

Personnel Complaints

1009.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Plymouth Police Department (Minn. R. 6700.2200). This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1009.2 POLICY

The Plymouth Police Department takes seriously all inquiries regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local laws, municipal and county rules and the requirements of any memorandum of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation. A relationship of trust and confidence between department members and the community is essential for effective law enforcement. Law enforcement officers must be free to exercise their best judgment and to initiate enforcement action in a lawful and impartial manner without fear of reprisal. At the same time, they must meticulously respect individual rights.

1009.3 PROCEDURE

The command responsibility for the internal affairs process is placed with the Professional Standards Commander.

Inquiries include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Inquiries may be generated internally or by the public.

The assigned investigator shall thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation. If the investigation uncovers potential misconduct by another member, the investigator shall initiate a complaint against that member. Investigations will be completed in a timely manner.

1009.3.1 EXTERNAL INVESTIGATIONS

The Director of Public Safety may request that an outside agency conduct an investigation anytime they determine an external investigation is appropriate. This department should not conduct an investigation when the Director of Public Safety is the subject of the inquiry. An external investigation should be requested through the City Manager.

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1009.3.2 INQUIRY CLASSIFICATIONS

Inquiries shall be classified in one of the following categories:

Performance Matter - Specific issues or methods related to the provision of police services by a member of the Department that are not classified as misconduct due to the following factors:

- The concern relates to a minor rule violation;
- The concern is likely to be resolved by training and counseling even if the alleged facts are true;
- There is no known pattern of similar conduct by the employee; and
- There is no evidence of bad faith or intent to do wrong.

Minor issues such as attitude, demeanor, courtesy, tardiness, and attendance will frequently be classified in this category

Complaint - An allegation of misconduct involving a member of the Department that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule.

Departmental Concern - An inquiry that relates to the actual and authorized methods of providing police services by the Department.

1009.3.3 SOURCES OF INQUIRIES

The following applies to the source of inquiries:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate an inquiry based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel inquiry.
- (f) The Minnesota Board of Peace Officer Standards and Training (POST) may refer complaints alleging a violation of a statute or rule that the board is empowered to enforce (Minn. Stat. § 214.10, Subd. 10).
- (g) Any person making a complaint may be accompanied by an attorney or other representative, including at the time the complaint is made.
- (h) Any person wishing to file a complaint against the Director of Public Safety should be referred to the City Manager for investigation by an outside agency.

1009.4 AVAILABILITY AND ACCEPTANCE OF INQUIRIES

The public is encouraged to report acts of misconduct or malfeasance by department members. The Department will make every effort to ensure that no adverse consequences occur to any

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person or witness as a result of having brought an inquiry, or having provided information in any investigation. Any department employee who subjects a complainant or witness to recrimination shall incur appropriate disciplinary action.

1009.4.1 INQUIRY FORMS

Personnel inquiry forms will be maintained in a clearly visible location in the public area of the police facility.

1009.4.2 ACCEPTANCE

All inquiries will be courteously accepted by any Department member and promptly given to the appropriate supervisor. An inquiry may be filed either in writing or orally, and in person or by telephone. Such inquiries will be directed to a supervisor if available. If a supervisor is not immediately available to take an oral inquiry, any receiving Department member may take the inquiry and will be responsible for reporting it.

Although not required, complainants should be encouraged to file inquiries in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

Citizens initiating an inquiry shall not be directly referred to the Professional Standards Division.

1009.4.3 INQUIRY COPIES

After an inquiry is filed, the accepting member should sign the document, keep a copy for the department and provide a copy to the complainant.

1009.5 INQUIRY DOCUMENTATION

Supervisors shall ensure that all inquiries are documented on the Plymouth Police Department Inquiry Form. The supervisor shall ensure that the nature of the inquiry is defined as clearly as possible. [See attachment: Citizen Complaint Form.pdf](#)

The documented inquiry shall be forwarded to the affected unit's Divisional Commander (unless the violation constitutes a Major Violation, which shall be referred to the Professional Standards Commander). The Divisional Commander shall consult with the Professional Standards Commander to classify the inquiry as one of the following based on the definitions contained in this policy.

- (a) A Departmental Concern;
- (b) A Performance Matter; or
- (c) A Complaint.

Once classified, the inquiry shall then be routed to the Professional Standards Commander who will log the inquiry and assign a report number. After processing the inquiry, the Professional Standards Commander shall notify the Director of Public Safety.

