

1 Board of Peace Officer Standards and Training

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3 Adopted Rule Governing Investigation and Resolution of
4 Misconduct Allegations

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6 Rule as Adopted

7 4 MCAR S 13.040 Investigation and resolution of misconduct
8 allegations.

9 A. Definitions. For the purposes of this rule the terms
10 defined have the meanings given them.

11 1. "Data" means personnel data as defined in Minnesota
12 Statutes, section 13.43, subdivision 1, which is public if it
13 falls within the categories listed in subdivision 2 of that
14 statute.

15 2. "Misconduct" means an act or omission by an employee
16 or appointee of an agency licensed by the board which may result
17 in disciplinary action by the agency or appointing authority.

18 B. Scope. The board recognizes the importance of the need
19 for each agency and appointing authority to have and to use
20 written procedures for the investigation and resolution of
21 allegations of misconduct. The agency and appointing authority
22 have the responsibility to impose the disciplinary sanctions
23 they find appropriate for misconduct that occurs. Nothing in
24 this rule shall be interpreted or is intended to authorize the
25 board to approve, deny, or modify in any manner sanctions which
26 may or may not be imposed by the agency or appointing authority.

27 C. Development of written procedures. On or before October
28 1, 1984, the chief law enforcement officer shall establish
29 written procedures for the investigation and resolution of
30 allegations of misconduct against licensees employed or
31 appointed by his agency. These procedures shall minimally
32 specify:

- 33 1. the misconduct which may result in disciplinary action;
- 34 2. the process by which complaints will be investigated;
- 35 3. the sanctions which may be imposed if a complaint is
- 36 sustained;

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1 4. the appeal process for the licensee;

2 5. the process which will be used to notify the
3 complainant of the investigation and disposition; and

4 6. the effective date of the procedures or subsequent
5 modifications of the procedures.

6 D. Affirmation of compliance. The chief law enforcement
7 officer shall affirm to the board compliance with C. no later
8 than October 15, 1984. If an agency begins operation after
9 October 1, 1984, the chief law enforcement officer shall affirm
10 to the board compliance with C. no later than 15 days after the
11 agency begins operation.

12 E. Copies of procedures. Copies of current written
13 procedures governing allegations of misconduct shall be
14 available to the public on request. Copies of written
15 procedures governing allegations of misconduct and any
16 subsequent modifications of the procedures shall be distributed
17 by an agency to licensees who are employed or appointed by the
18 agency.

19 F. Documentation of complaints. The chief law enforcement
20 officer or his designee or designees shall maintain data
21 concerning ~~all allegations of~~ misconduct by licensees employed
22 or appointed by the agency according to the provisions of
23 Minnesota Statutes, sections 15.17 and 15.171. The board may
24 request copies of this data. The chief law enforcement officer
25 shall supply the data and an affidavit of compliance with C.2.
26 to the board within five days of the request, excluding
27 Saturdays, Sundays, and legal holidays. If compliance is not
28 possible within that time, the chief law enforcement officer
29 shall inform the board and shall have an additional five days to
30 comply with the request, excluding Saturdays, Sundays, and legal
31 holidays.

32 G. Processing of complaints. Complaints which allege
33 misconduct by a licensee shall be processed according to the
34 agency's written procedures. Failure to comply with these
35 procedures or any other provisions of this rule shall be grounds
36 for disciplinary action against the chief law enforcement

1 officer's license.