

**TO:** Mayor Althoff and City Council

**FROM:** Jeffrey L. McCormick, Chief of Police

**SUBJECT:** Investigation of City Affairs Policy

**DATE:** February 23, 2021

**BACKGROUND**

The City Attorney has recommended that the City implement a policy that addresses the investigation of City affairs as authorized within section 4.09 of the City Charter. The City has utilized the specialized training that members of the Police Department have in conducting internal investigations in the past. The process utilized has been explained to the City Attorney, who felt the process of investigations was appropriate and the use of the Police Department was supported by the City Charter and the City Attorney felt that was an appropriate use of the City's resources. The City Attorney did however feel that the Police Department should adopt a policy that addressed conducting investigations of City affairs. That policy would help both elected officials and city employees understand the role the Police Department plays when conducting an investigation of City affairs. The City Attorney created the policy and felt it should be part of the Police Department policies. I moved the prepared policy into the format used for Police Department policies. The City Attorney has reviewed and approved the draft of policy 1-23 Investigation of City Affairs.

The proposed policy has been reviewed by the Police Commission and at the February 22, 2021 meeting was unanimously approved and sent to the City Council for consideration.

**REQUESTED COUNCIL ACTION**

Request a motion and approval to approve policy 1-23 Investigation of City Affairs.

## **1-23 INVESTIGATION OF CITY AFFAIRS**

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### **REGULATION**

The Charter of the City provides for the use of its Police Department to investigate City affairs. The Cannon Falls Police Department recognizes that investigation and resolution of City Affairs is an important function and that allegations against a City employee are stressful for the City and the employee. The Cannon Falls Police Department sees having a defined process as key to ensuring an impartial and fair outcome for all.

### **PURPOSE**

To clearly establish for agency personnel the expectation the Department has for members of the Department in conducting investigations into City affairs.

### **SCOPE**

This section is applicable to all members of the Cannon Falls Police Department.

### **STANDARDS**

#### **1-23.01 AUTHORITY**

The City Charter Section 4.09 authorizes the Council, Mayor and/or the police department to “investigate the City’s affairs and the conduct of City departments, officers, and employees”.

### **1-23.02      DIRECTION**

The Mayor, City Council or City Administrator may direct the Police Department to conduct an investigation into the City's affairs. Such an investigation may include but is not limited to the following topics: personnel, finances, and complaints.

### **1-23.03      INVESTIGATION**

Upon receipt of direction to investigate a particular matter, the Chief of Police shall assign appropriate personnel to investigate the matter. The investigation shall not be considered a criminal investigation but instead an investigation into the City's civil affairs. If the Chief of Police believes that a criminal investigation is appropriate in addition to the requested civil investigation, that criminal investigation shall occur separately from the investigation into the City's civil affairs and shall occur pursuant to the Police Departments procedures.

### **1-23.04      APPLICABLE LAWS**

Any investigation into the City's affairs shall occur pursuant to applicable City, State and Federal rules and regulations including appropriate personnel notices.

### **1-23.05      REPORT**

Upon completion of the investigation, the Chief of Police shall report to the individual/entity that made the direction to investigate.

### **1-23.06      DATA**

All data relevant to the investigation shall be maintained by the City pursuant to the City's Data Retention Schedule. The data shall be maintained by the appropriate department (for example, an investigation into the City's financial affairs shall be maintained with the City's financial data; an investigation into a City employee shall be maintained in the employee's personnel folder). The Police Department shall not retain such files except that the Police Department shall retain files related to a separate criminal investigation.

### **1-23.07      EXTERNAL INVESTIGATOR**

Only if the Police Department is unable to complete the investigation in a fair and impartial manner and only after a vote of the full City Council may City funds be expended on an external investigator.

**1-23.08      EXCEPTION**

This policy does not apply to the investigation of Police Department personnel. Complaints and investigations related to Police Department personnel shall be conducted pursuant to the Police Department personnel policy and in compliance with all POST and Statutory requirements.

Policy 1-23: issued ????