The Professional Standards Commander will document all inquiries in a log. The log shall include the nature of the inquiry and the actions taken to address the inquiry.

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1009.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The investigating supervisor conducting the investigation shall provide the complainant with updates on the status of the investigation, as outlined below, and consistent with the provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

Performance Matter: Upon the receipt of an inquiry and determination that it will be handled as a performance matter, the Divisional Commander shall notify the reporting party in writing of receipt of the performance matter and the fact that it has been assigned to a supervisor for resolution.

Complaint: Upon the receipt of an inquiry and determination that it will be handled as a complaint, the Professional Standards Commander shall notify the reporting party in writing of receipt of the complaint, its impending investigation, the name of the investigating supervisor or the supervisor in charge of the internal affairs investigation, and outline the investigative process.

Departmental Concern: Upon receipt of an inquiry and determination that it will be handled as a departmental concern, the Professional Standards Commander shall notify the reporting party in writing that the inquiry has been classified as a departmental concern, and that it has been referred to staff personnel for further consideration and development as the concern relates to appropriate policies and procedures of the Department.

Dispositions: All complainants shall be notified of the final results of an inquiry, whether registered as a complaint, departmental concern, or performance matter. The complainant may, within five (5) days after notification of the disposition, request the Director of Public Safety, for good cause, reopen the investigation.

1009.7 INQUIRIES CLASSIFIED AS A DEPARTMENTAL CONCERN

If the documented contact is classified as a departmental concern, the Commander receiving the documented inquiry may respond to the inquiry or assign as appropriate for further investigation and recommendations.

The documented response to the departmental concern shall be referred to the Professional Standards Commander for processing and review, and then forwarded to the Director of Public Safety for his/her review.

1009.8 INQUIRIES CLASSIFIED AS A PERFORMANCE MATTER

If the documented inquiry is classified as a performance matter, the Commander receiving the inquiry may assign it to an appropriate supervisor for resolution.

1009.8.1 INVESTIGATING SUPERVISOR RESPONSIBILITIES

The assigned investigating supervisor shall discuss the incident with the member(s) involved in the incident.

- (a) The supervisor may contact the complainant, if necessary, to acquire a firm understanding of the alleged facts.

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- (b) The supervisor should not make a specific determination of whether the alleged conduct occurred or whether it constitutes a violation of any rule.
- (c) The focus of the discussion with the member(s) involved will be to discuss alternatives, if any, that might have led to a more positive outcome.

1009.8.2 PERFORMANCE MATTER REPORTING

The supervisor assigned to resolve the performance matter shall submit a report to their Divisional Commander briefly outlining the following information:

- (a) The name of the member;
- (b) The details of the incident, emphasizing the subject of the inquiry, if not adequately documented in previous reports;
- (c) The action taken; and
- (d) Recommendations for further counseling or training, or reference to the supervisor's actions to accomplish this purpose, if appropriate.

There is no intent to make specific findings on any such incident, but rather, to encourage meaningful discussion between supervisors and members on how a given situation might have been handled differently, if appropriate.

Upon completion of the follow-up action by the supervisor to whom a performance matter is assigned, the original document and report shall be returned to the Divisional Commander who originally assigned the performance matter. Based upon that report, the Divisional Commander may take any of the following actions:

- Place the report in the member's departmental employee file for a predetermined period, indicating that if there are no further similar training or counseling issues raised as of that date, the report may be removed from their departmental employee file;
- Conduct counseling and/or instruction with the member, or recommend no further action be taken.
- Refer the employee to any formal training that might be appropriate; or
- Refer the incident to the Professional Standards Commander for investigation as a formal complaint. (If statements have been taken, they will be retaken in a setting and under circumstances appropriate to an internal investigation of a complaint).

A completed performance matter and supporting documentation shall be routed to the Professional Standards Commander for final processing and review, and then forwarded to the Director of Public Safety.

1009.9 INQUIRIES CLASSIFIED AS A COMPLAINT

If the documented inquiry is classified as a complaint, the Divisional Commander receiving the documented inquiry shall assign the complaint to an appropriate supervisor for investigation and recommendation. In cases of serious incidents (Major Infractions), the case may be assigned to the Professional Standards Division. Allegations of misconduct will be administratively investigated as follows (Minn. R. 6700.2200).

