



# Minnesota Board of Peace Officer Standards and Training

1600 University Avenue, Suite 200  
Saint Paul, MN 55104-3825  
(651) 643-3060  
www.post.state.mn.us

## Special Committee on POST Complaint Processes MEETING AGENDA 1600 University Avenue, Suite 200 Saint Paul, Minnesota July 19, 2022 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 28, 2021 meeting **ACTION**
4. Approval of Minutes from August 25, 2021 meeting **ACTION**
5. Approval of final draft of new complaint form and complaint FAQ document **ACTION**
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 28, 2021**

**Members Present**

Justin Page  
Liz Richards  
Shelly Schaefer  
Justin Terrell  
Jim Yang

**Staff Present**

Erik Misselt  
Abby Brown  
Angie Rohow  
Andy Burth  
Mike Monsrud

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 July 1, 2021 Meeting Minutes:** Director Misselt looked for a motion to approve the minutes. The minutes were approved by a voice vote.

**Final Draft of Complaint Process and Complaint Form Update:** The Complaint Process as sent out with agenda was discussed. Director Misselt will make the adjustments to the attached draft of the Complaint Process as discussed. The Standards Coordinators will adjust the Complaint Worksheet to make sure that it is clear what the Board has jurisdiction over. Director Misselt will forward the finalized documents to this Committee as requested. The proposed documents will be presented to the Advisory Council as well as the Complaint Investigative Committee prior to being sent to the Full Board for approval.

The meeting was adjourned at 10:05 am. The foregoing minutes were approved by the Board of Peace Officer Standards and Training when it met on August 25, 2021.

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

**Special Committee on POST Complaint Process  
POST Board Office  
Electronic Meeting VIA Microsoft Teams  
August 25, 2021**

**Members Present**

Justin Page  
Liz Richards  
Shelly Schaefer  
Justin Terrell

**Members Absent**

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 9:03 am.

**Approval of the Agenda:** It was determined that the meeting minutes from July 28, 2021 were not sent out in advance of the meeting, therefore the agenda was adjusted to indicate a review of the meeting minutes, but a vote would not be taken to approve the minutes until next meeting. The adjusted agenda was approved through a voice vote.

**Review of the July 1, 2021 Meeting Discussion and Meeting minutes:** Ms. Schaefer mentioned that the final draft of the complaint form was different than she remembered discussing during the last meeting. After some discussion revolving around wording and formatting the group determined that staff would:

- Add language on the form similar to MN POST website stating "If it is deemed your complaint doesn't fall within our jurisdiction, we will forward your complaint to the agency employing the officer. It is their responsibility to follow their mandated policy on Allegations of Misconduct. If your complaint falls within the POST Board's jurisdiction, information will be gathered."
- Change the wording at the top of the Complaint Form to "If you need assistance with completing this form;"
- Begin to create a Frequently Asked Questions section on the website for the complaint process, which should include other resources for complaint help to include the Minnesota State Bar Association's website link.

**Feedback from EPEICR about the complaint process and drafted complaint form:**

Director Misselt discussed the feedback that he heard during the Advisory Council meeting on August 2<sup>nd</sup>. The main concern that seemed to be discussed was that members felt that the model policy regarding racial profiling should be listed or highlighted on the form. After some thoughtful discussion about this suggestion, it was determined by the members of this committee that four model policies will be included on the Complaint form. The policies include:

- Use of Force Model Policy
- Professional Conduct of Officers (Conduct Unbecoming) Model Policy
- Avoiding Racial Profiling Model Policy
- Investigation of Sexual Assault Model Policy

**Next Steps:** The documents will be altered as mentioned above and then it will be presented to the Complaint Investigative Committee for any further feedback at their September meeting. This special committee will plan to meet one more time in the beginning of October to finalize the documents to present to the Full Board during the October 28<sup>th</sup> meeting.

The meeting was adjourned at 9:59 am.

## **POST Board Complaints – FAQ**

**The POST Board’s authority to investigate complaints and impose discipline is limited to certain areas and extends only to taking action against an officer’s license. Most complaints are about officer conduct that more likely violates a local agency’s policies or general police procedure instead of a POST standard of conduct.**

### **What type of complaints can the POST Board take action on?**

The POST Board can only take licensure action in cases in which we have jurisdiction. The authority to take action on a peace officers license is defined in Minnesota Statutes [626.8431](#), [626.8432](#), and [626.845](#). The standards of conduct that the POST Board has jurisdiction to enforce are listed in Minnesota Rules [6700.1600](#). A list of these standards of conduct violations can be found on page 2 of the POST Board complaint form.

### **I have a complaint about how an officer treated me or how my case was handled by a police agency. Who should I contact?**

These types of complaints generally do not fall within the POST Boards jurisdiction. The first and best step for a member of the public to take is to file a written complaint with the law enforcement agency that employs the officer. That agency will provide you with all the information you will need to make your complaint. Minnesota law requires that all law enforcement agencies have a policy on Allegations of Misconduct that outlines the acceptance, investigation and resolution of citizen complaints.

