



Policy 206: Allegations of Misconduct

Note: This policy is mandated by the Minnesota POST Board.
MN Rules 6700.2200 through 6700.2600.

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:

Order 206:1 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
- Corruption

Lakeville Police Department

Policy Manual

Allegations of Misconduct

These will be investigated by the Chief of Police or designee, and an Incident Report will be initiated.

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.

Order 206:2 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.

Order 206:3 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:

Lakeville Police Department

Policy Manual

Allegations of Misconduct

Order 206:4 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.

Order 206:5 Maintenance and Disclosure of Data:

Disclosure to the public, complainant and respondent of data collected, created, or received by the agency in connection with this policy and procedure must be governed by the provisions of the MN Government Data Practices Act. Retention of data collected or maintained in connection with this policy must be retained in accordance with the agency's "Record Retention Schedule."

All data collected, created, or received by the agency in connection with this policy and procedure must be maintained in accordance with the agency's "Record Retention Schedule."

The placement of the disposition report or other data in an employee's personnel file must be governed by the agency's personnel policy.

Access to data collected, created, or received in connection with this policy and procedure may only be authorized by the CLEO or the agency's Data Practices "Responsible Authority," and as provided by Chapter 13, the "Minnesota Government Data Practices Act," or valid court order.

Order 206:6 POST BOARD Reporting Requirements:

Under Minn. Rule 6700.1610, 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. Reports required in 6700.1600 must be submitted no later than ten days after learning of the reportable event.

Any person with knowledge of peace officer misconduct constituting grounds for action under Minn. Stat. chapter 214, or Minn. Rules 6700.1600, may report the violation to the Board.

Minnesota Stat. 626.8457 Subd. 3 requires CLEOs to submit individual peace officer public and private data related to allegations of misconduct to the POST Board in "real time" via the POST Board Misconduct Reporting System.

Lakeville Police Department

Policy Manual

Allegations of Misconduct

A chief law enforcement officer must update data within 30 days of final disposition of a complaint or investigation.

Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in Minn. Stat. 626.8457 Subd. 3 paragraph (b) to the Board. Any such confidentiality agreement is void as to the requirements of this section.

Order 206:7 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.