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1009.9.1 INVESTIGATING SUPERVISOR RESPONSIBILITIES

The supervisor assigned to investigate the complaint shall conduct the investigation and complete a report for the Divisional Commander who assigned the complaint. Upon the completion of the investigation and recommendation, the Divisional Commander shall forward the investigative report to the Professional Standards Commander, along with any additional recommendations. The Professional Standards Commander will then review the investigation report and recommendation then forward it to the Director of Public Safety for a final determination.

1009.9.2 COMPLAINT INVESTIGATION PROCEDURES

Whether conducted by an investigating supervisor or the Professional Standards Division, the following shall apply to members covered by the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89):

- (a) Members shall not be required to provide a formal statement until the following actions have been taken.
 - 1. A signed statement has been taken from the person alleging facts which, if proven true, would constitute a basis for disciplining the member.
 - 2. In certain instances, a formal complaint signed by the Director of Public Safety or his/her designee, based on facts made known to him/her, even where those facts are received from an anonymous source, shall serve as the required signed statement under this provision. In those instances, the Director of Public Safety shall be deemed the complainant. If the Director of Public Safety has reason to believe the complaint is unfounded, they shall have the authority to require an anonymous complainant to identify himself/herself. If that complainant refuses to do so, the Director of Public Safety may refuse to accept a complaint and shall advise the anonymous person of that fact.
 - 3. The member has been given a summary of the allegations, which shall include a brief description of the events from which the complaint arises, the facts giving rise to the alleged misconduct and the specific rule or regulation which may have been violated if the facts alleged are found to be accurate. The member shall be given a copy of any written complaint signed by the complainant (Minn. Stat. § 626.89, Subd. 5).
- (b) A member shall be notified in writing of the time and place where a formal statement is to be taken. The written notice shall include notice of the provisions of sub-clause (a-3), (b), and (j) of this clause.
- (c) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty (Minn. Stat. § 626.89, Subd. 7). If the member is off-duty, he/she shall be compensated.
- (d) Unless waived by the member, interviews of an accused member shall be at the Plymouth Police Department or at a place agreed upon by the accused member (Minn. Stat. § 626.89, Subd. 4).
- (e) No more than two interviewers should ask questions of an accused member.

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- (f) All interviews should be for a reasonable period and the member's personal needs should be accommodated (Minn. Stat. § 626.89, Subd. 7).
- (g) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (h) A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications). [See attachment: Updated Tennessee Garrity 2019.pdf](#)
 - 1. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (i) The interviewer shall record all interviews of members and witnesses. The member may also record the interview. A complete copy or transcript of the interview must be made available to the member upon written request without charge or undue delay. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview (Minn. Stat. § 626.89, Subd. 8).
- (j) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative or attorney present before or during the interview (Minn. Stat. § 626.89, Subd. 9). When a member requests a representative or attorney, no interview may be taken until a reasonable opportunity is provided for the member to obtain that person's presence. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (k) All members shall provide complete and truthful responses to questions posed during interviews.
- (l) No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.
- (m) Before a formal statement is taken, the member shall be advised in writing or on the record that admissions made may be used as evidence of misconduct or a basis for discipline (Minn. Stat. § 626.89, Subd. 10).
- (n) A member may not be required to produce financial records (Minn. Stat. § 626.89, Subd. 11).

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- (o) A member's photograph will not be released unless allowed by law (Minn. Stat. § 626.89, Subd. 12).

1009.9.3 COMPLAINT INVESTIGATION REPORTING

The investigating supervisor assigned to investigate the complaint shall conduct the investigation and complete a report for the Divisional Commander who assigned the complaint in the following format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Alleged Violations/ Background - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence/ Interview/ Statements - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Summary - of the investigation which details the findings.

Conclusion - A recommendation which compares the facts determined as a result of the investigation with the rules and regulations of the Department and a finding of either Sustained, Not Sustained, Exonerated, or Pended for each alleged violation.

Exhibits - Exhibits (e.g., recordings, photos, documents) should be attached to the report.

1009.9.4 MAJOR INFRACTIONS

Accusations of major violations should be assigned to Professional Standards for investigation and final review; however, case assignment may be made to the Divisional Commander of the accused employee's unit. Factors to be considered in determining case assignment will include availability of resources, severity of allegations and any additional factors that may impact on the quality of the investigation.

The Professional Standards Commander shall initiate an internal investigation by:

- (a) Notifying the complainant as indicated below.
- (b) Forwarding the necessary documents to the divisional commander assigned to the investigation.
- (c) Notifying the member(s) who are subject to the investigation of its existence and impending investigation. This requirement may be waived if any such notification would jeopardize the conduct of the investigation; however, a notification must occur prior to the formal interview of any member who is the subject of the investigation.