### **Who do I contact if my complaint is against the Chief or Sheriff?**

Complaints against the Chief should be directed to the City Manager/Administrator/Clerk. Complaints against a Sheriff should be directed to the County Administrator’s office. You may also make a complaint with your elected officials (Mayor, County Board members etc.) and make them aware of your complaint and seek advice on the best way to address your concern.

### **Can the POST Board fire an officer?**

No. The POST board does not employ any peace officers. We are strictly a licensing authority. Only the agency that employs the officer has the authority to terminate their employment. The authority of the POST Board extends only to license sanctions.

### **What type of action can the POST Board take on a peace officers license?**

Any licensed peace officer who is convicted of a felony level offense shall have their peace officer license automatically revoked in accordance with MSS [626.8431](#). All other licensure violations within the

board's jurisdiction are referred to a four-member Complaint Investigation Committee. The complaint committee's procedures are governed by MSS 214.10, and Minn. Rules 6700.1710.

When grounds exist to show a violation was committed, the board may take one or more of the following disciplinary actions:

Deny an application for a license, revoke the license; impose limitations on the licensee's ability to practice; impose conditions on the licensee; or censure or reprimand the licensee.

### **What happens once I file a complaint with the POST Board?**

After you have filed a complaint with us, our staff will review the complaint, then bring it before our Complaint Investigation Committee to determine if it falls within the POST Board's jurisdiction. If your complaint falls within the POST Board's jurisdiction, additional information will be gathered. The Board may also order an investigation conducted by an outside agency. If your complaint is determined to NOT be in POST Board jurisdiction, we will notify you.

### **How long does the complaint process take?**

The Complaint Investigation Committee usually meets every 30-60 days. You will be notified of the final disposition of your complaint once it has gone through the entire process. For complaints that are determined to NOT be in our jurisdiction you will usually receive notification within 30-60 days.

Complaints that fall within our jurisdiction take longer to complete. There may need to be an investigation and a conference with the Complaint Investigation Committee. An investigation that results in the imposition of discipline the needs to be reviewed and ratified by the full POST Board.

Some disciplinary cases are referred to the Office of Administrative Hearings for a hearing with an administrative law judge. This court process adds additional time to the process.

Each case is unique so it is impossible to give an exact time frame for resolution of your complaint.

### **Can I find out if an officer has any POST Board discipline on their record?**

Peace officer discipline imposed by the POST Board is public information. You can make a data request to determine if a licensed officer has any disciplinary action on their peace officer license. The disciplinary action only becomes public once it is final. Until that time, the existence of any complaint is confidential or private.

Discipline imposed by the POST Board is separate from any discipline an officer may have received from their employer. You should contact the law enforcement agency/agencies directly to request employment-related complaint and discipline records on a peace officer.



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## **General information about filing complaints with the Minnesota Board of Peace Officer Standards and Training (POST)**

The POST Board's authority to investigate complaints and impose discipline is limited to certain areas and taking action against an officer's license. Most complaints are about officer conduct that more likely violates a local agency's policies or general police procedure instead of a POST standard of conduct.

**Local agency:** The first and best step for a member of the public to take is to file a complaint with the law enforcement agency that the officer works for. That agency will provide you with all the information you will need to make your complaint. Minnesota law requires that all law enforcement agencies have a policy on Allegations of Misconduct that outlines the acceptance, investigation and resolution of citizen complaints.

**POST Board:** If you believe that an officer has violated a POST Board standard of conduct, you may use this form to file a complaint with POST, in addition to filing a complaint with the agency of the officer.

After you have filed a complaint with us, our staff will review the complaint, then bring it before our Complaint Investigation Committee to determine if it falls within the POST Board's jurisdiction. If your complaint falls within the POST Board's jurisdiction, additional information will be gathered. The Board may order an investigation conducted by an outside agency.

If your complaint is determined to NOT be in POST Board jurisdiction, no further action will be taken and we will notify you.

The following pages contain additional more detailed information regarding the jurisdiction of the POST Board that should help you determine whether or not your particular complaint falls within our authority to investigate and take action.

Additionally, we have created a frequently asked questions (FAQ) document that you can access at this link: <XXXXXXXXXX>

If you still have questions regarding the information in this complaint packet or the FAQ document or are having difficulty determining if your complaint is appropriate for POST Board action, do not hesitate to contact us at 651-643-3060 or send an email to [postboard.agency.docs@state.mn.us](mailto:postboard.agency.docs@state.mn.us) and ask to speak with a Standards Coordinator.

