an annual information session in coherence with the release of the annual trends/ complaint report
    - These informational sessions must be open to the public and must be attended by the municipal Mayor, Police Chief, and other ranking public safety personnel. These annual reports by municipal governments will require an explanation of the reports findings, and must allow at least one hour for open community questioning per 250,000 persons in the municipal boundaries
      - One hour of community questioning is still to be required of municipalities that contain a population of less 250,000 persons
      - If no level one complaints are filed with in a municipal population, the annual information session is to still be required by the department to address trends in all other categorical complaints, that are to be addressed in the annual department report to begin with
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#### 4. Establishing a Public Searchable Data Base

- All complaints along with the officers complete profile are to be registered within this website data base for public and department access. The data base will serve to increase the transparency between law enforcement departments and the communities they serve. Officer profiles will consist of
    - Name, Photo of the officer, Badge Number, Department, Branch of Law Enforcement (State Police, Sheriff, City Police Officer), All verified complaints filled against the officer
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