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The notification to any member(s) who is subject to an investigation shall include the following information.

- Notice of the investigation and the employee assigned to conduct the investigation.
- Notice of the member's right to representation in any interviews to be conducted as part of the investigation.
- A reference to the member's labor union contract and the Police Officer's Discipline Procedure Act concerning additional rights the employee might have in the investigation process.
- The specific rule or regulation the member's conduct may have violated if the alleged complaint is sustained.
- A brief factual description of the details of the complaint.

1009.9.5 MAJOR INFRACTIONS REPORTING

An investigation shall be conducted and a report shall be made by the investigating supervisor in the following format:

- (a) Complainant information
- (b) Alleged Violation
- (c) Identity of Employee(s) involved
- (d) Witness List
- (e) Background Information
- (f) Statements
- (g) Facts Found
- (h) Summary
- (i) Recommendation

The investigative supervisor will forward all completed investigations to the Professional Standards Commander. The Professional Standards Commander may make any additional inquiries or investigative measures deemed necessary to verify, authenticate, or clarify findings, recommendations, or the investigative report, and may include such findings and recommendations with the report submitted to the Director of Public Safety.

The summation, recommendations, and finding of fact, shall be submitted to the Director of Public Safety for review, who, upon review of the file, may accept the findings and recommendations or remand the case for additional investigation in all or in part. The Director of Public Safety may also schedule a hearing to aid in his/her determination of a finding.

1009.9.6 MAJOR INFRACTIONS FINDINGS

Upon the completion of the internal affairs investigation, the Director of Public Safety will review the Findings of Fact and make final, one of the following findings as defined in section 1009.9.7 of this policy: Sustained, Not Sustained, Exonerated, or Pended.

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After selecting the appropriate departmental response to the complaint, the Director of Public Safety or their authorized designee will issue the Findings of Fact to the member(s) which shall minimally contain the following information: [See attachment: Findings of Fact.pdf](#)

- (a) A summary of the act or acts constituting misconduct and any specific statutes, policies, regulations, and procedures violated.
- (b) A description of any disciplinary or remedial action taken to prevent recurrence of the misconduct.
- (c) Any additional information as the Director of Public Safety or their authorized designee may find applicable to accurately document the disposition.

The Findings of Fact report will be given to the accused department member and the complainant will be notified of the disposition. Prior to the implementation of any remedial and/or disciplinary action, the Director of Public Safety and/or appropriate supervisor shall review it with the accused member and explain the reasons for the action.

If the complaint is sustained, appropriate disciplinary action will occur. Such action shall be based on the investigative report and the accused member's record of service, and shall be in conformance with any applicable collective bargaining agreement, personnel rules or regulation relating to discipline of members.

1009.9.7 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Exonerated - When the investigation discloses through a fair preponderance of the evidence that:

- The act(s) alleged did not occur.
- The member(s) named in the complaint were not involved in the alleged misconduct.
- The alleged act(s) which provided the basis for the complaint occurred but the investigation reveals that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Pended - When the investigation was discontinued because the department was unable to obtain information to substantiate a finding. Although the following reasons are not exhaustive, investigations can be interrupted or terminated when a complainant fails to follow through with available information, or there is lack of cooperation from the complainant or supporting persons which is essential to the investigation.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

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The Director of Public Safety may authorize that any investigation be re-opened any time substantial new evidence is discovered concerning the complaint.

1009.10 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, the Director of Public Safety shall request that an outside law enforcement agency conduct the criminal investigation. Any separate administrative investigation may parallel a criminal investigation or be delayed until such a time that the criminal investigation is complete.

The Director of Public Safety shall be notified as soon as practicable when a member is accused of criminal conduct.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Plymouth Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

The Director of Public Safety may postpone making a decision on an administrative investigation until any related criminal charges are resolved. The complainant and involved member should be informed of this decision.

1009.11 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. 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).

1009.12 POST-INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Director of Public Safety. The Director of Public Safety may accept or modify any classification or recommendation for disciplinary action.