You can also use the following link to view the complaints page on our website:  
<https://dps.mn.gov/entity/post/Pages/complaints.aspx>



**COMPLAINT ADVISORY**

The POST Board's authority to impose discipline on a peace officer's license is limited by Minnesota Statutes [626.8431](#), [626.8432](#), and [626.845](#). These statutes provide that the POST Board may take action against the license of a peace officer who has:

**Violation of any of the following standards of conduct by a licensee constitutes grounds for disciplinary action. Check any that apply to your complaint.**

<input type="checkbox"/>	Obtaining a license from the Board by fraud or cheating, or attempting to subvert the examination process.
<input type="checkbox"/>	Being convicted of a felony or gross misdemeanor in this state, or in any other state or federal jurisdiction.
<input type="checkbox"/>	Having been the subject of revocation, suspension, or surrender of a peace officer license or certificate by another jurisdiction.
<input type="checkbox"/>	Failing to report the revocation, suspension, or surrender of a license or certificate by another jurisdiction.
<input type="checkbox"/>	Being convicted of a state or federal narcotic or controlled substance law.
<input type="checkbox"/>	Being adjudicated by a court in this or any other state as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, having a psychopathic personality, or required to register as a predatory offender.
<input type="checkbox"/>	Violating any order issued by the Board
<input type="checkbox"/>	Practicing law enforcement duties without a license.
<input type="checkbox"/>	Making an intentional false statement or misrepresentation to the Board.
<input type="checkbox"/>	Engaging in sexual penetration or contact without consent as defined in MSS 609.341 to 609.3451; or engaging in conduct that violates MSS 617.23 (Indecent Exposure)
<input type="checkbox"/>	Being convicted of: DWI, Violation of an Order for Protection, Assault, Domestic Assault, Mistreatment of Persons Confined, Mistreatment of Residents or Patients, Criminal Sexual Conduct, Misconduct of a Public Officer or Employee, Presenting False Claims to Public Officer or Body, Medical Assistance Fraud, Theft, Receiving Stolen Property, Violation of a Restraining Order, or Failure to Report Maltreatment of Vulnerable Adults.
<input type="checkbox"/>	Failing to cooperate with an investigation of the Board.
<input type="checkbox"/>	Engaging in sexual harassment as defined by MSS 363A.03, subdivision 43.
<input type="checkbox"/>	Using deadly force when not authorized by MSS 609.066.
<input type="checkbox"/>	Being convicted of solicitation, inducement or promotion of prostitution.
<input type="checkbox"/>	Failed to intercede and report unlawful use of force by another officer, MSS 626.8475 (Duty to Intercede and Report)
<input type="checkbox"/>	Failed to meet licensure requirements
<input type="checkbox"/>	<b>Chief Law Enforcement Officer (CLEO) ONLY:</b> Failed in his/her duties as the CLEO to implement and enforce legislatively <a href="#">mandated policies</a> . Highlighted policies include: <ul style="list-style-type: none"> <li>• Use of Force</li> <li>• Avoiding Racial Profiling</li> <li>• Professional Conduct of Peace Officers</li> <li>• Investigation of Sexual Assault</li> </ul>



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**COMPLAINT FORM**

- *If you need assistance with completing this form for any reason please contact one of our Standards Coordinators*
- *If you have documents, audio or video recordings or other supporting information that you would like to add to this complaint contact one of our Standards Coordinators to discuss what formats POST can accept.*

<b>Officer(s):</b>	
<b>Agency or Agencies:</b>	

**COMPLAINANT**

First Name	Middle Name	Last Name
Street Address	City	State / Zip Code
Cellular Number	Home Number	Email

**WITNESS (If more than one witness, attach additional pages)**

First Name	Middle Name	Last Name
Street Address	City	State / Zip Code
Cellular Number	Home Number	Email

**INCIDENT**

Date	Time	Location
Name(s) of Principle Officer(s), if unknown, provide a physical description		
Badge Number(s)	Squad Number(s)	
Law Enforcement Agency or Agencies	Citation or Case Number	

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



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**SUMMARY OF ALLEGED MISCONDUCT**

This should be completed by the complainant and signed. Include all relevant information, i.e., the reason you had contact with the law enforcement officer(s), and a narrative of the events. Include an explanation if you believe misconduct has occurred. If needed, you may include additional pages. Include copies of any supporting documents you may have. Please sign and date all pages.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_



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**NOTICE:**

Private or confidential information you provide on this form, and in later communications or proceedings, will be used by POST Board staff and/or designated investigators to process and investigate your complaint. The information may also be used for statistics. You are not required to submit this form or provide all of the information requested on the form. However, if you do not provide all of the information, we may not be able to fully investigate the claim or contact you with additional questions. During the investigation we will not identify you as the complainant unless you authorize us to do so below. In some cases we will not be able to investigate your complaint if you do not authorize us to identify you.

<b>Do you authorize the POST Board to share your name and the facts contained in your complaint with the subject of your complaint? Please check Yes or No.</b>	
<input type="checkbox"/> <b>YES.</b> I hereby authorize the POST Board to release my name as the complainant to the subject of the complaint and to any other person as necessary for purposes of furthering the underlying investigation. I also authorize the POST Board to release to the subject of the complaint a copy of my complaint and the facts contained therein as the department deems necessary to assist in furthering the course of the investigation.	
<input type="checkbox"/> <b>NO.</b> I do not authorize the POST Board to release my name as the complainant, or a copy of the complaint, to the subject of the complaint. I understand that the board may not be able to investigate my complaint if the investigation will require the board to disclose information that would identify me.	
<b>Signature of complainant OR typed signature</b>	
<b>Printed Name</b>	<b>Date</b>