

# **East Grand Forks Police Department**

## **Officer Conduct – Minnesota Board of Peace Officer Standards and Training**

**Directive:** 1.0.1

**Reference:** RSFLEA 1.1.2, MN STAT 6700.1500, 6700.1600, 6700.1610, 6700.1700, 6700.1710

**Authorized By:** \_\_\_\_\_  
Michael S. Hedlund – Chief of Police

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### **I. POLICY**

It shall be the policy of the East Grand Forks Police Department to follow the Standards of Conduct as established by the Minnesota Board of Peace Officer Standards and Training (POST Board) and the Minnesota Legislature. In 1977 the Minnesota Legislature established the Minnesota Board of Peace Officer Standards and Training (POST). The mission of the POST Board was to create the first law enforcement occupational licensing system in the United States, establish law enforcement licensing and training requirements, and set standards for law enforcement agencies and officers.

As an occupational regulatory agency, POST is responsible for licensing over 10,500 active peace officers and 109 active part-time peace officers. The board has the legislative authority to adopt administrative rules that have the force and effect of law, rules that enable the board to establish policies and standards to which all licensees must adhere.

### **II. PURPOSE**

The POST Board believes that in order for the public to have confidence in the integrity and ability of law enforcement, it is paramount that peace officers demonstrate that they are capable of self-regulation. The board further believes that internal discipline is properly a function of the appointing authority and its political subdivision. These standards of conduct relate to licensure only and violations thereof do not enlarge on a peace officer's civil or criminal liability in any way.

### **III. PROCEDURES**

A. Violation of Standards of Conduct - Violation of any of the following standards of conduct by a licensee constitutes grounds for disciplinary action:

1. engaging in conduct prohibited by, or listed as, grounds for disciplinary action in this chapter, Minnesota Statutes, chapter 214, or sections [626.84](#) to [626.90](#), or engaging in conduct which violates any statute enforced by the board;
2. obtaining a license from the board by fraud or cheating, or attempting to subvert the examination process;
3. being convicted of a felony or gross misdemeanor in this state, or in any other state or federal jurisdiction of an offense that would constitute a felony or gross misdemeanor if committed in Minnesota including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or no contest;
4. having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction;
5. failing to report the revocation, suspension, or surrender of a license or certificate in resolution of a complaint, or other disciplinary or adverse action taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;
6. being convicted of a state or federal narcotics or controlled substance law irrespective of any proceedings under Minnesota Statutes, section [152.18](#), or any similar law of another state or federal law;
7. being adjudicated by a court of competent jurisdiction, within or without the state, as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender under Minnesota Statutes, section [243.166](#) or [243.167](#);
8. violating any order issued by the board;
9. practicing outside the scope of Minnesota Statutes, section [626.863](#);
10. making an intentional false statement or misrepresentation to the board;
11. engaging in sexual penetration or contact without consent, as defined in Minnesota Statutes, section [609.341](#), or engaging in conduct that violates Minnesota Statutes, section [617.23](#). Sexual contact does not include contact that is part of standard police procedure such as search and arrest;
12. being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a violation of Minnesota Statutes, sections [518B.01](#), subdivision

14; 609.23; 609.231; 609.342;609.343; 609.344; 609.345; 609.3451; 609.43; 609.465; 609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557;

13. failing to cooperate with an investigation of the board as required by part6700.1610, subpart 4;

14. engaging in sexual harassment, as defined by Minnesota Statutes, section363A.03, subdivision 43;

15. using deadly force when not authorized by Minnesota Statutes, section609.066; or

16. being convicted of solicitation, inducement, or promotion of prostitution in violation of Minnesota Statutes, section 609.322, or any conviction under Minnesota Statutes, section 609.324, or being convicted of similar offenses in another state or federal jurisdiction.

## B. Reporting Obligations and Cooperation

1. Reporting conduct violation - A person with knowledge of conduct constituting grounds for action under Minnesota Statutes, chapter 214, or the board's regulatory provisions in part 6700.1600 may report the violation to the board.

2. Licensee reporting requirement - A licensee shall report to the board and chief law enforcement officer any action, inaction, or condition of that licensee which the licensee reasonably believes would constitute grounds for disciplinary action under any of the board's regulatory provisions.

3. Report submittal requirement - Reports required by this part must be submitted no later than 90 days after learning of the reportable event.

4. Cooperation by licensee - A licensee who is the subject of an investigation, or who is questioned in connection with an investigation, shall cooperate fully with the investigation. Cooperating includes responding fully and promptly to questions raised by or on behalf of the board relating to the subject of the investigation, providing copies of records in the licensee's possession relating to matters under investigation, assisting the board in its investigation which includes executing releases for records as requested by the board, and appearing at conferences or hearings scheduled by the board.

## C. Complaint Committee

1. Definition - For the purpose of this part, "affected parties" means the complainant, the licensee who is subject to the complaint, and the chief law enforcement officer in the agency employing the officer who is a party to the complaint.

2. Complaint committee membership - The complaint investigation committee shall consist of three board members who shall supervise the processing of the complaint.

At least two of these members shall be peace officers. The board chair shall appoint the complaint investigation committee and the chair.

3. Complaint committee quorum - All three committee members must be present to act, and decisions of the committee shall be by majority vote.

#### D. Disciplinary Actions for Violations of Administrative Rules

1. Temporary restraining order - In addition to any other remedy provided by law, the board may, acting through the complaint investigation committee and without a hearing, petition a district court for a temporary restraining order if the committee finds that the licensee has violated a rule that the board is empowered to enforce and continued practice by the licensee would create an imminent risk or harm to others.

2. Grounds - When grounds exist under any of the provisions set forth in this chapter, the board may take one or more of the following disciplinary actions:

- a. deny an application for a license;
- b. revoke the license;
- c. suspend the license;
- d. impose limitations on the licensee's ability to practice;
- e. impose conditions on the licensee; or
- f. censure or reprimand the licensee.

3. Settlement agreement. When grounds exist under the board's regulatory provisions, the executive director may enter into a settlement agreement with the regulated licensee for corrective action which may include requiring the regulated person:

- a. to complete an educational course or activity;
- b. to submit to the executive director a written protocol or reports designed to prevent future violations of the same kind;
- c. to meet with the executive director or designee to discuss prevention of future violations;
- d. to reimburse the board for its legal and investigative costs; and
- e. to perform other action justified by the facts.

The listing of these measures in this subpart does not preclude the board from including the measure in any order for disciplinary action.

4. Reinstatement fee - Upon reinstating a license or granting an applicant's license, the board may, at its discretion, impose a reinstatement fee.

5. Cease and desist order - The board may in its own name, acting through the complaint investigation committee, issue a cease and desist order to stop an unlicensed person from engaging in unauthorized practice or violating or threatening to violate a rule or order which the board has issued or is empowered to enforce. The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under Minnesota Statutes, sections [14.57](#) to [14.62](#). The order shall be effective upon personal service or three days after mailing if served by mail. The board may also, in its own name, seek a temporary restraining order from the appropriate district court to stop an unlicensed person from engaging in unauthorized practice or violating or threatening to violate a rule or order which the board has issued or is empowered to enforce.

The following East Grand Forks Police Department Policies are rescinded upon the effective date of this order: “Officer Conduct” and “Minnesota Board of Peace Officer Standards and Training” Issued 11/15/2000 – Pages 2-3 and 13-21 of the old policy manual.