

Personnel Complaints

1008.1 PURPOSE AND SCOPE

The purpose of this policy is to inform all employees and the public of procedures for reporting, receiving, investigating, and disposition of complaints regarding the conduct of licensed peace officer of the Aitkin Police Department. The provisions of this policy are applicable only to the investigation and the disposition of allegations of administrative misconduct. This policy does not apply to a criminal investigation.

1008.2 POLICY

It is the policy of the Aitkin Police Department to accept and to fairly and impartially investigate all complaints of misconduct to determine the validity of allegations; and to impose any corrective actions that may be justified in a timely and consistent manner.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1008.3 DEFINITIONS

For the purpose of this policy, the terms set forth below are defined as follows:

A. Administrative Investigation: An internal investigation conducted in response to a complaint with the goal of determining whether an employee engaged in misconduct.

B. Chief Law Enforcement Officer means the chief of police, sheriff, state law enforcement director or designee. Within this model policy, the chief law enforcement officer will be referred to as CLEO.

C. Law Enforcement Officer means an individual who holds a peace officer license in the State of Minnesota. Within this policy, a law enforcement officer will be referred to as LEO.

D. Complainant means a person who submits a complaint to the Agency or CLEO alleging misconduct by an agency member.

E. Complaint means a statement alleging behavior that constitutes misconduct.

F. Member means all voluntary and compensated personnel of the agency.

G. Discipline means any of the following or a combination thereof:

- (a) Oral Reprimand
- (b) Written Reprimand
- (c) Suspension
- (d) Demotion
- (e) Discharge

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H. Unfounded means there is no factual basis for the allegation. The act or acts alleged did not occur.

I. Exonerated means a fair preponderance of the evidence established that either:

1. the agency member named in the complaint was not involved in the alleged misconduct; or
2. the act(s) that provided the basis for the complaint occurred; however, the investigation revealed that such act(s) were justified, lawful or proper.

J. Not sustained means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.

K. Sustained means a fair preponderance of the evidence obtained in the investigation established that the LEO's actions constituted misconduct.

L. Policy failure means that the complaint revealed a policy failure. The allegation is factual and the LEO(s) followed proper agency procedure, however, that procedure has proven to be deficient.

M, Respondent means an individual who is the subject of a complaint investigation.

N. Misconduct means:

1. a violation of an agency policy or procedure governing conduct of agency members;
2. conduct by a peace officer that would be a violation of POST Standards of Conduct per Minn. Rules 6700.1600.

O. Policies and Procedures mean the administrative rules adopted by the agency regulating the conduct of agency members.

P. Receiving Authority means the entity who receives and is required to investigate the complaint when the subject of the complainant is the CLEO.

1008.3.1 DISCIPLINE

Disciplinary action may include, but is not limited to (Minn. R. 6700.2200):

- (a) Oral reprimand.
- (b) Written reprimand.
- (c) Suspension.
- (d) Demotion.
- (e) Discharge.

1008.3.2 MINNESOTA POST INVESTIGATIONS

The Minnesota POST Board may require an administrative investigation based upon a complaint alleging a violation of a statute or rule that the board is empowered to enforce.

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Any such misconduct allegation or complaint assigned to this department shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10, Subd. 10).

The Department shall cooperate with POST's investigation and provide requested information unless (Minn. Stat. § 626.8457):

- (a) There is an active criminal investigation or active criminal proceeding regarding the same incident or misconduct that is being investigated by POST.
- (b) An active internal investigation exists regarding the same incident or misconduct that is being investigated by POST during 45 days from the time the request was made by POST. The Chief of Police or the authorized designee shall comply with the request upon completion of the internal investigation or once 45 days has passed, whichever occurs first.

1008.3.3 CIVILIAN OVERSIGHT COUNCIL

When applicable, the Chief of Police or the authorized designee shall cooperate with the designated civilian oversight council, as appropriate (Minn. Stat. § 626.89, Subd. 17).

1008.4 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST of certain officer personnel events, including but not limited to:

- (a) A termination or resignation of an officer who is the subject of an internal or criminal investigation due to alleged misconduct regardless of whether the investigation has been initiated or completed, or whether the officer was criminally charged (Minn. Stat. § 626.8457, Subd. 4).
- (b) The violation of a required POST model policy identified in Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).