1009.12.1 PROFESSIONAL STANDARDS DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Professional Standards Division Commander shall review the entire investigative file, the member's personnel file and any other relevant materials. The Professional Standards Division Commander may make recommendations regarding the disposition of any allegations. Prior to forwarding recommendations to the Director of Public Safety, the Professional Standards Division Commander may return the entire investigation to the assigned investigative supervisor for further investigation or action. When forwarding any written recommendation to the Director of

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Public Safety, the Professional Standards Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1009.12.2 FINAL DISPOSITION

The Professional Standards Commander, as directed by the Director of Public Safety or their authorized designee will:

- (a) Notify all complainants in writing of the result of the internal affairs investigation.
- (b) Notify officer(s) that were the subject of the investigation of the Director of Public Safety's finding.
- (c) Notify the appropriate collective bargaining unit if required by contract.
- (d) Make a final entry into the Internal Affairs Investigation Log.

Notices must be consistent with the provisions of the MGDPA (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1009.12.3 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Director of Public Safety after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, their response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Director of Public Safety to consider.
- (d) In the event that the Director of Public Safety elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Director of Public Safety on the limited issues of information raised in any subsequent materials.

1009.12.4 RESIGNATIONS OR RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1009.12.5 DISCIPLINE

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

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- (a) Oral reprimand
- (b) Written reprimand
- (c) Suspension with or without pay
- (d) Demotion
- (e) Discharge

1009.12.6 POST-DISCIPLINE APPEALS

Non-probationary employees have the right to grieve discipline. The accused member may, within five (5) days after notification of the disposition, request the Director of Public Safety, for good cause, reopen the investigation. The disposition shall be final upon expiration of the five (5) day period if there is no request for reconsideration. If a request for reconsideration is made, the disposition shall become final upon a decision on such request or the completion of any additional actions directed by the Director of Public Safety. Notwithstanding the foregoing, the investigation may be reopened by the Director of Public Safety at any time if substantial new evidence is discovered which is relevant to the complaint. The employee has the right to grieve discipline using the procedures established by their collective bargaining agreement and/or personnel rules (Minn. R. 6700.2200).

Employees covered by the Veterans Preference Act are entitled to written notice of the right to request a hearing within 30 days of receipt of the notice of intent to terminate, suspend or demote. Failure to request the hearing in the time specified waives the right to the hearing and all other legal remedies. Any hearing shall be held in compliance with law (Minn. Stat. § 197.46).

1009.13 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1009.14 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Director of Public Safety or their authorized designee may temporarily assign an accused employee to administrative leave at any time during the investigation. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

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- (c) May be temporarily reassigned to a different shift during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1009.15 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will employees, probationary employees, and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set forth in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy except for employees covered by the Veterans Preference Act (Minn. Stat. § 197.46). However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a Loudermill hearing, which shall be limited to a single appearance before the Director of Public Safety or the authorized designee (Minn. R. 6700.2200).

Any probationary period may be extended at the discretion of the Director of Public Safety in cases where the individual has not met or exceeded job performance standards.

1009.16 MAINTENANCE AND RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Disclosure to the complainant or accused member of the public data collected, created, received or maintained in connection with this policy and procedure shall be governed by the Minnesota Government Data Practices Act.

1009.16.1 CONFIDENTIALITY OF PERSONNEL FILES

All active investigations of alleged misconduct and personnel complaints shall be considered confidential and maintained separately from peace officer personnel files. The contents of such files shall not be revealed to other than the involved member or authorized personnel, except pursuant to lawful process, such as Minn. R. 6700.2500. Data in closed files shall be treated as private or public data depending on whether discipline was imposed upon the member.

1009.16.2 LETTERS OF DISCIPLINE AND REPRIMANDS

Letters of discipline and reprimands may only be placed in a member's personnel file after they are received by the member (see generally Minn. Stat. § 626.89, Subd. 13).

Attachments

Citizen Complaint Form.pdf



Plymouth Public Safety Citizen Complaint/Inquiry Form

The Plymouth Public Safety Department supports citizens to report legitimate complaints against employees of this department.

Date of Report:		Time:	Case No: (If Applicable)
How Received:	Phone <input type="checkbox"/>	Walk-In <input type="checkbox"/>	Email <input type="checkbox"/> Other:
Date of Incident:	Day of Incident:	Time of Incident:	
Location of Incident:		Nature of Complaint:	

Complainant:		Date of Birth:	
Address:	City:	State:	Zip Code:
Home Phone:	Work Phone:	Cell Phone:	

Witness Info:		Date of Birth:	
Address:	City:	State:	Zip Code:
Home Phone:	Work Phone:	Cell Phone:	

Details of Incident:

Involved Personnel: (Name or Physical Description, Badge #, Car #, etc)

