



Policy 206: Complaint Procedures

POLICY

Our policy is to ensure proper and professional employee conduct.

Order 206:

Reflective of the core values of excellence, respect, courtesy, and compassion, the following procedure will be utilized to ensure proper employee conduct:

Investigation:

The department will investigate all complaints, including anonymous complaints, entered against the department or employees.

- Even malicious or false allegations shall be appropriately investigated to protect the integrity of the department and the process.
- A record of complaints will be maintained and shall be administered in accordance with the Minnesota Government Data Practices Act.
- Investigations of complaints may be conducted by the Chief of Police or a designee.

The department holds that progressive discipline is an effective tool for assisting an employee in the correction of behaviors inconsistent with our mission.

- Termination will be considered following a program of progressive discipline, or if warranted by the nature of the misconduct, and in accordance with the Collective Bargaining Agreement.
- Based on the nature of the allegations in the complaint, the Chief of Police may choose to place the employee on paid administrative leave pending the outcome of the investigation.

Categories of Complaints:

Major Violations include, but are not exclusively:

- Criminal misconduct
- Improper use of force
- Civil rights violations and
- Corruption
- These will be investigated by the Chief of Police or designee, and an Incident Report will be initiated.

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- **Infractions:** include violations of department and City policies and standards which are not included as major violations.
- These will ordinarily be investigated by the on-duty supervisor or the division commander of the affected employee.

Citizen/officer disagreements regarding the issuance of charges do not come under the purview of this order and are not considered complaints. Nonetheless, Watch Commanders will receive these inquiries and attempt additional explanation if necessary and appropriate. Alleged infractions not involving outside persons are expected to be resolved by supervisors with necessary actions taken.

Initiating a Complaint:

- Complaints may be initiated by citizens, by department members, by city employees, or by anonymous persons meeting the criteria of this order.
- Complainants must have personal knowledge of the facts or reliable hearsay information.
- Whenever possible, a supervisor will receive the complaint or concern.
- Any departmental employee receiving a complaint or concern shall notify the appropriate supervisor, ordinarily the Watch Commander.

Disposition of Complaints:

Investigations will be in accordance with the Minnesota Peace Officer Discipline Procedures Act, MSS 626.89, where applicable.

Upon investigation a complaint may result in one of the following outcomes:

- **Formal Investigation Not Warranted:** The complainant will be advised of this disposition and given the opportunity to provide additional information.
- **Sustained:** The complaint is valid, and a violation did occur. Responses may include, but are not limited to, counseling, oral or written reprimand, suspension, termination, referral for assessment, referral for criminal prosecution, or demotion. When a "sustained" disposition is final, the respondent may appeal the disposition pursuant to the rules and law governing the accused member's employment.
- **Unfounded:** A preponderance of the evidence indicates the incident did not occur, or the member was not involved.
- **Exonerated:** A preponderance of the evidence indicates the basis for the complaint did occur, but the acts were justified, lawful, and proper, and do not adversely reflect upon the department or the member's ability to perform their duties.
- **Exceptionally Cleared:** Extraordinary resolution. The complainant will be notified of the disposition of the complaint within Data Privacy Law (MSS 13.43) guidelines. The complainant will be notified of the disposition of the complaint within Data Privacy Law (MSS 13.43) guidelines:

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Authority for Discipline:

Any disciplinary action taken will be in accordance with public law and the current Collective Bargaining Agreement as applicable.

The following disciplinary measures require subsequent notification of the Chief of Police:

- Oral or written reprimands
- Immediate suspension with pay, for actions on-duty including but not limited to:
- Employee drug or alcohol use,
- Gross insubordination or misconduct,
- Any violation of criminal law,
- Violation of any rule which could cause physical danger, or which could subject the employee to dismissal.
- All other disciplinary measures must first be approved by the Chief of Police.

Prosecution of False Allegations:

- While encouraging the report of legitimate complaints, the department also seeks to hold members of the public accountable for filing false and malicious allegations, which will be forwarded to the Chief of Police for review.