Minnesota State Statute 609.505 Subdivision 2. Reporting Police Misconduct.
 (a) Whoever informs, or causes information to be communicated to, a peace officer, whose responsibilities include investigating or reporting police misconduct, that a peace officer, as defined in section 626.84, subdivision 1, paragraph (c), has committed an act of police misconduct, knowing that the information is false, is guilty of a crime and may be sentenced as follows: (1) up to the maximum provided for a misdemeanor if the false information does not allege a criminal act; or (2) up to the maximum provided for a gross misdemeanor if the false information alleges a criminal act.
 (b) The court shall order any person convicted of a violation of this subdivision to make full restitution of all reasonable expenses incurred in the investigation of the false allegation unless the court makes a specific written finding that restitution would be inappropriate under the circumstances. A restitution award may not exceed \$3,000.

Complainant Signature	
Officer Receiving Complaint	Badge #

<p>ADMINISTRATIVE USE ONLY</p> <p>Reviewed by: _____ <div style="display: flex; justify-content: space-around; width: 100%;"> Name & Rank Badge No: </div> </p> <p>Date Reviewed: _____ Inquiry No: _____</p>	Referred to:
	Action Taken:

Updated Tennesen Garrity 2019.pdf



PLYMOUTH PUBLIC SAFETY DEPARTMENT

3400 PLYMOUTH BOULEVARD, PLYMOUTH, MN 55447-1482

(763) 509-5160 Fax: (763) 509-5167

TENNESSEN / GARRITY ADVISORY

PLYMOUTH PUBLIC SAFETY DEPARTMENT

You are being questioned by the Plymouth Public Safety Department as part of an official investigation, concerning allegations of employee misconduct. You will be asked to supply private or confidential information.

You are required to provide all requested information relative to this investigation. The requested information may be in the form of an oral or written statement or documents. If you refuse to provide such information, or provide false, misleading or incomplete information, you may be subject to discipline, including suspension without pay or dismissal.

Any admissions which you make during the course of questioning may be used against you as evidence of employee misconduct or as a basis for discipline, including dismissal. The information you provide may also be used in performance evaluations, applications for different employee positions, and other matters which involve a review of an employee's personnel file and past performance.

Because the statements which you make in response to these questions are being compelled by threat of disciplinary action, including dismissal, these statements and any evidence resulting from these statements, cannot be used against you in court in any criminal proceedings.

Any information that you provide will be made accessible to the following persons or entities:

1. Employees, agents, attorneys and officials of the City who have a need to know about the information in the course of their duties or responsibilities;
2. The person who is the subject of the data, which may include someone other than yourself;
3. People who have permission from the subject of the data;

4. The Internal Revenue Service, Minnesota Department of Revenue, Public Employees Retirement Association, or other applicable pension system;
5. The Minnesota Department of Economic Security in any claim for or appeal of re-employment benefits;
6. Individuals or entities who have obtained a court order for the information;
7. Participants in any litigation, mediation, veteran's preference hearing, grievance arbitration, or other administrative proceeding which involves the employee; and
8. Labor organizations and the Bureau of Mediation Services.
9. If you are disciplined, the results of the investigation and discipline are public data as defined under Minnesota Statutes Section 13.43, Subd. 2. Public data is data which is available to any person upon request.
10. The information you provide may be made available to other persons or entities if state or federal law subsequently authorizes such access or if the state commissioner of administration approves a new or different use for the information pursuant to Minn. Stat. § 13.05, subd. 4(c).
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12. If litigation arises, the information may be provided in documents filed with the court which are available to the public.
13. If it is reasonably necessary to discuss the information at a City Council meeting, it will be available to members of the public.
14. To the extent that some or all of the information is part of the basis for the final decision on imposed disciplinary action, that information is available to the public. Minn. Stat. § 13.43, subd. 2(a)(5)

I have read and understand the above.

Date: _____

Sign Name : _____

Print Name: _____

Findings of Fact.pdf

FINDINGS OF FACT

In the Matter of the Alleged Misconduct Regarding

Employee: _____

On _____, Plymouth Police Deputy Chief Erik Fadden reviewed the above entitled matter.

FINDINGS OF FACT

1. _____, An EMPLOYEE FOR THE City of Plymouth, was on duty on _____.
2. While on duty, _____ was involved in.
3. The incident was investigated according to Plymouth Police Procedural Directive #1009.

CONCLUSION

RECOMMENDATION

Dated

Deputy Chief Erik Fadden
Plymouth Police Department